



Colorado Water Stewardship Project

ADVANCING A SUSTAINABLE FUTURE

Southwestern Water Conservation District

Colorado Water Stewardship Project

Initiatives and Water

Floyd Ciruli

April 2014





ADVANCING A SUSTAINABLE FUTURE

Colorado Water Stewardship Project

CWSP's purpose is to ensure that CWC members and water stakeholders from around the state are prepared for any Public Trust Doctrine ballot initiatives that would disrupt ownership or management of Colorado's water resources. Specifically, the project will monitor any ballot filings or legal actions for a Public Trust Doctrine, assess the public level of knowledge and support for the doctrine, and create and implement a communication and action plan to inform water stakeholders.

— E-News, Nov. 18, 2013

CWSP Website



Colorado Water Stewardship Project

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A New Undertaking from the Colorado Water Congress

A new special undertaking, called the Colorado Water Stewardship Project, is underway at the Colorado Water Congress (CWC). Its purpose is to ensure that CWC members and water stakeholders from around the state are prepared for any Public Trust Doctrine ballot initiatives that would disrupt ownership or management of Colorado's water resources.

The Public Trust Initiative, "would drop what amounts to a nuclear bomb on Colorado water rights and land rights," and "would strip members of the public, cities, farms and families throughout this state of their most valuable economic interests." – Justice Gregory Hobbs, April 16, 2013

Specifically, the project will monitor any ballot filings or legal actions for a Public Trust Doctrine, assess the public level of knowledge and support for the doctrine, and create and implement a communication and action plan to inform water stakeholders. The Colorado Water Stewardship Project has now been adopted as the new name for the effort that began under the working title of the Public Trust Special Project.

Stay up to date with Colorado Water Stewardship Project news

Use the button to the right to subscribe to the newsletter.

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CWSP E-News

Colorado Water Stewardship Project Dec Updates



CWC Board Adopts Resolution

The Colorado Water Congress Board unanimously adopted a resolution opposing a public trust doctrine at its December 6th meeting.

The resolution declared:

A public trust doctrine is unwise, unnecessary, disruptive to the fair and responsible allocation and stewardship of Colorado's scarce water resources, and an unwarranted taking of vested property interests. --December 6, 2013

The resolution cites the risks to agricultural users and major concerns for Colorado's economic stability. The Board also opposed the doctrine because it would increase uncertainty in the ownership and right to use water, and shift control from the local water providers to the courts in the form of litigation.

Board Chairman Regan Waskom said the Colorado Water Congress will strongly encourage its membership to adopt similar resolutions. "It is important that the water community be absolutely clear that the public trust doctrine, in whatever form it might be offered, would be a disaster for Colorado citizens and for good water management."

View the Colorado Water Congress Resolution on a Public Trust Doctrine [HERE](#)

Issue II

December 2013

[Board Adopts Resolution](#)

[Conservation & Storage](#)

[December Webinar](#)

[Making the Budget](#)

Project Information

Colorado Water Congress
1580 Logan St., Ste 700
Denver, CO 80203
303-837-0812

CWSP Resolutions

Join Us: Pass a Resolution Opposing a Public Trust Doctrine

[View this email in your browser](#)



Adopt a Resolution Opposing the Public Trust Doctrine Initiative Join the Statewide Effort

The Colorado Water Congress (CWC) strongly urges organizations across the state to go on record opposing the Public Trust doctrine. [Initiative 73](#) was filed on February 10, 2014 and is starting through the process to qualify for the ballot.

Fortunately the water community has been organizing in anticipation of a new initiative. A resolution of support will serve notice that local civic leaders and organizations are in strong opposition to the initiative.

Please [view the resolution](#) passed unanimously by the CWC Board and use it as your model resolution. In part, it declares:

A Public Trust doctrine is unwise, unnecessary, disruptive to the fair and responsible allocation and stewardship of Colorado's scarce water resources, and an unwarranted taking of vested property interests. – December 6, 2013

You may want to consider specific mention of the new initiative, Initiative 73, in your resolution as is demonstrated [HERE](#).

Please consider approving a similar resolution at an upcoming board meeting, then send it to the CWSP at cwsp@cowatercongress.org as soon as possible. Your organization's resolution will be included in a list on the [CWSP website](#).

CWSP Resolutions



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CWSP Resolutions

The following organizations have passed a resolution opposing the Public Trust Doctrine:

- Animas-La Plata Water Conservancy District
- Bijou Irrigation Company
- Bijou Irrigation District
- Board of Water Works of Pueblo
- Burlington Ditch Reservoir & Land Company
- Central Colorado Water Conservancy District
- City of Greeley
- Colorado Water Congress
- Consolidated Mutual Water Company
- Clinton Ditch and Reservoir Company
- Douglas County
- Eagle Park Reservoir Company
- Eagle River Water & Sanitation District
- Grand Valley Water Users' Association
- Henrylyn Irrigation District
- Jackson County Water Conservancy District
- Left Hand Ditch Company
- Northern Colorado Water Conservancy District
- Northern Colorado Water Conservancy District, Municipal Subdistrict
- Otero County
- Routt County
- San Luis Valley Irrigation District
- Upper Eagle Regional Water Authority

Information Center

- › [Public Trust Doctrine Background](#)
- › [Ballot Initiatives](#)
- › [Polling Summaries](#)
- › [CWSP Resolutions](#)
- › [Newsletter Archive](#)

CONTRIBUTE

SUBSCRIBE

Click [HERE](#) to learn how you can help by passing a resolution

Resolution of Support – Sample Northern Water



RESOLUTION IN SUPPORT OF COLORADO WATER STEWARDSHIP PROJECT AND IN OPPOSITION TO PUBLIC TRUST DOCTRINE INITIATIVES

WHEREAS, the Colorado Water Congress has implemented its Colorado Water Stewardship Project as the organization to educate the Colorado citizenry about the serious ramifications to the beneficial use, management, and administration of Colorado's water resources that could result from the adoption of a public trust doctrine that would be applicable to Colorado's water resources; and

WHEREAS, the main users of Colorado water are agriculture, farms and ranches. These initiatives could take away their rights to use their water and will hurt agriculture; and

WHEREAS, it would be a mistake to shift control of our water supply from local water providers; and...

WHEREAS, we agree with Justice Hobbs in his dissenting opinion in *In re Title, Ballot Title and Submission Clause for 2011-12 #3*, that such an initiative "would drop what amounts to a nuclear bomb on Colorado water rights and land rights," and "would strip members of the public, cities, farms and families throughout this state of their most valuable economic interests."

NOW THEREFORE BE IT RESOLVED, that the _____ supports the Colorado Water Stewardship Project and its efforts to educate the public of the adverse effects of the adoption of a public trust doctrine would have on the beneficial use, management, and administration of Colorado's' water resources; and

NOW THEREFORE BE IT RESOLVED that the _____ opposes adoption of a public trust doctrine as unwise, unnecessary, disruptive to the fair and responsible allocation and stewardship of Colorado's scarce water resources, and an unwarranted taking of vested property interests.

CWSP Advisory Committee

- Colorado Association of Commerce and Industry
- Colorado Cattlemen's Association
- Colorado Counties, Inc.
- Colorado Farm Bureau
- Colorado Mining Association
- Colorado Municipal League
- Colorado Petroleum Association
- Colorado Rural Electric Association
- Colorado Water Congress
- Special District Association of Colorado



CWSP Presentations

CWSP using speaking engagements to get the word out

CWC Executive Director Doug Kemper spoke before some 200 attendees at the Special District Association of Colorado's (SDA) annual conference on September 18 in Keystone.



Other presentations on the Colorado Water Stewardship Project, the Public Trust Doctrine and poll results have been provided by Doug and Floyd Ciruli to the Colorado Farm Bureau, Action 22 annual conference, Gunnison Basin Roundtable, the Southeastern Colorado Water Conservancy District, Colorado Livestock Association and Colorado Cattlemen's Association.

If you know of events or organizations in which CWSP should participate, please let us know.

CWSP Webinar

CWSP March Webinar- 2014 Public Trust Ballot Initiatives Overview

[View this email in your browser](#)



You're Invited to the CWSP March Webinar Ballot Initiatives 2014- Water and Related Issues

The CWSP is currently monitoring three proposed ballot initiatives which have the potential to significantly impact Colorado's water allocation system. Join us March 25, at 12pm for this month's webinar: Ballot Initiatives 2014- Water and Related Issues.

Doug Kemper of the Colorado Water Congress, Steve Leonhardt of Burns, Figa & Will P.C., and Floyd Ciruli of Ciruli Associates will present an overview of the recently proposed ballot initiatives related to a Public Trust Doctrine in Colorado, and will identify a few other proposed initiatives that may be of concern. They will provide understanding of the impact such initiatives might have and information on how you can take action to advance a sustainable water future for Colorado.

Register at: <https://www1.gotomeeting.com/register/296202737>

Nuclear Bomb Masquerading as Protecting the Public's Control of Water



Justice Hobbs

The Public Trust Initiative proposes to: *"drop what amounts to a nuclear bomb on Colorado water rights. Masquerading as a measure to protect the public's control of water, it would prevent farmers, cities, families and businesses from making beneficial use of water rights that have vested in them over the past 150 years under Colorado's statutes and Constitution. It would deprive Colorado of its interstate allocation of waters of the Platte, Arkansas, Rio Grande and Colorado rivers by imposing a predominantly non-consumptive water regimen upon the State and its water users, resulting in the free flow of waters across our boundaries for the use of others, devastating Colorado's economy and way of life."*

— Justice Hobb's Opinion
In Supreme Court Opinion in Matter of Ballot Title
April 16, 2013

The Amendment is Extreme

Voters Convinced

Hurt Agriculture

The main users of Colorado water are agriculture, farms and ranches. This amendment could take away their rights to use their water and will hurt agriculture. 80%

Legal Chaos and Loss of Local Control

It would be a mistake to wipe out historical ownership of water and turn it over to the uncertainty of courts, lawyers and lawsuits. 75%

Damage Streambeds, Dangerous

Allowing uncontrolled access to private streams and rivers will damage sensitive streambeds and banks, could lead to dangerous and unsafe conditions, and cause conflict with private owners 75%

Lose Environmental Protection

This amendment will endanger Colorado's environmental protections, which require an amount of water flow in streams and maintaining certain lake levels 66%

Take Water and Property Rights

There are already many limits on private property, but this amendment attacks people's private property rights in their water and land and goes too far. 71%

Influence of Local Organizations Opposed to Public Trust Doctrine

Positions of Organizations Increase Opposition Much and Somewhat More

Endorsement	State Voters	Metro Voters	Non- Metro Voters
Water districts	48%	48%	48%
Agricultural organizations	43	44	42
County commissioners	36	36	36
Business associations	36	34	39
Newspaper editorial boards	25	26	26



Ciruli Associates, N500, 2013

Question: The Public Trust doctrine has been opposed by a number of organizations. Please tell me if the organization's opposition makes you much more opposed of the doctrine, somewhat more opposed, somewhat more supportive or much more supportive of the doctrine? If the endorsement has no effect or you don't know, just say so. [ROTATED]



Public Supports State Water Planning Efforts

Strongly Agree Average – 52%, Total Agree – 86%

- A considerable amount of water that belongs to Colorado flows out of the state. Colorado should maintain and store its legal share of water – **63%/89%**.
- Colorado believes creating a water plan will require cooperation and compromise. Citizens and water experts in each of the main river basins, like the Colorado, Arkansas and Platte rivers, have been meeting together for several years to help design a water plan. This work should continue – **60%/89%**.
- Colorado believes water strategies and projects must be developed to avoid the loss of irrigated agriculture in the state – **57%/88%**.
- One good aspect of a state plan is the cooperation among smaller and larger cities and the urban areas and agricultural communities – **48%/82%**.
- Colorado believes it will require several actions to address the gap, including water conservation, reuse, water storage and developing new supplies – **47%/87%**.
- Colorado will develop a state water plan to address the gap, which is a good idea – **37%/80%**.

Message From Vital for Colorado

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Advertising Supplement to The Denver Post

Sunday March 16, 2014

UNDER THE GUISE OF LOCAL CONTROL, SPECIAL INTERESTS ARE TRYING TO CREATE
ENERGY CHAOS IN COLORADO
COLORADO ALREADY HAS THE

**“MOST COMPREHENSIVE
AND STRINGENT”**

OIL AND GAS REGULATIONS IN THE NATION

MORE THAN 152

DEMOCRAT, REPUBLICAN AND INDEPENDENT CURRENT AND
FORMER LOCALLY ELECTED OFFICIALS ARE

S P E A K I N G O U T:

“IT DOESN'T MAKE SENSE TO THROW OUR CURRENT REGULATORY FRAMEWORK

Conclusion

1. CWSP has built a platform for public information
2. Water community and local governments are best source of information and need to organize to communicate
3. Public has interest in and knowledge about water and weather. They understand shortage and need for storage.
4. Public likes state and local effort to address water gap in thoughtful and collaborative manner
5. Public is unfamiliar with Public Trust doctrine. When information provided, they recognize its extreme aspects and negative consequences.
6. Energy debate in 2014 will be intense, with jobs and energy independence ahead
7. Important to inform and organize locally – get started