QQ Quarterly Board Meeting AGENDA
Thursday, October 6, 2016
10 AM – 3 PM

City of Steamboat Springs-Citizens Hall
124 10th Street
Steamboat Springs, CO

10:00 Welcome and Introductions

10:05 Rural and urban development relating to water in Steamboat and Routt County. *Steamboat representative TBD, Chad Phillips, Routt County Planning Director*

11:00 Grand County BLM oil and gas lease proposal
*Bill Gray, Grand County Director of Community Development*

11:30 Water Quality Updates- *Lane, Torie & Lotic*

12:00 Lunch

1:00 Member updates

1:30 CO Water Plan & Basin Roundtable Updates- *Torie, Lane, Barbara*

2:00 2016 Legislative Session and Ballot Initiatives- *Torie*

2:15 Updating *Water & Its Relationship to the Economies of Headwaters Counties* - *Torie & Barbara*

2:30 Member Dues, Scope of Work & Contract for 2017

3:00 Adjourn
September 6, 2016

Bureau of Land Management
White River Field Office
Attn: May 2017 Lease Sale
Meeker, CO 81461
(sent VIA EMAIL only to blm_co_may_2017_lease_sale@blm.gov)

Re: Public Scoping Comments for May 2017 Lease Sale

Dear Bureau of Land Management:

Grand County respectfully submits the following public scoping comments on the proposed May 2017 Lease Sale to the Bureau of Land Management ("BLM") as noticed in the Sky Hi News, on August 8, 2016, in advance of the Environmental Assessment beginning for this proposal.

Introduction
Grand County has great concerns in regards to the upcoming leases of 20 parcels totaling 27,529 acres of public and private land in Grand County for oil and gas development. The local ecosystem is very fragile and much care is taken to protect it in order to preserve the County's natural beauty. The County feels that oil and gas development would have negative consequences on our local environment and economy.

Water Resources and Water Quality
Two of the most serious issues in Grand County are water resources and water quality. Grand County is a unique and sensitive area due to being the headwaters for the Colorado River. Several tributaries to the Colorado River run through the proposed lease parcels, including Trail Creek, Willow Creek, Drowsy Water Creek, McQueary Creek, Sheriff Creek, Ute Bill Creek, First Creek, Second Creek and several un-named water courses. Water quality in all of these Creeks and water
courses is of concern, as they provide irrigation water to several area ranches, and they are critical to the ranching and outdoor recreation economy in Grand County.

Grand County has a growing concern regarding availability of water to support the current population and tourism sector. Adding large industry, such as Oil and Gas, would put even further strain on this valuable resource. Water resources such as the Colorado River and many local lakes are also major tourist and recreation attractions. The heavy water needs adherent to Oil and Gas development would put a strain on these water bodies, thus endangering the features of these attractions.

**Resource Management Plan**

The majority of federal mineral estate in the Planning Area is characterized as low or no potential for oil and gas development. In addition, leasing activity in the Planning Area has always been relatively low and sporadic, especially in Grand County. The Environmental Assessment to be undertaken should provide clear evidence to support the rationale for offering up such a significant amount of land area for Oil and Gas that is located in an area designated as having a low potential

BLM should consider the importance of protection of plants, wildlife and wilderness characteristics. With respect to wildlife, such as mule deer, moose and elk, strong consideration should be given to the current condition of habitat and the impacts of oil and gas drilling on the habitat. Other wildlife concerns include critical winter habitat and potential habitat for threatened or endangered plant or animal species. Previous protest letters from Grand County have outlined concerns regarding raptor nesting and fledgling habitat, sage grouse nesting, and wetland vegetation areas, in addition to potential habitat for threatened or endangered plant or animal species.

Preserving wetlands is important to allow for a healthy ecosystem by improving water quality through filtering, maintaining stream flow during dry periods, and replenishing groundwater. According the United States Environmental Protection Agency:

More than one-third of the United States’ threatened and endangered species live only in wetlands, and nearly half use wetlands at some point in their lives. Many other animals and plant depend on wetlands for survival. Migratory waterfowl use wetlands as resting, feeding, breeding, or nesting grounds for at least part of the year. Parcels that include wetlands that should be further studied to understand the impact that Oil and Gas exploration will have.
The BLM should also take into consideration the growing impact present to public lands caused by increased recreation demand and rapidly expanding urban interface areas in Grand County, particularly for those parcels in and around Granby and Hot Sulphur Springs. Furthermore, the designated areas are located in places within Grand County that are vital to our summer, fall and winter recreation and tourist based economy and the commercial facilities and activities supporting such uses, resort ranches, outfitters, hunting and fishing, hiking and trail running, OHV and mountain biking. The adopted RMP is required to recognize local master plans and policies. Oil and gas development in the magnitude as is being contemplated does not comply with the Grand County Master Plan.

Conservation Easements
Many of the parcels being considered for Oil and Gas leases are on private properties, and are in areas that we believe to be under conservation easements or near conservation easements. Conservation Easements are granted due to there "significant relatively natural habitat for native wildlife and ecological, scenic, and open space values," as recognized in Colorado Revised Statute §§ 38-30.5-101 et seq. Many times the property conserved by the conservation easements is declared to be “Open space and natural land, and may not be coveted or directed to any uses other than those provided in the easement.” Mineral activities is addressed as follows: "Exploration or extraction of oil, gas, and other mineral in, on, or under the Property is prohibited by open-pit or surface mining methods. No sub-surface or other exploration or extraction of oil, gas, rock, gravel, sand or other minerals, including the lease, sale or other disposition of the rights to such material may impair or result in the destruction of the Conservation values.” It will be imperative that the BLM’s EA include a detailed assessment of conservation easements located within the areas that have been identified for Oil and Gas leases and the impacts to which this type of use may impact existing easements.

Conclusion
For the reasons stated above, the nominated parcels in Grand County are inappropriate for mineral leasing and development. There is too much at stake in Grand County to permit this kind of high impact activity, especially without current information and evaluation of relevant issues, especially water quality.

Due to the unique water quantity and quality issues facing Grand County we request no leasing be done in parcels that affect any of the tributaries to the
Colorado River. Since the Colorado River has it’s headwaters in Grand County any impacts to this river could impact millions of downstream users.

Grand County respectfully requests that the Field Manager withdraw the nominated parcels from the May 2017, competitive lease sale. In the event that the BLM proceeds to offer these parcels, all prospective bidders should be informed of the pending protest.

Sincerely,

E. Jane Tollett, Chair
Grand County Board of County Commissioners

Kristen Manguso
Grand County Board of County Commissioner

Merrit Linke
Grand County Board of County Commissioners

cc:
Board of Trustees, Town of Kremmling
Board of Trustees, Town of Granby
Board of Trustees, Town of Grand Lake
Board of Trustees, Town of Hot Sulphur Springs
Dear Senator Bennet,

QQ thanks you for your leadership in protecting Colorado from the host of problems associated with the infestation of aquatic nuisance species (ANS) like quagga mussels and zebra mussels.

We support your current efforts to include ANS prevention funding for U.S. Army Corps of Engineers (“Corps”) facilities in the South Platte and Arkansas River Basins in the Water Resource Development Act (WRDA). Preventing ANS infestations in Corps facilities makes economic and practical sense, as treating an infested Corps system will cost significantly more money in perpetuity, and the recreation economy built around Corps facilities may be diminished.

Federal agencies should be key financial partners in ANS prevention, especially as state funding for Colorado’s ANS prevention program has been slashed due to decreased oil and gas revenues and a recent Colorado Supreme Court decision requiring the repayment of overpaid severance tax payments. If the Corps is able to contribute to ANS prevention in their facilities in the South Platte and Arkansas Basins, the state could redirect its limited resources to other areas of the state, such as the QQ region, that desperately need it.

Colorado has been lucky, and has worked hard to prevent ANS infestations to date. Already in 2016 the program has intercepted a new record for infested boats attempting to enter Colorado waters. We must be vigilant to keep these invasive species out of our reservoirs and river systems.

Thank you again for your ongoing work to add ANS prevention to WRDA, and for your work to develop additional funding sources and solutions to continue battling these aquatic nuisance species.

Sincerely,

Rachel Richards
Chair, NWCCOG/QQ
Chair, Pitkin County Board of County Commissioners
August 11, 2016

Dear Senator Gardner,

QQ appreciates your ongoing work to protect Colorado from the host of problems associated with the infestation of aquatic nuisance species (ANS) like quagga mussels and zebra mussels.

We support current efforts to include ANS prevention funding for U.S. Army Corps of Engineers (“Corps”) facilities in the South Platte and Arkansas River Basins through an amendment to the Water Resource Development Act (WRDA). We ask that you consider supporting these efforts as well.

Preventing ANS infestations in Corps facilities makes economic and practical sense, as treating an infested Corps system will cost significantly more money in perpetuity, and the recreation economy built around Corps facilities may be diminished.

Federal agencies should be key financial partners in ANS prevention, especially as state funding for Colorado’s ANS prevention program has been slashed due to decreased oil and gas revenues and a recent Colorado Supreme Court decision requiring the repayment of overpaid severance tax payments. If the Corps is able to contribute to ANS prevention in their facilities in the South Platte and Arkansas Basins, the state could redirect its limited resources to other areas of the state, such as the QQ region, that desperately need it.

Colorado has been lucky, and has worked hard to prevent ANS infestations to date. Already in 2016 the program has intercepted a new record for infested boats attempting to enter Colorado waters. We must be vigilant to keep these invasive species out of our reservoirs and river systems.

Thank you for all your work to develop additional funding sources and solutions to continue battling these aquatic nuisance species. We hope that you will consider supporting an amendment to add ANS prevention to WRDA.

Sincerely,

Rachel Richards
Chair, NWCCOG/ QQ
Chair, Pitkin County Board of County Commissioners
GRAND LAKE ADAPTIVE MANAGEMENT WEEKLY REPORT

Meeting Date: 09/15/2016

Attendees:

<table>
<thead>
<tr>
<th>Company</th>
<th>Grand County</th>
<th>CRWCD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern Water</td>
<td>Reclamation</td>
<td>CRWCD</td>
</tr>
<tr>
<td>Northern Water</td>
<td>Reclamation</td>
<td>WAPA</td>
</tr>
<tr>
<td>Northern Water</td>
<td>Reclamation</td>
<td>Larimer County</td>
</tr>
<tr>
<td>Northern Water</td>
<td>Reclamation</td>
<td>Larimer County</td>
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<tr>
<td>Northern Water</td>
<td>USGS</td>
<td>Town of Grand Lake</td>
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<tr>
<td>Northern Water</td>
<td>NWCCOG</td>
<td>TLWA</td>
</tr>
<tr>
<td>Northern Water</td>
<td>Hydros</td>
<td></td>
</tr>
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</table>

Water Quality Indicators

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Current</th>
<th>Yes</th>
<th>No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>GL avg Secchi &lt; 3.8 m ?</td>
<td>3.25</td>
<td>X</td>
<td></td>
<td>Last week = 3.28 m</td>
</tr>
<tr>
<td>GL min Secchi &lt; 2.5 m ?</td>
<td>2.42</td>
<td>X</td>
<td></td>
<td>Last week = 2.42 m</td>
</tr>
<tr>
<td>SM Surface pH &gt; 8 ?</td>
<td>7.1/7.7</td>
<td>X</td>
<td></td>
<td>Last week = 7.5-9.0 pH</td>
</tr>
<tr>
<td>SM Surface DO (%) &gt; 100%?</td>
<td>75/97</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SM bottom DO &lt; 3 mg/L ?</td>
<td>6.2/6.7</td>
<td>X</td>
<td></td>
<td>Last week = 6.2 mg/L (at SM-Mid)</td>
</tr>
</tbody>
</table>

Operational Parameters

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Current</th>
<th>Forecast</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams Tunnel Deliveries (cfs)</td>
<td>553</td>
<td>See graph</td>
<td>Source USBR</td>
</tr>
<tr>
<td>Big Thompson Deliveries (cfs)</td>
<td>NA</td>
<td>Decreasing</td>
<td>Source NW</td>
</tr>
<tr>
<td>Farr Pumping (cfs)</td>
<td>574</td>
<td>See graph</td>
<td>Source USBR</td>
</tr>
<tr>
<td>Shadow Mountain Releases (cfs)</td>
<td>37</td>
<td>40</td>
<td>Source USGS Gage</td>
</tr>
<tr>
<td>Upper Colorado Native Flow (cfs)</td>
<td>199</td>
<td>See graph</td>
<td>Ni: 12.3 cfs El: 7.6 cfs NF: 21.5 cfs Total: 41.4 cfs</td>
</tr>
<tr>
<td>Granby Res. Total Storage (af)</td>
<td>502,849</td>
<td>Range</td>
<td>Source NW Last week = 512,642 af (8276.22 ft)</td>
</tr>
<tr>
<td>Granby Res. Outflow (cfs)</td>
<td>47</td>
<td>NA</td>
<td>Source NW (Y Gage)</td>
</tr>
</tbody>
</table>

Climate Forecast

5-day Quantitative Precipitation Forecast (QPF):
5 day qpf
7 day qpf
1-5 day minimum temperature anomaly forecast
1-5 day maximum temperature forecast

Grand Lake extended Forecast
Fort Collins/Loveland extended Forecast

Inflows Forecast
Granby Inflow

ACTION ITEMS
Grand Lake Secchi, Jul-To Date Average with Farr Pumping flows

- GL Jul-To Date Average
- Jul-Sep 11 GL Avg Goal
- Farr Pump

Grand Lake Secchi, Jul-To Date Minimum with Farr Pumping flows

- GL Jul-To Date Minimum
- GL Jul-Sep 11 Minimum Goal
- Farr Pump
# Criteria for Regulatory Approval

<table>
<thead>
<tr>
<th>Criteria for Regulatory Approval</th>
<th>1041</th>
<th>USFS</th>
<th>404</th>
<th>401 Cert</th>
<th>Notes:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. Project is in compliance with other permits and approvals</strong></td>
<td>✔</td>
<td></td>
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<tr>
<td><strong>II. Project is technically and financially feasible</strong></td>
<td>✔</td>
<td>✔</td>
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<tr>
<td><strong>III. Socioeconomic criteria.</strong></td>
<td></td>
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</tr>
<tr>
<td>a. Project will not have significant adverse affect on existing and projected land use patterns</td>
<td>✔</td>
<td></td>
<td></td>
<td>USFS requires that an authorized agent reviewing a proposal shall reject it if &quot;[t]he proposed use would be inconsistent or incompatible with the purposes for which the lands are managed, or with other uses.&quot; 36 CFR § 251.54(e)(5)(i).</td>
<td></td>
</tr>
<tr>
<td>b. Project will not have a significant adverse effect on the capability of local governments affected by the Project to provide services, or exceed the capacity of service delivery systems</td>
<td></td>
<td>✔</td>
<td></td>
<td>404 requires the denial of a permit application if the proposed development will &quot;have an unacceptable adverse effect on municipal water supplies.&quot; 33 USC § 1344(c). 404 regulations do not allow for the discharge of dredge or fill material if it will &quot;cause or contribute to significant degradation of waters of the [US],&quot; including &quot;adverse effects of the discharge of pollutants on human health or welfare, including but not limited to effects on municipal water supplies.&quot; 40 CFR 230.10(c)(1). Water Conservancy Act states that any transmountain diversion project &quot;shall be designed, constructed, and operated in such manner that the present...[and] prospective uses of water for irrigation and other beneficial consumptive use purposes...within the natural basin of the Colorado river in the state of Colorado from which water is exported will not be impaired nor increased in cost at the expense of the water users within the natural basin.&quot; CRS 37-45-118(b)(II).</td>
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### Local, State, and Federal Approval Criteria and Application Materials for Water Projects.

**Part I: Criteria**

Prepared by NWCCOG Water Quality/Quantity Committee  
*July 22, 2016*

<table>
<thead>
<tr>
<th>c. Project will not have significant adverse affect on existing permanent and seasonal housing</th>
<th>✔</th>
<th>✔</th>
<th>✔</th>
<th>✔</th>
</tr>
</thead>
<tbody>
<tr>
<td>d. Project will not create an undue financial burden on existing or future residents of the County.</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
</tbody>
</table>

**Socioeconomic criteria, continued.**

<table>
<thead>
<tr>
<th>e. Anticipated growth and development that may occur as a result of a proposed project can be accommodated within the financial and environmental capacity of the area to sustain such growth and development</th>
<th>✔</th>
<th>✔</th>
<th>✔</th>
<th>✔</th>
</tr>
</thead>
<tbody>
<tr>
<td>f. Project will not significantly degrade any current or foreseeable future sector of the local economy</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>g. Project will not have significant adverse affect on existing and potential recreational opportunities</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>h. Project will not have significant adverse affect on areas of paleontological, historic or archaeological importance</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>i. Project will not cause a nuisance (noise, glare, dust, fumes, vibration, odor)</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>j. The benefits accruing to the County and its citizens from the Project outweigh the losses of any natural, agricultural, recreational, grazing, commercial or industrial resources within the County, or the losses of opportunities to develop such resources</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
</tbody>
</table>

**Notes:**

- **Water Conservancy Act** states that any transmountain diversion project "shall be designed, constructed, and operated in such manner that the present... [and] prospective uses of water for irrigation and other beneficial consumptive use purposes... within the natural basin of the Colorado river in the state of Colorado from which water is exported will not be impaired nor increased in cost at the expense of the water users within the natural basin." CRS 37-45-118(b)(II).
- **404** does not allow for the discharge of dredge or fill material if it will "cause or contribute to significant degradation of waters of the [US]" including "adverse effects. . . on recreational, aesthetic, and economic values." 40 CFR 230.10(c)(4). For private projects, **404** also "assume[s] that appropriate economic evaluations have been completed, the proposal is economically viable, and is needed in the market place," but may conduct a separate analysis of overall public interest and impacts to the local economy as needed. 33 CFR § 320.4(q).
- **404** requires the denial of a permit application if the proposed development will "have an unacceptable adverse effect on "recreation areas." 33 USC § 1344(c). 404 also does not allow for the discharge of dredge or fill material if it will "cause or contribute to significant degradation of waters of the [US]" including "adverse effects. . . on recreational, aesthetic, and economic values." 40 CFR 230.10(c)(4). Also under the public interest review, applicants must "avoid significant adverse effects on "historic, cultural, scenic, and recreational values." 33 CFR § 320.4(e).
- As part of the **404** public interest review, applicants must "avoid significant adverse effects on . . . historic, cultural, scenic, and recreational values." 33 CFR § 320.4(e).
- Under **404** public interest review, "[t]he extent and permanence of the beneficial and/or detrimental effects which the proposed structure or work is likely to have on the public and private uses to which the area is suited" will be evaluated as criteria in every application. 33 CFR 320.4 (a)(2)(iii).
### Local, State, and Federal Approval Criteria and Application Materials for Water Projects.

**Part I: Criteria**

Prepared by NWCCOG Water Quality/Quantity Committee  
July 22, 2016

<table>
<thead>
<tr>
<th>No.</th>
<th>Criteria</th>
<th>✔️</th>
<th>✏️</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>k.</td>
<td>Project emphasizes the most efficient water use, recycling, reuse and conservation.</td>
<td>✔️</td>
<td>✏️</td>
<td>404 has a &quot;water conservation&quot; element to its public interest review that &quot;requires the efficient use of water resources in all actions which involve the significant use of water or that significantly affect the availability of water for alternative uses including opportunities to reduce demand and improve efficiency in order to minimize new supply requirements.&quot; 33 CFR § 320.4(m).</td>
</tr>
<tr>
<td>l.</td>
<td>Will not result in excess capacity or create duplicative services.</td>
<td>✔️</td>
<td></td>
<td></td>
</tr>
<tr>
<td>m.</td>
<td>Necessary to meet projected community development and population demands in area to be served</td>
<td>✔️</td>
<td>✏️</td>
<td>Under the 404 public interest review, the &quot;relative extent of the public and private need for the proposed structure or work&quot; will be evaluated as criteria in every application. 33 CFR § 320.4(a)(2)(i).</td>
</tr>
<tr>
<td>n.</td>
<td>Constructed in areas which will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities</td>
<td>✔️</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### IV. Environmental criteria.

<table>
<thead>
<tr>
<th>1041</th>
<th>USFS</th>
<th>404</th>
<th>401 Cert.</th>
<th>Water Conservancy Act</th>
<th>Notes:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>✔️</td>
<td></td>
<td></td>
<td></td>
<td>404 does not allow for the discharge of dredge or fill material if it will &quot;cause or contribute to significant degradation of waters of the [US]&quot; including &quot;adverse effects. . . on recreational, aesthetic, and economic values.&quot; 40 CFR 230.10(c)(4) (emphasis added).</td>
</tr>
<tr>
<td>b.</td>
<td>✔️</td>
<td>✏️</td>
<td></td>
<td></td>
<td>404 does not allow for the discharge of dredge or fill material if it will &quot;cause or contribute to significant degradation of waters of the [US].&quot; 40 CFR 230.10(c)(4). 401 certifies with reasonable assurance that &quot;the activity will be conducted in a manner which will not violate applicable water quality standards.&quot; 40 CFR § 121.2(a)(3).</td>
</tr>
<tr>
<td>c.</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
<td></td>
<td>401 certify with reasonable assurance that &quot;the activity will be conducted in a manner which will not violate applicable water quality standards.&quot; 40 CFR § 121.2(a)(3).</td>
</tr>
<tr>
<td>d.</td>
<td>✔️</td>
<td></td>
<td></td>
<td></td>
<td>404, no permit will be granted unless &quot;benefits of the proposed alteration outweigh the damage to the wetlands resource.&quot; 33 CFR § 320.4(b)(4).</td>
</tr>
<tr>
<td>e.</td>
<td>✔️</td>
<td>✔️</td>
<td></td>
<td></td>
<td>Along with this criteria, the State 1041 regulations authorize local governments to develop 1041 regulations for &quot;[a]reas containing, or having a significant impact upon, historical, natural, or archaeological resources of statewide importance.&quot; CRS § 24.65.1.201(1)(c). This includes the protection of those areas essential for wildlife habitat.&quot; CRS § 24.65.1.202.(3). § 122.2 Wildlife Mitigation Plan, described further in Part II: Application Materials, requires applicant to develop a &quot;Wildlife Mitigation Plan,&quot; although it has no regulatory effect.</td>
</tr>
<tr>
<td>f.</td>
<td>✔️</td>
<td>✔️</td>
<td></td>
<td></td>
<td>Along with this criteria, the State 1041 regulations authorize local governments to develop 1041 regulations for &quot;[a]reas containing, or having a significant impact upon, historical, natural, or archaeological resources of statewide importance.&quot; CRS § 24.65.1.201(1)(c). This includes the protection of those areas essential for wildlife habitat.&quot; CRS § 24.65.1.202.(3). § 122.2 Wildlife Mitigation Plan, described further in Part II: Application Materials, requires applicant to develop a &quot;Wildlife Mitigation Plan,&quot; although it has no regulatory effect.</td>
</tr>
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</table>

Part I, Page 3
### Environmental criteria, continued.

<table>
<thead>
<tr>
<th>Environmental criteria, continued</th>
<th>1041</th>
<th>USFS</th>
<th>404</th>
<th>401 Cert.</th>
<th>Notes:</th>
</tr>
</thead>
<tbody>
<tr>
<td>g. Project will not significantly deteriorate terrestrial plant life or plant habitat</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h. Project will not significantly deteriorate soils and geologic conditions</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Project will not result in an unreasonable risk of releases of hazardous materials</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>j. Urban development, population densities, and site layout and design of stormwater and sanitation systems prevent the pollution of aquifer recharge areas.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Application Materials & Required Analyses

*Note: Local 1041 requirements purposefully overlap with NEPA requirements to reduce burden on applicant while providing information necessary for the local government to issue the permit.

#### Part II: Application Materials and Required Analyses

### I. Description of project purpose and need, including:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>USFS</th>
<th>404</th>
<th>401 Cert.</th>
<th>National Environmental Policy Act (NEPA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. The need for the Project</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>b. Alternatives to the Project that were considered and rejected</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Under NEPA, an analysis of the project alternatives is the &quot;heart of the environmental impact statement.&quot; 40 CFR 1502.16(c).</td>
</tr>
<tr>
<td>c. Other required permits and approvals</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>d. Technical and financial feasibility of the Project</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

### II. Socioeconomic impacts

Requires applicant to provide analysis of project impacts to the following areas:

<table>
<thead>
<tr>
<th>Impact Area</th>
<th>USFS</th>
<th>404</th>
<th>401 Cert.</th>
<th>NEPA</th>
<th>§122.2 Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Land Use</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>NEPA requires a discussion of &quot;[p]ossible conflicts between the proposed action and the objectives of federal, regional, state, and local . . . land use plans, policies and controls for the area concerned.&quot; 40 CFR § 1502.16(c).</td>
</tr>
<tr>
<td>b. Local government services</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>NEPA also requires an analysis of indirect effects of a proposed project, which &quot;may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate.&quot; 40 CFR § 1508.8(b).</td>
</tr>
</tbody>
</table>
Part II: Application Materials and Required Analyses

c. Housing ✓

d. Financial burden on county residents ✓

e. Local economy ✓ ✓ NEPA analyses may include a cost-benefit analysis, which would examine economic benefits weighed against "any analyses of unquantified environmental impacts, values, and amenities." 40 CFR § 1502.23

f. Recreational opportunity ✓ ✓

g. Areas of paleontological, historic or archaeological importance ✓ ✓ NEPA requires a discussion of "[u]rban quality, historic and cultural resources, and the design of the built environment." 40 CFR § 1502.16(g)

h. Agricultural productivity capability of the land in the source development area (NRCS classification) and describe the potential effects of the diversion of water for the municipal or industrial water project on that agricultural productivity capability;

Socioeconomic impacts, continued.
Requires the following information:

<table>
<thead>
<tr>
<th>Item</th>
<th>1041</th>
<th>USFS 404 Cert.</th>
<th>NEPA §122.2</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>h. If project will cause nuisances such as noise, glare, dust, fumes, vibration, or odor.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Projected community development and population demands in area to be served</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>NEPA requires an analysis of indirect effects of a proposed project, which &quot;may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate.&quot; 40 CFR § 1508.8(b).</td>
</tr>
<tr>
<td>j. Efficient water use, recycling and reuse technology the Project intends to use.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>k. Anticipated growth and development, and how Project can be accommodated within the financial and environmental capacity of the area where grown will occur.</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>NEPA analysis, see II.i. above.</td>
</tr>
<tr>
<td>l. Description of how the project will affect urban development, urban densities, stormwater, and sanitation systems</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>m. Description of how the project may affect adjacent communities and users on wells.</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>NEPA analysis, see II.i. above.</td>
</tr>
<tr>
<td>n. Description of increased water or wastewater treatment costs and plan to offset increased costs determined to be a direct result of flow modification from proposed project.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### III. Environmental impacts

Requires applicant to provide analysis of project impacts to the following areas:

<table>
<thead>
<tr>
<th>Project Area</th>
<th>1041 USFS</th>
<th>404 Cert.</th>
<th>NEPA</th>
<th>§ 122.2</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Air quality</td>
<td>✔</td>
<td></td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>b. Visual quality</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Surface water quality</td>
<td>✔</td>
<td>✔ ✔</td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>d. Groundwater quality</td>
<td>✔</td>
<td>✔ ✔</td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>e. Water quantity</td>
<td>✔</td>
<td></td>
<td></td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>f. Floodplan, wetlands, and riparian areas</td>
<td>✔</td>
<td></td>
<td></td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>g. Terrestrial or aquatic animal life or habitat</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>h. Terrestrial and aquatic plant life or habitat</td>
<td>✔</td>
<td></td>
<td></td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>i. Soils, geologic conditions and natural hazards</td>
<td>✔</td>
<td></td>
<td></td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>j. Monitoring and mitigation plan.</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
</tbody>
</table>

**Notes:**

- NEPA requires an analysis of indirect effects of a proposed project, which "may include ... related effects on air and water and other natural systems." 40 CFR § 1508.8(b).
- A "central element" of the 401 Cert. is "the identification of appropriate 'best management practices' (BMPs) for a proposed project" that "protect receiving water quality." 5 CCR § 1002-82, Appendix I.
- 401 Cert., see III.c., above.
Integrated Land and Water Planning in Colorado

By Anne Castle, John Sherman, and Larry MacDonnell

September 2016
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1 Anne Castle and Larry MacDonnell are Senior Fellows at the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment at the University of Colorado. John Sherman is a recent graduate of the University of Colorado Law School and has a Masters in Planning from the University of Colorado. The authors are very grateful for the review and comments on this paper by Peter Pollock, Eric Heil, Sherman Feher, Julio Iturreria, Wayne Forman, and Richard Alper.
First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

BILL A

LLS NO. R17-0118.01 Kurt Woock x4349  

HOUSE Joint Resolution

HOUSE SPONSORSHIP
Mitsch Bush and Coram, Arndt, Becker J.

SENATE SPONSORSHIP
Baumgardner, Sonnenberg

Senate Committees

House Committees

HOUSE JOINT RESOLUTION

101 CONCERNING FUNDING FOR THE PREVENTION OF AQUATIC NUISANCE SPECIES IN COLORADO.

1 WHEREAS, The General Assembly has recognized that Aquatic Nuisance Species (ANS) have devastating economic, environmental, and social effects on the water resources and infrastructure of the state; and

4 WHEREAS, Due to the multi-jurisdictional nature of Colorado waters, the State of Colorado Zebra and Quagga Mussel Management Plan recommendations apply to all partners and no single entity is responsible for, or capable of, implementing all of the actions necessary to protect Colorado waters from invasive mussels or other ANS; and

9 WHEREAS, Zebra and quagga mussels are highly invasive aquatic species that have negative effects on plankton communities, fisheries, and

Shading denotes HOUSE amendment.  Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.
water-based recreation in Colorado and also threaten our water storage
and distribution systems for municipal, industrial, and agricultural use;

WHEREAS, Aquatic nuisance species pose a significant threat to
the aquatic wildlife and aquatic wildlife habitats of Colorado; and

WHEREAS, In order to achieve the desired security of Colorado's
water infrastructure and aquatic wildlife and their habitats, it is necessary
to employ new, consistent, and cooperative funding mechanisms among
all jurisdictions that own and manage waters in Colorado; and

WHEREAS, Successfully implementing the Colorado Parks and
Wildlife ANS Program, along with partner programs, is critical to
maintaining opportunities for recreation, preserving natural resources, and
protecting water supply and delivery infrastructure for municipal,
industrial, and agricultural use; and

WHEREAS, Watercraft conveyances, including trailers and their
compartments, are acknowledged as the primary overland vector of
spread for zebra and quagga mussels and the transport of other ANS; and

WHEREAS, Any water retained in a watercraft increases the
possibility of introducing ANS into new waters; and

WHEREAS, Colorado Parks and Wildlife coordinates the vast
network of watercraft inspection and decontamination stations to protect
waters and infrastructure from invasive species, including standardizing
training and overseeing quality assurance;

WHEREAS, Watercraft inspection and decontamination stations
are operated by Colorado Parks and Wildlife, the National Park Service,
Larimer County, and various municipalities and private industry locations
including businesses, concessioners, marinas, clubs, and private lakes;

WHEREAS, Colorado Parks and Wildlife monitors waters of the
state for zebra and quagga mussels and other aquatic invasive plants and
animals; and

WHEREAS, Colorado's watercraft inspection and decontamination
program has prevented the introduction of these highly destructive
invasive species through the diligent efforts of watercraft inspectors and
decontamination staff and through ongoing sampling, monitoring,
education, and enforcement actions; and

WHEREAS, Since 2009, more than 100 out-of-state watercraft
with zebra or quagga mussels on them have been intercepted in Colorado;
and

WHEREAS, In 2015, Colorado Parks and Wildlife intercepted a
record number of infested out-of-state watercraft and decontaminated
them prior to allowing them into state waters, and 2016 is on track to
exceed the 2015 total; and

WHEREAS, Between 2008 and 2015, watercraft inspection and
decontamination stations in Colorado collectively performed nearly
3,000,000 inspections and 46,628 decontaminations; and

WHEREAS, Some dam and reservoir operators in Colorado, such
as Denver Water and the Colorado River Water Conservation District,
regularly pay for watercraft inspection and decontamination prevention
efforts; and

WHEREAS, The United States Bureau of Reclamation and the
United States Army Corps of Engineers both own and operate numerous
at-risk reservoirs and dams in Colorado, and although they fund their own
prevention efforts, they do not fund Colorado Parks and Wildlife; and

WHEREAS, Most watercraft inspection and decontamination
stations are operated by the recreational manager of a body of water or by
a contracted private entity through the recreational manager; and

WHEREAS, The United States Forest Service (USFS) is the
recreational manager of ten at-risk United States Bureau of
Reclamation-owned reservoirs; and

WHEREAS, The USFS has eliminated almost all financial
contribution to ANS watercraft inspection and decontamination
prevention efforts; and

WHEREAS, The USFS does not operate, or contract for the
operations of, any watercraft inspection and decontamination stations in
Colorado; and
WHEREAS, Colorado Parks and Wildlife or local entities contract
with private industry for watercraft inspection and decontamination
operations on USFS-managed waters; now, therefore,

    Be It Resolved by the House of Representatives of the Seventy-first
    General Assembly of the State of Colorado, the Senate concurring herein:

That we, the members of the Colorado General Assembly, urge the
United States Bureau of Reclamation, the United States Army Corps of
Engineers, and the USFS to provide funding to Colorado Parks and
Wildlife for implementation of the State of Colorado Zebra and Quagga
Mussel Management Plan.

    Be It Further Resolved, That copies of this Joint Resolution be sent
to the Commissioner of the United States Bureau of Reclamation, the
Commanding General and Chief of Engineering of the Army Corps of
Engineers, the Chief of the United States Forest Service, and the members
of Colorado's congressional delegation.
LLS NO. 17-0119.01 Thomas Morris x4218

HOUSE BILL

BILL B

STATE OF COLORADO

A BILL FOR AN ACT

CONCERNING AN AUTHORIZATION FOR THE COLORADO WATER

CONSERVATION BOARD TO FINANCE SOUTH PLATTE RIVER BASIN

RESERVOIR DREDGING PROJECTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

Water Resources Review Committee. The bill appropriates $5 million from the Colorado water conservation board construction fund to the Colorado water conservation board to make loans and grants to enable the recipients to dredge existing reservoirs located in the South Platte river basin to restore the reservoirs' full decreed storage capacity.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment. Capital letters indicate new material to be added to existing statute. Dashes through the words indicate deletions from existing statute.
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. South Platte river basin reservoir dredging projects - appropriation. (1) For the 2017-18 state fiscal year, $5,000,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to make the following loans and grants to dredge existing reservoirs located in the South Platte river basin to restore the reservoirs' full decreed storage capacity. The grants made pursuant to this section must not exceed $2,500,000 and the board shall not award a grant or loan if the anticipated value of the increased water storage capacity does not exceed the amount of the loan or grant.

(2) The money appropriated in subsection (1) of this section remains available for the designated purposes until the projects are completed.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
A BILL FOR AN ACT

Concerning updates to the 1921 law governing irrigation districts.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

Water Resources Review Committee. This bill amends the 1921 irrigation district law to:

- Remove inconsistencies and update antiquated provisions;
- Clarify the definition of landowners entitled to receive water, vote in district elections, and serve on the board of directors;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.
• Update dollar figures and, in subsequent years, adjust for inflation;
• Define "agricultural land";
• Update election procedures;
• Clarify how irrigation district assessments are collected and held; and
• Modernize procedures for selling surplus property.

The bill also clarifies that water acquired in excess of an irrigation district's own needs can be leased for all beneficial purposes, rather than only for domestic, agricultural, and power and mechanical purposes, and that the provisions of the 1921 irrigation district law are in addition to powers conferred on irrigation districts in other statutes.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 37-42-106, repeal (2) as follows:

37-42-106. Notice of organization meeting and election. (2) At all elections held under the provisions of this article, every owner of agricultural land within said district who is eighteen years of age or older, is a citizen of the United States or has declared his or her intention to become a citizen of the United States, is a resident of the state of Colorado, and has paid real property taxes upon the property located within said district on an area in excess of one acre during the year preceding the date of said election if a resident of the district or on an area of forty acres or more if a resident of the state outside the district or who is an entryman upon public lands of the United States and is residing thereon, shall be entitled to vote at such election in the precinct where he or she resides or, if a nonresident of the precinct, in the precinct within which the greater portion of his or her land is located. Any person so qualified to vote, and who resides in any county into which said district extends, is eligible for election as a director in and for the division in such district in which he or she is entitled to vote. All lands platted or
subdivided into residence or business lots shall not be considered agricultural land.

SECTION 2. In Colorado Revised Statutes, 37-42-107, amend (1) as follows:

37-42-107. Organization - meeting - voting. (1) The board of county commissioners shall attend at the time and place of such THE meeting SPECIFIED IN SECTION 37-42-106 and shall certify to the meeting a list of the landowners of said THE proposed district, taking no account of those who have prosecuted appeals from the order of the board of county commissioners fixing and determining boundaries, together with the number of acres within said THE proposed district, owned or represented by each, the total of which acreage, for the purposes of this meeting, shall be considered the total acres of the district. The board of county commissioners shall also act as a credentials committee of said THE meeting and shall decide AND CREATE A WRITTEN CERTIFICATION REGARDING who are eligible voters thereat making a certificate concerning the same, and AT THE MEETING. The chairman CHAIR of the board shall preside at said THE meeting until such time as temporary officers are elected from among those present. The unit of voting power shall be the acre within said district or proposed district, each landowner being entitled to cast as many votes as he has acres of land within the district or proposed district, and, in casting such votes, such landowner may vote in person or by proxy, and, in the election of directors, the practice known as cumulative voting shall be allowed. Any person desiring to act as proxy for another must file written authority therefor before being allowed to vote, which authority shall be retained as part of the proceedings of the meeting at which such vote is cast and shall be
subject to use at no other meeting:

SECTION 3. In Colorado Revised Statutes, 37-42-108, amend (1) as follows:

37-42-108. Directors - election. (1) The board of directors shall consist of three landowners of the district who shall are qualified to vote at district elections pursuant to Section 37-42-112 (2), including authorized agents, and who reside within the district. Directors hold their respective offices for the period of three years and until their successors are elected and qualified. They shall be elected by ballot upon public nominations made at the meeting at which they are elected, and each ballot shall must contain the name of the person for whom it is cast, the name of the voter or, if by proxy, the name of both landowner and proxy, and the number of votes cast. Each landowner may cast as many votes as he or she has acres of land within the district for each of three persons voted for, and may vote cumulatively, if he so desires, indicating that fact upon his ballot.

SECTION 4. In Colorado Revised Statutes, 37-42-110, amend (2)(b), (3), and (7); and repeal (4) as follows:

37-42-110. Directors to organize - powers. (2)(b) It is also the duty of the board to make an annual report of the district showing the status of its affairs generally, including full lists of assets and liabilities, warrants and bonds outstanding, and such as have been paid or retired during the last fiscal year, and to present the report to the landowners at or before the annual election.

(3) As compensation for service as directors, each person so acting shall is entitled to receive ten dollars for each day necessarily spent in the discharge of district business and such expenses
as are necessarily incurred in the conduct of its affairs; except that, after
the first year, the landowners may fix other compensation by vote at any
annual OR SPECIAL election.

(4) Each member of the board of directors shall execute an official
bond in the sum of three thousand dollars, which shall be approved by the
county judge of the county wherein such organization was effectuated, and
the bond shall be recorded in the office of the county clerk and recorder
thereof. Such official bond may be signed by a surety company authorized
to do business in the state of Colorado, in which case the district shall be
liable for and shall pay the premium on said bond:

(7) If it is found necessary by the board of directors to employ
judges of election, each shall JUDGE IS ENTITLED TO receive as
compensation for his OR HER services the sum of ten ONE HUNDRED
dollars per day to be paid by the district; EXCEPT THAT THE LANDOWNERS
MAY FIX OTHER COMPENSATION BY VOTE AT ANY ANNUAL OR SPECIAL
ELECTION.

SECTION 5. In Colorado Revised Statutes, amend 37-42-111 as
follows:

37-42-111. Meetings of directors - notice. The board of directors
shall hold its regular meetings at least four times each year, which may be
immediately following the general election and on the first Tuesday of
April, July, and October of each year, or, in the alternative, at such other
times as may be designated in the bylaws, RULES, OR REGULATIONS
adopted by the board, and such special meetings as shall be ARE called,
on at least five days' notice, by a majority of the board. All special and
regular meetings must be held where practicable within the district or, if
not so practicable, within the boundaries of any county in which the
district is located, in whole or in part, or in any county so long as the
meeting location does not exceed twenty miles from the
district boundaries. The provisions of this section governing the location
of meetings may be waived only if the proposed change of location of a
meeting of the board appears on the agenda of a regular or special
meeting of the board and if a resolution is adopted by the board stating
the reason for which a meeting of the board is to be held in a location
other than under the provisions of this section and further stating the date,
time, and place of such the meeting. In calling special meetings, the call
must state specifically the business to be transacted, and none other shall
be considered, but, at regular meetings, any business which that the
board of directors may legally transact may be acted upon. A majority of
all members of the board shall must concur in order to bind the district
or the board in any matter. All board meetings shall must be public,
EXCEPT FOR EXECUTIVE SESSIONS TO DISCUSS CONFIDENTIAL MATTERS
AND TO RECEIVE LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS, and the
records thereof, EXCEPT CONFIDENTIAL RECORDS, ARE open to general
public inspection during business hours. IRRIGATION DISTRICTS MAY
DEFINE CONFIDENTIAL RECORDS AND MATTERS SUBJECT TO EXECUTIVE
SESSION IN THE BYLAWS, RULES, OR REGULATIONS USING SECTION
24-6-402 (4) AS GUIDANCE.

SECTION 6. In Colorado Revised Statutes, amend 37-42-112 as
follows:

37-42-112. District elections - definition. (1) Elections are of
two kinds, general and special. A general election shall be held once each
year in the month of January, at a date, time, and place designated by the
board. Any business requiring or permitting a vote of the landowners may
be transacted at such THE election, including always the election of a board of directors for the ensuing year. A special election may be called at any time by the board of directors by resolution duly passed and entered of record in the minutes of the proceedings of the board. Notice of a general elections shall call attention to the date and place of such THE election. In addition, notice of a special elections shall ELECTION MUST state the nature of the business to be transacted at such THE election, and no business shall be transacted thereat AT THE SPECIAL ELECTION other than that mentioned in the call. In either case, notice shall be mailed DELIVERED ELECTRONICALLY OR BY UNITED STATES MAIL to each landowner of the district at his WHO IS QUALIFIED TO VOTE IN DISTRICT ELECTIONS AT THE LANDOWNER'S last address as shown by the records of the district at least thirty days prior to the date of such THE election and also published once each week for four consecutive weeks immediately preceding such THE election in a newspaper designated by the board and of general circulation within said THE district.

(2) THE FOLLOWING LANDOWNERS WHO OWN AGRICULTURAL LAND WITHIN A DISTRICT ARE ENTITLED TO VOTE AT ALL DISTRICT ELECTIONS AND AT ELECTIONS FOR A PROPOSED DISTRICT UNDER SECTION 37-42-107:

(a) A LANDOWNER WHO IS A NATURAL PERSON OVER THE AGE OF EIGHTEEN YEARS, IS A CITIZEN OF THE UNITED STATES, IS A RESIDENT OF THE STATE OF COLORADO, AND HAS PAID OR IS OBLIGATED TO PAY PROPERTY TAXES UPON REAL PROPERTY LOCATED WITHIN THE DISTRICT FOR THE CALENDAR YEAR PRECEDING THE ELECTION;

(b) A LANDOWNER THAT IS NOT A NATURAL PERSON AND THAT HAS PAID OR IS OBLIGATED TO PAY PROPERTY TAXES UPON REAL PROPERTY LOCATED WITHIN THE DISTRICT FOR THE CALENDAR YEAR PRECEDING THE
ELECTION. IN ORDER TO VOTE AT AN ELECTION, THE LANDOWNER MUST AUTORIZE AN AGENT WHO SATISFIES THE RESIDENCY AND AGE REQUIREMENTS SET FORTH IN SUBSECTION (2)(a) OF THIS SECTION TO VOTE ON ITS BEHALF AT THE ELECTION AND MUST PROVIDE WRITTEN NOTICE OF THE AUTHORIZED AGENT TO THE DISTRICT IN A FORM SATISFACTORY TO THE DISTRICT.

(3) THE UNIT OF VOTING POWER IS ONE ACRE WITHIN A DISTRICT OR PROPOSED DISTRICT, EACH LANDOWNER BEING ENTITLED TO CAST AS MANY VOTES AS THE LANDOWNER HAS ACRES OF LAND WITHIN THE DISTRICT OR PROPOSED DISTRICT, AND, IN CASTING SUCH VOTES, THE LANDOWNER MAY VOTE IN PERSON OR BY PROXY. A DISTRICT MAY ESTABLISH IN ITS BYLAWS, RULES, OR REGULATIONS QUALIFICATIONS FOR PERSONS ACTING AS PROXIES. A PERSON DESIRING TO ACT AS PROXY FOR ANOTHER MUST FILE WRITTEN AUTHORITY THEREFOR BEFORE BEING ALLOWED TO VOTE, WHICH AUTHORITY:

(a) SHALL BE RETAINED AS PART OF THE PROCEEDINGS OF THE MEETING AT WHICH THE VOTE IS CAST; AND

(b) IS NOT VALID AT ANY OTHER MEETING.

(4) IF THE DISTRICT IS DIVIDED INTO PRECINCTS, A LANDOWNER IS ENTITLED TO VOTE AT AN ELECTION IN THE PRECINCT WHERE HE OR SHE RESIDES OR, IF THE LANDOWNER IS NOT A NATURAL PERSON OR IS A NONRESIDENT OF THE DISTRICT, IN THE PRECINCT WITHIN WHICH THE GREATER PORTION OF THE LANDOWNER'S LAND IS LOCATED. THE BOARD OF DIRECTORS OF THE DISTRICT MAY ORDER THAT THE ENTIRE DISTRICT CONSTITUTES ONE ELECTION PRECINCT, IN WHICH CASE THE BOARD SHALL ESTABLISH ONE POLLING PLACE IN THE PRECINCT AND SHALL APPOINT ONLY THREE JUDGES OF ELECTION, WHO CONSTITUTE A BOARD OF
ELECTION, AND ALL QUALIFIED VOTERS VOTING AT THE ELECTION MUST
VOTE AT THE POLLING PLACE SO ESTABLISHED.

(5) AS USED IN THIS SECTION, "AGRICULTURAL LAND" HAS THE
MEANING SET FORTH IN SECTION 39-1-102 (1.6); EXCEPT THAT
"AGRICULTURAL LAND" DOES NOT INCLUDE ANY LAND THAT HAS BEEN
PLATTED OR SUBDIVIDED INTO RESIDENCE OR BUSINESS LOTS.

SECTION 7. In Colorado Revised Statutes, 37-42-113, amend
(1) and (2); and add (4) as follows:

37-42-113. Powers of district. (1) (a) Irrigation districts
organized under this article ARTICLE 42 may sue and be sued in their
district names, and courts shall take judicial notice of their organization
and territorial extent.

(b) The board of directors may acquire, by use, PRESCRIPTION,
appropriation, purchase, or condemnation, property or rights of any kind,
including rights-of-way, canals, or reservoirs either projected, or partly
constructed, or constructed, or the part or whole of any contemplated,
projected, partly completed system of irrigation or waterworks, water
rights, or any other property or right necessary or useful for carrying out
the objects of said THE irrigation district. The title to any such property so
acquired shall vest VESTS immediately in said THE irrigation district in its
corporate name and shall be IS held by said THE district in trust for, and
is hereby dedicated and set apart for, the uses and purposes provided for
in this article ARTICLE 42.

(c) Any contract purporting to bind the district to the payment of
any sum in excess of twenty FIVE HUNDRED thousand dollars shall
first be ratified by a majority of all the votes cast at a general or special
election called for that purpose before it shall become so BECOMES
binding, and all contracts entered into by the board of directors agreeing
to a payment in excess of such amount shall be construed as made
BEING expressly subject to this provision SUBSECTION (1)(c) and shall not become binding upon the district until authorized and ratified at an
election called and held for that purpose; EXCEPT THAT, ON JULY 1, 2022,
AND ON JULY 1 OF EVERY FIVE-YEAR PERIOD THEREAFTER, THE BOARD OF
DIRECTORS SHALL ADJUST THE DOLLAR AMOUNT SPECIFIED IN THIS
SUBSECTION (1)(c) IN ACCORDANCE WITH THE PERCENTAGE CHANGE OVER
THE PREVIOUS FIVE-YEAR PERIOD IN THE UNITED STATES DEPARTMENT OF
LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR
DENVER-BOULDER-GREELEY, ALL ITEMS, ALL URBAN CONSUMERS, OR ITS
SUCCESSOR INDEX. THE BOARD OF DIRECTORS SHALL POST THE ADJUSTED
AMOUNT ON ITS WEBSITE AND IN ITS ANNUAL REPORTS.

(2) Where the compensation to be paid by the district to the
owners of any property which the board of directors of an irrigation
district are authorized to take by proceedings in eminent domain has
been finally determined to be in excess of twenty-five hundred thousand
dollars, THE COURTS SHALL GIVE sufficient time shall be given by the
courts for the submission to and determination by the landowners of the
district, at a regularly called general or special election, of the question of whether the district shall pay the compensation or shall abandon such THE condemnation proceedings; EXCEPT THAT, ON JULY 1,
2022, AND ON JULY 1 OF EVERY FIVE-YEAR PERIOD THEREAFTER, THE
BOARD OF DIRECTORS SHALL ADJUST THE DOLLAR AMOUNT SPECIFIED IN
THIS SUBSECTION (2) IN ACCORDANCE WITH THE PERCENTAGE CHANGE
OVER THE PREVIOUS FIVE-YEAR PERIOD IN THE UNITED STATES
DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE
INDEX FOR DENVER-BOULDER-GREELEY, ALL ITEMS, ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX. THE BOARD OF DIRECTORS SHALL POST THE ADJUSTED AMOUNT ON ITS WEBSITE AND IN ITS ANNUAL REPORTS. If the landowners, by majority vote of all the votes cast at such the election, shall vote for the payment of such the compensation, the COURTS SHALL GIVE THE DISTRICT THE necessary additional times shall be given the district wherein time to pay such the compensation either by levy and collection of assessments against the lands of the district, or by the issuance and sale of bonds of the district, or by both such methods, as may be determined at a district election.

(4) THE POWERS CONFERRED BY THIS ARTICLE 42 ARE CUMULATIVE AND ARE IN ADDITION TO ALL POWERS POSSESSED BY AN IRRIGATION DISTRICT UNDER THE OTHER LAWS OF THIS STATE.

SECTION 8. In Colorado Revised Statutes, 37-42-114, amend (1) and (3) as follows:

(1) "Landowners" "LANDOWNER", as used in this article, shall include any persons, natural or artificial, resident or nonresident, who are citizens of the United States and owners ARTICLE 42, MEANS AN OWNER in fee of lands within the boundaries of any irrigation district organized or proposed to be organized, or holders of incomplete title under contracts to purchase state or Carey act lands, or the state board of land commissioners in care of agricultural college or public school lands; including also entrymen or purchasers of public lands of the United States under any of the agricultural public land laws, or the secretary of the interior in care of unentered public lands subject to this article under the terms of an act of congress entitled "An Act to promote reclamation of
arid lands."; approved August 11, 1916, and all acts amendatory thereof
or supplemental thereto WHETHER A RESIDENT OR NONRESIDENT OF THE
DISTRICT, WHO OR THAT IS A CITIZEN OF, OR AN ENTITY OR ARRANGEMENT
CREATED OR ORGANIZED WITHIN, THE UNITED STATES.

(3) For the purposes of this article ARTICLE 42, evidence of
ownership shall be is prima facie established as to patented land; by the
certificate of the county assessor of the county wherein the lands involved
are situated as to unperfected entries upon public lands, by the certificate
of the register of the United States land office of the district wherein the
lands involved are situated; or as to holders of incomplete title under
contracts to purchase state or Carey act lands; or by certificate of the
register of the state board of land commissioners.

SECTION 9. In Colorado Revised Statutes, 37-42-128, amend
(1), (3), (4), (5), and (6) as follows:

37-42-128. Collection of assessments. (1) The county treasurer
of the county wherein the office of an irrigation district is located shall be
and is, hereby constituted ex officio, district treasurer of such THE
irrigation district and shall be is liable upon his or her official bond and
to indictment and criminal prosecution for malfeasance, misfeasance, or
failure to perform any duty prescribed in this article ARTICLE 42, either as
county treasurer or as district treasurer, as is provided by law in like or
other cases as county treasurer. Said THE treasurer shall collect, receive,
and provide a receipt for all moneys assessments belonging to the
district.

(3) In the case of irrigation district assessments, such county
treasurer shall receive, in payment of the general fund assessment for the
year in which taxes are payable, warrants drawn against said general fund
the same as so much lawful money of the United States, if such warrant
does not exceed the amount of the general fund assessment which the
person tendering the same owes. Such county treasurer shall receive, in
payment of the district bond fund assessment for the year in which said
taxes are payable, interest coupons or bonds of said irrigation district
maturing within the year said assessments are payable the same as so
much lawful money of the United States, if such interest coupons or
bonds do not exceed the amount of district bond fund assessment which
the person tendering the same owes. The county treasurer shall
provide a receipt for payment of irrigation district assessments shall be
receipted for upon the same receipt required in the collection of general
real estate taxes, but, in the case of payment of only general tax or
irrigation district assessment and the nonpayment of the other, such
nonpayment shall be clearly indicated upon such the receipt so issued,
and the payment of the one shall in no does not in any way affect the
lien or obligation of the unpaid tax or assessment, but each shall exist
exists and be is enforceable separately.

(4) The county treasurer of each county comprising all or a
portion only of an irrigation district excepting the county treasurer of the
county in which the office of said district is located, shall, on the first
Monday of each month, shall remit to the district treasurer all moneys,
warrants, coupons, or bonds theretofore collected or received by him or
her on account of said the district. Every county treasurer shall keep a
general fund account, a bond fund account, and, in the case of a contract
with the United States, a United States contract fund account. The
county treasurer shall place in the bond fund account shall be
placed all moneys money received from taxation for the payment of
bonds and the interest thereon. The county treasurer shall place in
the United States contract fund account all money received for payments due or to become due the United States under any
contract between the district and the United States.

(5) Every district treasurer shall keep a general fund
account, a bond fund account, and, in the case of a contract
with the United States, a United States contract fund account.
The district treasurer shall place in the bond fund account all
money received from taxation for the payment of bonds and the
interest thereon. The district treasurer shall place in the
United States contract fund account all money received for
payments due or to become due the United States under any
contract between the district and the United States. The
district treasurer shall place all other district money from
whatever sources in the general fund, and shall keep the
three funds separate at all times. The district treasurer shall pay out
of said the bond fund and United States contract fund, when due, the
interest and principal of the bonds of said the district, at the time and
place specified in said the bonds, or all payments due to the United
States under any contract between the district and the United States, at the
time and in the manner provided in said the contract, and shall pay out
of the general fund only upon warrants signed by the person duly
authorized by the board of directors of said the district, as
provided in this section.

(6) The district treasurer on the fifteenth day of each month,
unless excused therefrom by order of the board of directors, shall report
monthly to the secretary board of directors of the district the amount
of money in his hands to the credit of the respective funds, the amount of warrants Money paid from the respective funds during the previous month, and the amount of registered warrants, if any, together with an account of bonds retired or United States contract payments made, if any.

**SECTION 10.** In Colorado Revised Statutes, **repeal** 37-42-129 as follows:

**37-42-129. Warrants - interest - call.** Except with respect to claims coming within the provisions of article 10 of title 24, C.R.S., no warrants shall be issued except upon a verified claim first audited and allowed by the board, and each warrant shall be signed by the person duly authorized by the board of directors; and, if the district treasurer has insufficient money in the general fund to pay any warrant when presented for payment, he shall enter such warrant, with its number, amount, date, and the name and address of holder, in a register kept for that purpose and shall endorse upon said warrant "presented and not paid for want of funds", with the date of presentation. Such warrant shall draw interest at the rate of six percent per annum from such date of presentation until called for payment. When money sufficient to pay such warrant, or sufficient to allow a credit of not less than one hundred dollars thereon is in the general fund, such treasurer shall mail notice thereof to the holder of record at his address of record, and interest thereon shall thereupon cease. Warrants shall be paid in the order of their presentation for payment.

**SECTION 11.** In Colorado Revised Statutes, 37-42-131, **amend (2); and repeal (1)** as follows:

**37-42-131. Payment of general expenses.** (1) If any money in excess of one hundred dollars remains in the general fund in any year
after the payment of all district warrants or other indebtedness properly chargeable against such fund and due and payable within such fiscal year, the board shall apply such surplus to the payment of the warrants of preceding years, if any, in the order of their registration and thereafter, in its discretion, by resolution, may authorize the transfer of such money from the general fund to the bond fund, and a certified copy of such resolution, signed by the president and attested by the secretary of the district, shall be sufficient warrant to the treasurer for making such transfer.

(2) (a) For the purposes of defraying the expenses of the organization of the district and the care, operation, management, repair, and improvement of all canals, ditches, reservoirs, and works, including salaries of officers and employees, the board may: either

(I) Fix rates of tolls and charges and collect the same of FROM all persons using said canal and THE DISTRICT'S STRUCTURES OR water for irrigation or other purposes; and in addition thereto may

(II) Provide, in whole or in part, for the payment of such expenditures SPECIFIED IN THIS SUBSECTION (2)(a) by levy of assessments therefor, as provided in section 37-42-126; or

(III) by Both FIX tolls and LEVY assessments.

(b) If the money raised by the sale of bonds issued is insufficient and IF bonds are unavailable for the completion of the plans of works adopted, it is the duty of the board of directors to SHALL provide for the completion of said THE plans by levy of an assessment therefor in the same manner in which levies of assessments are made for the other purposes.

SECTION 12. In Colorado Revised Statutes, amend 37-42-135
as follows:

37-42-135. **District to lease surplus water.** Whenever any irrigation district organized under the provisions of this article acquires water in excess of its own needs or becomes the owner of water or rights capable of use for other purposes than those for which it was organized, without impairing or injuring such use, it may lease such water or rights for use within or without the district for domestic, agricultural, power, or mechanical purposes, upon affirmative vote of the district board of directors authorizing such lease, and the rentals derived from such lease shall be paid into the general fund of the district. Such rentals shall become due and payable semiannually, in advance, on March 1 and August 1 of each year, and shall bear interest at the rate of one percent per month from due date until paid. At its option the board of directors may cancel any lease upon which any rental is past due and unpaid. and no lease shall extend beyond the term of twenty years from the date of its execution.

SECTION 13. In Colorado Revised Statutes, amend 37-42-137 as follows:

37-42-137. **Sale of surplus water - proceeds.** The board of directors may sell property or assets of the district not needed for district use nor essential to its operation from time to time as it shall direct by resolution, at public auction, and upon such notice as it shall designate, and shall cause the proceeds thereof to be placed in the bond fund or United States contract fund of the district. If such district has no bonded or United States contract indebtedness, then such proceeds shall be placed in the general fund.

as follows:

37-42-140. Districts organized after April 7, 1921. This article shall apply ARTICLE 42 APPLIES only to irrigation districts organized after April 7, 1921, and no existing laws in any manner relating to irrigation districts shall apply to or affect irrigation districts organized after said date, but said existing laws and all amendments thereto made after said date shall be and remain in and have full force and effect as to all irrigation districts organized prior to April 7, 1921. However, whenever resident freeholders, representing LANDOWNERS OF a majority of the number of acres of the irrigable land in any irrigation district organized prior to April 7, 1921, shall petition the board of directors to call a special election for the purpose of submitting to the qualified electors of said irrigation district, who for the purpose of this section are defined as the owners or entrymen of agricultural or horticultural land within said district exclusive of lands platted or subdivided into residence or business lots; LANDOWNERS ENTITLED TO VOTE AT ELECTIONS OF THE IRRIGATION DISTRICT a proposition to vote, at any regular or any special election called and notice given for such purpose, upon the question whether or not such THE irrigation district shall thereafter operate under the provisions of this article ARTICLE 42, and if two-thirds of said qualified electors THE LANDOWNERS of such THE irrigation district voting upon such THE question shall vote in favor of coming under the provisions of this article ARTICLE 42, upon the filing of a statement of the results of such THE election in the manner provided by section 37-41-112, such THE irrigation district shall IS thereafter be governed by the provisions of this article but ARTICLE 42. The election of such THE district to come under the provisions of this article shall ARTICLE 42 DOES not
invalidate any act or proceeding previously done under the laws governing the irrigation district prior to the election and shall not impair any obligation of the irrigation district or any right thereunder.

SECTION 15. In Colorado Revised Statutes, amend 37-42-141 as follows:

37-42-141. Ratification of irrigation district. If the qualified voters of an irrigation district entitled to vote at elections have authorized the dissolution of the district in the manner provided by section 37-42-139 but the plan of dissolution so authorized has not been implemented and the district has continued to function as an irrigation district, the district may submit the question of ratification of the district to the qualified voters in a district election as specified in section 37-42-112. If a majority of the votes cast at the election are in favor of the ratification of the district, the prior authorization of dissolution shall be deemed null and void. The directors shall file their certificate of fact with the county clerk and recorder of the county wherein such district is situated, and the district shall be deemed, for all purposes, to be a de jure irrigation district.

SECTION 16. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election.
to be held in November 2018 and, in such case, will take effect on the
date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable
effective date of this act.
A BILL FOR AN ACT

Concerning an exemption from the water quality control commission's graywater control regulations for graywater used for the purpose of scientific research involving human subjects.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

Water Resources Review Committee. The water quality control commission in the department of public health and environment (commission) is responsible for developing requirements, prohibitions,
and standards that protect public health and water quality for the use of
graywater for nondrinking purposes. Scientific research on graywater that
might involve graywater uses and systems that do not strictly comply with
the requirements, prohibitions, and standards developed by the
commission would not be permitted under the control regulations.

To facilitate scientific research related to graywater uses and
systems, the bill creates an exemption from the commission's graywater
control regulations for scientific research involving human subjects
whereby a person may collect and use graywater for purposes of scientific
research involving human subjects if the person:

- Seeks to conduct the scientific research on behalf of an
  institution of higher education;
- Utilizes a graywater treatment works system that
  incorporates a secondary water supply to provide an
  alternative source of water if any portion of the system
does not function properly; and
- Collects and uses graywater in accordance with the terms
  and conditions of the decrees, contracts, and well permits
  applicable to the use of the source water rights or source
  water and any return flows.

The person is required to report to the water resources review
committee on an annual basis the results of periodic monitoring
conducted to assess the continued functioning of the graywater treatment
works system used in the project and the project's compliance with federal
rules concerning the protection of human research subjects.

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**Be it enacted by the General Assembly of the State of Colorado:**

**SECTION 1.** In Colorado Revised Statutes, 25-8-103, amend the
introductory portion and (8.3) as follows:

**25-8-103. Definitions.** As used in this article ACTICLE 8, unless
the context otherwise requires:

(8.3) (a) "Graywater" means that portion of wastewater that,
before being treated or combined with other wastewater, is collected from
fixtures within residential, commercial, or industrial buildings or
institutional facilities for the purpose of being put to beneficial uses
authorized by the commission in accordance with section 25-8-205 (1)(g);
EXCEPT THAT GRAYWATER USE FOR PURPOSES OF SCIENTIFIC RESEARCH

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INvolving human subjects, as defined in section 25-8-205.3 (3), must comply with the requirements of section 25-8-205.3, but need not comply with the commission's control regulations established under section 25-8-205 (1).

(b) Sources of graywater may include discharges from bathroom and laundry room sinks, bathtubs, showers, laundry machines, and other sources authorized by rule. Graywater does not include the wastewater from toilets, urinals, kitchen sinks, dishwashers, or nonlaundry utility sinks. Graywater must be collected in a manner that minimizes household wastes, human excreta, animal or vegetable matter, and chemicals that are hazardous or toxic, as determined by the commission; except that a person may collect and use graywater in a manner that departs from the commission's requirements if the person collects and uses the graywater for purposes of scientific research involving human subjects in accordance with the requirements of section 25-8-205.3.

SECTION 2. In Colorado Revised Statutes, 25-8-205, amend (1)(g)(II) as follows:

25-8-205. Control regulations. (1) The commission may promulgate control regulations for the following purposes:

(g)(II) Except as authorized in section 25-8-205.3, graywater may be used only in areas where the local city, city and county, or county has adopted an ordinance or resolution approving the use of graywater pursuant to section 30-11-107 (1)(kk) or 31-15-601 (1)(m). C.R.S. The city, city and county, or county that has adopted an ordinance or resolution approving the use of graywater pursuant to section 30-11-107 (1)(kk) or 31-15-601 (1)(m) C.R.S., has exclusive enforcement authority.
SECTION 3. In Colorado Revised Statutes, add 25-8-205.3 as follows:

25-8-205.3. Exemption from control regulations for graywater research - definition. (1) Subject to the conditions set forth in subsection (2) of this section, a person may collect and use graywater in a manner that departs from the requirements of the commission's control regulations, as promulgated pursuant to section 25-8-205 (1)(g), if, on behalf of an institution of higher education in Colorado, or a public or private entity that an institution of higher education in Colorado contracts with to conduct graywater research on the institution's behalf, the person collects and uses the graywater for purposes of scientific research involving human subjects.

(2) A person collecting and using graywater pursuant to this section:

(a) Shall collect and use the graywater in accordance with the terms and conditions of the decrees, contracts, and well permits applicable to the use of the source water rights or source water and any return flows;

(b) Shall utilize a graywater treatment works system that incorporates a secondary water supply, such as a municipal water supply, to provide an alternative source of water if any portion of the system does not function properly;

(c) May collect and use the graywater in an area that is not within the jurisdiction of any city, city and county, or county that has adopted an ordinance or resolution.
AUTHORIZING GRAYWATER USE PURSUANT TO SECTION 25-8-205
(1)(g)(II);
(d) MAY USE THE GRAYWATER FOR A NONPOTABLE BENEFICIAL
USE INCLUDING SUBSURFACE IRRIGATION OR TOILET FLUSHING IF SUCH USE
IS TIED TO THE PURPOSE OF THE PERSON'S SCIENTIFIC RESEARCH; AND
(e) ON AN ANNUAL BASIS, SHALL REPORT TO THE WATER RESOURCE
REVIEW COMMITTEE, CREATED IN SECTION 37-98-102, THE RESULTS OF
PERIODIC MONITORING OF THE PROJECT CONDUCTED TO ASSESS:
(I) THE FUNCTIONING OF THE GRAYWATER TREATMENT WORKS
SYSTEM USED TO COLLECT GRAYWATER; AND
(II) THE PROJECT'S CONTINUED COMPLIANCE WITH THE
REQUIREMENTS OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN
SERVICES' REGULATIONS CONCERNING THE PROTECTION OF HUMAN
RESEARCH SUBJECTS, CODIFIED IN 45 CFR 46.
(3) AS USED IN THIS SECTION, "SCIENTIFIC RESEARCH INVOLVING
HUMAN SUBJECTS" MEANS A RESEARCH STUDY IN WHICH:
(a) EMPRICAL DATA IS COLLECTED AND ANALYZED ABOUT
WASTEWATER COLLECTION, TREATMENT, OR USE; AND
(b) HUMANS PARTICIPATE AS SUBJECTS IN THE STUDY.
SECTION 4. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly (August
9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
referendum petition is filed pursuant to section 1 (3) of article V of the
state constitution against this act or an item, section, or part of this act
within such period, then the act, item, section, or part will not take effect
unless approved by the people at the general election to be held in

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November 2018 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.
IntroduCed

Bill 17-___

State of Colorado

Senate Committees

House Committees

A Bill For an Act

Concerning..............................

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

In the case of St. Jude’s Co. v. Roaring Fork Club, LLC, 351 P.3d 442 (Colo. 2015) (“St. Jude’s Co.”), the Colorado Supreme Court held that diversions of water for aesthetic, recreational and piscatorial purposes, without impoundment, are not “beneficial uses” of water under Colorado law.
This bill: Clarifies that the decision in *St. Jude’s Co.* interpreting section 37-92-103(4) does not apply to absolute or conditional decrees, or to pending claims that existed as of July 15, 2015.

Clarifies the definition of beneficial use to include the diversion of a direct flow water right for recreational or piscatorial purposes, subject to specified standards.

Establishes standards for the water courts to apply to the adjudication of direct flow water rights for recreational or piscatorial purposes.

Clarifies that water released from lawful storage may be put to beneficial use for recreational, piscatorial, municipal or other lawful purposes within a natural stream or by subsequent diversion from the natural stream.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** LEGISLATIVE DECLARATION. (1) The General Assembly hereby:

(A) Finds and declares that:

(I) In the case of *St. Jude’s Co. v. Roaring Fork Club, LLC*, 351 P.3d 442 (Colo. 2015), the Colorado Supreme Court held that diversions of water for aesthetic, recreational, and piscatorial purposes, without impoundment, are not beneficial uses of water under Colorado water law; and

(II) The court specifically stated that it was for the general assembly to approve such uses;

(B) Determines that:

(I) The court’s opinion has created great uncertainty regarding the large number of existing direct diversion water rights decreed for these purposes, and how such water rights should be administered;

(II) These decreed water rights are valuable property upon which their owners rely and that are the bases for planning decisions and expectations;

(III) As with any appropriation, a diversion for recreational or piscatorial use must be “reasonable and appropriate under reasonably efficient practices to accomplish without waste the purpose for which the appropriation is lawfully made.” (C.R.S. 37-92-103(4)); and
(IV) The Court’s opinion also has created uncertainty regarding how the holding affects the release and administration of stored water for recreational, piscatorial, municipal or other purposes within the natural stream channel or by subsequent diversion from the natural stream channel. For example, such releases support important recreational and environmental values to the state of Colorado, including the recovery of endangered fish species in the Colorado River basin, compliance with the federal Endangered Species Act in a manner consistent with state water law, and facilitating the ability of water users to provide necessary mitigation to offset any adverse impacts from new water development projects.

(c) Declares that:

(I) The Court’s decision is contrary to an evolving recognition of, and reliance on, the environmental, fish habitat, recreational, and economic benefits of these types of water uses; and

(II) This act is necessary to protect water right owners’ property rights and reasonable investment-backed expectations, and to protect the ability to use storage releases to assist private and public water users in satisfying strict environmental permitting requirements.

(III) This act provides clear standards for the water courts to apply in quantifying the ‘duty of water’ for recreational and piscatorial water rights.

Section 2. In Colorado Revised Statutes, 37-92-103 (4) add (d) and (e) as follows:

37-92-103. Definitions. As used in this article, unless the context otherwise requires:

(4) "Beneficial use" means the use of that amount of water that is reasonable and appropriate under reasonably efficient practices to accomplish without waste the purpose for which the appropriation is lawfully made. Without limiting the generality of the previous sentence, "beneficial use" includes:

(d) The appropriation of a direct flow water right for recreational or piscatorial purposes, subject to the requirements of section 37-92-305(20), C.R.S.; and

(e) The use of water lawfully stored for recreational, piscatorial, municipal, or other purposes that is released for such use that occurs within a
NATURAL STREAM, OR FOR SUCH USE THAT OCCURS BY SUBSEQUENT DIVERSION FROM A
NATURAL STREAM.

SECTION 3. In Colorado Revised Statutes, 37-92-305, add (19) and (20) as
follows:

37-92-305. Standards with respect to rulings of the referee and decisions of the water
judge.

(19) Neither the decision in *St. Jude’s v. Roaring Fork Club, LLC*, 351 P.3d 442,
451 (COLO. 2015) interpreting Section 37-92-103(4), nor paragraph (20) below,
shall apply to (A) any absolute water right or conditional water right for
which a decree was entered or for which a water court claim was pending prior
to July 15, 2015, (B), any future claim for reasonable diligence or claim to make
absolute such a conditional water right, (C) approval of any plan for
augmentation associated with such conditional or absolute water right, or (D)
the release of water lawfully stored for recreational, piscatorial, municipal,
or other purposes.

(20) An application for a water right authorized by Section 37-92-
103(4)(d) may be granted by the water court only upon findings that (1)
applicant’s appropriation removes water from its natural course or location,
(2) applicant’s beneficial use will occur separate from the natural course or
location, and (3) the amount of water claimed by the applicant is the amount
reasonably necessary to accomplish the applicant’s intended beneficial use. In
making a determination under this paragraph 20, the court must further find:

(a) Applicant has demonstrated that the amount of water claimed is
based on technical, scientific, or engineering evidence that takes into account
factors bearing on the reasonableness of the amount of water claimed,
including the availability of unappropriated water during the intended period
of use, the rate of flow and duration of the use, and the replacement of out of
priority depletions, if any, caused by the intended beneficial use;

(b) Applicant’s water diversion system will accomplish the beneficial use
in a reasonably efficient manner and will utilize measuring devices adequate to
enable administration by the office of the division engineer.
SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
Q. Why is this bill needed?

A. The Colorado Supreme Court’s ruling in St. Jude’s places hundreds, if not thousands, of existing direct diversion water decrees that include “recreational” and “piscatorial” uses at risk of judicial nullification. The decision also could affect the release of lawfully stored water for use within the natural stream channel. Such releases support the recovery of fish species in the Colorado River basin and ensure compliance with the federal Endangered Species Act in a manner consistent with state water law. As such, this bill benefits nearly the entire state, as almost the entire state uses Colorado River water. Finally, the court’s decision is contrary to the evolving recognition of environmental, fish habitat and recreational benefits of Colorado’s water use.

Q. What does this bill do?

A. This bill addresses the Colorado Supreme Court’s St. Jude’s decision, clarifying that recreational and piscatorial (fish propagation and habitat) uses are beneficial uses under Colorado law for the direct diversion of water from a stream. It also clarifies that releases of lawfully stored water for use within the natural stream channel, including recreational and piscatorial, is lawful under Colorado law, providing the State Engineer with clear authority to shepherd released water for such uses. This release of stored water can continue to be used to support the recovery of endangered fish species in the Colorado, Yampa, and Gunnison Rivers – which is vital to protect existing consumptive uses of water. This bill also includes standards for water court judges to employ for direct flow recreational and piscatorial water rights to ensure this bill cannot be used to appropriate excessive amounts of water for these rights.

Q. How is this bill different from HB16-1382?

A. There are three important provisions in this bill that address the concerns raised by opponents to HB16-1382. First, aesthetic uses are not included in this bill. Second, the bill specifically addresses the release of stored water for in-channel use – a common practice throughout the state, including the primary mechanism water is made available for the Colorado River endangered fish recovery program. Finally, this bill includes standards for the water courts to use when quantifying recreational and piscatorial direct flow water rights to prevent over-appropriation or overly-aggressive applications for water decrees. It requires the applicant to prove based on technical, scientific or engineering evidence that the amount of water claimed is reasonable and necessary.

Q. Who will this bill help?
A. As it ensures the State Engineer can continue to deliver released water to the 15 Mile Reach to assist recovery of endangered fish species, this bill has genuine statewide benefit, as nearly the entire state uses water from the Colorado River. This bill also protects the property interests of every water decree owner whose direct flow decree includes “recreational” or “piscatorial” among its beneficial uses.

Q. What does piscatorial mean?
A. Fish propagation and fish habitat enhancement.

Q. What are examples of direct flow recreational and piscatorial water rights addressed by this bill?
A. It’s important to remember that direct flow recreational and piscatorial water rights addressed by this bill are not for instream uses, water must be diverted from the stream and placed to beneficial use outside of the natural stream channel. Examples include municipal recreational facilities, golf course water features, enhanced off-stream fish habitats, and off-stream kayak courses.

Q. Is ‘aesthetics’ included in this bill? Why not?
A. It is not included. Proponents heard and responded to concerns that inclusion of aesthetic uses represented too great an opportunity for future mischief and setting standards for the “duty of water” for aesthetic purposes could be too subjective.
The Colorado Supreme Court’s majority opinion in *St. Jude’s Co. v. Roaring Fork Club, LLC*, 351 P.3d 442 (Colo. 2015) held that diversions of water in Colorado for recreational, aesthetic, and piscatorial (fish) purposes, without storage, are categorically non-beneficial uses of water for which a water right may not be confirmed. The decision, which the dissenting Justices called “unmoored from the constitution” and “conceptually untenable,” brings into question countless existing decrees that include these beneficial uses and jeopardizes the real property rights associated with these appropriations. Justice Coats states in the *St. Jude’s* majority opinion that it is the purview of the General Assembly to approve such beneficial uses, and House Bill 17-xxxx responds to that call by both restoring certainty to existing court decrees and confirming the long-accepted principle that the definition of beneficial use must be flexible and adaptive to Colorado’s evolving economic and community values.

This Bill does not, however permit new direct flow water rights to be obtained for aesthetic purposes.

1. **The *St. Jude’s* decision imperils existing decreed water rights.** For over a century Colorado’s water courts have recognized and decreed as beneficial use direct flow diversions for recreational, and/or piscatorial uses. Hundreds, if not thousands, of water rights for such uses have been decreed and administered all across Colorado prior to the *St. Jude’s* opinion. These existing water rights function to improve natural and man-made fisheries, increase property values, add value to private and public natural resources throughout Colorado, and benefit local economies. This bill prevents these valuable, existing real property rights from being judicially vanquished.

2. **The potential unintended consequences of the *St. Jude’s* decision have not been fully exposed.** One concerning consequence of the *St. Jude’s* decision is the threat to existing mechanisms used to comply with Endangered Species Act. As water users and the State Engineer continue to grapple with how the decision and the Court’s choice of language may impact future river administration, there is a growing concern that the decision could imperil river flow augmentation efforts that support endangered fish recovery programs in the Colorado, Yampa, and Gunnison River basins which rely on the release of lawfully stored water for use within the natural stream. If these efforts are limited by the application of the *St Jude’s* decision, water use statewide for all who use the Colorado River is at risk. As recently confirmed in the Colorado Water Plan, the innovative and collaborative efforts utilized in connection with these recovery programs are critical to Colorado water users across the state.

3. **The bill requires that appropriations for recreational and piscatorial uses will be subject to express objective standards commonly applied in other water rights cases.** As with other types of appropriations, a diversion for a recreational or piscatorial use must be “reasonable and appropriate under reasonably efficient practices to accomplish without waste the purpose for which the appropriation is lawfully made.” C.R.S. § 37-92-103(4). Water courts in Colorado are well-equipped to receive expert testimony and determine reasonable amounts for such uses. Such appropriations are often highly engineered projects, with diversion rates developed and decreed based on objective and accepted scientific principles. This bill includes standards specifically applicable to recreational and piscatorial water use that the water courts must use to quantify such uses and ensure that no mischief or over-appropriation of water is possible.

4. **The direct-flow diversions for recreational and piscatorial purposes addressed by this bill are not instream flows or RICDs.** The direct flow water rights imperiled by *St. Jude’s* involve the diversion of water from the stream – such uses are not in-channel uses that infringe on the CWCB’s exclusive
jurisdiction to appropriate instream flows nor upon RICD water rights. Though substantially non-consumptive, decrees approving direct flow water rights for recreational and piscatorial uses occasionally include an augmentation plan to replace depletions associated with evaporation or evapotranspiration. As such, the fisheries and wetland habitats established by such diversions complement the objectives of the instream flow program and also further the stated goals of the Colorado Water Plan, “to promote self-sustaining fisheries and functional riparian and wetland habitat ....”
Northwest Colorado Council of Governments Water Quality/Quantity Program
and
Barbara Green for Sullivan Green Seavy, Lane Wyatt & Torie Jarvis
Year of 2017

This Contract is entered into this _____________________, by and between the Northwest Colorado Council of Governments QQ Program (hereinafter "QQ") and Barbara Green for Sullivan Green Seavy ("SGS"), Lane Wyatt, and Torie Jarvis (hereinafter “SGS, Wyatt & Jarvis”).

NOW, THEREFORE, the parties mutually agree as follows:

1. Employment of SGS, Wyatt & Jarvis. QQ hereby agrees to engage SGS, Wyatt & Jarvis and SGS, Wyatt & Jarvis hereby agrees to perform the services hereinafter set forth.

2. Scope of Services. In consideration for moneys to be received from QQ, SGS, Wyatt & Jarvis shall do, perform, and carry out in a satisfactory manner, as determined by QQ, all work elements indicated in the "Scope of Services" set forth in attached Exhibit A incorporated hereinafter by reference. The Scope of Services is contingent upon receipt of the sum listed in Appendix A.

3. Time of Performance. The services of SGS, Wyatt & Jarvis shall commence January 1, 2017 and shall be undertaken in such a sequence as to assure completion of this Contract by December 31, 2017. After December 31, 2017, the contract may be extended by mutual agreement by both parties on a month to month basis.

4. Method of Payment. SGS, Wyatt & Jarvis shall submit a monthly invoice to QQ describing the activities associated with the various work elements described in Exhibit A. Upon receipt of invoice QQ shall compensate SGS, Wyatt & Jarvis for work performed.

5. Compensation. SGS, Wyatt & Jarvis shall be compensated monthly based on the proportion of the total contract amount for that billing period.

The total amount of compensation paid by QQ to SGS, Wyatt & Jarvis shall not exceed the maximum dollar amount established in the "Scope of Services" set forth in the attached Exhibit A unless QQ and SGS, Wyatt & Jarvis require additional services not herein defined.

6. Amendment. QQ may, from time to time, require changes in the "Scope of Services" to be performed by SGS, Wyatt & Jarvis. Such changes shall be incorporated into a Letter of Agreement between SGS, Wyatt & Jarvis and QQ Chair and Vice-Chair, which shall serve as an amendment to this contract with SGS, Wyatt & Jarvis and QQ.

7. Assign-ability. SGS, Wyatt & Jarvis shall not assign any interest in this Contract and shall not transfer any interest in the same without prior consent of QQ.
8. **Termination of Contract by QQ for Cause.** If SGS, Wyatt & Jarvis shall fail to fulfill in a timely and proper manner its obligation under this Contract, or if SGS, Wyatt & Jarvis violates any of the terms or conditions of this Contract, QQ shall have the right to terminate this Contract by giving written notice to SGS, Wyatt & Jarvis at least forty five (45) days before the effective date of such termination. In the event of termination, all finished or unfinished documents, data, studies, or other material prepared by SGS, Wyatt & Jarvis shall, at the request of QQ, be transmitted to QQ.

9. **Termination of Contract by SGS, Wyatt & Jarvis.** If QQ fails to make payment as herein provided, SGS, Wyatt & Jarvis may terminate this Contract by giving written notice to QQ at least ten (10) days before the effective date of such termination, during which time QQ may cure the default by making payment. In the event QQ fails to cure, SGS, Wyatt & Jarvis shall retain all materials and documents not previously given to QQ until an agreement is satisfactorily negotiated between QQ and SGS, Wyatt & Jarvis. If SGS, Wyatt & Jarvis propose to terminate this contract for reasons other than failure to make payment they shall give at least forty-five (45) days notice.

10. **Agreement Contains All Understandings.** This document represents the entire integrated agreement between QQ and SGS, Wyatt & Jarvis and supersedes all prior negotiations, representations, or agreements either written or oral.

IN WITNESS WHEREOF, QQ and SGS, Wyatt & Jarvis have executed this agreement on the date written above.

<table>
<thead>
<tr>
<th>Chairperson</th>
<th>Date</th>
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<tbody>
<tr>
<td>NORTHWEST COLORADO COUNCIL OF GOVERNMENTS QQ COMMITTEE</td>
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<table>
<thead>
<tr>
<th>Barbara Green</th>
<th>Date</th>
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<tr>
<th>Lane Wyatt</th>
<th>Date</th>
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<tr>
<th>Torie Jarvis</th>
<th>Date</th>
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</table>
NWCCOG/WATER QUALITY AND QUANTITY COMMITTEE

SCOPE OF SERVICES 2017

I. INITIATIVES AND PROJECTS FOR THE YEAR 2017

A. COALITIONS AND EDUCATION (Implements Policies I, II, V)

1. Facilitate “fact-based” discussions of headwater impacts associated with Front Range growth.

2. Continue to inform Front Range policymakers and legislators about headwaters issues and transmountain diversion impacts in appropriate forums.

3. Collaborate with other East Slope and West Slope organizations to strengthen public awareness and educate Front Range citizens about headwater issues and transmountain diversion impacts on the West Slope.

4. Track and educate members on emerging water-related recreation issues.

5. Develop relationship with state-wide media to promote education on QQ issues. Send letters to the editors of the local and state newspapers on water issues to promote QQ policies and refute mis-information.

6. Organize and present information, such as the Water & Its Impact to the Economies of the Headwaters Counties report and QQ’s model water quality standards at meetings, workshops and other venues to advocate headwater perspectives throughout the State.

7. Serve on appropriate State and local task forces or committees to promote QQ’s interests.

8. Track and coordinate efforts with other groups and organizations to ensure awareness of diverse West Slope water concerns.

9. Increase efforts to inform certain stakeholders of unintended adverse impacts to local authority; and attempt to convey a more thorough understanding of current law.

B. BASIN ROUNDTABLES AND 1177 PROCESS (Implements Policies I, III, V)

1. Track the outcome of any potential legislation as a result of the 1177 process that may be counter to Headwater interests.
Participate in the Colorado Basin Roundtable and prepare reports to members as needed when important issues arise.

Evaluate opportunities to identify and promote headwater interests through this initiative.

Track IBCC process and alert members of issues that arise. Prepare draft letters and comments as needed.

Participate in the implementation and updating of the Colorado Water Plan; advocate for Headwaters interests; provide support and analysis to efforts of elected officials and member jurisdictions to influence water plan policy.

C. EVALUATE AND MONITOR TRANSMOUNTAIN DIVERSION PROPOSALS (Implements Policies I, II and III).

(1) Participate in environmental assessment processes.

(2) Retain and supervise necessary technical consultants.

(3) Work with member jurisdictions to cooperate on review and mitigation of impacts that go beyond the boundaries of the permitting County through intergovernmental agreements.

(4) Assist the member counties and municipalities with 1041 permitting as requested.

(5) Follow activities of Front Range Water Council.

D. STREAM MANAGEMENT AND NON-CONSUMPTIVE NEEDS (Implements Policies II, III, IV, V)

(1) Continue to work with QQ members and Front Range diverters to implement solutions to identified in-stream impacts of transmountain diversions.

(2) Monitor, provide technical assistance and advocate for Headwaters interests in Learning By Doing and Grand Lake Clarity adaptive management processes and Colorado River Cooperative Agreement implementation.

(3) Provided the opportunity, explore and promote UPCO concept with other basins, including the “Stream Management Plan” approach.
(4) Assist member jurisdictions in efforts to support Colorado Water Conservation Board ("CWCB") Instream Flow Program and ensure state representatives understand the value of the program.

(5) Assist member jurisdictions in the creation and protection of recreational in-channel diversions. Track Recreational In-channel Diversions filings and CWCB hearings in QQ region.

(6) Assist members to determine nonconsumptive stream flow needed to protect recreation and environmental values during Colorado River Roundtable process.

(7) Assist member jurisdictions in Wild and Scenic Rivers processes.

E. LOBBYING IN COLORADO LEGISLATIVE SESSION (Implements Policies I, II, V)

(1) Provide policy analysis on legislative bills as they affect members’ authority.

(2) Participate in development of any state water planning legislation.

(3) Lobby on water-related bills that QQ has taken a position on, or based on QQ’s mission and policies.

(4) Draft testimony, or assist in preparing testimony for QQ elected officials, as needed.

(5) Communicate and collaborate with other entities where interests overlap.

(6) Provide reports and action alerts to members on legislation, outlining pros and cons and recommending a QQ position based on QQ policies and member feedback.

(7) Prepare alternatives to legislation that is counter to QQ’s interests as directed by the QQ Committee.

(8) Evaluate and encourage legislation that furthers QQ interests. Possibilities include reuse, in-stream flows, metropolitan efficiency, special district legislation, or favorable changes in water law to promote conservation and the strengthened connection between land use and water planning.

(9) Participate in the Colorado Water Congress and other organizations that may create and or influence legislation pertinent to QQ’s issues.

F. WATER QUALITY PROTECTION (Implements Policies II, III, IV, V)
(1) File motions for party status on behalf of member jurisdictions and Participate in State Water Quality Control Commission (“WQCC”) rulemakings, hearings and meetings that affect Headwaters.

(2) Participate in stakeholder meetings, Water Quality Control Division (“WCQD”) workgroups, and any rulemaking hearings.

(3) Monitor WQCC and WQCD activities.

(4) Continue to participate in the Snake River Task Force to identify remediation alternatives and seek funding for projects. Work closely with the State and others to develop appropriate water quality standards for the Snake River in the next five to ten years.

(5) Finalize 208 Plan approval by the WQCC. Coordinate with NWCCOG to maintain 208 administrative responsibilities as determined by membership.

(6) For a fee that will be passed on to developers, provide 208 Plan consistency review of land development proposals and water and sanitation facility siting on behalf of member jurisdictions during the development application process.

(7) Coordinate with Water and Sanitation Districts on issues of interest.

(8) Represent members in discussions and hearings related to nutrient standards and other rulemakings and assist members in the site specific standards hearing.

G. LOCAL, STATE AND FEDERAL REGULATIONS (Implements Policy I, III)

(1) For reduced hourly rate, provide legal and technical assistance to member’s staff in revisions of their 1041 Regulations or other land use regulations. (Since the revision processes are specific to a particular member, the individual revisions will not fall within services covered by dues. Barbara, Torie and Lane will coordinate to minimize costs to members.)

(2) Neutralize objections raised by the Front Range and through the IBCC process about the 1041 process.

(3) Work with members in the QQ region on refinements to land use regulations, policies and technical approaches to protect water quality. Educate planning departments about the model water quality regulations prepared by QQ and update as necessary.

(4) Spearhead efforts to maintain County authority over oil and gas operations, including on federal lands, so that water quality and quantity are protected.

Comment [TJ1]: Lane, is this still accurate?

Comment [TJ2]: Moved this to the TMD headings with LBD and CRCA. Agree?
Work with Department of Natural Resources to introduce County input into federal mitigation decision on leases.

(5) Participate in other state rulemaking proceedings as needed to protect local authority over environmental and water quality impacts of oil and gas, mining and water projects.

(6) Assist members as needed with federal legislation that approves the study of, or development of, projects leading to further potential transmountain diversions.

H. EVALUATE GROWTH IMPACTS TO WATER RESOURCES FOR MEMBERS (Implements Policies II, IV, V)

(1) Inform public entities and private sector of regional water quality and quantity impacts of their proposals and identify mitigation measures.

(2) Continue to assist ski areas through the NEPA processes, 404 permits and 401 certifications in an effort to analyze in-basin impacts.

(3) Assist QQ members with the development and implementation of water conservation measures outlined in the Colorado Water Conservation Board Water Conservation Planning Guidelines.

II. LEGAL SERVICES

A. Assist members to update 1041 or other land use regulations applicable to water matters at reduced hourly rate. Prepare model regulations for the region.

B. Represent members in rulemaking hearings in front of Colorado Water Quality Control Commission and other state agencies. (When rulemaking hearings are complex and exceed legal time allotted to QQ, fees for this service may be charged to the Legal Defense Fund after approval by QQ Board.)

C. Prepare briefs on behalf of members or the organization relating to legal matters of regional importance.

D. Stay abreast of evolving judicial and legislative decisions that affect member authority and responsibilities in land use, water quality and water quantity issues. Prepare reports to members of these developments.

III. QQ PROGRAM ADMINISTRATION
A. Organize and prepare for QQ meetings.

B. Oversee QQ’s program finances and report to QQ Committee.

C. Meet with NWCCOG Executive Director as necessary to keep her apprised of issues that affect the NWCCOG organization.

IV. MEMBER SERVICES

A. Represent QQ Committee at meetings, rulemaking hearings, and state water policy forums.

B. Be available to QQ members to answer questions and provide technical, legislative and legal expertise on matters regarding water quality or quantity.

C. Meet with members on individual basis to update elected officials on QQ’s activities. Present QQ Program overview to newly-elected officials.

E. Design QQ meetings as a forum for exchange of ideas and establishment of policy.

F. Place QQ Committee members on key committees, commissions and boards relative to water quality and quantity issues. Participate on Boards and Commissions.

G. Provide reports and white papers on regulations, Clean Water Act, water quality and quantity issues.

H. Encourage and support intergovernmental, inter-jurisdictional cooperation in water matters. Assist members to implement intergovernmental agreements.

COST: FLAT RATE FEE OF $161,444.00. As indicated in the scope of work, and as approved by the QQ Board, the Legal Defense Fund may be used to fund complex rule making hearings, amicus briefs, or other legal and technical defense costs that go beyond this scope of services.
# 2017 Water Quality/Quantity Budget

## REVENUES

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<th>2015 Actual</th>
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## EXPENSES

### Contract Services

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<td><strong>TOTAL EXPENSES</strong></td>
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<td>$ 166,920.00</td>
<td>$ 152,000.00</td>
<td>$ 161,444.00</td>
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| Defense Fund Balance    | $ 98,346.93 | $ 98,346.93 | $ 100,000.00 | $ 100,000.00 |

* Reflects proposed 3% dues increase from 2016