

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: July 13, 2011

Board Item: V-B-2

Resolution to Appropriate or Change Water Rights necessary to implement provisions of the proposed Colorado River Cooperative Agreement

Action by Consent

Action

Information

On September 23, 2010, after nearly four years of mediation, the Board and seventeen West Slope entities reached consensus on the proposed Colorado River Cooperative Agreement (CRCA). The next day, several Signatories to the agreement, including the Board, represented to the federal district court that they had reached an agreement in principle, and on that basis, the court administratively closed the water court proceeding involving the Blue River Decree.

In Article III.A.3.b, the Signatories to the CRCA agreed to “cooperate to obtain such court decrees and approvals as are necessary to ensure that the Board’s water that is made available to West Slope users under this Agreement . . . may be used on the West Slope for all uses.” In Article III.E.1.b, the Board further agreed to “cooperate to implement such legal mechanisms and to obtain such administrative and judicial approvals as Denver Water, Grand County, the River District, and Middle Park agree are necessary to ensure that the water provided under Article III.E will be physically and legally available for the intended purposes of protecting and enhancing stream flows in the Fraser, Williams Fork, and Colorado Rivers and their tributaries.”

Since then, the Signatories have been actively engaged with the State Engineer, the Department of Natural Resources, the Colorado Water Conservation Board and other third parties to identify the water rights filings that may be required to fulfill the obligations identified above. In the meantime, the situation on the Colorado River has been complicated by a filing by Grand County for Recreational In Channel Diversions and a request to the CWCB from parties to the BLM’s Wild and Scenic alternative management plan to file for instream flows in the Colorado River. These filings may adversely affect the Board’s ability to fulfill its obligations under the CRCA.

By the attached Resolution, the Board manifests its intent to as of September 23, 2010 to appropriate and file any necessary water rights applications to fulfill the purposes under the CRCA.

Recommendation:

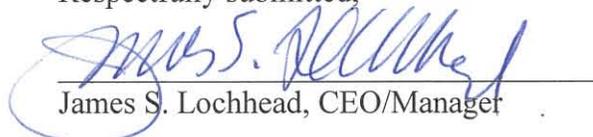
It is recommended that the Board approve the attached resolution to adjudicate water rights necessary to implement the proposed Colorado River Cooperative Agreement.

Approvals:

Respectfully submitted,



General Counsel


James S. Lochhead, CEO/Manager

Director of Planning