

A scenic landscape photograph of a river flowing through a valley. The river is in the foreground, with a wooden railing visible at the bottom. The riverbanks are lined with green trees and shrubs. In the background, there are rolling hills and a large mountain range under a cloudy sky. The text "Colorado's Compacts" is overlaid in the upper center.

Colorado's Compacts

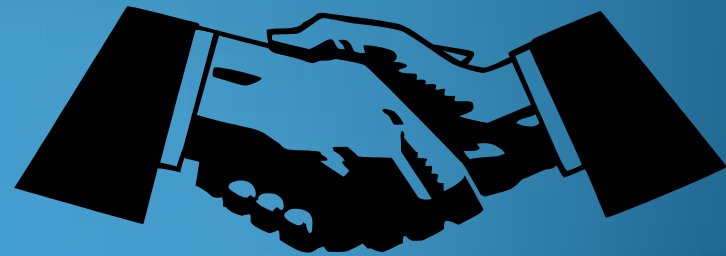
Craig Cotten
Division Engineer

19 States & Mexico Rely on Colorado Water



Methods of Allocating Water Between States

- Litigation
 - Court Decides
- Federal
 - Federal Government Decides
- Agreement
 - States Agree (compact)



STATE OF COLORADO INTERSTATE COMPACTS

Methods for Resolving Interstate Controversies

1 Lawsuit in United States Supreme Court

- a Unpredictable outcome
- b Enforcement difficulty – federal intervention

2 Congress can legislate

- a Limited in scope – U.S. Constitution and Federalist Government
- b Boulder Canyon Project Act – apportioned water among 3 downstream states CA, AZ, NV

3 Interstate Compact

- a U.S. Constitution – Article I, Section 10, Paragraph 3
- b States may enter into compact with approval of Congress

REASONS WHY COLORADO NEGOTIATED INTERSTATE RIVER COMPACTS

1 Two U.S. Supreme Court Decisions

- a Kansas v. Colorado (1907): Principal of Equitable Apportionment
- b Wyoming v. Colorado (1922): Doctrine of Prior Appropriation applies across interstate boundaries, if both states rely upon the identical water allocation system

2 Delph Carpenter – Greeley water lawyer – lead negotiator on four interstate compacts

- a Concern about cost and impacts of interstate litigation
- a Preservation of future uses – development potential

INTERSTATE RIVER COMPACTS

Advantages of Compacts

- Mutually beneficial solution to all states
- Thorough discussion of issues outside of formal court proceedings – includes experts and users
- Binding agreement – allows certainty concerning future development

Compact Enforcement

- Binding agreement or contract – enforceable by U.S. Supreme Court
- If a violation is found, damages can be assessed

Interstate Compacts

Colorado River Compact - 1922

La Plata River Compact - 1922

South Platte River Compact - 1923

Rio Grande River Compact - 1938

Republican River Compact - 1942

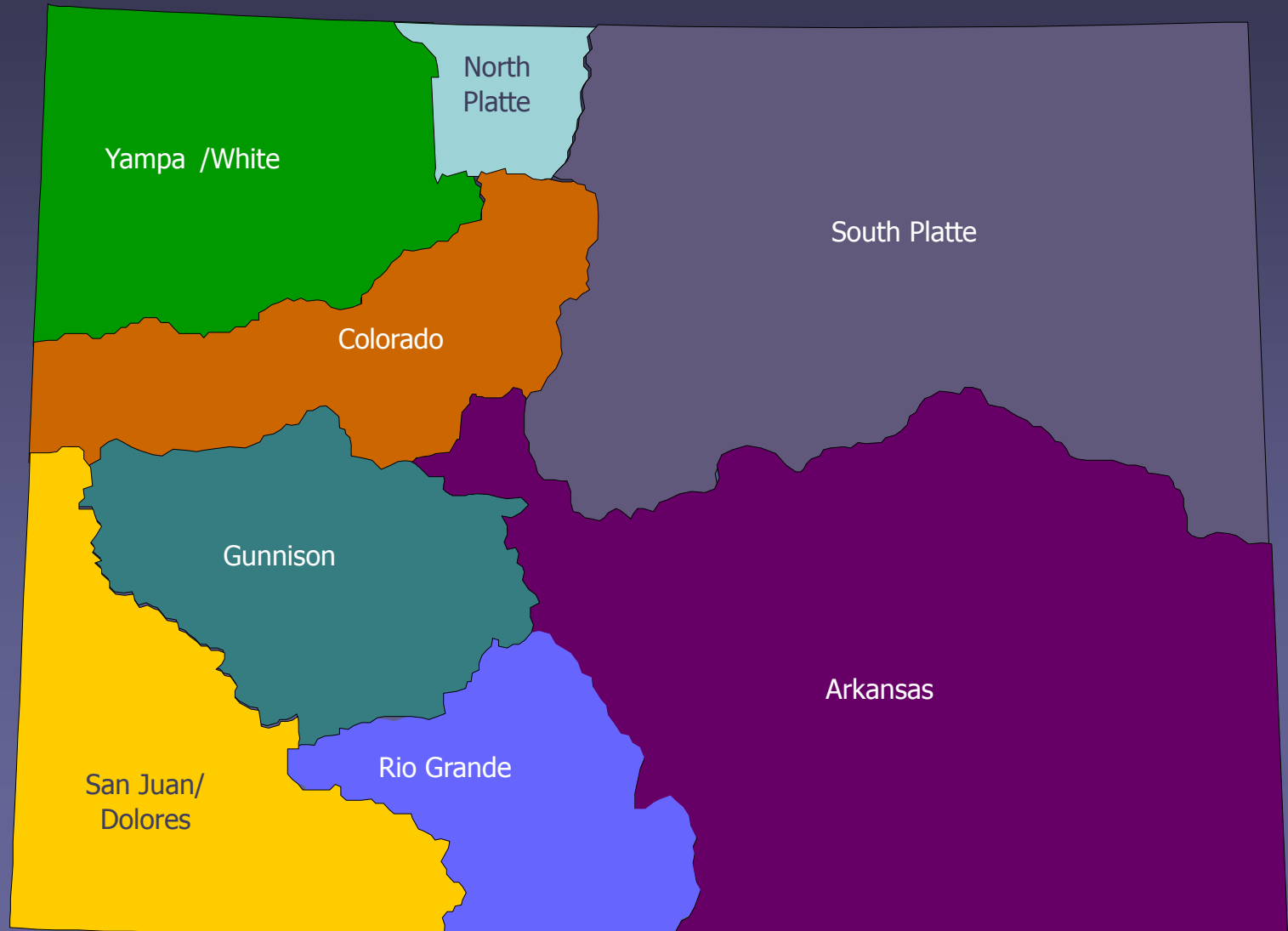
Costilla Creek Compact - 1944 (Rev. 1963)

Upper Colorado River Compact - 1948

Arkansas River Compact - 1948

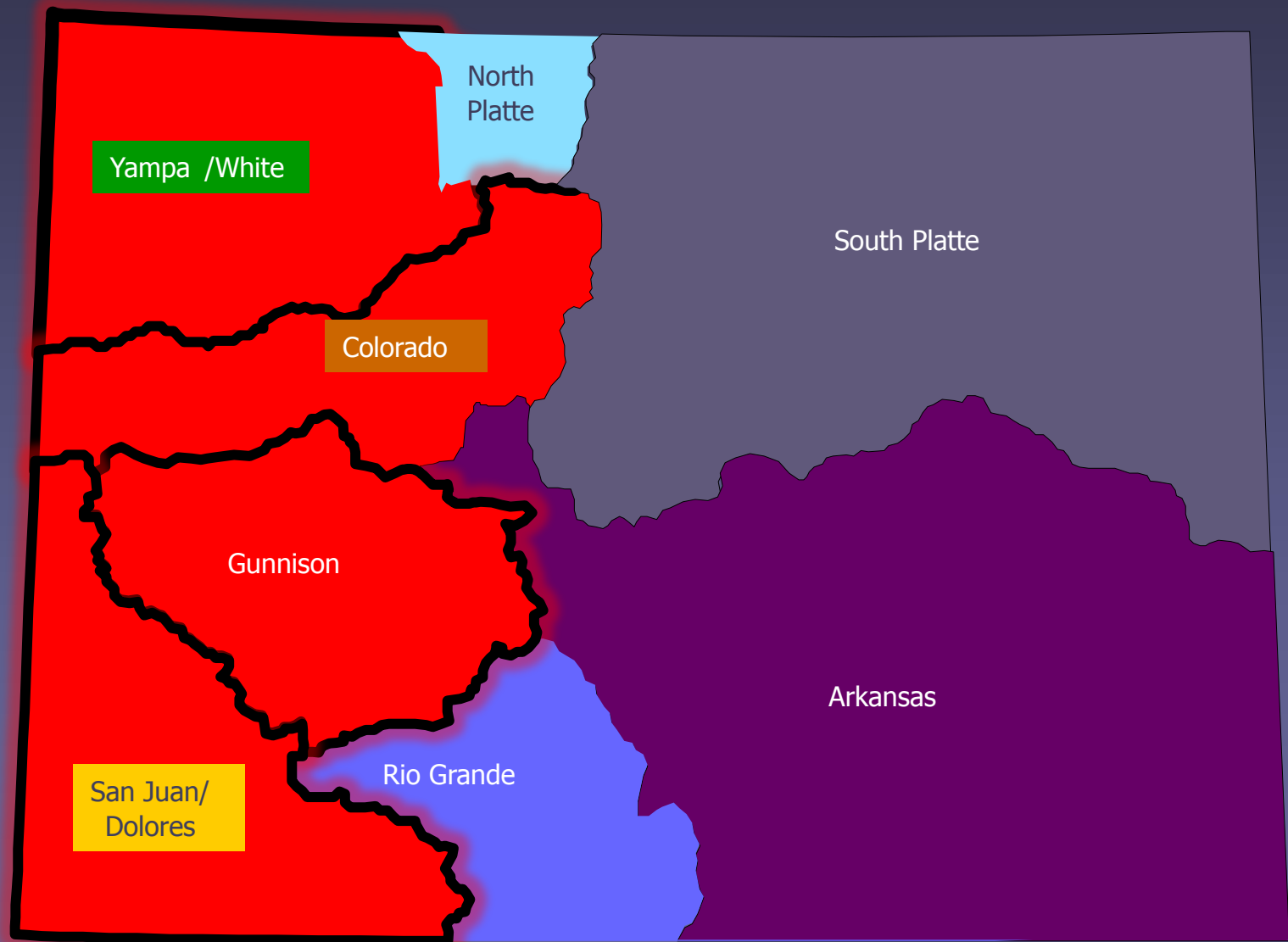
Animas-La Plata Project Compact - 1969

Colorado's Eight Major Basins

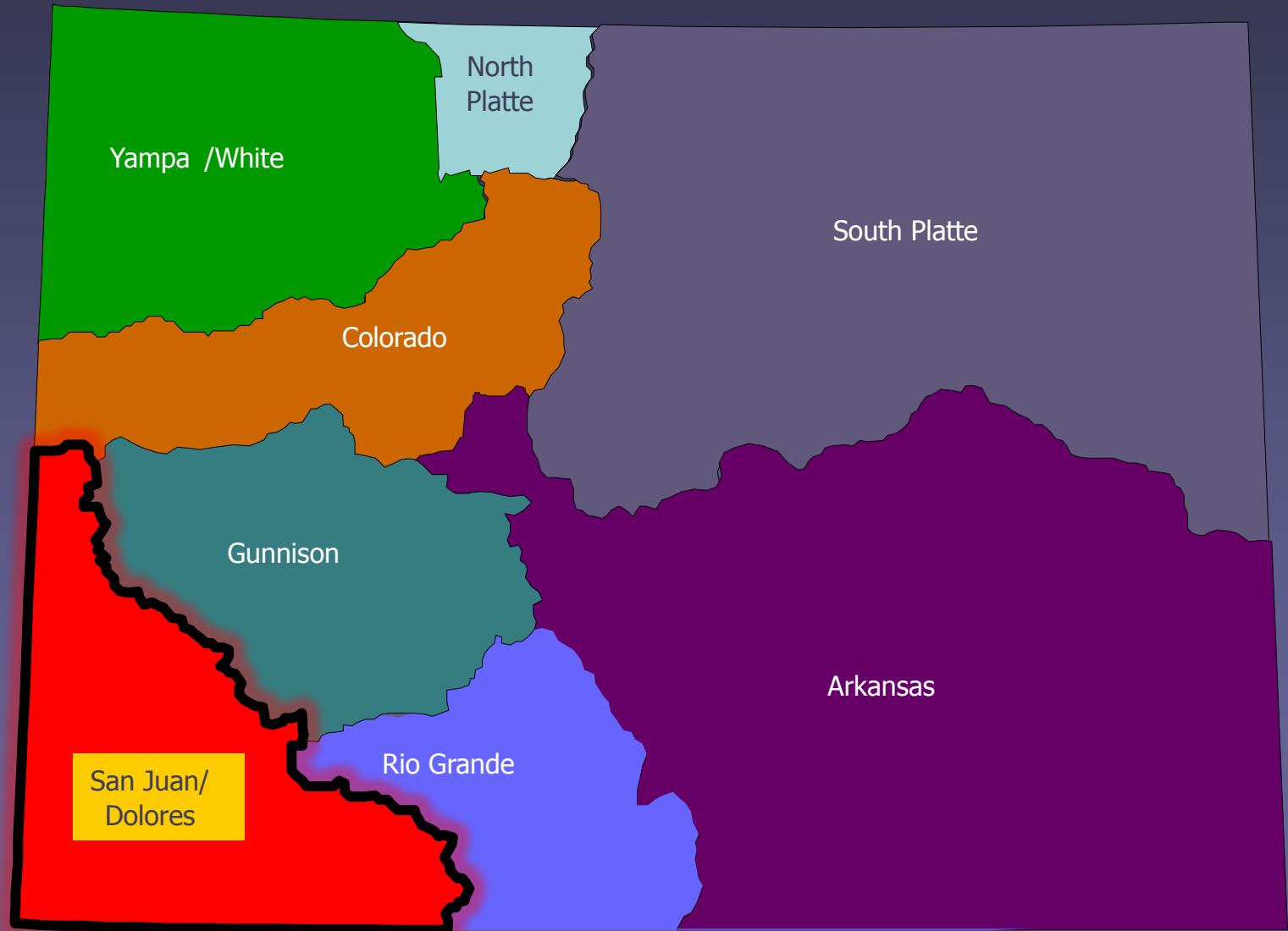


Colorado River Compact – 1922

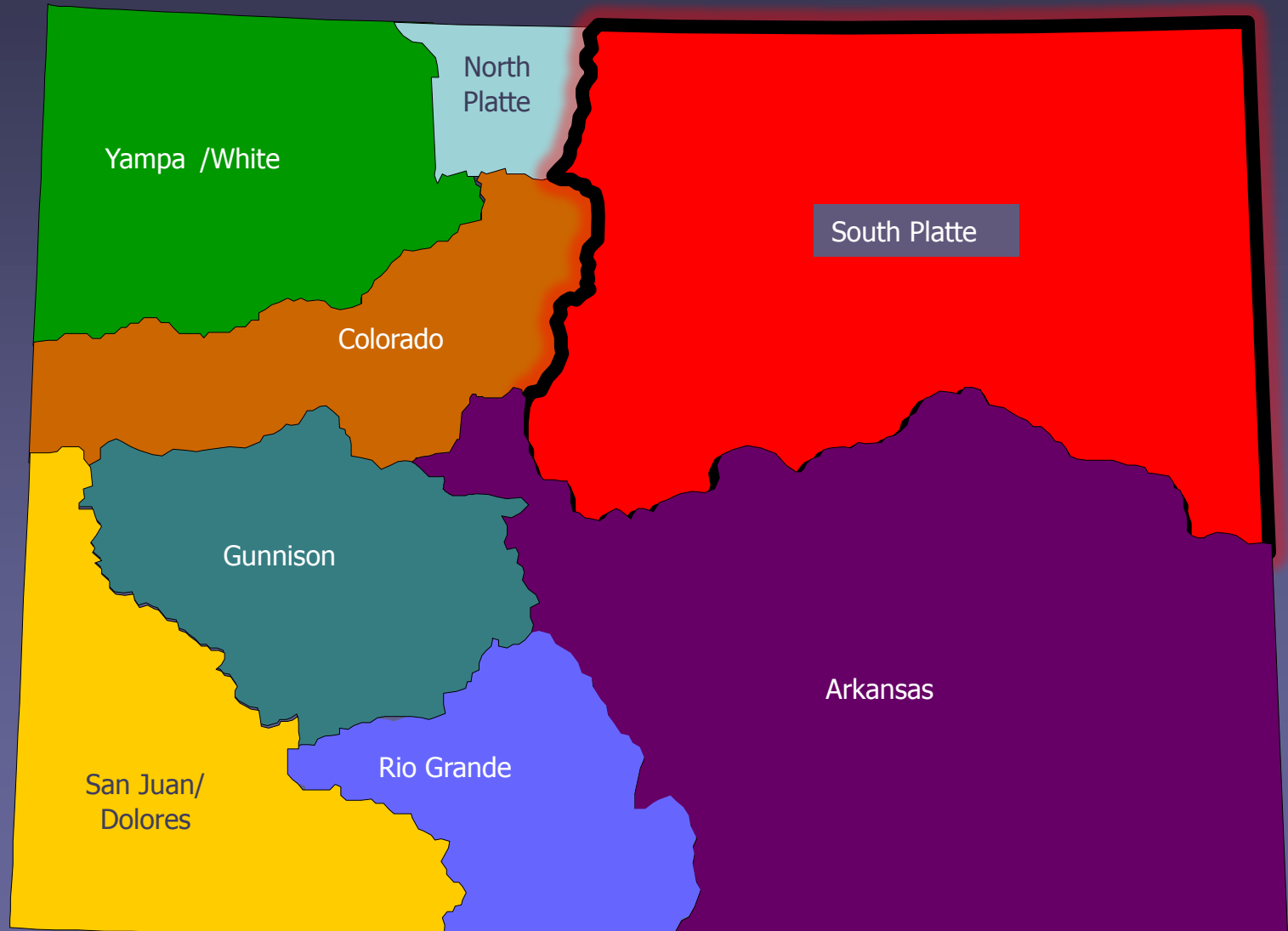
Upper Colorado River Compact - 1948



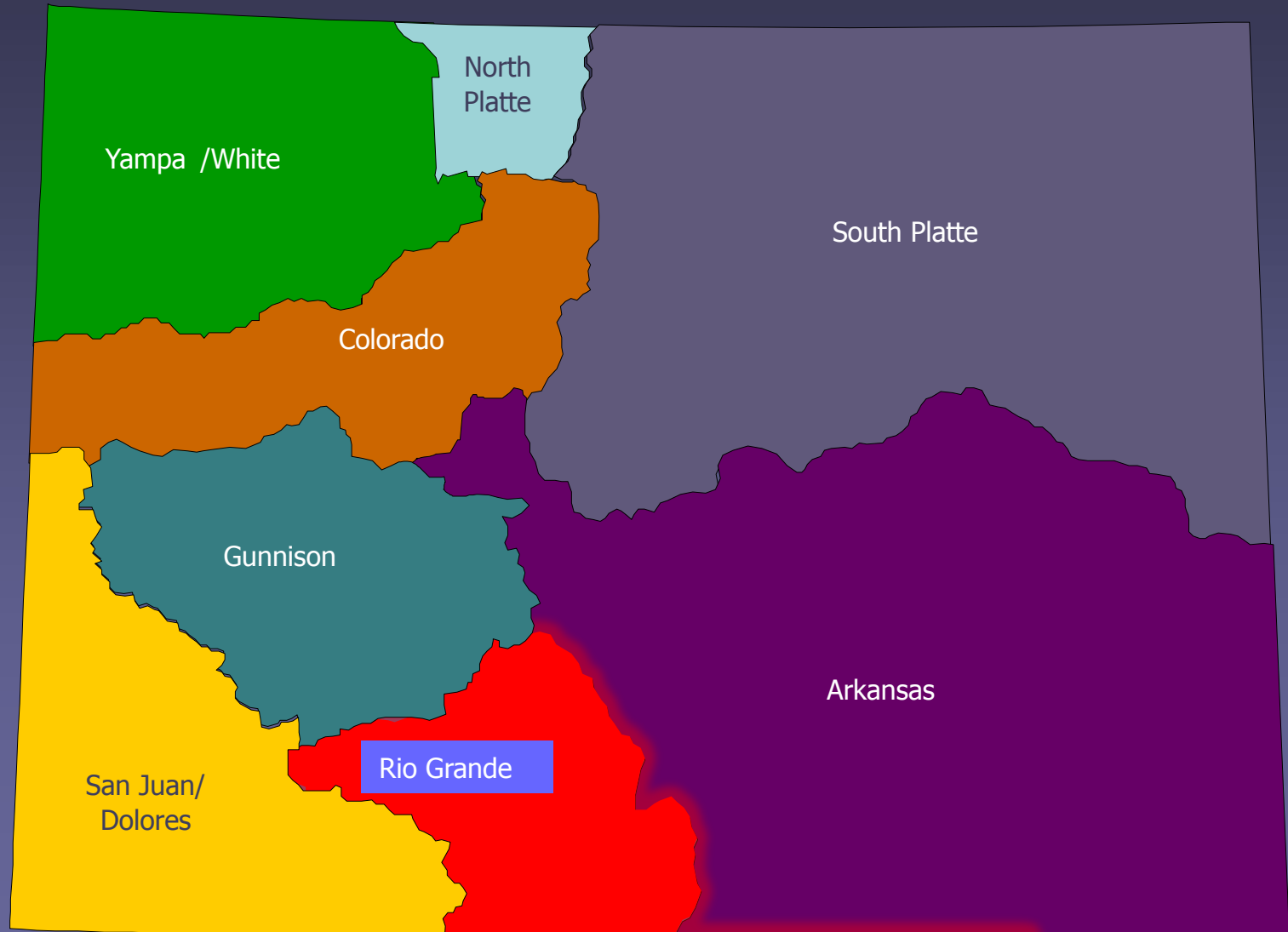
La Plata River Compact - 1922



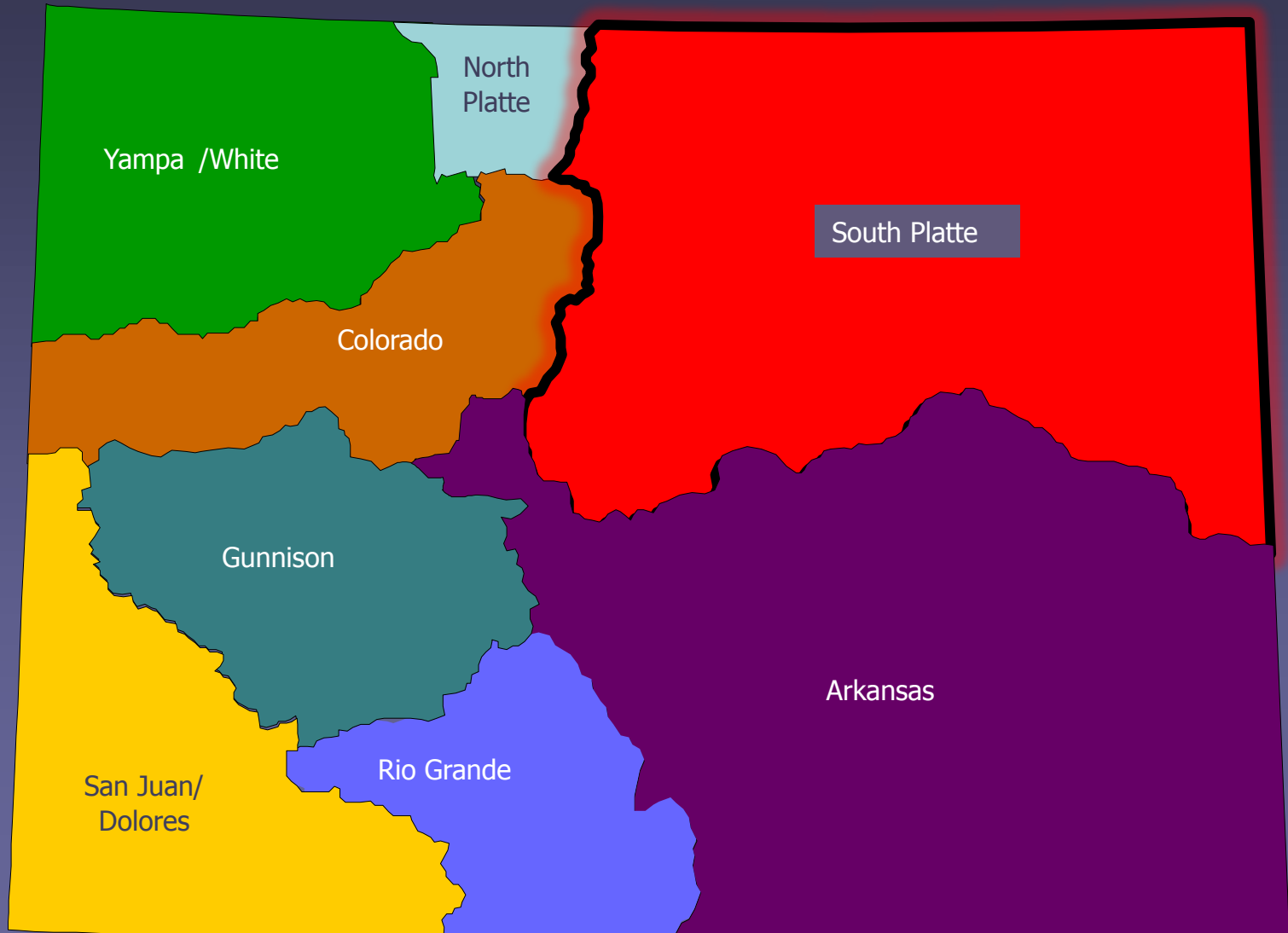
South Platte River Compact - 1923



Rio Grande Compact – 1938



Republican River Compact - 1942



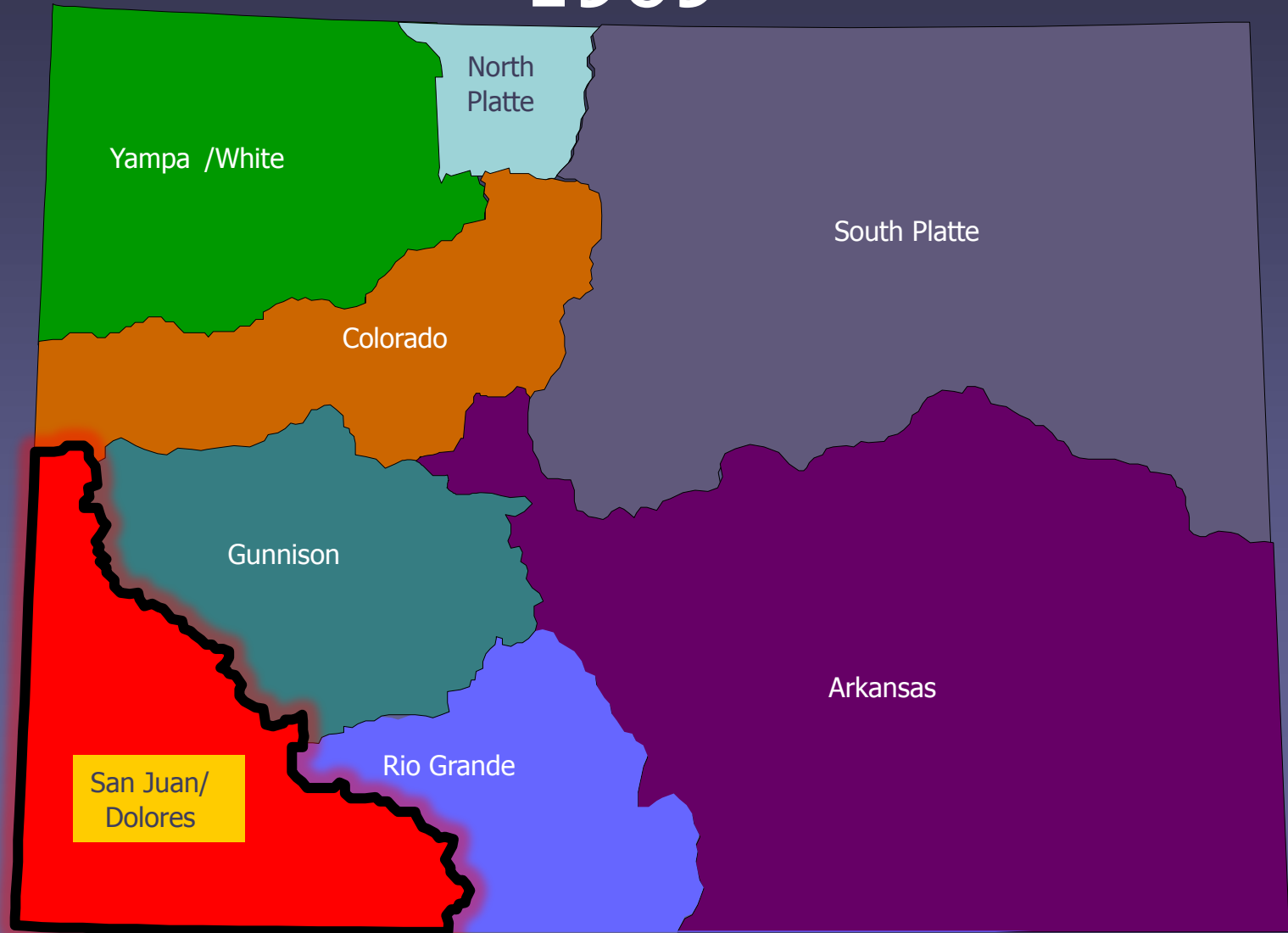
Costilla Creek Compact – 1944 (1963)



Arkansas River Compact - 1948



Animas - La Plata Project Compact - 1969



INTERNATIONAL AND INTERSTATE DOCUMENTS AFFECTING COLORADO'S USE OF WATER

International Treaties

Mexican Treaty on Rio Grande, Tijuana,
and Colorado Rivers – 1945

Agreements

Pot Creek Memorandum of Understanding - 2005
(1958)

Sand Creek Memorandum of Agreement - 1997

STATE OF COLORADO INTERSTATE COMPACTS

~~Methods of Allocating Water Among States~~

- 1 Allocation of a portion of the long-term undepleted basin water supply to each state on the basis of consumptive use (man-made depletions)
 - a Colorado River Compact - Acre-feet per year of depletions
 - b Republican River Compact - Acre-feet per year of depletions
- 2 Delivery of a portion of an indexed supply to the stateline
 - a Rio Grande Compact - Variable index and delivery obligation for calendar year
 - b La Plata River Compact - One-half of indexed flow to stateline the next day
- 3 Application of Doctrine of Prior Appropriation across stateline
 - a Costilla Creek Compact
 - b South Platte River Compact

U.S. Supreme Court Cases

- Kansas v. Colorado – Arkansas River Compact
- Kansas v. Nebraska and Colorado – Republican River Compact
- Texas v. New Mexico and Colorado – Rio Grande Compact

Thank you!
Questions?

