



THE CWCBC GUIDE

A Summary of the Colorado Water Conservation Board, Its
Role, Function, and Relationships with Key Stakeholders



COLORADO
Colorado Water
Conservation Board
Department of Natural Resources

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INTRODUCTION TO THE CWCB GUIDE

This guide is intended to orient the Colorado Water Conservation Board (CWCB), CWCB Board members, Interbasin Compact Committee (IBCC) members, basin roundtable members and others on how the CWCB functions and how it interacts with key constituents. This guide provides a practical tool for understanding the agency and key policies, procedures, and processes that work together to collectively support the CWCB and the Colorado Water Plan. Whether you are an elected official, staffer, appointee, volunteer or interested member of the public, the CWCB would like to thank you for your commitment to Colorado's water future and the Colorado Water Plan. [All documents are linked on a central DNR Google Folder](#) and are also individually linked throughout the CWCB Guide for ease of reference.

TIMELINE OF KEY EVENTS

The timeline below begins with the establishment of CWCB and highlights the agency's work and/or key events since 1937. However, there are many critical events which pertain to the CWCB's operations that predate the CWCB such as the 1922 Colorado River Compact and La Plata River Compact and similar legal rulings, agreements, legislation, etc.



1937	CWCB established
1938	Rio Grande River Compact
1942	Republican River Compact
1948	Upper Colorado River Compact
1949	Arkansas River Compact
1957	Laramie River Decree
1963	Costilla Creek Compact
1969	Animas-La Plata Compact
1971	CWCB Construction Fund begins
1972	CWCB's Loan Program Begins
1974	CWCB's Instream Flow Program Initiated
1988	Key Floodplain rules first established by CWCB
1997	Three State's Agreement (CO, NE and WY)
1998	Species Conservation Trust Fund Begins
2001	Recreational In-Channel Diversions (RICDs) first authorized; North Platte Decree
2004	CWCB leads the release of the Statewide Water Supply Initiative (SWSI) and the Water Conservation Act supports CWCB programs
2005	Water for the 21st Century Act
2007	Water Supply Reserve Fund established and SWSI II published
2010	CWCB-led SWSI 2010 initiative published
2013	Governor calls on CWCB to develop the Colorado Water Plan; CWCB, IBCC and Roundtables develop the No & Low Regrets Strategy and the Conceptual Framework with support from CWCB
2014	First Basin Implementation Plans (BIPs) developed
2015	First Colorado Water Plan published
2017	Colorado Water Plan Grants authorized
2019	Colorado River Drought Contingency Plan Signed; First SWSI since the Water Plan rebrands as the Analysis and Technical Update to the Colorado Water Plan or "Technical Update"
2022	BIPs updated, streamlined and put into consistent formats;
2023	The Colorado Water Plan is updated; sets a 10-year update cycle; CWCB holds the first Drought Summit since 2013; CWCB hosts second C-9 Summit
2024	CWCB continues to advance the Colorado Water Plan

SECTION 1

THE CWCB AND HOW IT OPERATES



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THE CONTEXT

The CWCB was created in 1937 to provide policy direction on water issues. The agency is part of the Executive Branch of Colorado's state government and resides within the Department of Natural Resources (DNR).

CWCB MISSION AND OVERVIEW

The mission of the CWCB is “to conserve, develop, protect and manage Colorado's water for present and future generations.” The CWCB sets and implements water policy (including through its primary policy document, the Colorado Water Plan), and manages multiple programs including grant programs and a loan program.

The CWCB also funds and supports legislatively defined stakeholder groups that collaborate with the CWCB. These include the nine basin roundtables and the Interbasin Compact Committee (IBCC). Additional details are outlined in the sections below and in the list of [Frequently Asked Questions \(FAQ\)](#).

The CWCB name is often used to refer to both the CWCB Board and staff (the agency), but there are key differences in their roles. The next section helps delineate not only the roles of the CWCB Board and the agency, but also the roles of the stakeholder groups that collaborate with the CWCB.

DNR Mission and Agencies

The mission of the DNR is to develop, preserve, and enhance the state's natural resources for the benefit and enjoyment of people today and tomorrow. The DNR has an Executive Director appointed by the Governor to manage the following agencies:

1) Colorado Parks and Wildlife (CPW), 2) Energy & Carbon Management Commission (ECMC), 3) Division of Reclamation, Mining and Safety, 4) Division of Water Resources (DWR), 5) Colorado State Land Board, 6) Colorado Water Conservation Board (CWCB). The DNR also oversees the Division of Forestry and the Colorado Avalanche Information Center.

DNR Management of the CWCB

The DNR is responsible for the agencies it manages including the CWCB. The CWCB Director is an “at will” position that serves at the pleasure of the Governor and the DNR Director. The position is hired through a state application process and in consultation with the CWCB Board. The DNR Director also works with the Governor's Office to review candidates that have applied for CWCB Board positions when there are openings. Additionally, the DNR Director serves as a voting member of the CWCB Board and works to ensure alignment with programs and policies across DNR's agencies and the Governor's Office.

THE DNR Handbook and the CWCB Guide

While the CWCB Guide attempts to succinctly summarize statute, legal opinion, and policies that dictate its operations, the CWCB is housed within the DNR and all DNR policies therefore also apply to the CWCB. Chief among these DNR policies is the “[DNR Policy Handbook for Boards & Commissions: Includes Councils, Committees, Roundtables and Advisory Groups](#)” (DNR Handbook, hereafter).

The DNR Handbook provides useful information about the required operations that apply to DNR Boards like the CWCB Board, committees (e.g. Interbasin Compact Committee), and roundtables. Failure to comply with DNR and CWCB policies could result in an inability of CWCB to disperse funding for meetings, grants, or other CWCB contracted positions that support the roundtables and IBCC.



Major Requirements of the DNR Handbook

Topics in the DNR handbook often relate to complying with legislation like the Colorado Open Meeting Law (COML), Colorado Open Records Act (CORA) and The Fair Campaign Practices Act which not only apply to the CWCB Board, IBCC, and roundtables but also to CWCB staff. For example, The Fair Campaign Practices Act does not allow state agencies like the CWCB to engage in political activities as part of their official capacity nor does it allow state agencies to support, staff, or supply money to groups for lobbying for bills or political candidates (C.R.S. § 1-45-117).

A larger list of topics in the DNR Handbook that directly apply to all members and appointees of any board, commission, council, roundtable, advisory group, or committee of DNR or one of its Divisions are below:

- COML requirements
- CORA requirements
- The Executive Director and Division Directors are responsible for personnel, operations, implementation of policies, and administration
- Code of Ethics and conflict of interest guidance
- Requirements for public comment and meeting accessibility in real time (e.g. virtual meeting attendance option)
- Boards, commissions, and other DNR public bodies shall not take positions on political candidates or bills in their official capacities
- Meetings of public bodies authorized by DNR are Official State Government Functions

Points of Clarification in the DNR Handbook

The DNR Policy Handbook covers a broad range of groups and some of the language is not equally applied to all the groups it oversees. The CWCB has collaborated with DNR to clarify the following points noted in the handbook that do not apply to the IBCC and the basin roundtables:

- The Attorney General's Office does not represent the IBCC or roundtables.
- Basin roundtable and IBCC members do not receive state email addresses.
- Basin roundtable members serve 5-year terms with no term limits.
- Basin representatives to the IBCC serve 2-year terms with no term limits.
- Governor's appointees to the IBCC serve at the pleasure of the Governor, which can be associated with a dictated term or not depending on the administration.
- Unlike the CWCB Board, basin roundtable members and the IBCC do not have annual training requirements, but it is suggested that members review the CWCB Guide annually.



THE CWCB BOARD

The CWCB Board's authority is codified in Colorado Revised Statute (C.R.S.), primarily in C.R.S. § 37-60-104 and other statutes summarized in this list of [CWCB Board-related statutes](#). C.R.S. § 37-60-106.3 also identifies the Colorado Water Plan as the CWCB Board's primary policy document (see page 10). The CWCB Board also creates specific policies through board action, loan program requirements, and criteria and guidelines for grants and special programs.

CWCB staff also enforce, create, or modify policy through the administration of CWCB programs, with input from the CWCB Board. The CWCB is managed in accordance with the policies and requirements of the State of Colorado, the DNR, and by other agencies with regulatory authorities.

CWCB Board Structure

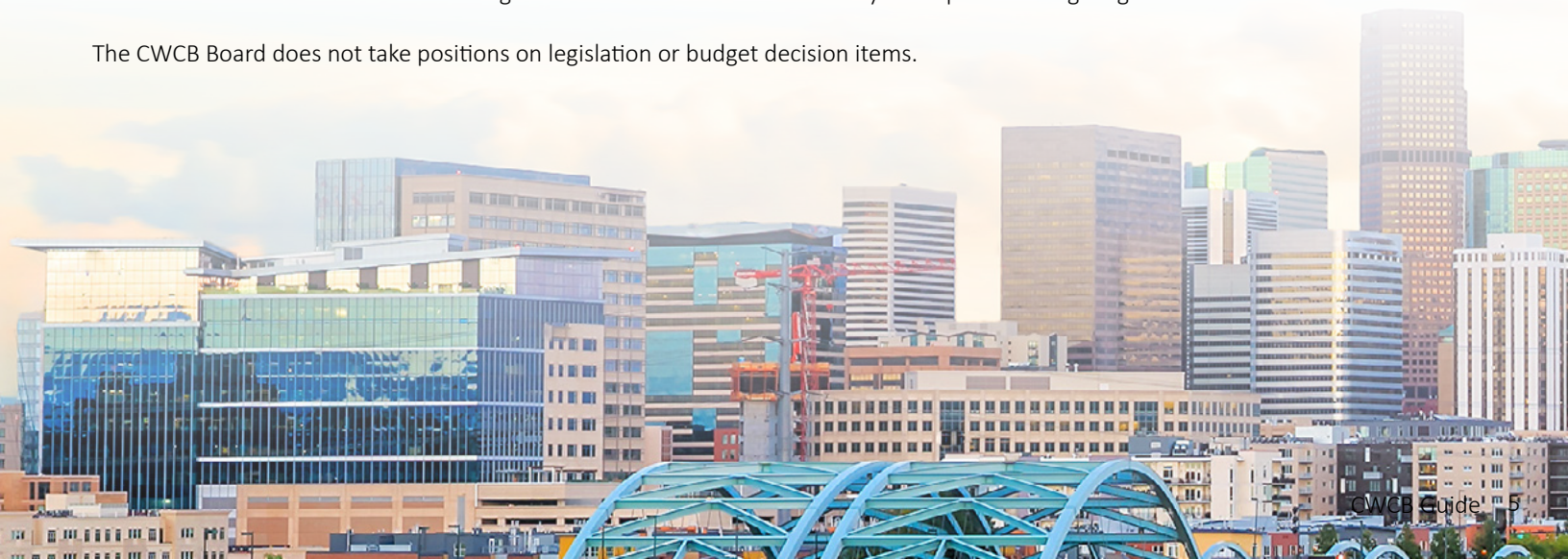
The CWCB Board has 15 directors including five (5) non-voting members and ten (10) voting members. Non-voting members include the CWCB Director, the CPW Director, the DWR Director (State Engineer) as well as the Commissioner of Agriculture and the Attorney General. Voting members include the Director of DNR and nine (9) directors representing each of the nine basin roundtables including the: 1) South Platte, 2) North Platte, 3) Arkansas, 4) Rio Grande, 5) Gunnison, 6) Colorado, 7) Yampa-White-Green, 8) Southwest, 9) the Metro Denver region¹. The Basin Directors are appointed by the Governor and confirmed by the State Senate.

CWCB Board Member Duties

The statutory duties of the CWCB Board are to promote the conservation of the waters in Colorado to secure the greatest utilization of such waters and the utmost prevention of floods C.R.S. § 37-60-106 C.R.S. Specifically, CWCB staff looks to the CWCB Board for the following:

- Reviewing and approving/denying grants and loans brought before the CWCB Board including any related criteria and guidelines that need to be developed/updated.
- Coordinating on policy and development needs with DNR, CWCB sections, and the CWCB Board.
- Collaborating on information, policy, and resources with basin roundtables as a nonvoting basin roundtable liaison and coordinating with CWCB staff to support roundtable discussions and answer roundtable questions.²
- Elevating consensus feedback raised by both their basin roundtable and basin IBCC members to the CWCB. This can be done through direct contact and/or through Director reports at CWCB Board meetings.
- Providing guidance on and promoting CWCB programs to each basin, water users, state and federal agencies, and other potential customers.
- Providing guidance on matters considered in Executive Session.
- Representing CWCB at local, regional and/or statewide meetings of interest to the CWCB Board.
- Reviewing and evaluating administrative and legislative proposals that may affect the CWCB Board's operation and ability to achieve its mission.
- Participating in special meetings held by the DNR or the CWCB. This includes events, meetings, or summits aimed at enhancing collaboration or consensus building on critical issues. These events may be required through legislation or a similar directive.

The CWCB Board does not take positions on legislation or budget decision items.



CWCB Board Meetings

The CWCB Board meetings occur every other month (January, March, May, July, September and November) and are typically held on Wednesday and Thursday. The CWCB Director, CWCB Board Coordinator and the CWCB Board member whose basin is hosting the event collaborate to determine meeting location. The meetings are two days in length, except when one additional day may be added for Instream Flow Hearings, September Finance Workshop, Strategic Operations Planning, and/or Special Meetings.

Two weeks prior to the board meeting a meeting agenda is posted and the CWCB Board members receive a document called The Board Notebook (notebook). The notebook is an electronic document uploaded to Google Drive containing past meeting information, the upcoming/current meeting's agenda, documents relating to each agenda item, and any other relevant information.

CWCB Board Operational Planning

Per CWCB Board direction and the related action in the Colorado Water Plan, the CWCB Board developed an operational plan to help refine its operations, identify areas where the CWCB Board can facilitate the implementation of the Water Plan actions, and maintain consistency and continuity as CWCB Board members transition on and off the board. The CWCB Board's operational planning and support of the Agency Actions identified in the Water Plan led to the development of the CWCB Guide and the following linked items:

- [CWCB Board Duties](#)
- [CWCB Board On-boarding Checklist](#)
- [CWCB Board Calendar](#)

As outlined in the calendar, staff update the CWCB Board on an annual basis on Water Plan progress each January. Throughout the year CWCB Board members can provide ideas on priority areas for funding. The CWCB Board discusses available funding for the upcoming fiscal year, priorities, large project updates, reviews policies and procedures, and previews Projects Bill grant applications at the annual Finance Committee meeting in September. No action is taken during the Finance Committee meeting. Final recommendations and action occurs at the November CWCB Board meeting.

CWCB Board Member Conduct

CWCB Board members must adhere to the rules of the DNR Handbook which outlines ethics, conflicts of interest, and additional details such as annual training requirements. Answers to commonly asked questions as it pertains to the CWCB Board are also found in the [FAQ](#) at the end of this document.



THE AGENCY

Outside of the CWCB Board, the CWCB agency (e.g. staff) are headed by senior leadership (e.g. Management – the CWCB Director and Deputy Director). Staff are state employees managed by senior leadership in accordance with agency and state policies.

Staff and Sections

You can find a full list of the CWCB staff on the [CWCB website](#), organized by section. You can also find information about specific CWCB programs by exploring the [Focus Areas](#) page on the website. CWCB sections and staff contact information can be found on the CWCB website. The general structure and breakdown of each section can also be found in the Water Plan, but specific staffing, section names and the number of sections may change over time. The sections are as follows:

- **Finance** manages the Construction Fund and the Severance Tax Perpetual Base Fund. These two funds provide money for loans, grants, and CWCB operations. Staff review applications and feasibility studies and make recommendations to the CWCB Board. After CWCB Board approval, staff process loan/grant contracts, manage construction disbursements, and maintain collateral and loan repayments.
- **Administration and Operations** is responsible for internal and external communications (e.g. public information and media requests), administration functions including budgets, accounting, purchase orders and contracts, personnel, general office management and reception, process improvement, and strategic planning.
- **Stream and Lake Protection** implements the Instream Flow (ISF) and Natural Lake Level Program (ISF program) in four areas: 1) Appropriations of new ISF water rights, 2) Acquisitions of water for ISF use, 3) Legal protection of ISF water rights and 4) Monitoring of streamflow conditions and ISF water rights.
- **Water Supply Planning** implements programs in six primary areas: 1) Maintaining and updating the Colorado Water Plan, 2) Supporting basin roundtables and the Interbasin Compact Committee, 3) Education, innovation, and equity 4) Grant management, 5) Agricultural viability, 6) Water conservation, climate, and drought planning.
- **Watershed and Flood Protection** implements programs in four primary areas: 1) Floodplain management, 2) Floodplain mapping, 3) Flood mitigation, response, and recovery, 4) Watershed restoration.
- **Grants Section** (new in FY 2024-25) manages the CWCB primary grant programs including the Water Plan Grant Program and Water Supply Reserve Fund Grant Program.
- **Interstate, Federal, and Water Information** manages programming related to interstate stream management, cooperative water policy related efforts involving federal agencies, and implementing technical and informational resources for water users and stakeholders. The section monitors and provides policy support for the State's involvement in interstate compacts, negotiations, and other matters. It also supports interstate and federal partnerships that involve programmatic, collaborative approaches to water management (i.e., endangered species recovery programs, salinity control forum). As part of this work, the section coordinates and manages the Colorado Decision Support System (CDSS) to provide information and technical assistance to Colorado water users.
- **Management** consists of the CWCB Director and Deputy Director.



CWCB Operations, Programs and Grants

CWCB's core budget funds staff, work initiatives, contract support, and long-standing programs. CWCB also leverages some federal funding to support staff positions and also makes funding requests to support additional project initiatives (e.g. actions in the Colorado Water Plan). The CWCB's funds also support the Water Project Loan Program (Loan Program), several special programs, multiple grant programs, and legislatively defined stakeholder groups as shown below.

Loan Program - The Loan Program provides low-interest loans to support an array of water projects.

Grant Programs - The CWCB offers different types of grants to water providers and other entities statewide for water-related projects, studies, planning documents, awareness campaigns, and other activities. Information on the grant programs can be found on CWCB's [Grants and Special Programs webpage](#). These grant programs include the following:

- Colorado Water Plan (WPG) Grants
- Water Supply Reserve Fund (WSRF) Grants
- Colorado Watershed Restoration Grants
- Projects Bill Grants/CWCB Projects or Programs
- Public Education, Participation and Outreach (PEPO) Grant Program
- Fish and Wildlife Resources Fund Grant Program

Ongoing Programs - Each section has ongoing programs it maintains related to the areas each section oversees.

Special Programs - The CWCB administers several special programs to provide funding for specific water related activities. These currently include the Turf Replacement Grant Program, the Flood and Drought Response Fund, the Weather Modification Program, the Wild and Scenic Rivers Fund, the Agricultural Emergency Drought Response Program, and the Federal Technical Assistance Grant Program. You can find information on each of these programs on [CWCB's Grants and Special Programs webpage](#).

Legislatively Defined Stakeholder Groups - The CWCB also funds stakeholder groups and meetings as discussed on page 12. This includes the nine basin roundtables and the Interbasin Compact Committee which are also discussed in more detail on pages 17 and 23 respectively.



THE FUNDING

The CWCB is funded primarily by the interest earned from Water Project loans (e.g. Construction Fund) and Severance Tax (e.g. Perpetual Base Fund). The Construction Fund was established in 1971 and provides the funding for the Water Project Loan Program's (Loan Program) low-interest loans. In addition to the principal and interest that grows the Construction Fund, Federal Mineral Lease revenues add to the fund balance — about \$10 million over a 10-year average. From these loans, the average principal and interest received is about \$40 million (about half from interest earnings) and the CWCB issues an average of \$50 million in new loans per year.

Severance Tax is paid by anyone who receives income from oil and gas production and mining of nonrenewable natural resources. Severance Tax revenues are held in the Severance Tax Perpetual Base Fund, which is used for the Water Project Loan Program, the Interbasin Compact Committee, and the Water Supply Reserve Fund (or WSRF). CWCB also has access to an annual portion of the Severance Tax Operational Fund, managed by DNR, used by CWCB for programs, projects, studies, and operational needs. See Figure 1 and Figure 2 below.

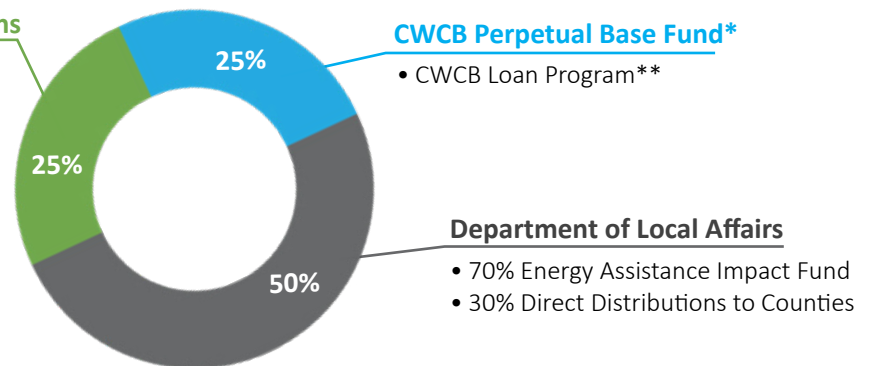
The CWCB receives additional revenue from Proposition DD which was a voter-led initiative intended to support the Water Plan Grant Program. The Department of Revenue collects taxes from sports betting and makes an annual transfer to the Water Plan Implementation Fund after the initial tiers are satisfied (e.g. funds owed to Division of Gaming; gambling addiction, etc.). The funds are then appropriated in the annual Projects Bill. See Figure 2 below.

Special funding situations may also arise from federal bills, designations or programs. Similarly, the Colorado State Legislature, Governor, or Ballot Initiatives may create limited or long-term funding from other sources. No funding from the CWCB (except by special allocation from the legislature) comes from the general fund (e.g. funds from general tax revenues).

Figure 1. Severance Tax Revenue Distribution

Severance Tax Operational Fund Annual Appropriations

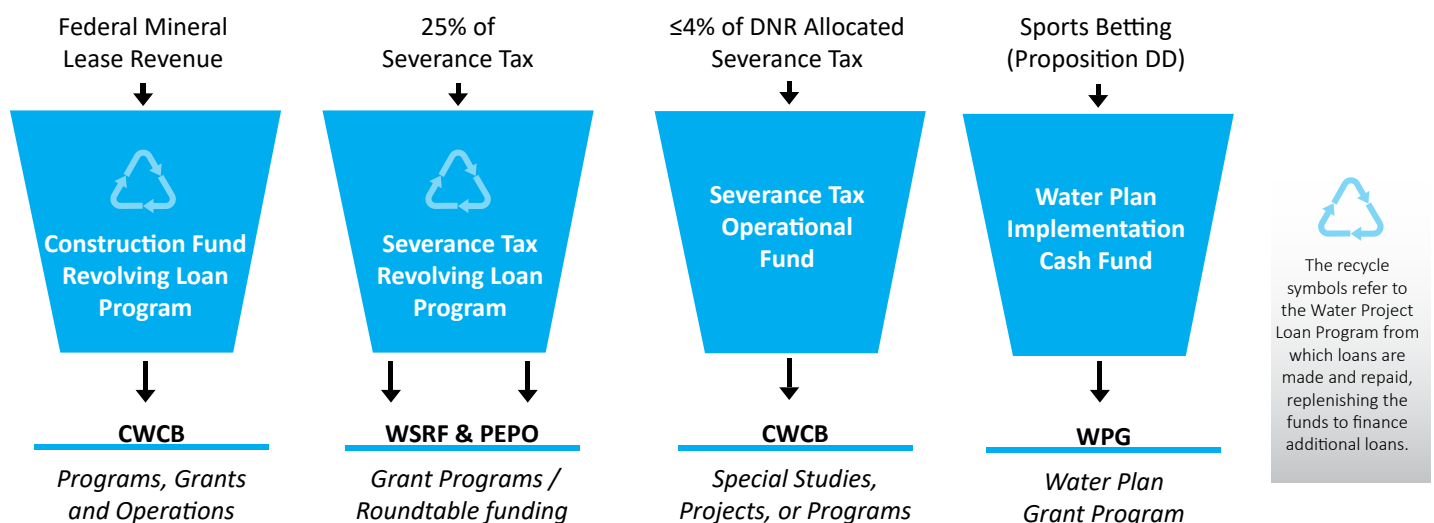
- 18% Energy & Carbon Management Commission
- 17% Division of Reclamation, Mining & Safety
- 15% Species Conservation Trust Fund
- 15% Strategic Wildfire Action Program
- 12% Aquatic Nuisance Species
- 7% Parks and Wildlife
- 7% Avalanche Information Center
- 5% Geological Survey
- ≤4% Additional to CWCB
- 2% CDA Soil Conservation Program



* A maximum amount of \$50M in revenue can be transferred annually into the Perpetual Base Fund. If that threshold is met, excess revenue up to \$10M is credited to Colorado Department of Public Health and Environment's Small Communities Water and Wastewater grant fund. If available, revenue above \$60M is credited to the Perpetual Base Fund.

**The CWCB Board has the authority to approve transfers to the Water Supply Reserve Fund and Interbasin Compact Committee Operation Fund to support the WSRF Grant program and the operations of the IBCC, roundtables, and C9 Summit meetings.

Figure 2. General Overview of CWCB Funding



THE POLICIES

CWCB POLICIES & THE COLORADO WATER PLAN

The agency sets policy in several ways, including issuing specific policies that guide grants, loans, processes, and operations. The CWCB also establishes policy through the Colorado Water Plan, which serves as the lead policy document for CWCB and state water planning. Policies adopted by the State of Colorado, the Governor, the Colorado Legislature, and/or the DNR Director apply to CWCB, grantees, and funded stakeholder groups. These entities are also involved in supporting policy development.

Policy Creation

The CWCB sets and enforces policies for programs it operates. Generally, these policies may be set at the Director/staff level but sometimes move to the CWCB Board for guidance or formal approval. The CWCB also sets policy through its work to define loan and grant criteria and guidelines which go through the CWCB Board for approval. These guidelines are found on each grant programs webpage.

Beyond this, there are also a set of 26 official policies the CWCB has established that aim to provide greater clarity to specific programmatic or grant efforts. A summary of the 26 policies are below and a full detailed list of CWCB policies can be found on the [CWCB Policies webpage](#).

- **Policy #1 - Project Time Limits** - This policy applies to ALL loan and grant projects authorized through the CWCB Construction Fund and the Severance Tax Trust Fund Perpetual Base Account.
- **Policy #2 - Project Feasibility Studies** - This policy and procedure applies to all loan applications from the CWCB Construction Fund and Severance Tax Trust Fund Perpetual Base Account.
- **Policy #3 - Loan Delinquency, Loan Restructuring and Collection** - This policy and procedure applies to all current and future loans from the CWCB Construction Fund and the Severance Tax Trust Fund Perpetual Base Fund.
- **Policy #4 - Creditworthiness and Financial Need Determinations**- This policy applies to the consideration of all loan applications from the CWCB Construction Fund and Severance Tax Trust Fund Perpetual Base Account.
- **Policy #5 - Collateral**- This policy applies to the consideration of all loan applications from the CWCB Construction Fund and Severance Tax Perpetual Base Account.
- **Policy #6 - Requests for Parity Status**- This policy and procedure applies to all loans from the CWCB Construction Fund and Severance Tax Trust Fund Perpetual Base Account.
- **Policy #7 - Lending Rate Determination** - This policy and procedure shall apply to all applications for loans from the Construction Fund and Severance Tax Perpetual Base Fund.
- **Policy #8 - Purchase of Water Rights** - This policy and procedure apply to all applications for loans from the Construction Fund and from the Severance Tax Trust Fund Perpetual Base Account (STTFPBA).
- **Policy #9 - Feasibility Study Loan Applications**- This policy applies to all project funding applications from the CWCB Construction Fund and Severance Tax Trust Fund Perpetual Base Account.
- **Policy #10 - Loan Payment Deferment Requests**- This policy and procedure apply to all loans from the CWCB Construction Fund and Severance Tax Trust Fund Perpetual Base Account.
- **Policy #11 - Allowable Loan Amounts as a Percent of the Total Project Cost** - This policy applies to the consideration of all requests for funding from the CWCB Construction Fund and Severance Tax Trust Fund Perpetual Base Fund.
- **Policy #12 - Prioritization of Project Fund Applications**- This policy and procedure applies to all requests for funding from the CWCB Construction Fund and Severance Tax Trust Fund Perpetual Base Fund.
- **Policy #13 - Target Growth Rate for Combined Equity of Funds**- This policy and procedure applies to the CWCB Construction Fund and Severance Tax Perpetual Base Fund.
- **Policy #14 - Approval and Prioritization of Non-Reimbursable Projects**- This policy and procedure apply to applications for non reimbursable investments from the Construction Fund.
- **Policy #15 - Removed by Board Authorization 5/18/2023**
- **Policy #16 - Loan Service Charge** - This policy and procedure apply to all loans from the CWCB Construction Fund and Severance Tax Trust Fund Perpetual Base Account, amendments to loan contracts and partial releases of loan collateral.
- **Policy #17 - Feasibility Study Small Grant Fund** - This policy and procedure apply to grant applications from the Feasibility Study Small Grant Fund.

- **Policy #18 - Funding from the Severance Tax Trust Fund Operational Fund**- This policy and procedure apply to the use of funds from the Operational Fund.
- **Policy #19 - Expenditures of Funds for Instream Flow Water Acquisitions** - This policy and procedure applies to recommendations from the CWCB staff to the Board for expenditures of funds to pay the costs of acquiring water, water rights and interests in water for instream flow use under section 37-60-123.7
- **Policy #20 - Removed by Board Authorization 5/18/2023**
- **Policy #21 - Floodplain Standards**- This policy applies to the agency's floodplain management and public safety authority for the prevention of floods and flood damages.
- **Policy #22 - Temporary Designation of Best Available Floodplain Data**- Situations where this policy may apply include: 1) In post-disaster scenarios where emergency circumstances apply, and 2) Temporary designation for preliminary FEMA maps, utilized as best available for a period of time before they are designated formally by the Board.
- **Policy #23 - Disbursement of CWCB Grant Funds as a Percentage of the Total Project Cost** - This policy and procedure applies to all grants approved by the CWCB that indicate matching funds will be provided.
- **Policy #24 - Conservation Easement Grants** - The Conservation Easement Grant Policy applies to all conservation easements funded by CWCB Programs.
- **Policy #25 - Approval of Grants**- This policy and procedure applies to all CWCB grant programs.
- **Policy #26 - Allowable Indirect Rates on Grants** - This policy and procedure applies to all CWCB grant programs.

CWCB POLICIES

The term “policy” is often used to broadly apply to everything from position statements to standard operating procedures or legislation. Therefore, policy can have different levels of reach, enforcement, and permanence.

Policy that is legislated and set in the Colorado Revised Statutes (statute) is applied across the state broadly, is directly enforceable or at least sets a legal foundation. In some cases broader policy is set in legislation and departments/agencies are charged with executing the policy. This is especially true when the legislation gives permission for rules, criteria or other processes to develop operational procedures. Examples of the latter are the way the DNR director can assign staff and create alignment in the Water for the 21st Century Act, the CWCB's ability to develop the Water Plan or set grant criteria and guidelines (guidelines). Often, some elements in legislation are open for agency discretion (e.g. Water Plan Grant guidelines) while others are not (e.g. the five categories of Water Plan Grant criteria).

Policy may also be set by other agencies or legal positions. Examples include regulatory agencies like the Division of Water Resources or Colorado Department of Public Health creating rules and other policies. Similarly, legal opinions issued by the Attorney General's Office or issues the state has litigated become the state's policy position just as signed agreements or compacts are enforceable policy.

Policy may also be set as a vision or set of best practices. For example, the Water Plan is the CWCB's policy document and includes references to other types of policies, but overall serves as a vision-setting document that is not strictly enforceable. Similar documents CWCB issues like water conservation best practices similarly set a standard and aspirational goal and seek to build collaborative partnership in lieu of having an enforcement mechanism.

Policy can also be used to refer to basic agreed-upon operations or positions. The CWCB has many internal policies that govern basic operations and how it interacts with stakeholders. The DNR Handbook is an example of a policy document that governs operations but also creates a standard that is enforceable for CWCB stakeholders. These DNR or CWCB policies apply to local stakeholder groups like the basin roundtables and the IBCC. On the other hand, roundtables may create operational policies that manage meeting logistics but those policies can not modify state policy.

Policy Documents

Each of the aforementioned policies are documented CWCB Agency and CWCB Board Policy. The CWCB also creates agency level policies to help address internal operations, health and safety, conduct (e.g. Code of Conduct) or other concerns. The CWCB staff also work with the CWCB Board to develop the Colorado Water Plan.

THE WATER PLAN

Water Plan and Statutory Authority

The CWCB is directed to adopt a state water plan by C.R.S. § 37-60-106.3. The Colorado Water Plan (Water Plan) serves as the CWCB's primary policy document, to "determine state policy regarding the optimal conservation and development of Colorado's water resources". The Water Plan Grant Program is established in C.R.S. § 37-60-106.3 (6) and outlines the funding categories for Water Plan Grants.

Water Plan Implementation

The Colorado Water Plan also serves as a strategic plan for the CWCB Board, the agency/CWCB staff, CWCB-funded stakeholder groups (IBCC and the basin roundtables), and collaborating agencies who all work to help support CWCB in advancing Water Plan Agency Actions. Water Plan Partner Actions offer project concepts and needs that are connected to Water Plan Grant categories that the agency can support. The Water Plan (and the Basin Implementation Plans which are summarized in Chapter 4 of the Water Plan) provide the local context for the statewide strategies (i.e. agency and partner actions). The 2023 Water Plan builds upon the inaugural 2015 Water Plan, while focusing on realistic actions CWCB and partners can take.

Water Plan History

The roots of the Water Plan extend back to the 2002-2003 drought, triggering the 2004 Statewide Water Supply Initiative (SWSI).³ That data analysis was updated in 2007, 2010, and planned to be updated again in 2013. However, the drought of 2012-2013 spurred then-Governor Hickenlooper to call for the creation of a Colorado Water Plan (Executive Order D 2013-005). The Water Plan included the same technical underpinnings of the previous SWSI reports, but also included goals of both basin roundtables and the state. These efforts are integrally linked, so SWSI is now referred to as the Analysis and Technical Update to the Colorado Water Plan or, simply, the "Technical Update." As such, for the purposes of legislation, references to SWSI would now reference the Technical Update.

The CWCB realized local basin input on challenges, opportunities, and projects was critical to informing the Water Plan. In 2014 and again in 2022, the CWCB worked with roundtables to create "Basin Implementation Plans," which the State Controller's Office has determined are a work product of the CWCB and must be owned and funded by the CWCB. The Basin Implementation Plans are co-created with roundtables, but funded, organized, and supported by the CWCB. The 2023 Water Plan included shortened and more accessible Basin Implementation Plans. It also outlined a process for how future Basin Implementation Plans may be further streamlined during the next update.

Water Plan Update Process

Updating the Water Plan occurs in three separate phases (e.g. the A, B, Cs of the Water Plan). These include the: A) Analysis and Technical Update to the Colorado Water Plan (The Technical Update; formerly SWSI), B) Basin Implementation Plan updates, and C) Comprehensive update of the Colorado Water Plan. Chapter 7 of the Water Plan describes the timeline for updating each phase.

Lessons learned from the first Water Plan and understanding the CWCB's role as a policy agency resulted in sideboards to the Water Plan update that will continue to be helpful in future updates. These included clarifying that the CWCB does not build projects, is not able to direct the legislature or other agencies, and is not a regulatory authority. These sideboards help reinforce that the CWCB must operate within not just its mission, but the authority it is granted under statute. This includes advancing and tracking the work the agency can reasonably advance.

The next Water Plan update will be finalized in 2033. Just as the 2023 Water Plan replaced the 2015 version, each subsequent Water Plan replaces its predecessor with updated data, information, actions, and processes.



Practical Application of the Water Plan by Group

The Water Plan serves different purposes for different audiences as noted below:

State Legislature - The Water Plan is a water planning policy document the CWCB has vested authority to update and approve with legislative input as outlined in statute.

CWCB Board - The Water Plan, approved by the CWCB Board, “is only a policy, is not a rule, and does not have the force or effect of law” C.R.S. § 37-60-106(u)(V).

CWCB Staff - The CWCB Staff will work with the CWCB Board and legislature to update the Water Plan periodically, to meet the specific requirements in legislation related to identifying storage and conservation opportunities. The Water Plan also works as a de facto work plan for actions the agency will advance. See “Agency Actions” in Chapter 6 of the Water Plan and/or see the [Agency Action handout](#).

State Government - The Water Plan helps align work and goals across collaborating agencies and branches of government.

Local Governmental, Quasi-Governmental and Non-Governmental Organizations - The Water Plan is a guiding document to identify, support, and inform critical water supply issues.

Grantees - The Water Plan is a tool for understanding what projects may qualify for CWCB grant funding (e.g., Water Plan Grants). See “Agency Actions” in Chapter 6 of the Water Plan and/or see the [Partner Action Handout](#).

The Public - The Water Plan is an educational tool for understanding water challenges and possible solutions, it inspires local collaboration, water education, and public participation (in both local and state water discussions).

The Interbasin Compact Committee - A strategic plan for aligning IBCC priorities with the efforts of the CWCB Board, and the basin roundtables.

The Basin Roundtables - A tool for aligning roundtable priorities with the efforts of the CWCB Board and the IBCC. Basin roundtables also play an integral role in developing the Water Plan through the Basin Implementation Plans, which are co-created with the CWCB to capture basin challenges and solutions.

COLLABORATING AGENCIES

State agencies frequently collaborate on grants and other initiatives like the Water Plan. Those that signed on to complete Agency Actions as official collaborating agencies in the Water Plan include the Colorado Department of Public Health and Environment (CDPHE), the Colorado Department of Agriculture (CDA), the Division of Water Resources (DWR), the Department of Local Affairs (DOLA), and the Outdoor Recreation Industry Office (OREC). Boards and commissions associated with these agencies may also be engaged through this partnership.

THE STAKEHOLDERS

The CWCB works with many organizations, nonprofits (NGOs), municipalities, agricultural stakeholders, environmental, recreation, and watershed groups. Often these interactions occur through grant making, public meetings (e.g., CWCB Board meetings), programmatic efforts or public processes with comment periods.

General Outreach and Engagement

The CWCB is focused on engaging decision makers at various levels from the organizational to a municipal scale, and from a regional scale up to the state scale. To be transparent and to promote critical issues in the state, the CWCB also engages in outreach and education.

- **Direct Public Engagement** - The CWCB takes messages directly to the public. Examples include: ensuring meetings are open to the public, maintaining an accessible website, promoting CWCB or DNR social media, regularly distributing a CWCB newsletter for those who sign-up, event boothing, and providing presentations.

CWCB & WATER EDUCATION COLORADO

The CWCB partners with and often funds local boots-on-the-ground water education and outreach groups. Much of CWCB's work happens with partner groups including local PEPO leads, NGOs, or other organizations who are invested in water education. After the 2002 drought, Water Education Colorado (WEco), then called the Foundation for Water Education, was created. After the 2002 drought, the Colorado Legislature, through HB 02-1152, founded Water Education Colorado (WEco) then called the Foundation for Water Education. That legislation also directed the CWCB to annually fund WEco for its work on water education and outreach. Over the years, the CWCB and WEco have established a partnership that has evolved to support this work in various ways. Like other partner organizations, WEco has its own mission, goals, strategies, and initiatives and operates independently from the CWCB although the CWCB has often partnered with WEco on various efforts over the years.

- **Targeted Stakeholder Engagement** - CWCB engages the public indirectly through partners primarily because most CWCB grants, programs or initiatives are awarded to organizations rather than individuals. Thus, outreach to the general public is most often taken-up by CWCB grantees, partners, etc. The CWCB also embraces its legislatively identified stakeholder groups that CWCB funds as partners in education and outreach. This includes Public Education Participation and Outreach (PEPO) efforts of the IBCC and basin roundtables. As a policy agency, CWCB works primarily with local governments, organizational leads, and other community decision-makers who can help advance the vision of the Water Plan. This means supporting local grassroots efforts with funds, tools, or discussions that align with the Water Plan.
- **Special Events and Initiatives** - The CWCB often holds special events, workshops, or convenes groups to get technical feedback and/or public input. These events may be small group discussions, online workshops or full conferences. The CWCB-led Colorado Nine Basin Summit (C9 Summit) brings the CWCB Board, IBCC, and nine basin roundtables together annually. The CWCB may also host listening sessions, public comment periods, or offer other opportunities for public input based on best practices and any specific requirements in statute.

CWCB Supported, Funded and Staffed Stakeholder Groups

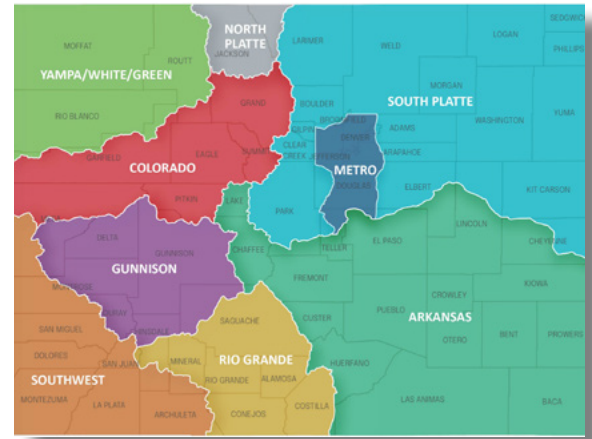
There are several cases where CWCB convenes stakeholder groups on both an ongoing and temporary basis (i.e., time-limited).

- **Self-Identified, Time-Limited Stakeholder Initiatives** - The Governor, DNR and/or the CWCB may identify a need for task-oriented, time-limited stakeholder initiatives. These range from bringing together Technical Advisory Groups (TAGs) that can support the Technical Update to time-limited task forces like the 2022 Water Equity Task Force or the 2023 Urban Landscape Conservation Task Force. These groups are administered, convened, and funded through the CWCB. CWCB Staff support and fund stakeholder efforts as existing budget allows or where special funding has been requested and approved.
- **Legislatively-Identified Time-Limited Stakeholder Initiatives** - Sometimes, a work group or task force may be identified in statute and the DNR and/or the CWCB may be assigned to support the effort. For example, DNR/CWCB participated in and supported the 2021 Anti-Speculation Law Work Group. Importantly, the legislature may also identify a stakeholder initiative that may involve but is not led by or funded by the DNR or the CWCB. This was the case with the Colorado River Drought Task Force (i.e. established by SB 23-295) which was not led by the CWCB, but had DNR participation.
- **Legislatively-Identified Ongoing Stakeholder Groups** - In conjunction with the DNR Director, the CWCB Director and the CWCB Board, CWCB staff are responsible for supporting two legislatively identified groups: the nine basin roundtables and the Interbasin Compact Committee (IBCC). Their roles are explained in the Water for the 21st Century Act. (C.R.S. § 37-75-101- 37-75-107)

Water for the 21st Century Act

House Bill 05-1177, hereafter referred to as the Water for the 21st Century Act (C.R.S. § 37-75-101- 35-75-107) created the nine basin roundtables and the Interbasin Compact Committee, described below:

- **Basin Roundtables** - Grassroots, *local public bodies* in each major river basin and the Metro Denver area (nine roundtables in total) work to provide a forum for local water discussions, planning, local outreach, and making recommendations to the CWCB Board for WSRF grants. Roundtable seats are identified in the Water for the 21st Century Act. (C.R.S. § 37-75-104(4))
- **Interbasin Compact Committee (IBCC)** - An advisory group established as a *state public body*. The group operates primarily as a think tank, composed of basin-elected members as well as legislative and gubernatorial appointments. The IBCC works together to discuss critical issues, share perspectives, and collaborate with the roundtables and the CWCB on actionable initiatives. Some of these efforts can help advance Water Plan actions and/or help shape policy when they actively coordinate with the CWCB.



The Water for the 21st Century Act called for the creation of the 9 basin roundtables. This included one roundtable in each of Colorado's 8 major river basins and the Denver metro area.

Each of these groups have complex structures, duties, and interactions with the CWCB that are detailed in the following sections. These sections (see pages 17 and 23) also outline the structure of these groups, process for setting their work plans, and clear tenets of how the groups will interact.

These directives from the Water for the 21st Century Act link roundtables, IBCC, CWCB Board and staff as well as the DNR Director. Details related to these roles are listed below.

- **DNR Coordination and Integration** - In statute, the DNR Director is responsible for making sure there is “proper integration and non duplication of efforts” C.R.S. § 37-75-104(b). Practically, this means coordinating and aligning work across the CWCB, other DNR divisions, and the Governor’s office. The CWCB then works with the IBCC and roundtables to ensure there is proper alignment, efforts are not duplicated, and state water planning data from the Technical Update/Water Plan is incorporated at local levels.
- **Roundtable CWCB Directors** - Each basin roundtable has a Basin Director on the CWCB Board who is a non-voting roundtable member/liaison (unless occupying another roundtable voting seat, see [FAQ](#) for more clarity). The CWCB Basin Director helps serve as a central contact for elevating basin issues, grants, or other needs forward to the CWCB Board in conjunction with CWCB staff.
- **Staff Support** - The DNR Director, CWCB Director, and CWCB staff support the roundtables and IBCC by coordinating with the CWCB Basin Director, supporting roundtable grant funding through the Water Supply Reserve Fund and the PEPO Grant Program, helping support local Water Plan Grant development, and ensuring that meetings comply with open meetings law.
- **Water Plan Integration** - The Water for the 21st Century Act refers to SWSI. Today, SWSI is synonymous with the Technical Update and is a piece of the larger Water Plan Update effort.
- **Public Education Participation and Outreach** - In legislation, an IBCC PEPO workgroup is to be maintained to help advance conversation and promote education. In practice, both the IBCC and basin roundtables have PEPO initiatives. The IBCC PEPO members work to advance statewide discussions, event planning, and cross-basin collaboration. The basin PEPO coordinators work to advance basin discussions, provide targeted outreach to the public, and promote grassroots engagement in water issues.
- **Defined Seats and Public Participation** - Specific seats are outlined in statute for both IBCC and the basin roundtables (See page 20 and 26). These legislatively-defined seats are the only members that are eligible to vote on roundtable matters. However, anyone is able to attend a roundtable meeting and per the DNR handbook and Open Meetings Law, these meetings are increasingly accessible for those wishing to make comments or participate.

SECTION 2

THE CWCB AND THE BASIN ROUNDTABLES



COLORADO
Colorado Water
Conservation Board
Department of Natural Resources

THE BASIN ROUNDTABLES

The nine basin roundtables were created by legislation to work with the CWCB to help provide grassroots perspectives and input. The CWCB provides stability to the roundtables and promotes the roundtables in their stated duties outlined in the Water for the 21st Century Act.

CWCB Roundtable Support

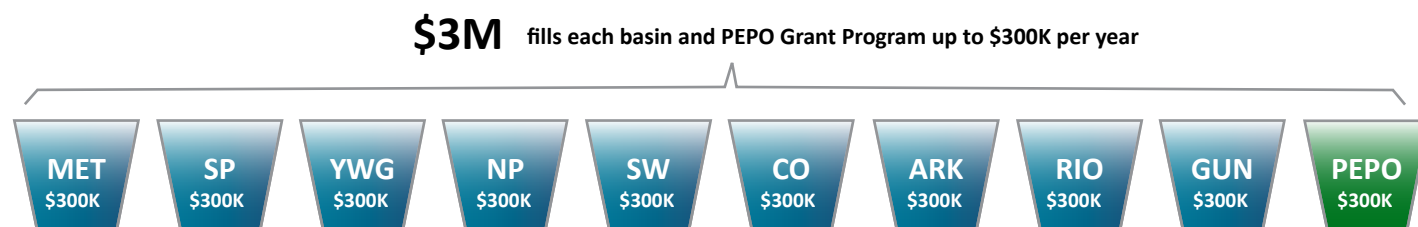
The CWCB provides support for roundtable meetings and very limited support for additional meetings roundtables convene. For regular roundtable meetings that occur on a monthly, quarterly, or other frequency, the CWCB will provide the following:

- **Funding** - Provide funding for meeting venues and/or food at meetings within a reasonable budget.
- **Forms and Payment** - Complete all related official function forms and administrative duties required by DNR for meetings.
- **Colorado Open Meetings Law (COML) Compliance** - Post roundtable meeting agendas and minutes to the CWCB website (must be submitted early/timely to CWCB staff).
- **Audio/Visual Support** - Support audio, visual, and webinar needs within the capabilities of staff (and with roundtable support).
- **Recorder Compensation** - Provides up to \$6,500 per year, per roundtable to support the roundtable through actions such as taking basic minutes (using the [Meeting Minute Template](#)), creating agendas, and posting in ways that comply with COML. Please see the [Recorder Expectations and Template for Scope of Work](#).
- **Grant Support** - Help address roundtable WSRF, PEPO, and Water Plan Grant questions and logistical needs.
- **Presentations/Updates** - Provide CWCB and IBCC updates (along with the CWCB Basin Director and IBCC basin representatives).
- **Basin Implementation Plan Updates** - Fund staff and perform technical analysis to draft the Basin Implementation Plans.
- **Project Database** - Annually, CWCB staff will approve Project Database updates that roundtables have provided (if any).

WSRF Funding Information

In 2021, the CWCB worked to restructure the way the WSRF program was funded to offer greater predictability in roundtable allocations and develop a consistent level of funding that CWCB could achieve in most years. WSRF funds now come from the Severance Tax Perpetual Base Fund instead of the Severance Tax Operational Fund. Pending severance tax funding availability, annual board review and approval, the CWCB aims to distribute \$300,000 to each basin annually. Fund balances may be carried from year-to-year but the total balance for each basin cannot exceed a basin cap of \$750,000. If a disbursement were to cause a basin to exceed \$750,000, the disbursement would fill the basin to its cap and the remainder of the disbursement would be reallocated evenly amongst the other basins that remain under the cap. If all basins are at the \$750,000 cap or the disbursement causes basins to reach the cap, any remaining dollars would revert back to the Statewide Account where it will be held in reserve to fund basin distributions in the following year(s). The reserve goal is \$9 million to help ensure enough funding exists to cover the roundtable expenditures for three years - recognizing years like 2019, 2020 and 2021 where little to no severance tax was available. When the three-year reserve funding threshold for the Statewide Account has been exceeded, the CWCB Board can institute the Special Funding Operating Procedures for WSRF. The Special Operating Procedures can include all or some of the following, dependent upon available funding: a) providing a one-time increase to the Basin Account and providing basin dollars beyond the cap, b) reinstituting statewide grants above the reserve for as long as those funds are available in the Statewide Account.

Figure 3. WSRF Annual Funding



*During normal operations there is a \$750K cap for each basin roundtable and PEPO where overflow dollars generally go to the statewide account.

Roundtable Duties

The nine basin roundtables serve a critical function to the CWCB by serving as a forum to facilitate discussion on local perspectives. In particular, roundtables:

- **Build Collaboration** - Facilitate discussions on water management issues and encourage locally driven collaborative solutions to water supply challenges.
- **Debate and Educate** - Serving as a forum for education and debate regarding methods for meeting water supply needs.
- **Use and Inform State Data and Basin Needs** - Use data and inform the Analysis and Technical Update to the Colorado Water Plan (formerly the Statewide Water Supply Initiative or SWSI). Today, this means informing and coordinating with CWCB staff on the Technical Update as well as the Basin Implementation Plan, both of which inform the Colorado Water Plan. Basins providing detailed project information updates in the Project Database is key to helping the state accurately assess basin funding needs.
- **Resolve Conflict** - Facilitate discussion and resolve conflict through roundtable subcommittees.
- **Maintain Structure** - Maintain roundtable bylaws, meeting schedule and minutes, grant review processes and guidelines, membership lists, and basin project lists in accordance with the CWCB Guide.
- **WSRF Grant Recommendation** - Recommend Water Supply Reserve Fund grants to advance to the CWCB Board for final approval per legislation beginning in 2006 that gave roundtables this authority. (C.R.S. § 39-29-109(2)(c))⁴

PROJECT DATABASE

The Colorado Water Conservation Board (CWCB) project database contains projects originally provided by the nine basin roundtables during the 2022 Colorado Water Plan update cycle, and some legacy data. The database provides a high-level overview of anticipated basin project needs. CWCB created the database to support basin-level planning and provide a high-level planning tool for assessing basin project support needs. The database may be updated periodically as project proponents amend or add to this list and CWCB will review updates or additions for quality control before adding them to the list. However, the database is only intended to represent a snapshot of basin projects and may not always accurately reflect the full need for those projects or provide the full list of projects/project needs in any given basin. Project proponents may apply for CWCB funding whether their project is on this list or not. Being on the list does not guarantee any CWCB funding or impart any special consideration for funding requests by the CWCB, but projects may be referenced on grant applications as an indication of some level of basin support. CWCB Staff has full discretion to accept the edits and additions that are submitted and may decline to make an addition/edit if some or all of the below parameters are not met. Edits can only be submitted by project proponents for their projects, or a representative of the basin roundtable that has been approved by the project proponent. The below parameters are general guidance for CWCB and basin roundtables to use as quality control for projects being added to the database.

Parameters for Inclusion of Projects into the Project Database

- The project would not cause undue conflict.
- The project would not drastically skew funding needs in a particular basin or across the state.
- If the project may not come to CWCB for funding, but has yield associated with it, then the project could still be important for basins to consider during BIP updates.
- If the project appears to aim to leverage being on a state list for political purposes or other goals inconsistent with the intended purpose of the database, it will not be included.
- The project does not interfere with interstate negotiations, compacts or causes or has potential to cause other legal issues.

Operational Sideboards

The basin roundtables are not official governmental “entities.” As such, they cannot be fiscal agents, do not have bank accounts and do not hold discretionary money (e.g. cannot contract work or materials). They do not direct money outside of recommending approval of WSRF grants to the CWCB Board - an explicit charge in statute § 39-29-109 C.R.S. The CWCB holds the sole authority for ultimately approving and releasing grant funds.

CODE OF CONDUCT

CWCB created a Code of Conduct which builds on the DNR Public Service Code of Ethics in the DNR Handbook and relates to all CWCB Stakeholder or Community Groups (e.g., basin roundtables) or grantees. These standards help promote transparency, accountability, and excellence in achieving the mission of the CWCB. As state volunteers and appointees whose efforts are being funded by the state and supported by state staff, our work products, public statements, meetings, actions and written communications are often highly scrutinized and subject to CORA requests. As with other DNR and CWCB policies, ongoing compliance ensures CWCB funding can be provided.

Outside of their own bylaws, roundtables do not create policy although they frequently inform it through coordination with the IBCC and/or the CWCB Board - especially through their CWCB Basin Director, but also in coordination with CWCB staff. As they do not have legal representation, roundtables cannot enter into a formal executive session and they cannot create legally binding actions. Additionally, neither the roundtable nor a roundtable representative can take an official position on legislation.

Roundtable actions must conform with state policy requirements (e.g. in the DNR Handbook; CWCB guide) in order to receive funding especially as it relates to compliance with the Colorado Open Meetings Law (COML), conflicts of interest, Colorado Open Records Act (CORA), the Americans with Disabilities Act, Executive Orders, etc. Roundtable meetings are meant to be open, inclusive, accessible, properly noticed, documented, live-streamed, and allow time for public comment.

Roundtable Governance

The roundtables are *Local Public Bodies* made up of volunteers. For the purposes of COML, Local Public Bodies have a 3-Person Rule. If three or more roundtable members meet to discuss roundtable business or make decisions, even if over email, it triggers open meeting requirements.

Compliance with Open Meetings Laws

Local Public Bodies like the roundtables must have open meetings and comply with the Colorado Open Meetings Law (COML).

- All meetings of a quorum, or three or more members of a local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times (C.R.S. § 24- 6-402(2)(b)).
- A meeting is any kind of gathering, convened to discuss public business, in person, by telephone, or by other means of communication (C.R.S. § 24-6-402(1)(b)). This includes virtual meetings.
- Virtual communication via email which meets the standards above may be considered a meeting and/or subject to the Colorado Open Records Act (CORA).
- Open meetings law does not apply to a chance meeting or social gathering of a quorum or three or more members of the roundtable where public business is not the central purpose or topic for the meeting. The COML is also not triggered by a meeting or gathering of two roundtable members.
- While roundtables have a “3-person rule” for triggering COML, State Public Bodies like the CWCB Board and the IBCC have all the same requirements as Local Public Bodies but with a lower threshold. State Public Bodies have a “2-Person Rule.” This means for all meetings of a quorum, or two or more members of a state public body where any public business is discussed or at which any formal action may be taken are declared to be public meetings.

DNR POLICY REQUIRES A VIRTUAL OPTION FOR PUBLIC MEETINGS

The DNR fully supports having in person meetings but recognizes the need for accessibility. In addition to the statutory requirements in COML, the DNR Handbook also makes clear that it is the policy of the DNR and the boards, roundtables and committees related to it that open meetings will be:

- Accessible to the public, staff and members of the public bodies.
- Accessible in real time via live streaming video or audio.
- Have sufficient bandwidth to accommodate virtual attendance and virtual public comment.

Roundtable Attendance and Structure

All community members are welcome to attend roundtable meetings to share concerns or ideas. You can still participate if you do not have a formal position on the roundtable, including during public comment sections. Often, those attending become roundtable members over time and attendees are encouraged to apply when openings become available. Being an official roundtable member only differs from being an attendee when the roundtables make decisions related to their bylaws, WSRF grants, or similar actions. However, being on the roundtable is also a commitment that requires a time investment to make meetings successful, review materials, and prepare for meetings.

Roundtable Seats Defined in Legislation

All basin roundtable members serve a five-year term and must be reelected at the end of that term. Reelection must be pursuant to the same criteria as the original appointment and should be publicly noticed prior to the meeting where the election or reelection decision will be made. No additional voting seats can be added to the roundtables, as this runs counter to the intent of the legislation to maintain the balance of perspectives outlined in the Water for the 21st Century Act (C.R.S. § 37-75-104(4)). The roundtables representatives (or seats) include:

- **County Representatives** - One member appointed by the governing body of each county or city and county within the borders of the basin roundtable. A county or city and county are entitled to a member on each basin roundtable that overlaps its boundaries (e.g. Metro and South Platte Basins).
- **County Municipal Representatives** - One municipal member for each county located within or in part of the basin roundtable boundaries. This member must be jointly appointed by the governing bodies of all municipalities within the portion of the county located within the basin roundtable boundaries.
- **Water Conservancy and Water Conservation Districts Representatives** - One member appointed by the Board of Directors of each water conservancy and water conservation district within the borders of the roundtable. A water conservancy or water conservation district shall be entitled to one member on each basin roundtable that overlaps its jurisdiction. This refers to Water Conservation and Water Conservancy Districts formed under Articles 45 through 50 of Title 37 C.R.S.
- **Legislative Rep Representatives** - One member appointed by mutual agreement of the chairs of the House Agriculture, Livestock, and Water Committee and the Senate Agriculture and Natural Resources Committee. When these members are up for appointment, the roundtables submit a letter to the CWCB to present to the legislature using this [Legislative Appointment Letter Template](#). The Legislative appointment may be determined by the roundtable chair or, if the chair would like to put it to a vote, the basin roundtable.
- **Ten (10) At-Large Representatives** - Appointed by the roundtable members in consultation with the Chair of the IBCC and pursuant to the roundtable bylaws and statute. At least five of the at-large seats must own adjudicated water rights (e.g. ditch/reservoir shares or a contract for water from a regulatory agency).
 - **At-Large Environmental** - One member who represents environmental interests and is nominated by one or more regionally, statewide, or nationally recognized environmental conservation organizations that operated in Colorado for at least five years.
 - **At-Large Agricultural** - One member who represents agricultural interests.
 - **At-Large Recreation** - One member who represents recreation interests.
 - **At-Large Local Domestic Water Provider** - One member who represents local domestic water provider interests.
 - **At-Large Industrial** - One member who represents industrial interests.
 - **Five (5) General At-Large** - These five At-Large seats can be appointed pursuant to roundtable bylaws and statute.
- **Three (3) Non-Voting Members** - In addition to the voting members on a roundtable, there are three non-voting members that fit any of the criteria of the voting members who represent entities outside of the basin that own water rights within the basin. These members must reside within the basin (unless no one qualifies).

Other Non-Voting Roundtable Positions

There are positions on the roundtable who actively participate as non-voting members.

- **Roundtable IBCC Appointment** - The roundtable selected IBCC member may be, but is not required to be, a roundtable member. Unless the IBCC-elected positions were already filling another defined roundtable member, the IBCC member is not a voting member. See IBCC section for additional IBCC member requirements.
- **CWCB Basin Director** - The CWCB Basin Director acts as a basin representative or liaison for each roundtable but is a non-voting member on the roundtable, unless occupying another roundtable voting seat, see [FAQ](#) for more clarity (see CWCB above). The CWCB Basin Director also coordinates with CWCB staff who support the roundtables (as noted on page 4).

Other Roundtable Non-Voting Support Positions

The CWCB also provides support for basin recorders and, through PEPO grants, local PEPO Basin Coordinators.

- **Basin Recorders** - The CWCB funds the Basin Recorders a total of no more than \$6,500 per year to help support basin roundtables compliance with posting meeting agendas, taking meeting minutes, posting minutes after, and other duties. The minutes are not meant to be exhaustive or present a transcript. Rather, the CWCB is paying to support required standard high-level meeting minutes for CWCB Board meetings (see [Meeting Minutes Template](#)).
- **PEPO Basin Coordinators (PEPO Grant Grantees)** - Basin education and outreach efforts are also known as Public Education Participation and Outreach or PEPO initiatives based on the language in the Water for the 21st Century Act referring to the IBCC PEPO Subcommittee. Local basin PEPO liaisons or “Basin Coordinators,” as they are referred to in the PEPO Grant Program, are grantees who are awarded funds based on qualifying applications to perform local education and outreach efforts in coordination with the basin roundtables. Visit the [CWCB website](#) for more Information on the PEPO Grant program.

Roundtable Guiding Documents

CWCB and DNR policy often provide roundtable direction (e.g. Colorado Water Plan; CWCB Guide; DNR Handbook; Grant Criteria). Additionally, each roundtable has its own basin-specific documents. These include:

- **Roundtable Bylaws** - Each roundtable has a set of bylaws and some have additional supporting documents like a roundtable handbook. Information for each roundtable can be accessed from [CWCB’s Basin Roundtable webpage](#). These bylaws are meant to cover the basic function of the roundtable and should not be in conflict with anything in this guide or legislation (e.g. creating additional voting seats or avoiding reelection).
- **Basin Implementation Plans** - Additionally, the CWCB funds and works with each roundtable to develop a Basin Implementation Plan (see [CWCB’s Basin Implementation Plans webpage](#)) which then folds into the Water Plan. Information on those plans can be found here and in Chapter 4 of the Water Plan. In 2015, the original plans were developed without consistency between basins. The 2023 updates replace their predecessors with a Volume 1 BIP which provides a new streamlined and standardized format with Volume 2 being the slightly updated legacy document of the first BIPs. The new streamlined format (Volume 1) will be the only document updated in future BIP iterations.



SECTION 3

THE CWCB AND THE IBCC



COLORADO
Colorado Water
Conservation Board
Department of Natural Resources

THE IBCC

The Interbasin Compact Committee (IBCC) is a think tank that convenes to share perspectives and, when possible, advance discussion around important basin concerns by collaborating with the basin roundtables and the CWCB. The CWCB promotes IBCC's integrating role by creating a forum for cross-basin collaboration. This provides stability to the roundtables and promotes their stated duties outlined in the Water for the 21st Century Act (C.R.S § 37-75-105).

CWCB IBCC Support

The CWCB provides significant support for the IBCC meetings including:

- **Funding** - Providing staff (at the CWCB Director's discretion) and funds (as allocated by the CWCB Board) for food, meeting space and hotel/travel reimbursement.
- **Forms and Payment** - Completing official function forms and administrative duties required by the DNR for meeting support.
- **COML Compliance Support** - Creating and posting IBCC agendas, minutes, and recordings online.
- **AV Support** - Supporting audio, visual, and webinar needs for the meeting within the capabilities of staff.
- **Presentations/Updates** - Providing CWCB updates and presentations on topics of interest.
- **Logistics** - Organizing any special speakers or moderators for the event.

IBCC Duties

The IBCC helps build interbasin relationships, trust, and understanding. IBCC members help bring ideas up from the basins/basin roundtables to educate, discuss and, when needed, identify if there is opportunity to develop an actionable work product. Those work products can only advance successfully when conditions are ripe and the CWCB, IBCC, and roundtables are aligned on a path forward. In other words, with no set staff or budget, IBCC members often have to help find this alignment and work with the CWCB to develop products that can gain buy-in from the roundtables and the CWCB Board. Because of the IBCC's role as integrators, the "Interbasin Collaboration Committee" may be a better moniker for the group. That said, the IBCC has a rich history which has stood the test of time.

IBCC History and Context

Included in the IBCC are basin-elected roundtable representatives, legislative appointees, and gubernatorial appointees who work collectively as a think tank, tackling issues identified by basins and supporting the free flow of communication between roundtables, the IBCC and, ultimately, the CWCB Board. Language in the Water for the 21st Century Act, the IBCC Charter, and IBCC bylaws was established years before IBCC had time to fully wrestle with its charge, founding language, and the reality of what it and the basins could accomplish through intrastate discussions. For example, words like "compact" and "negotiation" imply a legal representation or interstate authority that IBCC does not have. Instead, those words are intended to convey that IBCC members can facilitate cross-basin discussion and find common ground on difficult conversations.

The IBCC has realized its potential with the Conceptual Framework - a document to help identify a framework for negotiating transbasin diversions. The IBCC developed and workshopped this document with the basin roundtables, and the CWCB Board. This consensus-building allowed the CWCB Board to support the document and include it in the Water Plan. Similarly, the IBCC worked with roundtables and CWCB to develop the No and Low Regrets strategy that was included in the inaugural Water Plan. Thus, the IBCC does not create policy

PAST AND FUTURE FOCUS

The 2014 IBCC Annual Report makes clear that IBCC met two core objectives of its mission in its work through 2014. One was the legislative charge of the basin roundtables to define each basin's needs and the necessary projects (including environmental needs). The legacy of this work continues in subsequent Technical Updates, Basin Implementation planning and the Project Database.

The other was completed when the Conceptual Framework was developed. That document developed a methodology to "guide the process of negotiating interbasin compacts and other agreements by providing a framework that creates incentives for successful deliberations, agreements, and their implementation." The conceptual Framework was codified in policy by the CWCB board in the Colorado Water Plan.

With both tasks being completed the IBCC has continued to reshape its focus- especially in light of the realities of legal processes that would not opt-in to engaging the IBCC as a mediator in negotiating legal concerns. That said, the IBCC continues to have a role in elevating important basins discussion, building cross-basin collaboration and promoting water education.

directly, but it can work with roundtables and the CWCB Board on policy initiatives. This is a prime example of the kind of compact negotiations (collaborative, non-legally binding agreements) the IBCC can help develop.

The IBCC was designed to be flexible and has evolved and adapted over time as needs have shifted in ways the 2005 legislation could not have foreseen. For example, larger interbasin collaborations have emerged outside of the IBCC such as the WISE project, Learning by Doing and other agreements. Similarly, the Water for the 21st Century act did not contemplate local PEPO coordinators, the Basin Implementation Plans or even the Colorado Water Plan. These developments have added shared understanding of basin challenges and how our state is increasingly connected by water, thus augmenting what the IBCC alone can do.

The 2005 legislation also set a critical precedent for increased basin input at a time when online meetings, cell phones, and the Internet were coming into a new era. Those technological advances significantly advanced the ability for everyone to participate in discussions in ways that have increasingly filled communication gaps that IBCC members once filled. Thus, information dissemination to and from the basins is no longer solely reliant on physical transportation to and from meetings or a specific person (e.g. an IBCC representative) relaying information. Today, the world is increasingly connected and accessible.

Former IBCC Chair John Stulp said, “the IBCC has served many specific roles over the years, but most broadly, has stood as a united think tank to bring the self-interests of basins and stakeholders back to the statewide lens - where most of our self-interests are, in fact, common to the great state of Colorado.” But as much as things change, they stay the same. One common thread has been that the IBCC develops cross-basin relationships and helps representatives from different basins learn different perspectives. Realizing these shifts, in 2024, the IBCC helped develop a document called the “Qualities of Successful IBCC Members and Projects” (see details in the section below). This document helps outline much of what is captured above and provides a reference for consideration of future IBCC appointments, expectations for IBCC discussions and conditions that are necessary to allow IBCC ideas to advance toward actionable work products.

Qualities of Successful IBCC Members and Projects

The Qualities of Successful IBCC Members and Projects document provides guidance for the roundtables and others when IBCC members are being selected and helps set expectations around conversations and any potential deliverables the IBCC may have.

IBCC Member Qualities that Build Success

- **Strong Communicator** - Compelling in speech and writing. Works as an integrator to build connections, participation, and consensus. Understands when to bring in experts and partners into meeting discussions.
- **Possesses Integrity** - Someone trusted by the roundtable and by other basins. Respected for their honesty, strength of character, and their ability to set aside a personal agenda and work towards agreement.
- **Collaborative** - Values collaboration and working towards the collective vision of the Colorado Water Plan. Works to build trust, find common ground and advance basin projects (and is willing to put in the work).
- **Knowledgeable** - Has a deep understanding of Colorado water challenges, solutions and history but is also invested in continuous learning. Knows how to engage others to enhance and broaden understanding.
- **Change Agent** - A solution oriented, open-minded, and creative problem solver. Has the ability to innovate and visualize a stronger future (can make a paradigm shift).
- **Connected Mentor** - A strong networker across various organizations who cares about and connects people. Helps educate and foster a shared understanding. A mentor to peers and the next generation.
- **Empathetic and Inclusive** - Someone who can put themselves into another’s shoes. Has compassion for the issues facing other groups, perspectives, and water sectors. Actively considers how to cast a wider net and make conversations more inclusive.
- **Courageous** - Has the strength and respect needed to have tough conversations in ways that facilitate listening, receptiveness, and collaboration.



IBCC Project Qualities that are Primed for Success

The IBCC moves from discussion to action by creating documents that help inform policy. Periodically, this work is something the DNR Director or the CWCB Board tasks the IBCC with. More often, this work has evolved from cross-basin conversations and the IBCC has led the creation of a work product.

Not every topic or idea rises to the level of being an actionable IBCC initiative. Those that do share most, if not all, of the characteristics listed below. Topics or ideas that do not have these characteristics may result in discussion but may not result in action (e.g. a work product). The following bullets can serve as a checklist to suggest whether or not a topic that is carried forward to the IBCC will result in something actionable:

- Has broad multi-basin support
- Is not in conflict with another group's responsibility, legislative purview or explicit duties
- Is within the IBCC's purview (e.g. issues within Colorado)
- Is not in conflict with the CWCB or the Water Plan and staff are able to work on it
- Has minimal costs, already has CWCB funding, or funds can be secured by CWCB
- Results in something the IBCC can workshop with basins/basin roundtables to elicit feedback
- May result in a written product or deliverable the CWCB Board is able to approve and/or is able to be added into the Technical Update, Basin Implementation Plans and/or the Colorado Water Plan
- Is a ripe, non-duplicative, and timely effort where consensus-based guidelines and principles the IBCC creates will add value to discourse and positively impact decisions, and
- Has ample time to be addressed by the IBCC, roundtables, and the CWCB Board over the course of several meetings (or years) due to each group's unique meeting schedules, review times, and approval processes

Operational Sideboards

The following details provide overarching sideboards that help define the IBCC role.

- The IBCC is not a state agency, and therefore does not create policy or negotiate binding legal agreements (i.e. interstate compacts). The IBCC is advisory to the CWCB Board and can work with roundtables and the CWCB Board to build consensus and promote policy initiatives.
- The IBCC's work is inherently intrastate and not interstate in its focus.
- The IBCC's primary function is to create a negotiation framework and foundational principles to guide voluntary negotiations between basin roundtables. This includes present and future consumptive and nonconsumptive water uses and such policies as may be necessary to ensure that agreements between roundtables do not conflict with one another. The IBCC can serve an integral role in guiding such policies.
- The IBCC shall develop a public education, participation, and outreach working group, defined in C.R.S. § 37-75-106: "(2) The public education, participation, and outreach working group shall: (a) create a process to inform, involve, and educate the public on the Interbasin Compact Committee's activities and progress of the interbasin compact negotiations; and (b) create a mechanism by which public input and feedback can be relayed to the Interbasin Compact Committee and compact negotiators."

IBCC Governance

As defined in statute, the IBCC is a *State Public Body* made up of volunteers that is advisory to the CWCB Board. For the purposes of Colorado Open Meetings Law, State Public Bodies have a 2-Person Rule. This means if two or more IBCC members meet to discuss IBCC business or make decisions, even if over email, it triggers open meeting requirements.

IBCC Attendance and Structure

All roundtable and community members are welcome to attend IBCC meetings. The 27 members of the IBCC represent every basin and take into account nearly every water perspective in Colorado.

The IBCC has one standing subcommittee/work group effort, the IBCC PEPO subcommittee. IBCC PEPO members help encourage and inform cross-basin education, information sharing between the IBCC, the CWCB, and roundtables as well as identify education efforts that can inform decision makers. Local basin outreach is driven by multiple groups within the basin as well as the Basin PEPO Coordinators who focus more broadly on public education.

IBCC Seats Defined in Legislation

The makeup of the IBCC consists of the following:

- **Roundtable Appointments** - Two members appointed by each of the nine roundtables.
- **Gubernatorial Appointments** - Six members appointed by the Governor represent a balance of political parties, come from “geographically diverse parts of the state,” and have expertise in environmental, recreational, local governmental, industrial, or agricultural matters.
- **Senate Appointment** - One member appointed by the chairperson of the Senate Agriculture Committee.
- **House Appointment** - One member appointed by the chairperson of the House Agriculture Committee.
- **IBCC Chair** - The IBCC Chair (also referred to as the IBCC Director), is a state employee appointed by the Governor.

Appointments made by the basin roundtables serve terms of no more than five (5) years (most roundtables establish a 2-year appointment). When terms end, open elections should be publicly noticed and held at future roundtable meetings to allow candidates time to apply. Reelections or reappointments are allowed if the IBCC representative wins reelection.

Political appointments like the gubernatorial appointees and the IBCC Chair serve at the pleasure of the Governor. The Senate and House appointments serve at the pleasure of the legislature.

IBCC Guiding Documents

CWCB and DNR policy often provide IBCC with operational parameters (e.g. CWCB Guide; DNR Handbook; Grant Criteria). Additionally, the IBCC has its own documents. These include the IBCC Bylaws, IBCC Charter. The Colorado Water Plan also serves as a guiding document for the IBCC (including the Basin Implementation Plans that are found in Chapter 4).



SECTION 4

FREQUENTLY ASKED QUESTIONS



COLORADO
Colorado Water
Conservation Board
Department of Natural Resources

FAQ

The list of headings (below) represent the main areas of [frequently asked questions which can be found in this FAQ document](#). There are multiple questions and answers under each of these headers which can be found in the FAQ link which are not further detailed below. For questions that are not answered please visit engagecwcb.org/cwcb-guide to submit a question and/or contact CWCB staff.

- **General Questions**
- **CWCB Board Questions**
- **Roundtable Questions**
- **IBCC Questions**
- **CWCB Project Funding Questions**

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END NOTES

1. The basin roundtables which are represented by the CWCB Board (basin) Directors include the South Platte (Division 1), North Platte (Water Management Districts 47.48 and 76), Arkansas (Division 2), Rio Grande (Division 3), Gunnison (Division 5), Colorado (Division 5), and the Yampa-White-Green (Division 6 excepting water management district 47), the Southwest (Division 7), the Metro Denver region (areas within Division 1 including portions of Water Management Districts 7-9 that lie east of the boundary between ranges 71 and 72 west and that portion of Water Management District 2 that lies south of the boundary between township 1 North and Township 1 South). In addition to the detail around Divisions, Water Management Districts, and similar details provided in the Water for the 21st Century Act, it should be noted that the Southwest Basin Roundtable is referred to as the Dolores, San Miguel, and Sand Juan Basins Roundtable and the Yampa-White-Green Basin Roundtable is referred to as simply the Yampa-White Roundtable- both roundtable names as they are referred to in this document reflect the names by which the basins are now known today. Additionally, it should be noted that the CWCB Board Directors assigned to these basins generally follow this structure but have some additional geographic specificity that is reflected in statute; § 37-60-104 C.R.S. The full list of CWCB's appointed basin directors includes: "One from the Yampa-White drainage basin; one from the main Colorado drainage basin, one from the Gunnison-Uncompahgre drainage basin, one from the San Miguel-Dolores-San Juan drainage basins, one from the Rio Grande drainage basin, one from the North Platte drainage basin; one from the Arkansas drainage basin, one from the South Platte drainage basin outside of the city and county of Denver, and one from the city and county of Denver and intimately familiar with its water problems."
2. The CWCB Board was created in 1937 and the roundtables were not created until House Bill 2005-1177 (HB-1177 or The Water for the 21st Century Act) but the geographic representation of CWCB Directors remains the same. These basin roundtable references and names reflect the modern names of each basin roundtable which may differ slightly in statute. In HB-1177 basin directors act as liaisons to the basin roundtables.
3. The first Statewide Water Supply Initiative (SWSI) occurred in 2004 prior to the Water for the 21st Century Act but was immediately updated in 2007 as SWSI II to address some of the legislation's explicit language around a needs assessment of consumptive and nonconsumptive uses which SWSI I did not include. The last official SWSI document was completed in 2010 and used to inform the 2014 Basin Implementation Plans and the 2015 Water Plan. In 2019, SWSI was rebranded as the "Analysis and Technical Update" to the Colorado Water Plan (Technical Update). However, it is now recognized that the Technical Update is simply the first step in a three step process and that the roundtables and Interbasin Compact Committee will be engaged on each step. The second step includes using the data from the Technical Update to inform the BIPs which were updated in 2022 using a simplified, uniform format (e.g. Volume 1 of the 2022 BIPs). The last step is the comprehensive update to the Colorado Water Plan itself which folds in data from the Technical Update throughout and also integrates the Basin Implementation Plans (see Chapter 4 of the 2023 Colorado Water Plan).
4. The Water Supply Reserve Fund began with Senate Bill (SB) 06-179 in 2006 (initially called the Water Supply Reserve Account) and has been modified several times including by SB 13-181 which modified the name from "account" to "fund." The WSRF grant program is subject to amendment by the legislature and was most recently amended by SB 21- 281 which placed the funding for WSRF on the shoulders of CWCB and, unlike before, no longer allocates a special carve out of severance tax to WSRF. Under any of its interactions, the roundtables do not actually have accounts or "own" the money. Rather, the CWCB has two accounts for WSRF it manages which includes A) One account Statewide WSRF funds and reserve funds, and B) A single Basin WSRF account. Of these, the latter account is divided up per the CWCB Board approved Criteria and Guidelines and the CWCB creates balance sheets based on CWCB's internal account which reflect the amounts each basin has available to them to approve for recommendation to the CWCB Board. In all cases, the CWCB has the ultimate authority for approving grants and is the only group authorized to disperse grant funding.



COLORADO

Colorado Water Conservation Board

Department of Natural Resources

For more information on the CWCB please visit cwcbl.colorado.gov