



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

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John Hickenlooper, Governor

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TO: Colorado Water Conservation Board Members

FROM: Ted Kowalski, Chief
Interstate, Federal and Water Information Section

DATE: November 19-20, 2014 Board Meeting

AGENDA ITEM: 29f - CWCB's 2015 Project Bill - Construction Fund
Non-Reimbursable Project Investments "En-Bloc" Approval
Litigation Fund- Refresh

Introduction

Section 37-60-121(2.5) provides that the Colorado Water Conservation Board is authorized "to expend, pursuant to continuous appropriation and subject to the requirements of paragraph (b) of this subsection (2.5), a total sum not to exceed the balance of the litigation fund, which is created, for the purpose of engaging in litigation...to defend and protect Colorado's allocations of water in interstate streams and rivers..." Paragraph (b) of section 121(2.5) provides: "pursuant to the spending authority set forth in paragraph (a) of this subsection (2.5), moneys may be expended from the litigation fund at the discretion of the board if (l) with respect to litigation, the Colorado Attorney General requests that the Board authorize the expenditure of moneys in a specified amount not to exceed the balance of the fund for the costs of litigation associated with one or more specifically identified lawsuits meeting the criteria set forth in paragraph (a) of this subsection (2.5)."

The Interstate, Federal, and Water Information Section works closely with the Office of the Attorney General in monitoring ongoing processes on interstate streams, in conjunction with our federal and state partners in water management. Negotiations on the Colorado River, implementation of Minutes to the Mexican Treaty, and ongoing litigation regarding the Republican and Rio Grande Compacts are some of the issues that command the attention and time of CWCB staff and the Attorneys General. As is necessary, a refresh of the litigation fund will be requested, as funds are available, and the ongoing processes require more work and incur costs. These funds will be used in preparation for litigation, or to reach solutions while avoiding litigation of these important issues.

To expend these funds once they have been properly appropriated, CWCB staff will prepare a memo and presentation for the Board, with accompanying letter from the Attorney General. These items provide more detail about the request, such as the river basin in question, and a specific value for the request, appropriate for the issues at hand.

Staff Recommendation

Staff recommends that the Board approve this request for the General Assembly to authorize this project and appropriate \$200,000 from the Construction Fund to the Department of Natural Resources for allocation to CWCB for the restoration of the Litigation Fund cash balance to ensure necessary participation by the State of Colorado in these important processes, in conjunction with the Office of the Attorney General.





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The Interstate, Federal, and Water Information Section requests that the litigation fund has \$2 million available annually, to ensure necessary participation by the State of Colorado in these ongoing processes, in conjunction with the Office of the Attorney General.

P R O J E C T D E T A I L S	
<i>Project Cost:</i>	\$2M Annually
<i>NRI Funding Request:</i>	\$200,000
<i>Funding Source:</i>	Construction Fund
<i>Project Type:</i>	Litigation
<i>Type of Grantee:</i>	CWCB IFWI Section

L O C A T I O N	
<i>Benefits:</i>	Statewide
<i>Water Source:</i>	Various
<i>Drainage Basin:</i>	All Basins