TOWN OF MINTURN, COLORADO
RESOLUTION NO. 2 – SERIES 2014

A RESOLUTION ENDORSING THE WESTSLOPE PRINCIPLES AND ADOPTING THE EAGLE RIVER BASIN PRINCIPLES FOR THE COLORADO WATER PLAN

WHEREAS, the Town of Minturn (the "Town") in the County of Eagle and State of Colorado is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter; and

WHEREAS, the Town and District are each authorized and empowered to supply water for domestic and other public and private purposes; and

WHEREAS, the Town and District continually plan for the development of their respective public water systems, including water rights, storage and treatment facilities; and

WHEREAS, the Governor of the State of Colorado issued executive order D 2013-005, directing "the Colorado Water Conservation Board to commence work on the Colorado Water Plan" in May 2013; and

WHEREAS, according to the executive order, "Colorado's water policy must reflect its water values," including a "productive economy," efficient water infrastructure "promoting smart land use," and a "strong environment that includes healthy watersheds, rivers and streams, and wildlife;" and

WHEREAS, the west slope headwaters are the source of much of the water supply for the front range as well as an epicenter of Colorado's recreation economy and wildlife resources; and

WHEREAS, local governments, water districts, watershed groups, basin roundtables, and other west slope water leaders have a deep understanding of the relationship between water resource development and the healthy watersheds, rivers and streams, and wildlife; and

WHEREAS, west slope organizations have been engaged in land use and water planning both locally and with Front Range water interests for many years and desire that this experience inform the Colorado Water Plan process; and

WHEREAS, Eagle River basin water providers have led cross-basin negotiations that have protected local rivers and streams, thereby providing for municipal water supply, recreational uses, environmental flows, and healthy watersheds; and

WHEREAS, Eagle River basin water providers developed principles to assure the certainty of existing and planned future water supply; and

WHEREAS, the Town and District are members of the Northwest Colorado Council of Governments' Water Quality/Quantity Committee which developed the *West Slope Principles* in collaboration with members of the west slope Basin Roundtables and the communities they represent; and

WHEREAS, the Minturn Town Council supports these principles and believes that the Governor and the Colorado Water Conservation Board should adhere to these principles in preparing the Colorado Water Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO THAT:

Section 1. The Council hereby endorses the West Slope Principles and adopts the Eagle River Basin Principles for the Colorado Water Plan in the same form attached hereto as Exhibit A and Exhibit B.

Section 2. This Resolution shall take effect immediately upon its passage.

INTRODUCED, READ, APPROVED, AND ADOPTED at a regular meeting of the Town Council of the Town of Minturn held this 19th day of March 2014.

TOWN OF MINTURN, COLORADO

By: _____
Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO SEAL 1904

Exhibit A

West Slope Principles for the Colorado Water Plan

1. **Solutions in the Colorado Water Plan (CWP) to supply water for growth and development in one part of the state should not over-ride land use plans and regulations adopted by local governments in the part of the state from which water will be taken.** [1,2,3,4,5,6,7]

~~1.1 No new water supply projects or major changes in operation of existing projects should be planned unless agreed to by the county, conservancy district, and conservation district in the area from which water would be diverted.~~ [1,3,5,6,7]

1.2 The CWP must take into account pending projects, water supply plans, comprehensive land use plans, local regulatory authority, water quality plans (208 Plans), watershed plans, multi-party water agreements and related documents adopted by local governments in the area from which water would be taken. [1,2,3,4,5,6,7]

1.3 Both the legislative basis and the legal impact of local government regulatory tools adopted to mitigate impacts of water projects should be recognized and protected. [3,6,7]

1.4 The CWP should never elevate the agricultural interests in one part of the state over the agricultural interests in another part of the state to meet the demands of Front Range development. Agriculture is an important segment of the state's economy as a whole. Agriculture provides food independence, open space, wildlife habitat, cultural value, and economic activity wherever it is located.

1.5 Any new supply projects taking water from one area of the state to another should include funding for "compensatory projects" to serve the area from which the water is taken. [7]

2. **The CWP should protect and not threaten the economic, environmental, and social well-being of the west slope.** [1,2,3,5,6]

2.1 The cornerstones of the west slope's economy are tourism, recreation, agriculture, and resource development, all of which are highly dependent upon water to be successful. The CWP should not facilitate additional diversions that could threaten the region's environmental, social and economic well-being. [1,2,3,6]

2.2 To educate the public about existing conditions on the west slope, the CWP should identify the location and amounts of water that are already diverted every year from the west slope to the east slope, and discuss the historic and current consequences of those diversions. [1,2,3,6,9]

2.3 The state should not facilitate, politically, financially, or legally, any new water supply projects from the Colorado, Yampa/White or Gunnison River Basins to the Front Range without the consent of the county, conservancy district, and conservation district in the basin of origin, and unless impacts are avoided and mitigation is provided. [1,2,3,6 7]

~~2.4 New supply projects that involve storage on the west slope must make a significant amount of water available to west slope water uses. New supply projects that involve storage of west slope water in an east slope storage project must provide compensatory storage to protect existing and future west slope water uses, as well as the environmental and non-consumptive needs of the basin of origin.~~ [7]

2.5 The CWP must protect investments in public water and wastewater facilities by ensuring that costs to upgrade and operate these facilities do not increase because of Front Range water projects.[5]

2.6 The CWP must afford recreational in-channel diversions and CWCB instream flows the same status as other water rights that are protected under Colorado law. [3,6] Other west slope non-consumptive water needs must be factored into the CWP.

2.7 Water quality protection efforts of the west slope must be respected and enhanced by the CWP. [4,5,6]

2.8 The historic use of west slope agricultural water rights provides a river flow regime that is relied upon by all west slope users and must be maintained. [8]

3. **The CWP should identify a process and requirements for each basin to exhaust available water supply within its own basin before planning diversions from another area of the state.** [1,2,3,7]

3.1 Transmountain diversion water should be re-used to extinction to the extent allowed by law, before any proposed new supply development focuses on further west slope water supply. [1,2,3,6,7]

3.2 Re-allocation of existing supplies in areas that need more water should be evaluated (e.g. rotational fallowing, changing to new uses, deficit irrigation).[1,3,6,7]

3.3 Front range infrastructure and water should be shared to meet future demands (e.g. WISE). Laws and regulations that improve such sharing should be considered.

3.4 New Front Range in-basin projects should be pursued to fully utilize in-basin supplies (e.g. Chatfield Reallocation, SDS, Arkansas Conduit, indirect and direct

re-use, gravel pit storage projects), including maintaining and enhancing existing storage facilities. The CWP should encourage and facilitate dredging to keep capacity, and streamline efforts to enlarge storage by dredging when practical.[3,6]

3.5 The CWP should promote mechanisms to reduce demand through agricultural or municipal efficiency/conservation, land use and smart growth policies that further water conservation, and controls on water usage. [3,6,7] Under no circumstances should agriculture be penalized for switching to more efficient water use methods.

3.6 The CWP should reject proposals for water to supply new development when and where there are insufficient water resources available to support them under all hydrologic conditions without creating risks for other water users. [1,3,6,7] Any new supply projects that rely on diversions from the west slope should be developed within the existing water rights system and not afforded special status.

3.7 Front Range areas with present and future projected water shortages should pursue collectively financing projects that provide water resources to their areas.

4. **The CWP should outline mechanisms to mitigate the risk of potential Compact curtailment of the Colorado River. For example, the CWP should adopt low-risk legal and hydrologic assumptions related to Colorado's obligations under the Colorado River Compact and the Upper Colorado River Basin Compact in order to minimize the risk of curtailment on existing uses of Colorado River basin water.[7]**

4.1 There is disagreement on how much, if any, additional consumptive use water is available from the Colorado River. Because of justifiable reliance and financial investment, existing uses and users should be protected and not put at risk by new development.

4.2 The facilities and methodologies for protecting existing users from a compact curtailment, as well as for mitigation, must be in place prior to any new project or methodology that would take additional water out of the Colorado River Basin.

4.3 The CWP must disclose that fully developing the state's Colorado River compact entitlement will increase the chance of a compact curtailment that would impact existing users.

4.4 New projects in the Colorado River Basin should be supported and approved, if at all, only on conditions that will allow diversion and storage at times and in amounts that will not increase the risk of compact curtailment of other post-Compact water rights.

5. **The State should not assume a role as a proponent of a water project until the State regulatory process has been completed and the project has been agreed to by the impacted counties, conservancy districts and conservation districts in the area from which water would be diverted.**

The above principles are taken from many sources of earlier water principles around the state. The numbers in the above principles indicate in which documents a similar principle may be found, including:

[1] Colorado 58 *Water Principles.* In approximately 1999, 58 Colorado Counties, signed onto these Water Principles, which were passed as a House Resolution as well.

[2] Colorado River Water Conservation District Policy Statement: Existing Transmountain Diversions, Adopted July 15, 2008, readopted July 2011. http://www.crwcd.org/media/uploads/20110719-policies_TMD_Existing_Projects.pdf

[3] Colorado River Water Conservation District Policy Statement: Transmountain Diversions, adopted March 16, 2000, revised and readopted July 2011. http://www.crwcd.org/media/uploads/20110719-policies_TMDs.pdf

[4] Colorado River Water Conservation District Policy Statement: Water Quality, adopted July 2010. http://www.crwcd.org/media/uploads/20100720_policy_water_quality.pdf

[5] NWCCOG Water Quality/ Quantity Committee Policies, readopted November 2012.

[6] 2012 NWCCOG Regional Water Quality Management Plan (208 Plan). http://nwccog.org/docs/wss/rwqmp_2012/Vol%201_Policy%20Plan%202012%20208%20Plan.pdf

[7] Colorado Basin Roundtable Vision Statement (Nov. 2010).

[8] Orchard Mesa Check Case, 91CW247, Water Division No. 5.

[9] i.e. Senate Document No. 80, Windy Gap Project, Windy Gap Firming Project, Colorado River Cooperative Agreement

Exhibit B

EAGLE RIVER BASIN PRINCIPLES
for the Colorado Water Plan

1. Introduction. Local water districts, cities and towns, individual water users, and area water conservation and conservancy districts are the entities and individuals that own, use and develop water rights for municipal, domestic, agricultural, industrial, and recreation uses on the west slope of Colorado. As evidenced by the recent historic Colorado River Cooperative Agreement between Denver Water and the west slope of Colorado, these are the parties that know their needs, the area and regional water supplies, and what cooperative water plans and agreements are possible. It is essential that any state based water plan not attempt to supplant the role of west slope water users or seek to supersede constitutionally based Colorado water law, 1041 and local land use permit authority, water supply plans or pre-existing agreements between water rights owners. To assure Colorado's water future, the State should: assist with funding of water supply projects needed to meet locally-determined needs; support a healthy west slope (and state-wide) economy by protecting watersheds, stream flows and water quality; and abide by local land use and water plans.

2. Future Transmountain Diversions. Any future transmountain diversions from the Eagle River basin must comply with the express terms of the Eagle River Memorandum of Understanding with Colorado Springs and Aurora, the settlement with Denver Water in Case Nos. 02CW125 and 07CW126, the Colorado River Cooperative Agreement with Denver Water, Eagle County 1041 permit authority and regulations, and the Colorado water right priority system under the State Constitution. Pursuant to the foregoing agreements, any future transmountain diversion projects must result in net benefits to the Eagle River Basin.

3. Compact Calls. Any Colorado River compact call must comply with and be administered according to Colorado's constitutionally based priority system and the existing transmountain diversions of the Northern Colorado Water Conservancy District, Denver, Colorado Springs and Englewood must be subject to and comply with the terms of Senate Document 80, the Blue River Decree, and the decree for the Windy Gap Project.

~~4. Water Leadership. Leadership on any regional water plans that affect the Eagle River basin should come from the local water providers, the Eagle Park Reservoir Company, which owns and controls the largest storage facilities and water rights used in the Eagle River basin, and water rights owners who depend on water to support the recreational economy, such as the Vail and Beaver Creek ski areas. Any state or regional water plan must be acceptable to these entities. Additionally, Eagle County and local municipalities (the towns of Vail, Avon, Minturn, Red Cliff, Eagle, and Gypsum) are important stakeholders in water issues, and as such are represented on the Colorado Basin Roundtable, as water is integral to land use issues, the local environment, and the economy of these communities.~~

5. Reallocation of Water Supplies. Any effort to reallocate the area municipal, irrigation, snowmaking, and recreation water supplies and water rights to new uses and new regions must be summarily rejected.

6. New Supply Projects. Any new water supply projects must first serve the local and regional water supply needs, and fully protect the region's economic activities, area water quality, and stream health.