



November 8, 2010

**To:** Governor Bill Ritter

**From:** Save the Poudre: Poudre Waterkeeper

**Re:** Request for additional oversight of the Colorado Water Conservation Board

Dear Governor Ritter,

We write to you because you appoint the members of the Colorado Water Conservation Board (CWCB) and you oversee the activities of the board and its staff and consultants. It has come to our attention that the CWCB may be manipulating or changing the results of a scientific investigation in an effort to achieve a desired political outcome. We request that you provide additional oversight of the CWCB so that the science of water conservation is not undermined by political processes.

1. In October 2010, we became aware of the fact that the State of Colorado's effort to scientifically define appropriate levels of future water conservation was potentially being manipulated by political processes. At the Tuesday, September 14 meeting of South Platte Roundtable, the CWCB staff presented draft results of the "Water Conservation Strategies" report. The minutes of that Roundtable meeting are here:

<http://cwcwweblink.state.co.us/weblink/0/doc/145625/Electronic.aspx?searchid=7e3583ea-1920-440b-91e2-0203bd8fea5a> The minutes contain significant discussion about this draft report and appropriate water conservation goals for the state.

Of particulate note in the minutes is this exchange below between CWCB Boardmember, Mike Shimmin, and Greeley Water Boardmember Harold Evans (the underline in the quotes is our emphasis):

**[Harold] Evans:** Easy to solve others' problems when you are not part of the implementation; there is a number out there that is reasonable and achievable—but if we cannot provide it—what do we do; if report comes out that says conservation can meet all needs—no permits will be issued for any of the projects being planned.

**[Mike] Shimmin:** My goal in this discussion is to make sure that the number is not too high because personally convinced that we cannot meet the gap through conservation alone; therefore, numbers must be on table in order to focus on other pieces.

Please note that Greeley is applying to build a new large reservoir west of Fort Collins on the Poudre River, and Mr. Shimmin is a water lawyer who represents applicants for water projects.

**2.** After reading these minutes, Save the Poudre: Poudre Waterkeeper contacted the Chair and Vice Chair of the Roundtable and requested that they send us the draft report that was discussed at the meeting. Both the Chair and Vice Chair responded that they did not have the report, and suggested we contact Mr. Hecox at the CWCB.

**3.** We contacted the CWCB. After a few emails, we received a phone call from Mr. Doherty who informed us that the report was no longer available to the public and had been “officially retracted” because water providers had complained bitterly about its contents. We informed Mr. Hecox that we would file a CORA request for the report and did so. Subsequently we received the PowerPoint slideshow and the requested information. Here is the report and the PowerPoint slideshow from CWCB:

**DRAFT REPORT: SWSI PHASE 3 UPDATE: CHAPTER 3 - M&I CONSERVATION STRATEGIES:**

[http://poudriver.home.comcast.net/~poudriver/CWCB\\_2010\\_Conservation%20Update%20Draft.pdf](http://poudriver.home.comcast.net/~poudriver/CWCB_2010_Conservation%20Update%20Draft.pdf)

**PowerPoint slideshow summarizing the report:**

[http://poudriver.home.comcast.net/~poudriver/Draft\\_CWCB\\_Water\\_Conservation\\_Strategies-10-20-2010.pdf](http://poudriver.home.comcast.net/~poudriver/Draft_CWCB_Water_Conservation_Strategies-10-20-2010.pdf)

The draft scientific report was prepared by well-qualified consultants under the direction of CWCB staff, and both the approach and results were reviewed by the CWCB's Water Conservation Technical Advisory Group.<sup>1</sup> The report presents three levels of potential water conservation savings for all entities in the state of Colorado, including M&I need. Of particular interest, please note that the highest level of potential water conservation savings virtually eliminates the need for any new diversions from Colorado's rivers and streams. Inserted at the end of this letter is an image of slide 32 in the PowerPoint slideshow illustrating this fact.

**4.** It is our understanding that the CWCB is now officially “revising” this report and plans to come out with a new draft in November 2010. Unfortunately, it already appears that the results of the scientific investigation are being manipulated ahead of the revised report. Four

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<sup>1</sup> CWCB's Water Conservation Technical Advisory Group is composed of a “broad group of water professionals with technical and institutional experience related to water conservation and management” (see Water Conservation Strategies draft report at Page 2-3; complete listing of group members at that location).

weeks after the South Platte Roundtable meeting, at the October 10 IBCC Water Conservation Subcommittee meeting, a summary of policy statements was presented to the Committee. That summary included the item below, where the water conservation number is left blank even though the scientific investigation had already provided a range of numbers:

5. For planning purposes at this time, a reasonable estimate of the total amount that conservation measures can predictably play in meeting the projected 2050 water supply gap, when considering the economic impacts and other practical considerations that are involved with implementing future conservation measures, is \_\_\_\_\_ acre feet per year.

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Here is the link to the IBCC subcommittee document:

[http://poudreriver.home.comcast.net/~poudreriver/IBCCs Conservation Sub-Committee%2010-10-10.pdf](http://poudreriver.home.comcast.net/~poudreriver/IBCCs%20Conservation%20Sub-Committee%202010-10-10.pdf)

While we understand that politicians and appointed officials have the right to choose among various outcomes, they do not (nor should they) have the right to manipulate the results of a scientific investigation that informs the decision-making process about public resources like Colorado's rivers. Public policy based on sound science is one of the backbones of healthy, democratic decision-making, and has been one of the backbones of the Ritter administration's four-year term – we thank you and greatly appreciate your leadership in this regard.

To that end, we request that you provide additional oversight of the CWCB's effort to define appropriate water conservation levels for the state of Colorado as it applies to the potential revision of this scientific report. We understand that you have asked the CWCB to quickly move forward so that their effort could be wrapped up prior to you leaving office. However, any effort to manipulate the results of a scientific investigation to favor a pre-determined political agenda would be a significant black mark on their work as well as an extraordinary disservice to the citizens of Colorado.

Please let us know that you have received this letter. Please let us know your course of action regarding our request.

Respectfully,



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# Water Conservation Strategies and Demand Levels

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