

# WATER POLICY ON THE WESTERN SLOPE

Jennifer Bock  
Assistant City Attorney  
City of Steamboat Springs



***“Colorado’s  
water scarcity<sup>+</sup>  
is both natural  
and legal”—  
Justice Greg  
Hobbs***

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# TOPICS

Colorado’s Approach to Water Rights  
Yampa River Temperature  
Affordable Housing and Clean Water  
Discussion



## ***Bow Ties v. Bolo Ties***

- Colorado: the “prior appropriation” system is center – “first in time, first in right”
- California: uses prior appropriation *and* riparian rights...and also has the public trust doctrine

# What is the Public Trust?

- A common law concept that holds that certain resources are preserved for public use.
- Originally applied to navigable waters.
- Proposed in 2012 as an amendment to the Colorado Constitution.

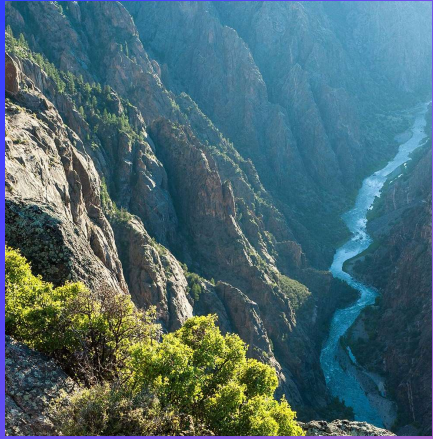
***“bars DWP or any other party from claiming a vested right to divert waters once it becomes clear that such diversions harm the interests protected by the public trust.”*** National Audubon Society v. Superior Court (1983) 658 P.2d 709.





Eel River, Mendocino County

Salton Sea, Imperial County



# Colorado's Strengths

- **Prior Appropriation System**
  - We measure every drop
  - Including Groundwater
- Our Politics around water are not broken
- We take an incremental, measured approach to making change



A group of people are working on a riverbank restoration project. They are digging and moving soil and rocks along the edge of a river. The background shows a river, trees with autumn foliage, and mountains under a clear blue sky. The text 'INNOVATION ON COLORADO'S WESTERN SLOPE' is overlaid on the left side of the image.

# INNOVATION ON COLORADO'S WESTERN SLOPE

*What ideas can we  
offer to the rest of  
the state?*

# Planting Trees to Shade the Yampa and meet water quality

## **The problem**

- Global warming
- Transition from cold to warm stream segment
- Development, destruction of riparian forest

## **The Regulation**

- Clean Water Act
- CDPHE
- Temperature Effluent limits on the water discharged from our Wastewater Treatment Plant (WWTP)

## **A Solution?**

- Water Quality Trading
- Planting Trees to shade the river upstream of our WWTP



# CLEAN WATER FOR AFFORDABLE HOUSING



# Ensuring Clean Water for affordable housing

## **The Problem**

- Water Systems owned by Mobile Home Parks (wells), not operated by a public utility
- Pipes in park owned by corporate entity– may not be well maintained
- Language barrier

## **Potential Solutions**

- CDPHE, DOLA?
- Grant Funding?
- Local Government Role?

# QUESTIONS AND DISCUSSION

Jennifer Bock

[jbock@steamboatsprings.net](mailto:jbock@steamboatsprings.net)



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