

RESOLUTION

At a regular meeting on November 17, 2004 the Colorado Water Conservation Board considered Final Action on Agenda Item 24, entitled **"Stream and Lake Protection/ Water Supply Protection – Elkhead Reservoir Enlargement Water Acquisition"**.

A motion was made by Director Tom Sharp with a second by Director John Redifer to approve staff's recommendation, including that the Board make the following specific findings:

- 1) Determine that the acquired water rights should be utilized to preserve or improve the natural environment in the Critical Habitat Reach of the Yampa River for the benefit of the listed fish species in the Upper Colorado River Basin, in accordance with the provisions of the Acquisition Agreement.
- 2) Make a specific finding, pursuant to Paragraph 3 of the "Memorandum of Agreement Between the United States Department of the Interior Fish and Wildlife Service and the Colorado Water Conservation Board Concerning the Enforcement and Protection of Water and Water Rights" dated September 1993 (Exhibit A to the Acquisition Agreement), that the purpose of this water acquisition is for the benefit of the listed species in the Upper Colorado River Basin and that the 1993 MOA will apply to this acquisition.
- 3) Conclude that the proposed acquisition of water rights is appropriate to preserve or improve the natural environment in the Critical Habitat Reach of the Yampa River for the benefit of the listed fish species in the Upper Colorado River Basin.
- 4) Approve the attached Acquisition Agreement between Reclamation, the River District, the Service and the CWCB contingent upon
 - a. Satisfactory completion of the NEPA process for the Elkhead Reservoir enlargement, including the accompanying Yampa River Programmatic Biological Opinion, and,
 - b. Satisfactory resolution of the indemnification language issue with the Solicitor's Office.
- 5) Acquire the proffered water rights pursuant to the terms of the Acquisition Agreement and subject to the conditions of paragraph 4 above.

The motion was approved 9-0. Russell George was not present

I hereby certify that this is a true and correct record of the actions of the Colorado Water Conservation Board.

Signed this 22nd day of November, 2004.



Catherine Gonzales

Board, Director, Deputy Director Coordinator / Public Information Officer

My Commission expires August 3, 2007