

# Attorney leaves RWR project, lawmakers weigh in

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Planting rye after potatoes on Nissen Farms in the San Luis Valley's Mosca, Colo., with the Great Sand Dunes in background on Oct. 21, 2021. (Erin Nissen)  
Courtesy: Erin Nissen

Kevin Kinnear, the attorney for Renewable Water Resources, notified Douglas County commissioners last week he is no longer attached to the project.

In his March 11 letter to the commissioners, Kinnear said he accepted a full-time mediator job, which begins Monday, March 14.

He wrote that he remains firmly in favor of the project, which would move 22,000 acre feet of water from a confined aquifer in the San Luis Valley through a yet-to-be constructed pipeline and up to a yet-to-be-identified water provider in Douglas County.

The project would require a \$10 million investment from the county, paid for with American Rescue Plan Act dollars, out of the total cost of around \$600 million. RWR

would pay those willing to sell their water rights about \$2,000 per acre-foot, although water experts in the valley say that is about half of its value. RWR would then charge the water district that buys the water \$19,500 per acre foot.

RWR argues that its proposal is a win-win solution – it would economically benefit San Luis Valley while ensuring water sustainability for Douglas County. RWR's Sean Tonner argued that the RWR project would economically benefit the valley, which he said is among the most impoverished areas of the state at 43% below the poverty level and where population is declining and getting older.

A date for a commission vote on using ARPA funds for the water project — there are requests for \$260 million in spending for the \$68.2 million the county received — has not yet been set. The federal dollars must be committed by Dec. 31, 2024 and spent by Dec. 31, 2026. However, the county can move that \$10 million in ARPA dollars that RWR has requested for the project to the county's general fund, which would get around that 2026 requirement. That matters because RWR will have to go to the state's Division 2 Water Court, which is based in Alamosa, to get authority to change the beneficial use from agriculture to municipal and move the water from the valley to wherever it's going. That legal process could easily take a decade, according to water experts.

The commissioners had planned to hold one more public meeting on the project in Monte Vista on March 26, but canceled it when they learned there would be protestors.

Commissioners Abe Laydon and George Teal, however, are planning to meet privately with supporters in the valley on that same date, according to the San Luis Valley Ecosystem Council. Commissioner Lora Thomas is opposed to the project; Teal is believed to support it. While Laydon has said publicly he does not want to do anything to hurt the valley, he also is believed to favor the project.

The [Alamosa Citizen](#) reported on the public meeting's cancelation last week.

Teal compared RWR supporters who live in the valley to the fighters for democracy in Ukraine, according to the Citizen.

“They feel like, quite frankly I think it’s appropriate, we were just talking about Russia and Ukraine, because they feel like they are being silenced, they feel like they are being intimidated, and if they were to express their actual opinions, they would have consequences,” Teal said, according to the Citizen. He also called the planned protest a circus, stating the commissioners were conducting a “serious deliberative process,” and “then to have a circus go on, I don’t understand how that’s going to help us with our plan.”

Several elected officials have declared their opposition to the project. In addition to opposition from Gov. Jared Polis, Attorney General Phil Weiser and U.S. Sens. Michael Bennet and John Hickenlooper, most lawmakers on both sides of the aisle in the Colorado General Assembly also don't favor the idea. That includes the members of the Senate Agriculture and Natural Resources Committee, who voiced their opinion several weeks ago.

### **RWR water project faces opposition from Polis, legislators**

Minority Leader Sen. Chris Holbert, R-Douglas County, told Colorado Politics he, too, opposes the project.

"I have a fondness for the San Luis Valley," he said. "Yes, there's water there, but it supports a community that has been there for hundreds of years ... We need to approach this project with a statewide perspective."

Holbert said he recognizes that Douglas County needs water, and it's tied to high property values.

"If we don't have water, our property values [don't remain] high," he said.

Holbert cited the Rueter-Hess reservoir, which provides water to Parker, as a renewable water system that he said works very well.

"We look at these renewable solutions that seem innovative. This [RWR] project seems like another iteration of an old idea that hasn't worked in the past," he said.

Lawmakers who represent the valley – or hope to – are also opposed.

Sen. Don Coram, R-Montrose, who is challenging U.S. Rep. Lauren Boebert, R-Silt in the June 28 primary, told Colorado Politics he has been opposed to the project for years.

"That's a depleting aquifer," he said. "To retire that many acres of land to transfer water to Douglas County shows they have no regard for rural Colorado. When you take the water out of the community you destroy the community."

He cited Crowley County, where residents sold off almost all the water rights in the county in the 1970s. The economic drivers in that community are gone and it's a barren wasteland, he said.

"When you take farmland out of production, for every farm you take out, you also take out businesses on Main Street," he said.

Boebert penned [an op-ed](#) to Colorado Politics last month in which she said the RWR project would threaten the valley's agricultural and economic foundation.

"There are good people on both sides of this issue who genuinely think that what they are doing is in the best interest of their communities. Having said that, the 3rd Congressional District has fought similar proposals to send our water to the Front Range for decades. I stand with the bipartisan and diverse group of local community stakeholders in opposition to Renewable Water Resources' (RWR) proposal," Boebert wrote. "One of the biggest problems with RWR's proposal is there is no water in the San Luis Valley to spare."

Rep. Don Valdez, D-La Jara, who is among four Democrats vying for the Congressional District 3 primary in June, has also opposed the project for years.

Tonner earlier told the commission the valley needs to diversify from its ag economy and pointed to statements the valley "is based 100% on irrigated agriculture from a water supply that doesn't exist anymore." Family farms, especially the small and medium-sized farms, will be gone, Tonner predicted. There has to be a win-win solution, he said, explaining the valley has the water while the Front Range has the money.

"We can have both: we can have the Front Range being vibrant; the Front Range needs water; we can have the San Luis Valley being vibrant; it needs capital and needs to transition its economy to something lower than 90% to 95% agricultural-based," he said. "We're not saying shut down all ranching and farming, but have a more diversified economy outside of government jobs and agriculture."

Reps. Patrick Neville, R-Castle Rock, and Mark Baisley, R-Woodland Park, whose House district includes western Douglas County, said they were not up to speed on the project. U.S. Rep. Ken Buck, R-Windsor, whose district includes Douglas County, and his Democratic opponent, Ike McCorkle, did not respond to multiple requests for comment on their positions.