



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

1313 Sherman Street
Denver, CO 80203

P (303) 866-3441
F (303) 866-4474

John Hickenlooper, Governor

Robert Randall, DNR Executive Director

Rebecca Mitchell, CWCB Director

TO: Colorado Water Conservation Board Members

FROM: Carlee Brown, Interstate, Federal and Water Information Section

DATE: May 23, 2018

AGENDA ITEM: 24b. Litigation Fund: Requests for Authorization

Background

Section 37-60-121(2.5) of the Colorado Revised Statutes provides that the Colorado Water Conservation Board is authorized "to expend ... 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 waters; and to ensure the maximum beneficial use of water for present and future generations by addressing important questions of federal law ..."

The Attorney General issues an annual request to the Board for litigation fund authorizations. The official request is currently being prepared and will be provided to the Board prior to the May 23, 2018 Board Meeting. The request will total \$1,294,300 as set forth below.

Adequate funding for the litigation fund is essential to allowing the Office of the Attorney General, State Engineer, and CWCB to prepare for and participate in ongoing and future negotiations and litigation in order to defend Colorado's rights and apportionments as provided by the compacts.

Staff recommendation

CWCB Staff recommends that the Board authorize the expenditure of a total of \$1,294,300 for litigation-related activities in FY2018-19 as follows:

- | | |
|----------------------------|-----------|
| 1) Colorado River Basin: | \$643,000 |
| 2) Republican River Basin: | \$118,000 |
| 3) Rio Grande Basin: | \$533,300 |

Staff also recommends that the Board:

- 1) Direct the CWCB Director and Staff to expend these funds consistent with the request by the Office of the Attorney General; and,
- 2) Direct the CWCB Director, CWCB Staff, and Office of the Attorney General to comply with the annual reporting requirements as specifically provided for in Section 37-60-121(2.5).

