



River Protection Workgroup GLOSSARY OF AGENCIES

Web site: <http://ocs.fortlewis.edu/riverprotection>

Colorado Water Conservation Board (CWCB): The CWCB, a state agency, was created to aid in the protection and development of the waters of the state. The CWCB consists of 15 members generally appointed by the governor and confirmed by the Colorado Senate: eight representing the state's major water basins; one, the City and County of Denver; the executive director of the Colorado Department of Natural Resources and five ex-officio, non-voting members, representing other state agencies. The CWCB meets every two months in meetings open to the public. The CWCB has several major areas of responsibility, including but not limited to:

1. **Instream Flow (ISF).** The CWCB is the only entity within Colorado which may hold a water right within a stream reach to protect ISF minimum flows between specific points for natural streams as required to preserve the natural environment to a reasonable degree. The CWCB staff receives detailed recommendations for new ISF water-rights appropriations from state and federal agencies, conservation groups and the public; reviews the recommendations in accordance with the CWCB's ISF Rules; evaluates the scientific basis of new ISF recommendations, including map work, water availability analyses, hydraulics, and biological parameters; and processes recommendations, including providing public notification and presenting the recommendations to the CWCB.

The CWCB also protects stream reaches through donations and acquisitions of "water, water rights, or interests in water" on a voluntary basis to preserve or improve the natural environment. The CWCB staff, which receives several water-rights donation offers each year, conducts detailed hydrologic and water-rights analyses to confirm the yield of the offered water and works with the donor and the Attorney General's Office to develop an acquisition agreement. If the donation is accepted, the CWCB must gain water court approval of the change of the donated rights to ISF use.

2. **Interstate Compact Protection:** The CWCB helps to protect Colorado's water entitlements under various interstate water compacts, including the Colorado River Compact, the Upper Colorado River Compact, the Animas-La Plata Compact and the La Plata River Compact, which affect water users in Southwest Colorado and other compacts for streams which leave the state, including the Republican, South Platte, and Arkansas rivers, Costilla Creek and the Rio Grande

3. **Flood mapping:** The CWCB is charged with authority over floodplain mapping. See C.R.S. § 37-60-101, *et. seq.* For additional information see www.CWCB.state.co.us.

Colorado Department of Natural Resources (CDNR): Colorado's policy to encourage the full development of the state's natural resources for the benefit of its citizens includes, but is not limited to, creation of a resource management plan to integrate the state's efforts to implement and encourage full utilization of each of the natural resources consistent with realistic conservation principles. The governor, through the executive director of the CDNR, is to develop and direct the resource management plan and be responsible for negotiations with the federal government in all resource and conservation matters. Pertinent divisions within CDNR include the Colorado Division of Water Resources (CDWR), the Colorado Division of Wildlife (CDOW) and the CWCB. See C.R.S. § 24-33-101, *et seq.*

Colorado Water Quality Control Commission (Commission): The Commission's mission is to maintain a comprehensive and effective Colorado water-quality protection program through an open, public process. Commissioners are appointed by the governor and confirmed by the Senate. The Commission adopts water-quality classifications and standards for the state's streams and creates regulations to achieve compliance with those classifications and standards. The Colorado Water Quality Control Division (CWQCD) enforces Colorado's Natural Pollutant Discharge Elimination System (NPDES) permit program and regulations adopted by the Commission. See C.R.S. § 37-25-01, *et seq.* For additional information, see www.cdphe.state.co.us/wqcc.

Colorado Water Resources and Power Development Authority (Authority): The Authority was created to acquire, construct, repair, and operate projects or cause projects to be operated pursuant to leases or other agreements with any person or governmental agency and issue bonds and notes payable solely from revenues, not taxes, to pay the cost of such projects. Authority board members are appointed by the governor and confirmed by the Senate. Under the following programs, the Authority assists local governments with financing their water and wastewater infrastructure pursuant to the following programs: Drinking Water Revolving Fund, Authority issues bonds to fund leveraged loans and provides the state's required 20% match on each federal dollar, to achieve or maintain compliance with Safe Drinking Water Act requirements; Small Water Resources Projects, allows expediting the Authority's procedures to assist local governments in the financing of water resource, water management and hydroelectric facilities; Water Pollution Control Revolving Fund, Authority issues bonds to fund leveraged loans and provides the state's required 20% match on federal dollars to finance wastewater treatment works (plants, sewers, etc.) and non-point source pollution abatement projects; and Water Revenue Bonds Program, Authority provides funds up to \$500 million, without legislative review, to entities for water and wastewater projects not eligible for other Authority programs. See C.R.S. § 37-95-101, *et seq.* For additional information, see www.cwrpda.com.

[Soil] Conservation Districts: Through erosion and the depletion of subsurface water resources, Colorado has lost approximately six million acres for agricultural and livestock uses, one-tenth of the total area of the state. Topsoil losses have been caused by improper farm and range practices, by increasing the rate of withdrawal from underground water reserves without adequate attention to recharging such reserves, and by failure to conserve rainfall and snowpacks. To avoid an increase in the areas of land destroyed, methods of land use providing for the conservation and preservation of natural resources, including adequate underground water reserves, the control of erosion, and the reduction of flood damage must be developed. Therefore, the state legislature provided for the establishment of soil conservation districts. See C.R.S. § 35-70-101, *et seq.*

Irrigation Districts: Irrigation districts are organized by landowners within a specific area by petitioning the local Board of County Commissioners to establish a district with a proposed system of irrigation for specified land. If the irrigation district plan is approved by the commissioners, an election is held among owners of agricultural land within the proposed district. Irrigation districts are governed by a board of three landowners, the number of which may be increased by election. Irrigation districts may issue bonds, following issuance approval in an election. Within Southwest Colorado, the Pine River Irrigation District (PRID) operates Vallecito Reservoir. See C.R.S. § 37-41-101 *et seq.* and § 37-42-101 *et seq.*

Other Irrigation Entities: Ditch and Reservoir Companies. Private ditch and reservoir companies can be organized as non-profit corporations, limited liability companies, or otherwise. For companies organized as non-profit corporations specifically under C.R.S. § 7-42-191 *et seq.* (Ditch Company Statute), water rights holders own shares in the company as opposed to adjudicated water rights directly in the ditch or reservoir. The Ditch Company Statute provides special remedies for shareholder failure to pay ditch company assessments. Ditch and reservoir company articles and bylaws, regardless of the company's organizational structure, often focus on the measurement of water taken from the ditch; company assessments for ditch maintenance, repairs and replacement; and how to administer ditch losses.

San Juan Public Lands Center (SJPLC): SJPLC is a "service first", joint federal agency which includes the Department of the Interior, Bureau of Land Management (BLM), which manages the San Juan Resource Area; and the Department of Agriculture, U.S. Forest Service (USFS), which manages the San Juan National Forest. See Web site: <http://www.blm.gov/co/st/en/fo/sjplc.html>

Southern Ute Indian and Ute Mountain Ute Tribes: Federally recognized Indian Tribes with specified reservation areas. Each tribe is governed by its own elected tribal council, with an elected tribal chairman. Each has its own constitution, describing its governing authority, which controls land and water resources generally on land held in trust for the tribe by the United States within the reservations. The Southern Ute Indian Reservation is "checker-boarded", in that private land and tribal land are both included within the reservation boundaries.

Special (Title 32) Districts (Special Districts): Special districts including, among others, water districts, sanitation districts, water and sanitation districts, and metropolitan districts, are organized by a vote of landowners within a proposed special district, after the Board of County Commissioners has approved a service plan for the special district. Special districts, governed by elected boards, have property taxing authority for mill levies approved by the special district's voters. Within Southwest Colorado, there are approximately 50 special districts, including the South Durango Sanitation District; Durango West Metropolitan Districts 1 and 2; Purgatory Metropolitan District; and the Pagosa Area Water and Sanitation District. See C.R.S. § 32-1-101, *et seq.*

Southwestern Water Conservation District (SWCD): The SWCD was established by the Colorado legislature in 1941, one of four conservation districts in Colorado, to conserve the water of the San Juan and Dolores rivers and their tributaries for storage, irrigation, mining, and manufacturing purposes and the construction of reservoirs, ditches, and works for irrigating and reclaiming unirrigated lands. The SWCD serves multiple purposes, including but not limited to: entering into contracts with other water agencies; lobbying at the local, state and federal levels for adequate funding and legislation to protect and enhance Southwest Colorado water resources; organizing water conservancy districts within its nine-county area; surveying existing

water resources and the area's rivers; ensuring instream flows for fisheries; and taking actions necessary to "secure and ensure an adequate supply of water - present and future". County commissioners from each of the nine San Juan and Dolores River basin counties appoint one director from their respective county to serve a three-year term and oversee projects appropriate for the SWCD's mission. The SWCD board approves its budget annually at a public hearing. Budgeted funds come from a mill levy assessed on all real property within the SWCD. See C.R.S. § 37-47-101, *et. seq.* For additional information, see www.SWCD.org.

Water Authorities: Water authorities are organized by a contract between two or more governmental entities authorized to own and operate water systems which wish to cooperate to provide service or facilities lawfully authorized to each entity, including the development of water resources, systems or facilities to benefit the inhabitants of the entities or otherwise. The organizing contract specifies, among other issues, the purposes of the authority; its governing board and officers; voting requirements for the board; duties of the board; the term of authority board members; and the powers of the authority. An authority may issue bonds payable solely from the revenues of the authority. An authority has no independent property taxing authority. See C.R.S. § 29-1-204.2. At least two water authorities exist within Southwest Colorado: The Durango West Water Authority and the La Plata West Water Authority.

Water Conservancy Districts (WCDs): Each of the state's approximately 60 WCDs are quasi-municipal corporations, organized independently, often in conjunction with the operation of a federal Reclamation project. WCDs have limited property taxing authority. Board members are appointed by the appropriate district court judge, or may be elected. WCDs are established by a district court petition and/or election process. The following WCDs exist within Southwest Colorado: Dolores (Dolores Project, McPhee Reservoir); Animas-La Plata (A-LP Project, Lake Nighthorse); Florida (Florida Project, Lemon Reservoir); San Juan (future Dry Gulch Reservoir); and Mancos (Mancos Project, Jackson Lake) Water Conservancy Districts. See C.R.S. § 37-45-101, *et. seq.*

House Bill (HB) 1177:

Southwestern Roundtable: An entity with 35 members appointed by the governor, representing industry, agriculture, conservancy districts, domestic water providers, cities, counties, recreation and the environment, the Southern Ute Indian and Ute Mountain Ute tribes, Southwestern Water Conservation District, CWCB, and the community at large, (1) to review future area water needs, including the State Water Supply Initiative (SWSI) reports, and evaluate proposed facilities to provide for those needs, and (2) to recommend water projects for funding under SB05-179 to the CWCB. Roundtable liaisons include representatives of the state agencies (CDOW, WQCD, Colorado Geological Survey Consultation Service, CDWR), and federal agencies (U.S. Fish and Wildlife Service, BLM, Bureau of Reclamation, U.S. Army Corps of Engineers). See C.R.S. § 37-75-101, *et. seq.*

Inter-Basin Compact Commission (IBCC): Without superseding the current system of allocating water within Colorado, the governor appointed a director of compact negotiations to oversee an intra-state compact negotiations process established in C.R.S. § 37-75-101, *et. seq.* The director provides support to local stakeholders in the formation of permanent basin roundtables, such as the Southwestern Roundtable, oversees and directs the expenditure of money appropriated pursuant to Colorado statute and the implementation of the IBCC's responsibilities, and serves as the chairperson of the IBCC. To facilitate the process of interbasin compact negotiations, the twenty-seven-member IBCC was created with two representatives from each local roundtable; six at-large members appointed by the governor; one member each appointed by the chairs of the House and Senate agriculture, etc. committees, and the director of compact negotiations. The IBCC established bylaws to govern

its actions and, with the approval of, the general assembly, an interbasin compact charter to guide all negotiations between basin roundtables. By October 31 of each year, beginning in 2006, the IBCC submits an annual report to the House and Senate agriculture, etc. committees concerning the status of intra-state compact negotiations.

Contacts:

Facilitator and Project Manager: Marsha Porter-Norton, 970-247-8306 or porternorton@bresnan.net (facilitator for the Hermosa Creek; San Juan; and Animas Workgroups) OR Piedra and Vallecito Creek/Pine River Workgroups Facilitator: Tami Graham, 970-759-9716 or email: tamigraham11@gmail.com OR Bruce Whitehead, Southwestern Water Conservation District, 970-247-1302 or brucew@southwesternwater.org OR Wendy McDermott, San Juan Citizens Alliance, 970-259-3583 or wendy@sanjuancitizens.org