

**RESOLUTION OF THE COLORADO WATER CONSERVATION BOARD  
REGARDING THE RIO GRANDE OUTSTANDING  
NATURAL AREA LEGISLATION PROPOSED BY THE  
RIO GRANDE WATER CONSERVATION DISTRICT BOARD**

**JULY 23, 2001**

WHEREAS, Colorado's rivers at and near the State border are uniquely vulnerable to federal management decisions which could interfere with Colorado's opportunities to fully utilize its Compact apportioned waters; and

WHEREAS, Colorado is subject to the Rio Grande Compact which requires the annual delivery of a proportionate share of the flows of the Rio Grande and Conejos Rivers to the State of New Mexico each year; and

WHEREAS, the Rio Grande Compact's operation insures that flows occur through the reach of the river below Alamosa; and

WHEREAS, Colorado has fully utilized its Compact apportioned waters for over 70 years; and

WHEREAS, federal legislation to protect wild and scenic rivers carries with it a federal reserved water right and significant authority to regulate the use of private land along the river; and

WHEREAS, other forms of federal land reservation or withdrawal, including national recreational areas and national conservation areas, carry with them the threat of an implied reserve water right, making them an unsuitable mechanism to protect river corridors at and near Colorado's State lines; and

WHEREAS, the Rio Grande Water Conservation District, together with the Boards of County Commissioners, the San Luis Valley Ecosystem Council, and other organizations, has proposed a new management framework to assist in the restoration and protection of the riparian corridor of the Rio Grande for a 33 mile stretch between the Alamosa National Wildlife Refuge and the State line; and

WHEREAS, the new management framework for the river corridor has been denominated a "Outstanding Natural Area" which would be governed by a management plan adopted under the auspices of a commission consisting of federal, state, and local representatives; and

WHEREAS, the management plan would be applicable to private property within the area only upon the voluntary agreement of the landowner; and

WHEREAS, one hundred percent (100%) of Colorado's water use occurs above the reach of the river proposed as an outstanding natural area; and

WHEREAS, the proposed legislation would specifically disavow any federal water right within the area; and

WHEREAS, the legislation would acknowledge the ability of the Colorado Water Conservation Board to determine appropriate minimum instream flows within the area should it deem them to be appropriate; and

WHEREAS, this initiative represents a pro-active effort to develop management tools to protect the Rio Grande corridor and the riparian zone, while at the same time avoiding conflict between federal land management agencies, local landowners, and upstream water interests and is exemplary and deserving of Colorado's support.

NOW, THEREFORE, BE IT RESOLVED that the Colorado Water Conservation Board in regular session, sitting this 23<sup>rd</sup> day of July, 2001, determines that:

1. Legislation proposed by the Rio Grande Water Conservation District to create an outstanding natural area along the Rio Grande between the Alamosa National Wildlife Refuge and the Colorado/New Mexico State line represents an innovative and pro-active effort to protect the riparian corridor of the Rio Grande and the natural environment.
2. The legislation proposed by the Rio Grande Water Conservation District is deserving of the support of the State of Colorado and Congressional delegation, and the Rio Grande Conservation District and the citizens of the San Luis Valley are recognized for their efforts to develop new mechanisms to protect the State's water resources without creating conflicts between the State and federal land management agencies.
3. The Director is instructed to present a copy of this Resolution to each member of Colorado Congressional delegation, the Secretary of the Interior, and the Governor.