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
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

Yampa / White
North Platte
South Platte
Arkansas
Rio Grande
San Juan / Dolores
Gunnison
Colorado
Colorado River Compact – 1922
Upper Colorado River Compact - 1948

- Yampa/White
- North Platte
- Colorado
- Gunnison
- San Juan/Dolores
- Rio Grande
- Arkansas
- South Platte
La Plata River Compact - 1922

- Yampa/White
- North Platte
- Colorado
- South Platte
- Arkansas
- San Juan/Dolores
- Rio Grande
- Gunnison
South Platte River Compact - 1923

- Yampa/White
- North Platte
- Colorado
- South Platte
- Gunnison
- San Juan/Dolores
- Rio Grande
- Arkansas

Western United States map highlighting key river systems.
Republican River Compact - 1942

- Yampa /White
- North Platte
- Colorado
- Gunnison
- San Juan/ Dolores
- Rio Grande
- South Platte
- Arkansas
- Arkansas
Animas - La Plata Project Compact - 1969

Yampa / White

Colorado

Gunnison

San Juan / Dolores

Rio Grande

Arkansas

South Platte
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?