

RESOLUTION NO. ____ - 24

A RESOLUTION IN SUPPORT OF THE ARKANSAS RIVER
WATER PRESERVATION PRINCIPLES AND IN SUPPORT
OF REGIONAL EFFORTS TO ENSURE THAT ARKANSAS
RIVER BASIN WATER IS NOT PERMANENTLY
TRANSFERRED OUT OF THE BASIN

WHEREAS, in 2003, the Pueblo City Council, the Colorado Springs City Council, the Board of Water Works of Pueblo, Colorado, the Board of Directors of the Lower Arkansas Valley Water Conservancy District, the Board of Directors of the Upper Arkansas Water Conservancy District, and the Board of Directors of the Southeastern Colorado Water Conservancy District collectively adopted the Arkansas River Water Preservation Principles ("Preservation Principles") to, inter alia, "safeguard and preserve for present and future generations the water available for diversion and use within the Arkansas River Basin" and "to impose appropriate conditions and limitations on the transfer of water and water rights from the Arkansas River Basin"; and

WHEREAS, the City of Colorado Springs, acting through its enterprise Colorado Springs Utilities ("Utilities"), and the County of Bent, Colorado ("Bent County") entered into an Intergovernmental Agreement in October, 2022 ("2022 Bent County IGA"), whereby they agreed, inter alia, to abide by the Preservation Principles and acknowledged that the harm from water projects that increase the diversion of water from the Arkansas River Basin to another river basin outweigh any benefits to the parties and agreed that each party shall endeavor to oppose any such project to the maximum extent possible; and

WHEREAS, the Southeastern Colorado Water Conservancy District ("SECWCD") was created for the purpose of developing and administering the Fryingpan-Arkansas Project ("Project"), which is a transmountain diversion which supplies southeastern Colorado with improved supplemental water supply for irrigation, municipal and industrial uses, hydroelectric power generation, and recreational opportunities; and

WHEREAS, El Paso County/Colorado Springs residents make up approximately seventy percent (70%) of the SECWCD's constituents (636,963 out of 907,622) and Colorado Springs Utilities ("Utilities") uses the Project to obtain and deliver water to its customers; and

WHEREAS, SECWCD and the City of Aurora, acting by and through its Utility Enterprise ("Aurora") entered into an Intergovernmental Agreement in October 2003 ("2003 SECWCD IGA") whereby Aurora agreed, inter alia, that "Aurora shall not initiate or seek to implement any further permanent transfer of water rights not presently owned or under contract by Aurora" and that Aurora would develop new water supplies within the Arkansas River Basin exclusively from "interruptible supply agreements or water bank transactions" during the term of the 2003 SECWCD IGA; and

WHEREAS, Aurora recently purchased Arkansas River Basin water rights, including over 4,000 shares of stock in the Catlin Canal Company and other water rights, together with 5,475 acres of land in Otero County, Colorado, in the Arkansas River Basin (“Aurora Transaction”); and

WHEREAS, Aurora intends to export the water it acquired under the Aurora Transaction to its service area outside of the Arkansas River Basin; and

WHEREAS, the SECWCD Board of Directors adopted Resolution No. 2024 – 03D on April 9, 2024, urging Aurora to refrain from violations of the 2003 SECWCD IGA in the interests of regional cooperation and building relationships between water rights owners and municipal entities in the Arkansas River Basin; and

WHEREAS, the parties to the Preservation Principles have made an ongoing commitment to sustainable agriculture in the Arkansas River Valley; and

WHEREAS, City Council has determined that it is the best interests of the citizens of the City and the Utilities’ customers for City Council to: (1) reaffirm its commitment to the Preservation Principles; (2) affirm its belief that the Aurora Transaction is contrary to the Preservation Principles and that Utilities is obligated to oppose the Aurora Transaction under the Bent County IGA; and (3) affirm its commitment to support SECWCD and encourage Aurora to honor its commitments under the 2003 SECWCD IGA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. City Council reaffirms its commitment to the Preservation Principles and to developing the City’s future water supplies with consideration to sustainable agriculture in the Lower Arkansas Valley.

Section 2. City Council affirms its understanding that a central purpose of the Preservation Principles and the 2022 Bent County IGA, is to prevent out-of-basin entities such as Aurora from purchasing any additional agricultural water rights and permanently transferring those water rights out of the Arkansas River Basin for municipal use.

Section 3. City Council believes that Aurora’s purchase of additional Arkansas River Basin water rights for transfer out of the Arkansas River Basin is contrary to the

Preservation Principles and that Utilities is obligated to oppose the Aurora Transaction under the Bent County IGA.

Section 4. City Council affirms its support of SECWCD and regional efforts to uphold the Preservation Principles.

Section 5. City Council urges Aurora to honor its commitments under the 2003 SECWCD IGA to (a) abstain from initiating or seeking to implement any further permanent transfers of water rights not owned or under contract by Aurora at the time of the 2003 SECWCD IGA and (b) only developing new water supplies from the Arkansas River Basin exclusively from “interruptible supply agreements or water bank transactions”.

Dated at Colorado Springs, Colorado, this _____ day of June, 2024.

Council President

ATTEST:

Sarah B. Johnson, City Clerk