

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: February 27, 2013

Board Item: 2-A-4

**Green Mountain Reservoir Administrative Protocol Agreement
Contract #14889A**

Action by Consent

Action

Information

Signatories to the Colorado River Cooperative Agreement (“CRCA”) agreed in Article V to resolve long-standing disputes regarding the proper administration of water rights under the Blue River Decree, including water rights of Green Mountain Reservoir and Powerplant, which are senior to Dillon Reservoir. Multiple parties, including Denver Water, Colorado Springs, the Bureau of Reclamation, Northern Water, the State Engineer and Climax Molybdenum Company negotiated over hundreds of hours. Those negotiations have produced an administrative protocol for Green Mountain Reservoir and Powerplant (“Protocol”) to replace the disputed interim policy adopted by the state engineer in 2004. The parties then prepared the Green Mountain Reservoir Administrative Protocol Agreement (“Protocol Agreement”) to implement the Protocol. The Protocol and Protocol Agreement will be attached to the CRCA as attachments R-1 and R-2, respectively.

The Protocol Agreement provides that the signatories approve the Protocol and agree to its implementation by filing the Protocol in both State water court and the federal district court for a determination that the Protocol is consistent with the Blue River Decree.

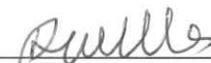
A summary of the Protocol was previously provided to the Board by memorandum dated February 7, 2013. Both the Protocol Agreement and Protocol are substantially complete, but non-substantive revisions may still occur during final review, approvals by other parties and the court adjudication process.

Recommendation:

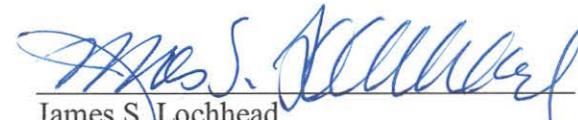
It is recommended the Board approve the Protocol Agreement which in turn approves the attached Protocol. It is further requested that the Board delegate authority to Manager/CEO to determine and approve any non-substantive revisions to the Protocol Agreement and Protocol.

Approvals:

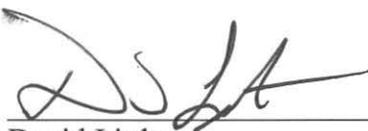
Respectfully submitted,



Patricia L. Wells
General Counsel



James S. Lochhead
CEO/Manager



David Little
Director of Planning