

**Prepared Remarks of Attorney General Phil Weiser
Rio Grande State of the Basin Symposium,
Hosted by the Salazar Rio Grande del Norte Center
and the Rio Grande Water Conservation District
Adams State University
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The San Luis Valley is a special place. There is a lot I can say about this part of our great State, but my *fond*est feelings are not for the natural environment here. They are for the special people and the culture of collaboration that you have created here in this beautiful Valley you call home.

I am still learning about your local geography and its rich historical, cultural, and ecological significance. I have a great teacher on that topic: Ken Salazar. For starters, he has explained to me the amazing work that went into converting the Great Sand Dunes National Monument into a full-fledged National Park. His leadership on that project remains an inspiration for me as to what I can accomplish as Attorney General.

I also must acknowledge Amy Beatie, my Natural Resources Deputy, who has explained to me how the mountains that surround the Valley, from the San Juans on the west to the Sangres on the east, define the Rio Grande basin. It is no exaggeration to say that the Rio Grande *makes* this land—makes life here possible—and has sustained generations of families here.

I visited the San Luis Valley many times during the campaign and began building relationships that will be important to me as I work hard to lead the Attorney General’s office as the People’s Lawyer. From our visits, I learned how you all care about this place in a deep way. There are so many multi-generational farmers and ranchers carrying on the culture and traditions of life on the land. And I recognize that Adams State, with its many alums here and elsewhere, plays an important role in this community.

Whatever called you here to this Valley—hundreds of years of family tradition or an outdoor adventure that changed your life trajectory—I know that you appreciate the natural beauty and lifestyle. All of you have chosen to live in a rural place, a place where a way of life that is connected to the land still thrives.

Today’s event is important. It represents your investment in securing a sustainable future for the Valley. Here you have the community, coming together to talk about your water, hosted by the Salazar Rio Grande del Norte Center, which is dedicated to conserving your natural and cultural resources here at the headwaters of the Rio Grande. It is great to see so many of your community leaders here, from Heather Dutton to Cleave Simpson to Division Engineer Craig Cotton and the many more people you will hear from this afternoon in the breakout sessions. And this event was spearheaded by an amazing local natural resources leader, Rio de la Vista, Director of the Salazar Center here at Adams State.

I know that what brings so many of you here today is the urgency around the water challenges that you face as a community. And because of that, I’ve been thinking a lot about the recipe for success, about how to tackle what many people are calling the biggest challenge of our lifetime: water scarcity. Let me begin by reflecting on lessons from the past and then sharing some thoughts about the way forward.

Lessons from the Past

Before getting to the right way to manage water, let me start with a cautionary tale, something I imagine you are all too aware of—the “buy and dry” tragedy that befell Crowley County. Similar to the

San Luis Valley, Crowley County had agriculture as the basis of its economy. [One article summarized this story](#) as follows:

Today, Crowley County is a case study in what happens when the water runs out, when the fields go barren, when hope dries up. The place is whatever you want to make of it. For some, it's an environmental disaster worthy of academic papers; for others, it's a crucible in which you can assess the psychological impact of what happens when good people make shortsighted decisions.

For me, Crowley County—which I visited twice during the campaign—is a poster child in how *not* to manage water. I'm not alone in this view. [The Governor's Executive Order directing work on the Colorado Water Plan](#), for example, had this lesson in mind, stating: "Coloradans find that the current rate of purchase and transfer of water rights from irrigated agriculture (also known as "buy-and-dry") is unacceptable. We have witnessed the economic and environmental impacts on rural communities when water is sold and removed from an agricultural area."

The ability to learn from mistakes is one of our nation's best qualities. In the case of water law and policy, we have learned that rather than "buy and dry," we must commit to a collaborative problem-solving mindset in the water arena. We must work together—across all parts of our State—to address the challenge that we have a declining water supply (look at our decreased level of natural snowpack due to climate change!) in an era of rising population. While the challenges facing the San Luis Valley aren't exactly like those that faced Crowley County, I think we can all agree that we want to find ways to both respect water rights and avoid future Crowley County situations. It's not the Colorado way when we remove water from a community, and in doing so remove that community's most important economic driver, leaving the community without its "lifeflood." This must remain our True North in water policy.

The Right Way to Manage Water

Going forward, we will address our water management challenges—with leadership and support from our office—by encouraging innovative solutions. These can include strategies for reducing water use and sustaining agricultural productivity; implementing conservation strategies; supporting healthy forests, watersheds, and soils; restoring rivers and streams; exploring ways to update our infrastructure; and implementing reuse and smart storage solutions. And by demonstrating what collaborative problem-solving looks like, we will build both capacity and demonstrate the cooperative spirit that we need to confront and address challenging problems the right way. Let me say a few things about what this looks like.

The first ingredient for successful water management is **leadership**. You all have done a superb job cultivating strong, homegrown leaders. You continue to develop *future* leaders with programs like your annual Rio Grande Water Leaders Course, sponsored by the Rio Grande Headwaters Restoration Project, the Colorado Rio Grande Restoration Foundation, San Luis Valley Water Conservancy District, Rio Grande Watershed Conservation and Education Initiative, and the Rio Grande Water Conservation District. And you're getting ready to expand your leadership pipeline with the emerging Water Education Initiative that the Salazar Rio Grande del Norte Center is developing here at Adams State, adding to the available curriculum and providing more water content and learning opportunities.

The second ingredient of successful water management is **community**. Leaders can't solve problems if everyone isn't at the table. Our most durable solutions come from when everyone participates and feels shared responsibility. There is so much good work being done here: by the Rio Grande Basin Roundtable; by the conservation and restoration organizations; by the local Districts and your

pioneering solutions to water scarcity in the Valley; and partnering with state and federal agencies. True community involves collaboration with people all working together to find creative solutions. Colorado's ethos of collaborative problem solving in water management is a model for public policy challenges more generally. It is inspiring how many organizations and partners are working together here to achieve common goals. In short, for all of Colorado, the ethos is that we are in this together and must find ways to sustain both the water and the economy, and the natural systems that sustain them.

The third ingredient, which is a core value here in Colorado, is **innovation**. And this community embodies that spirit. Whether forming the Sangre de Cristo Acequia Association to recognize and enhance collaboration among your acequias, or establishing groundwater management subdistricts to tackle your groundwater challenges, you have shown the way in developing and implementing groundbreaking ideas that are designed to provide local solutions to local issues.

And you all couldn't have created those programs if you didn't believe they could address your challenges. That's a special gene you have here. To tackle challenges, you have to believe that you can. So problem-solving takes another key ingredient: **optimism**. Optimism is at the heart of solving problems the Colorado way.

Finally, we also need to **listen** to people. Here in Colorado, we solve problems with empathy and knowledge; that's what listening is. Institutions that listen to people create the most durable solutions. When we take the time to listen, it's easier to focus on shared values rather than on our differences.

The intersection of your unique culture, rich history, strong leadership, innovative approaches, optimism, and willingness to listen--those ingredients all form the foundation for what will be the best approach to solving problems in the Valley. And you are going to need to remember this because you've got some challenges coming your way.

The Challenges Ahead

Like all rivers in Colorado, we share the Rio Grande's waters with our downstream neighbors. As you all know, the 80-year-old Rio Grande Compact governs all things water and dictates how much water Colorado must send across the New Mexico border from both the Rio Grande and the Conejos River. Depending on each year's flows, we send between 35 and 70 percent of the river's water downstream. For a while, Colorado was less than rigorous in its compact compliance, and accrued some debt to downstream states, who then did a very old-school, Western-water thing: they sued us. Thanks to some help from Mother Nature and getting some water under the bridge, so to speak, we were able to retire that water debt. Now we are very diligent about abiding by our compact obligations, as you heard from Craig Cotton earlier this morning.

But we still have some major challenges in water management. Because even though we achieved compact compliance, we still overtaxed the Valley's aquifers. The dry years of the 2000s have left some wells high and dry as over-pumping impacted surface water rights. This problem is not unique to the Valley. This was happening in other places in Colorado like the South Platte and the Arkansas. To your credit, you have worked hard on managing a grassroots process, establishing assessments, fees, and incentives to cut back on water use. But as you all know, there is still much work to be done to achieve the necessary balance between water use and a declining water supply.

In examining all that, we have to be willing to connect the water supply challenges to another of the major issues facing this community today and that's climate change. One of the biggest indicators of that is the simple fact is that we have less natural storage—in the form of snowpack—than we did a

decade or two ago. To respond to this challenge, we need to develop new forms of smart storage, implement new strategies for conservation, work to restore and enhance the health of our watersheds, and explore re-use opportunities, among other innovations—and we need to commit to funding these important projects.

Winston Churchill reportedly once said that “you can depend upon Americans to do the right thing, but only after they have tried the alternatives.” The use of “buy and dry” in rural communities, whose economies depend on agriculture, is one of those alternatives. We have tried this approach, and we have seen the results. For those of us who love Colorado, we need to take the Crowley County tale as a cautionary one.

For those of you who have worked so hard to keep the Valley’s water here in the Rio Grande Basin over the past decades, it’s of great concern that once again, today, a proposal is being developed to pump ground water from the San Luis Valley to the Front Range. Such proposals should be viewed very skeptically, from legal, economic, and ecological perspectives. Let me say a word about each.

First off, the law around out-of-basin transfers has developed to protect local communities and their resources. To transfer water out of the Valley—thanks to farsighted strategies by leaders like Ken Salazar, David Robbins, and many others—one must go through a series of hoops. To start, adopted in response to one of the Valley’s largest and earliest water export projects, a federal law—known colloquially as the Wirth Amendment—regulates any such transfers. This law requires the Colorado Water Conservation Board and the federal Department of Interior to conduct analyses of the impacts of any export project on local treasures like the Great Sand Dunes National Park as part of any federal approval process. There are also statewide requirements, like the law that requires export projects to conduct revegetation, compensate the local community, and conduct pollution abatement. And there are local rules governing groundwater management, not to mention the water court process, which is designed to assess and prevent injury.

Second, the economic impact of any interbasin water transfer needs to be evaluated carefully. In Crowley County, there were farmers who sold their water rights at the cost of destroying the entire community’s economy. Water rights create, in the language of economics, “positive externalities.” That means that the local community as a whole benefits—over the long term—from the use of those water rights locally, through the jobs and economic activity that agriculture supports. Before any community allows water rights to be sold elsewhere where those positive externalities will be permanently lost to the local community, they need to evaluate what will happen as a result not just to the individuals who sell *but to the community as a whole*. In evaluating any such project, it is also crucial that evaluation consider what, if any, precedent could limit future transbasin export of water, ensuring that a trickle does not begat a flood.

Finally, the ecological impacts of transferring water from your aquifers during a time of extended drought and long-term drying trends should raise red flags. I am not in a position to make scientific or engineering judgments on water projects. I can say, however, that before we embark on any such project, we need to be very confident that an already stressed ecosystem won’t be harmed as a result of a short-sighted plan that creates irreversible ecological losses, along with the economic and community impacts.

In short, there is a right way to handle water in Colorado and a wrong way. This means that, in communities where access to water is a central driver of the economy, we need to use the legal tools at our disposal to protect those communities and their local economies. We at the Attorney General's Office will be working hard to do things the right way and to protect the Valley. As you evaluate proposed projects that are not designed to protect your community, please know that we will stand with you and work with you to protect your ecological and economic future.

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The San Luis Valley is a very special community. I am a big believer in the future of this community; please know that you have a friend in the AG's office. As we take on water challenges, address other natural resources issues, build an outdoor recreation economy, confront the devastating opioid epidemic, and fight for improved health care and education, I am all in to help. Thank you for your leadership and I look forward to working together in the years ahead.