



COLORADO
Colorado Water
Conservation Board
Department of Natural Resources

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TO: Colorado Water Conservation Board Members

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

DATE: November 18-19, 2015 Board Meeting

AGENDA ITEM: 18b. 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 (I) 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 current request is to refresh the account up to \$2,000,000 for FY 2016/17. Increased activity on the interstate streams, especially the Rio Grande, the Republican, and the Colorado Rivers, has brought down the balance of the litigation fund since last year. With many ongoing processes and controversies ahead, the IFWI section and Office of the Attorney General requested in May 2015 that \$600,000 in expenses in FY 2015/16 are needed therefore a request for \$600,000 is needed to refresh the fund up to the \$2 million. This will allow staff and the Attorneys General to prepare and participate in these ongoing important matters.

Staff Recommendation

Staff recommends the Board request the General Assembly to authorize \$600,000 from the Construction Fund in order to restore the Litigation Fund balance to allow the Attorneys General Office to prepare and participate in ongoing legal matters on behalf of the Colorado Water conservation Board.



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The current request is to refresh the account up to \$2 million for FY 2016/17. Increased activity on the interstate streams, especially the Rio Grande, the Republican, and the Colorado Rivers, has brought down the balance of the litigation fund since last year. With many ongoing processes and controversies ahead, the IFWI section and Office of the Attorney General request that the fund be refreshed up to the cap of \$2 million to allow staff and the Attorneys General to prepare and participate in these ongoing important matters.

P R O J E C T D E T A I L S	
<i>Project Cost:</i>	Approx. \$600,000 annually
<i>NRI Funding Request:</i>	up to \$2,000,000
<i>Funding Source:</i>	Construction Fund
<i>Project Type:</i>	Program Funds
<i>Type of Grantee:</i>	State Government

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