

**RESOLUTION OF THE COLORADO WATER CONSERVATION BOARD  
CONCERNING COLORADO RIVER GOVERNANCE**

March, 2001

WHEREAS, on January 2, 2001 the Colorado River Commission of Nevada (letter attached) proposed a conference to discuss establishment of a formal Colorado River governing body; and

WHEREAS, the Colorado Water Conservation Board opposes the establishment of such a group as both unworkable and unnecessary; and

WHEREAS, operations on the Lower Colorado River are governed by a Supreme Court decree where the U.S. Bureau of Reclamation functions as the river master; and

WHEREAS, the Upper Colorado River operates pursuant to the Upper Colorado River Compact and the Upper Colorado River Compact Commission was established to administer the compact; and

WHEREAS, when issues of mutual concern to both basins have arisen, the seven Colorado River Basin States have created ad hoc groups and held informal meetings that have resulted in successful agreement on or resolution of the issues; and

WHEREAS, given the success of the ad hoc groups that have formed on an as needed basis, it is hard to justify a formal organization that would create additional costs and process for dealing with very complex issues on the Colorado River.

NOW THEREFORE BE IT RESOLVED, that it is the policy of the Colorado Water Conservation Board:

- 1.** To oppose the formation of any formal Colorado River governance organization involving all seven Colorado River Basin States.
- 2.** To continue to foster and improve communications with the other Colorado River Basin States and utilize appropriate means, such as ad hoc committees, to address issues of mutual concern to the seven Colorado River Basin States.

Done this 27<sup>th</sup> day of March, 2001

KENNY C. GUINN, Governor

STATE OF NEVADA

SHARI BUCK, Commissioner

RICHARD W. BUNKER, Chairman

LAMOND R. MILLS, Commissioner

JAY D. BINGHAM, Vice Chairman

BRYAN NIX, Commissioner

GEORGE M. CAAN, Director

ROLAND D. WESTERGARD, Commissioner

MYRNA WILLIAMS, Commissioner



COLORADO RIVER COMMISSION  
OF NEVADA

January 2, 2001

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Colorado Water Conservation Board

Mr. Rod Kuharich  
Director, Colorado Water  
Conservation Board  
Department of Natural Resources  
1313 Sherman Street, Room 718  
Denver, CO 80203

Subject: Conference on Colorado River Governance

Dear Rod:

Is it advisable now, particularly in light of the change in Presidential administrations and new Secretary of the Interior, to establish some new form of governance for the Colorado River system that would guarantee form, forum, process and meaning to multi-state consensus regarding the Colorado River? Naming Gale Norton as the prospective Secretary of the Interior, President-Elect Bush said:

"In my administration, she'll have a clear charge. We will restore our national parks system. We will develop partnerships with states and local governments and private citizens to conserve our lands and resources and to protect the endangered species of America."

At the conclusion of the Water Education Foundation's Second Colorado River Symposium, "Managing the Colorado River: Past, Present and Future," at the Keystone Resort and Conference Center in Keystone, Colorado, in September 1999, Rita Schmidt Sudman, Executive Director of the Water Education Foundation stated:

"At this symposium, we've had a lot of reinforcement that the limits of water that were foreseen by John Wesley Powell really are real. The heightened demands for environmental restoration, the reliability for municipal use and agricultural supplies are converging. At the same time, the end of the unused apportionment and surplus has become clearly foreseeable. But this convergence is highlighted, again in discussions about how much the Secretary's authority and interstate cooperation can reach to allocate water to better manage the river."

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January 2, 2001

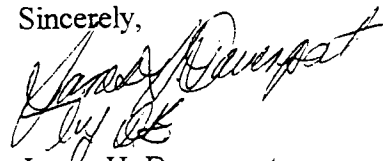
"We also talked about the respective roles of the federal government and the states in solving the next generation of management and reallocation problems. And what are those rules going to be? And has the time, like we've just discussed this morning, arrived for a seven state commission? Those discussions will continue." Symposium Proceedings, p. 136.

These same realities brought representatives of the Seven Colorado River basin states together in discussions throughout 1999 and 2000 on the subject of bringing California's Colorado River water use within its 4.4 million acre foot annual allotment. This discussion resulted in the proposal for Interim Surplus Guidelines. The process by which that seven state consensus was reached was based in large measure on the personal relationships of the particular individuals involved and was accomplished without the benefit of any institutionalized form, forum or process. Without such institutionalization, however, the outcome of that process was hortatory only. Although persuasive because of the unanimity of position of the seven Colorado River basin states, and because of the uniqueness of that unanimity, it carried no weight as a governmental act or decision. Thus, the question presented initially above becomes important. The final action of the Secretary of the Interior adopting interim surplus guidelines did not completely incorporate the seven state consensus. More work between the states will have to be done.

In order to keep conversation alive on this important question, the Water Division of the Colorado River Commission plans to host and sponsor a two-day conference on the topic "Issues of Governance of the Colorado River System." The conference will be conducted in conjunction with the University of Nevada Las Vegas, Greenspun School of Urban Affairs, Graduate Program in Environmental Studies. We would like your help in defining the substantive scope of the issues to be raised at the conference. The conference is tentatively planned to be held at facilities at the University of Nevada Las Vegas, during week of September 24, 2001.

If you are willing to help in conference planning, or would like to designate someone from your staff in your stead, please contact Donna Bloom of High Sierra Conferences Services (775-626-6389), with whom the Commission's Water Division has contracted to provide logistical support for the conference, to discuss your availability. A copy of the planning committee invitation list is enclosed. We would like to organize an initial meeting of the conference planning committee in Las Vegas some time in January.

Sincerely,



James H. Davenport  
Chief, Water Division

Enclosure