

MEMORANDUM OF UNDERSTANDING
BETWEEN
STATE OF COLORADO
DEPARTMENT OF NATURAL RESOURCES
AND
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the State of Colorado Department of Natural Resources, hereinafter referred to as the DNR, and the Colorado Water Conservation Board, hereinafter referred to as CWCB, and the United States Department of Agriculture Forest Service, hereinafter referred to as Forest Service.

A. PURPOSE:

To establish a framework for the Forest Service and the DNR to work together in a cooperative manner on issues regarding the management of water and water uses on National Forest System lands in Colorado.

B. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

Water is the lifeblood of Colorado, the allocation and management of which plays a crucial role in the vitality of Colorado's economy and way of life. Water dependent wildlife, fish, scenic, aesthetic, ecological and recreational values of National Forest System (NFS) lands in Colorado contribute substantially to the economy of the state, and the enjoyment of the public.

The prior appropriation system was developed in Colorado to govern the appropriation, use and distribution of water tailored to Colorado's unique physiologic, hydrologic and climatic conditions. The Forest Service provides land, access and right-of-way for numerous water supply and transport facilities in Colorado that allow for the exercise of water rights under the prior appropriation system.

Federal and State interests in the management of water resources on NFS lands require coordination and cooperation between the DNR and the Forest Service. There are numerous federal and state laws pertaining to the management of land and water resources, and collaborative efforts consistent with state and federal law will lead to most effective management of water resources for all uses.

It is in the public interest to find reasonable solutions to challenging natural resource issues under cooperative agreements. Cooperation will result in more benefits to the public and the water resource than other means.

- b. Where the Forest Service has secured water rights appurtenant to land acquisitions, it may enter into agreements with the CWCB in regards to changing the use of such water rights to instream flows and protecting and enforcing those rights consistent with federal and state laws.
 - c. The CWCB will work with the Forest Service to identify monitoring and stream gauging needs on stream reaches deemed of special importance to the Forest Service, and the Forest Service and the CWCB will jointly identify funding sources for additional stream monitoring and stream gauges on such stream reaches.
 - d. To the extent that funding allows, the Forest Service will work together with the CWCB and the Colorado Division of Wildlife to determine if the flow amounts of the instream flow water right currently held by the CWCB on NFS lands are adequate to satisfy the instream flow needs for National Forest purposes. If we determine the flows are inadequate for National Forest purposes, we agree to explore mechanisms to assure adequate protection for such purposes consistent with state and federal law.
 - e. The CWCB will aggressively monitor and enforce instream flow water rights and file Statements of Opposition in water court if a water right application is determined to injure the CWCB's instream flow water rights.
7. We agree to share information and data to further understanding of water needs on national forest system lands, and to protect these resources consistent with state and federal law.
8. We agree to maintain, protect, and restore watersheds as appropriate through cooperative adaptive management.

D. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

1. FREEDOM OF INFORMATION ACT (FOIA). Any information furnished to the Forest Service under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).
2. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the parties from participating in similar activities with other public or private agencies, organizations, and individuals.

