

RESOLUTION

Colorado Water Conservation Board in regular session sitting does hereby adopt a Statement of Policy concerning the Rio Grande Compact and the obligations of the State of Colorado there under.

After due consideration, the Colorado Water Conservation Board finds that:

1. The State of Colorado is signatory to the Rio Grande Compact, C.R.S. §37-66-101, et. seq., executed on behalf of the State on the 18th day of March 1938.
2. Article III of the Rio Grande Compact provides tabulations of relationship on both the Conejos River and the Rio Grande that compare an index supply and a delivery obligation to the New Mexico stateline measured at the Lobatos gage.
3. Colorado's obligation to deliver water from the Rio Grande and its tributaries to the State of New Mexico is as set forth in the Compact.
4. The remaining water supplies originating in the Rio Grande Basin within Colorado are apportioned to Colorado and may be beneficially used and consumed within the State.
5. The water apportioned to Colorado by the Compact is not sufficient to satisfy the needs of all vested Colorado water rights predating the Rio Grande Compact.
6. The water delivered by Colorado in the Rio Grande at the Colorado/New Mexico stateline has met or exceeded the flows required by the Rio Grande Compact for at least each of the last thirty (30) years.
7. Colorado is committed to complying with the terms of the Rio Grande Compact, and has curtailed deliveries by pre-Compact water rights to ensure it complies with its obligations under the Compact.
8. The U.S. Fish and Wildlife Service has designated the Rio Grande silvery minnow as an endangered species under the Federal Endangered Species Act and announced its designation in the Federal Register, Volume 59, No. 138, Wednesday, July 20, 1994.
9. The U.S. Fish and Wildlife Service determined that the silvery minnow and its habitat "occurs only in the middle Rio Grande from Cochiti Dam downstream to the headwaters of Elephant Butte Reservoir, New Mexico." The Service also determined that the fish occurred historically in the Rio Grande Basin "from Espanola, New Mexico to the Gulf of Mexico."
10. The silvery minnow has never been a species that was native to, or occurred in, the Rio Grande Basin within the State of Colorado.
11. The U.S. Fish and Wildlife Service has determined that principle causes for the endangerment of the silvery minnow include diversions for irrigation within its current habitat, the construction of numerous large on-stream dams in the State of New Mexico; and the channelization of the Rio Grande above Elephant Butte Reservoir.

12. There is no specific determination by the U.S. Fish and Wildlife Service to suggest that water usage from the Rio Grande within the State of Colorado has materially contributed to the endangerment of the Rio Grande silvery minnow.

STATEMENT OF BOARD POLICY

- A. The State of Colorado is and should remain in compliance with its obligations under the Rio Grande Compact.
- B. The State of Colorado should cooperate with its neighboring states in the Rio Grande Basin to resolve problems of water management and use within the Basin to the extent practicable.
- C. The State of Colorado should resist any efforts to require or mandate that water users in the State of Colorado forego the use of any water apportioned to it by the Rio Grande Compact, including the delivery to the Colorado/New Mexico stateline of water in amounts exceeding the delivery obligation specified in Article III of the Rio Grande Compact.
- D. The Attorney General and the Colorado State Engineer should continue to assert and defend Colorado's rights, as well as perform its obligations under the terms of the Rio Grande Compact.

Done this 24th day of January 2001.