

LESSONS LEARNED FROM COLORADO EXPERIENCES WITH INTERSTATE COMPACT ADMINISTRATION

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Overview

As water users who depend on the Colorado River grapple with how to prevent or prepare for curtailment under the Colorado River Compact, it's worth remembering that this is not an entirely new dilemma for our state. The Arkansas, Rio Grande, and Republican River Basins have all experienced compact administration. In each of these experiences, choices made by water users and regulators impacted how required adjustments in water use impacted people and communities.

For example, in the Arkansas Basin, where the available water supply was reduced by one third and Colorado had to pay Kansas over \$30 million in damages, one water manager reflected, "That's the first lesson in how not to do compact compliance: do not wait to be sued because [then you lose] the flexibility to do stuff the right way."

Through interviewing experts and community members who lived through the experience of compact administration in each of these three basins, we have distilled the following lessons that transcend differences in hydrology and compact terms and may provide useful insights and conversation starters for Colorado Basin water users.

Lessons Learned

Going to Court is Hazardous

Colorado, as an upstream state, does not have a successful track record in court when it comes to compact compliance. Going to court reduces communities' options for how to achieve compliance, and the longer the cases go on, the further the options are reduced.

Confronting Limits is Painful but Unavoidable

The experience of curtailment is startling for water users and communities in two ways: materially and emotionally. Materially, it reduces the amount of water available to a user, changing the dynamics of agricultural production. Emotionally, it strips away beliefs around what was available, what will be available, and what should be available. Confronting the reality of limited water availability is a difficult but necessary step for making the most of what water is available.

“Scaffolding” is a Precondition for Effective Action

Pre-existing conditions and experiences with collective action lay the groundwork necessary for communities to build their own proactive solutions to address issues related to compact compliance. Some communities were able to draw from previous experiences organizing in order to act. Those without sufficient pre-existing conditions and experiences were not able to act and had to build organizations and familiarity with collective action over time. Additionally, foresight to act prior to a lawsuit requires trusted leadership, willingness and drive by community members to take up the challenge, and organizations with the capacity to provide support for this process, including facilitating discussions and implementing solutions.

Relationships and Trust Facilitate Building Solutions

Relationships and trust between neighbors and with officials are necessary for the development of water management solutions tailored to local conditions. They form an important part of the pre-existing “scaffolding” described above. Relationships and trust often develop through prior experience working together and the perception of a common threat.



Measurement Supports Management, Trust, and Negotiation

Water use in all three basins is now measured and the information publicly available. Nobody liked this degree of measurement and monitoring initially, but appreciation for its benefits has grown over time. Precise measurement has enabled more precise management, and having the data publicly available has enhanced accountability and trust. The ability to accurately measure and track water use is also important for the state in negotiations and court cases with other states about water use. One experienced water lawyer remarked, “You need good facts, because if you don’t have the facts and somebody else has better facts, you lose.”

Carrots and Sticks Each Have their Place

“Carrots,” or incentives to reduce water use are most effective when a big “stick,” or consequence looms and users believe that the stick will be used. When there is not agreement that there is a problem or that it must be solved, a stick is more effective at changing behavior to achieve compact compliance. In these basins that have experienced compact administration, feeling the sting of forced curtailment has encouraged communities to be more proactive in pursuing the carrots of locally-designed solutions. However, the effectiveness of carrots for incentivizing individuals to change water use is mixed and dependent on a variety of external forces and social conditions.

Earlier Action Enables More Local Control

A common thread running through the lessons described above is that the longer action is delayed to address compact compliance, the less ability local water users have to tailor compliance-related measures to local conditions and needs and reduce their adverse impacts.

Report Structure and Applicability to the Colorado Basin

These lessons are explored in more depth and illustrated with personal narratives in the following sections on the Arkansas, Rio Grande and Republican River Basins. Each section begins with a short history of compact administration issues in the basin in order to provide the necessary context for these narratives. For the community of water users that rely on Colorado Basin water, we recommend exploring how these lessons can be translated to Colorado Basin conditions in broad, conceptual terms, without getting distracted by the differences in hydrology and specific compact requirements.