

## **RESOLUTION NO. 2014-05-06**

### **A RESOLUTION IN SUPPORT OF THE 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**, several initiatives have been proposed in recent years that would amend the Colorado Constitution to impose a public trust doctrine on Colorado water; and,

**WHEREAS**, a Public Trust doctrine initiative, Initiative 83, has been filed in 2014; 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**, Colorado cities have acquired critical water supplies for their residents. These initiatives will put cities' use of water for local residents in jeopardy; and

**WHEREAS**, secure and reliable water rights are essential to business, jobs and the economy. These initiatives will create uncertainty and hurt the economy; and

**WHEREAS**, this initiative attacks people's private property rights in their water and land. It would be a mistake to wipe out historical ownership of water and turn it over to the uncertainty of courts, lawyers and lawsuits. These initiatives will increase frivolous lawsuits; and

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

**WHEREAS**, allowing uncontrolled access to streams and rivers across private land will damage sensitive streambeds and banks, could lead to dangerous and unsafe conditions, and cause conflict with property owners; and

**WHEREAS**, these initiatives may undermine Colorado's existing environmental protections, which require an amount of water flow in streams and rivers and maintaining certain lake levels; and

**WHEREAS**, we need to protect Colorado water supplies. In many years, these initiatives will allow more of Colorado's water to go to downstream states than interstate compacts require; and

**WHEREAS**, Coloradans have built water projects and managed our water for more than 150 years, which has maintained our economy and improved our quality of life. These initiatives will jeopardize the historical operation of those projects and make improvements impossible. That would be a mistake; and

**WHEREAS**, Coloradans need to store water to use during drought. These initiatives will stop projects to store water; 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 BY CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:**

**SECTION 1.** The City of Fort Morgan supports the Colorado Water Stewardship Project and its efforts to educate the public of the adverse effects the adoption of a public trust doctrine would have on the beneficial use, management and administration of Colorado's water resources.

**SECTION 2.** The City of Fort Morgan 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.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 20<sup>th</sup> day of May 2014, the vote upon roll call being as follows:

Ayes: Mayor McAlister, Councilmembers Castoe, Lindell, Mussman, Northrup, Segura and Shaver.

Nays: None.

Absent /Abstain: None.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[ SEAL ]

BY: \_\_\_\_\_  
Terry McAlister, Mayor

ATTEST:

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John Brennan, City Clerk

STATE OF COLORADO )  
COUNTY OF MORGAN ) ss.  
CITY OF FORT MORGAN )

**CERTIFICATE**

I, John Brennan, City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the City Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 20<sup>th</sup> day of May, 2014.

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John Brennan, City Clerk