AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
A Resolution Authorizing Expenditure of Funds from the Water Resources Protection Fund for Water Resource Protection Purposes; Executive Order D2013-005 State Water Plan

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: BOCC

Term Begins: **Term Ends:** 12/31/2014 **Grant Contract #:** None

Summary:
A Resolution Authorizing Expenditure of Funds from the Water Resources Protection Fund for Water Resource Protection Purposes; Executive Order D2013-005 State Water Plan

Fiscal Impact: 1500 for 2013; 3500 for 2014

Submitted by: Brenda Wiseman for County Attorney **Submitter's Email Address:** bwiseman@gunnisoncounty.org

Finance Review: (●) Required ( ) Not Required

Comments:

Current balance in Water Resource Protection is $86,467

Reviewed by: Lnienhueser Discharge Date: 8/15/2013

County Attorney Review: (●) Required ( ) Not Required

Comments:

Reviewed by: DBaumgarten Discharge Date: 8/14/2013 Certificate of Insurance Required Yes ( ) No (●)

County Manager Review:

Comments:

Reviewed by: KHaase Discharge Date: 8/16/2013

(●) Consent Agenda ( ) Regular Agenda ( ) Worksession Time Allotted:

Agenda Date: 8/20/2013 Follow Up Agenda Date: N/A

Revised April 2013

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 90-2

A RESOLUTION CREATING A WATER RESOURCES PROTECTION FUND

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado, wants to reserve money in its General Fund specifically for water resources protection, defined as included but not limited to use for water development, water protection or related development projects;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that a reserved balance account in the amount of Fifty thousand dollars ($50,000.00) is immediately created in the General Fund for water resources. It is further resolved than an additional Fifty thousand dollars ($50,000.00) is authorized to be reserved and placed in such fund in 1991. Interest accruing on such reserved balance account shall be added to the principal of such account;

IT IS FURTHER RESOLVED that money from such account may be used for water resources upon majority vote of the Board of County Commissioners;

IT IS FURTHER RESOLVED that money from such account may be used for purposes other than water resources only upon unanimous affirmative vote of the Board of County Commissioners;

IT IS FURTHER RESOLVED that in the event of a unanimous affirmative vote to use money from such account for purposes other than water resources, then such money may not be withdrawn from such account or used until thirty (30) days after the unanimous affirmative vote on its use by the Board of County Commissioners.

INTRODUCED by Commissioner Field, seconded by Commissioner Petri, and adopted this 23rd day of January, 1990.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

By _____
Chairman

Attest:
_____
Clerk

STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol Building
Denver, Colorado 80203
Phone (303) 866 - 2471
Fax (303) 866 - 2003

John W. Hickenlooper
Governor

D 2013-005

EXECUTIVE ORDER

DIRECTING THE COLORADO WATER CONSERVATION BOARD TO COMMENCE WORK ON THE COLORADO WATER PLAN

Pursuant to the authority vested in the Governor of the State of Colorado, and in particular, pursuant to powers vested in the Governor pursuant to article IV, section 2 of the Colorado Constitution, I, John W. Hickenlooper, Governor of the State of Colorado, hereby direct the Colorado Water Conservation Board to commence work on the Colorado Water Plan.

I. Background

Colorado has long been on the leading edge of water innovation and solutions. We are the home of the "Colorado Doctrine" of prior appropriation and the birthplace of the interstate water compact, of which we have nine. We are a headwater state – vital rivers and streams begin here, provide water to Colorado uses, and exit to water 18 downstream states as well as the United Mexican States. Colorado has benefited much from its water and has taken seriously its responsibilities as a headwater state. The creation of a Colorado Water Plan is in keeping with Colorado's water heritage and continued responsibility.

The Colorado Water Conservation Board (CWCB) was created in 1937 "[f]or the purpose of aiding in the protection and development of the waters of the state, for the benefit of the present and future inhabitants of the state." C.R.S. § 37-60-102. More than 75 years later, we reaffirm this purpose and seek to tap Colorado collaboration and innovation in addressing our water challenges. The Board's recently-adopted strategic framework is consistent with this mission.

We also recognize the important role the Office of the State Engineer has played throughout Colorado's water history. This office administers water rights, issues water well permits, represents Colorado in certain interstate water compact proceedings, monitors streamflow and water use, approves construction and repair of dams and performs dam safety inspections, assures the safe and proper construction of water wells, and maintains numerous databases of state water information.

The Interbasin Compact Committee and Basin Roundtable processes, established by House Bill 05-1177, have produced more than eight years worth of important discussion and information about the basins from Coloradans in each basin.

In addition, many state agencies, lead by DNR, play important roles in Colorado water including:

- The Colorado Department of Public Health and Environment that includes the Colorado Water Quality Control Division and the Commission, the administrative agency responsible for developing specific state water quality policies, in a manner that implements the broader policies set forth by the Legislature in the Colorado Water Quality Control Act. The Commission adopts water quality classifications and standards for surface and ground waters of the state, as well as various regulations aimed at achieving compliance with those classifications and standards.
- The Colorado Water Resources and Power Development Authority that provides low-cost financing to governmental agencies in Colorado primarily for water and wastewater infrastructure development.
- The Colorado Department of Agriculture that works to strengthen and advance Colorado's largest consumptive use of water, its agriculture industry.
- The Colorado Energy Office that maintains information helpful in understanding Colorado's water-energy nexus as well as state agency water use.

Throughout our state's history, other water plans have been created by federal agencies or for the purpose of obtaining federal dollars. We embark on Colorado's first water plan written by Coloradans, for Coloradans. Nevertheless, our past and current data and studies will aid in developing a plan for the future.

II. Purpose and Need

The Colorado Water Plan is necessary to address the following:

A. The gap between our water supply and water demand is real and looming. The Statewide Water Supply Initiative forecasts that this gap could exceed 500,000 acre feet by 2050. Moreover, our largest regional gap is set to occur in the South Platte Basin, our most populous as well as our largest agriculture-producing basin.

B. Colorado's drought conditions threaten to hasten the impact of the water supply gap. Indeed, the past two decades have been Colorado's warmest on record, dating back to the 1890s.

C. Coloradans find that the current rate of purchase and transfer of water rights from irrigated agriculture (also known as "buy-and-dry") is unacceptable. We have witnessed the economic and environmental impacts on rural communities when water is sold and removed from an agricultural area. For example, projected reduction in irrigated acreage in the South Platte Basin alone is currently estimated at 20% of agricultural land under production.

D. The Interbasin Compact Committee and Basin Roundtables have worked for the past eight years to engage in a visioning process and to discuss long-standing intrabasin and interbasin challenges by defining scenarios, portfolios, and strategies. These efforts have produced informed discussions, provided a forum for building consensus, and generated momentum that the Colorado Water Plan should utilize.

E. Colorado's water quantity and quality questions can no longer be thought of separately. Each impacts the other and our state water policy should address them conjunctively.

F. Our interstate water concerns are as pressing as ever and require Colorado to be vigilant in protecting its interstate water rights pursuant to its nine interstate compacts and two equitable apportionment decrees.

G. CWCB is well-positioned to conduct this work given its duties and history, statewide representation, and expertise.

III. Declaration and Directives

A. Colorado's water policy must reflect its water values. The Basin Roundtables have discussed and developed statewide and basin-specific water values and the Colorado Water Plan must incorporate the following:

- a productive economy that supports vibrant and sustainable cities, viable and productive agriculture, and a robust skiing, recreation, and tourism industry;
- efficient and effective water infrastructure promoting smart land use; and
- a strong environment that includes healthy watersheds, rivers and streams, and wildlife.

B. The CWCB is directed to commence the work necessary to submit a draft Colorado Water Plan for review by the Governor's Office no later than December 10, 2014. The CWCB will work with the Governor's Office to complete the final plan no later than December 10, 2015.

C. The CWCB is directed to align state water projects, studies, funding, and other efforts as part of the Colorado Water Plan to the greatest extent possible. As part of this alignment, the CWCB is directed to develop an inventory of water rights held by state agencies and evaluate the opportunities for those rights. The CWCB is also directed to ensure that financial assistance for water funding activities is in accordance with the Colorado Water Plan.

D. The CWCB is directed to align the state's role in water project permitting and review processes with the water values included in the Colorado Water Plan and to streamline the state role in the approval and regulatory processes regarding water projects. The

Colorado Water Plan should place an emphasis on expediting permitting processes for projects that stress conservation, innovation, collaboration, and other criteria as determined by the CWCB. Efficient infrastructure promoting smart land use, healthy watersheds that support Colorado's rivers and streams, and smart water conservation practices that utilize demand-management are examples of criteria to be considered.

E. In drafting the Colorado Water Plan, the CWCB is directed to utilize the Interbasin Compact Committee and the Basin Roundtables. The CWCB is also directed to review and build upon discussions and points of consensus that have emerged as part of the Interbasin Compact Committee and Basin Roundtable processes so as to capitalize on the momentum generated by these grassroots efforts.

F. When drafting the Colorado Water Plan, the CWCB is directed to work with its sister agencies within the Colorado Department of Natural Resources as well as the Colorado Department of Public Health and Environment, the Colorado Water Resources and Power Development Authority, the Colorado Department of Agriculture, the Colorado Energy Office, and other relevant state agencies as needed. Each of these agencies is directed to cooperate with the CWCB as needed on the Colorado Water Plan.

G. The CWCB is directed to assemble ad-hoc panels of Coloradans and inter-agency water working groups to develop recommendations regarding specific topics as it deems necessary.

H. The Colorado Water Plan will reaffirm the Colorado Constitution's recognition of priority of appropriation while offering recommendations to the Governor for legislation that will improve coordination, streamline processes, and align state efforts.

IV. Duration

This Executive Order shall remain in full force and effect until modified or rescinded by future Executive Order of the Governor.

GIVEN under my hand and the Executive Seal of the State of Colorado this fourteenth day of May, 2013.

John W. Hickenlooper
Governor

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2013 - ___

A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS FROM THE WATER RESOURCES PROTECTION FUND FOR WATER RESOURCE PROTECTION PURPOSES

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado, has adopted Resolution No. 90-2, A Resolution Creating A Water Resources Protection Fund; and

WHEREAS, such Resolution No. 90-2 states that funds from the Water Resources Protection Fund may be used for water resources upon majority vote of the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has determined that certain expenditures are necessary for the participation of Gunnison County in joint use of water rights.

NOW THEREFORE, it is resolved by the Board of County Commissioners that the Board authorizes expenditure of funds from the Water Resources Protection Fund for:

1. Costs and expenses associated with inside counsel's participation in meetings regarding Executive Order D2013-005 directing the Colorado Water Conservation Board to commence work on the Colorado Water Plan.

2. Costs and expense shall not to exceed $1,500 for county fiscal year 2013; and $3,500 for county fiscal year 2014 unless further authorization is received by the Board of County Commissioners.

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted this ____ day of _____, 2013.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By _____
Paula Swenson, Chairperson

By _____
Phil Chamberland, Vice Chairperson

By _____
Jonathan Houck, Commissioner

ATTEST:

_____
Deputy County Clerk