SENATE JOINT RESOLUTION 03-007

BY SENATOR(S) Andrews, Dyer, Taylor, Chlouber, Arnold, Anderson, Cairns, Entz, Evans, Fitz-Gerald, Gordon, Grossman, Hagedorn, Hillman, Isgar, Jones, Keller, Kester, Lamborn, Linkhart, May R., McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Tate, Teck, Tupa, and Windels;
also REPRESENTATIVE(S) Spradley, Cloer, Berry, Borodkin, Boyd, Briggs, Brophy, Butcher, Cadman, Clapp, Coleman, Crane, Decker, Fairbank, Frangas, Fritz, Garcia, Groff, Hall, Harvey, Hefley, Hodge, Hoppe, Jahn, Johnson R., Judd, King, Larson, Lee, Lundberg, Madden, Marshall, May M., McCluskey, McFadyen, Merrifield, Miller, Mitchell, Paccione, Plant, Pommer, Ragsdale, Rhodes, Rippy, Romanoff, Rose, Salazar, Schultheis, Sinclair, Smith, Spence, Stafford, Stengel, Tochtrop, Veiga, Vigil, Weddig, Weissmann, White, Wiens, Williams S., Williams T., Witwer, and Young.

CONCERNING SUPPORT FOR THE SECRETARY OF THE INTERIOR'S ACTIONS TO ENFORCE CALIFORNIA'S ENTITLEMENTS PURSUANT TO THE COLORADO RIVER COMPACT.

WHEREAS, In 1922, the seven states lying within the Colorado River basin, in order to equitably apportion the use of the waters of the Colorado River and its tributaries, entered into the Colorado River Compact, codified as article 61 of title 37, Colorado Revised Statutes; and

WHEREAS, The Colorado River Compact divided the Colorado River basin states into an Upper Basin and a Lower Basin, with Colorado belonging to the Upper Basin and California belonging to the Lower Basin; and

WHEREAS, In 1948, the Upper Basin states entered into the Upper Colorado River Compact, codified as article 62 of title 37, Colorado Revised Statutes, to apportion the waters of the Colorado River available to the Upper Basin, pursuant to which Arizona received 50,000 acre-feet per year and Colorado received 51.75% of the remaining apportionment;

and

WHEREAS, Assuming 7.5 million acre-feet are available to the Upper Basin annually, Colorado is entitled to 3,855,375 acre-feet of water annually, of which between approximately 200,000 to 450,000 acre-feet have not yet been developed; and

WHEREAS, In 1928, Congress enacted the "Boulder Canyon Project Act" and in 1963 the United States Supreme Court entered its decree in the case of *Arizona v. California*, 373 U.S. 546, which held that the "Boulder Canyon Project Act" apportioned the Lower Basin states' allocation under the Colorado River Compact, pursuant to which California is entitled to 4.4 million acre-feet of water per year; and

WHEREAS, California has repeatedly exceeded its legal entitlement to water and in recent years has been diverting approximately 800,000 acre-feet per year in excess of its legal entitlement; and

WHEREAS, Over time, as both California's use of Colorado River water has grown and a multi-year drought has reduced available supplies, California's over-reliance on diversions from the Colorado River has become problematic for other users entitled to Colorado River water; and

WHEREAS, In an effort to enforce California's 4.4 million acre-foot limitation, the seven affected states agreed to Interim Surplus Guidelines to be administered by the federal Secretary of the Interior, acting in her role as operator of the federal storage projects that implement the various compacts and United States Supreme Court decisions affecting the Colorado River; and

WHEREAS, The Interim Surplus Guidelines, the Record of Decision concerning which was published at 66 Federal Register 7772, required California to gradually reduce its consumption of Colorado River water to its compact entitlement by entering into an enforceable agreement, called the Quantification Settlement Agreement, by January 1, 2003; and

WHEREAS, California failed to meet the deadline to enter into the agreement, and consequently the Secretary of the Interior has enforced the Interim Surplus Guidelines by prohibiting California from diverting more than its 4.4 million acre-foot entitlement; and

WHEREAS, The Imperial Irrigation District, which was one of the entities that refused to enter into the Quantification Settlement Agreement, has filed a federal lawsuit to block the actions taken by the Secretary of the Interior; now, therefore,

*Be It Resolved by the Senate of the Sixty-fourth General Assembly of the State of Colorado, the House of Representatives concurring herein:*

(1) That Colorado, as an Upper Basin state that has not yet fully developed its compact entitlements, has given its full faith and credit to the laws apportioning the Colorado River by relying upon the enforceability of its and other states' legal entitlements to water; and

(2) That the Colorado General Assembly fully supports the actions taken by the Secretary of the Interior in enforcing the Colorado River Compact, relevant United States Supreme Court decrees, and the Interim Surplus Guidelines, and applauds actions taken by Congressman Scott McInnis and the entire Colorado Congressional Delegation to buttress the Interior Department's efforts and to help ensure that Colorado retains its control over its own destiny; and

(3) That instead of continuing to resist living within its legal entitlement to Colorado River water by suing the Secretary of Interior, the Colorado General Assembly urges California water users to continue working together to reach agreement amongst themselves to limit their Colorado River water diversions to their compact entitlements.

*Be It Further Resolved*, That copies of this Joint Resolution be sent to the Secretary of the Interior; the Imperial Irrigation District; the Coachella Valley Water District; the San Diego County Water Authority; the Metropolitan Water District; the California Legislature; the governors of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming; and the members of Colorado's Congressional Delegation.

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| John Andrews<br>PRESIDENT OF<br>THE SENATE | Lola Spradley<br>SPEAKER OF THE HOUSE<br>OF REPRESENTATIVES |
| Mona Heustis<br>SECRETARY OF<br>THE SENATE | Judith Rodrigue<br>CHIEF CLERK OF THE HOUSE<br>OF REPRESENTATIVES |

APPROVED_____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO