



Colorado Water Stewardship Project 2020 Strategy Outline

The Colorado Water Stewardship Project is a committee of Colorado Water Congress members deeply concerned about the adverse impact of ballot measures on Colorado's water community. Funding support is by modest continuing commitments from these members.

Project Financial Status

- End of 2019 projected balance: around \$10,000.
- Budget funds primarily covered the development and submission of a CWC amicus brief on *Hill v. Warsewa*. We are monitoring this case, and Amendment 71, which may involve work past December 2019.
- No funding efforts made in 2019 because there were no immediate ballot initiatives that posed threats to the Public Trust Doctrine.
- For 2020, the funding target is \$50,000.

Project Resources

- Project Manager
 - Chané Polo, *Colorado Water Congress*.
- Contractors
 - Legal Services, Steve Leonhardt, *Burns, Figa & Will P.C.*
 - Political Insights, Floyd Ciruli, *Ciruli & Associates*.

Response System

Tier 1. Monitor and Update.

- Monitor and summarize ballot initiatives filed.
- Scan websites and social media of likely ballot proponents.
- Continuous online reports on the content and status of ballot initiatives.
- Tracking and reports on both lawsuits (*Hill v. Warsewa* and Amendment 71).

Tier 2. Presence at Title Board Hearings.

- Participate in and present oral arguments at Title Board Hearings for initiatives that are a specific threat.

Tier 3. Public Engagement.

- Work with state and local government, other natural resources interests, and other interested parties to prepare communications on current threats.

Tier 4. Legal Action.

- Develop and file title appeal or amicus brief.

If a credible ballot threat emerges, a strong CWC response is needed on a larger scale. Although CWC maintains a reserve fund for an initial response, overall project success would ride on the strength of a separate, one-time appeal for at least \$100,000. Ballot campaign activities by the private sector aimed at defeating a measure would be costlier.

The deadline for filing ballot initiatives is March 2020 and the deadline for signatures will be August

2020. To date, 126 initiatives have been filed for the 2019-20 ballot. We expect that number to reach 300, and a few of those to directly affect the water community. In 2020, we will continue to track proposed initiatives filed, monitor Amendment 71 and the *Hill v. Warsewa* case, and study the shifting political landscape in anticipation of the 2020 elections.

2019 Accomplishments

Project Purpose*

Continue alertness of ballot initiatives that might adversely impact Colorado water community interests. Maintain baseline and reserves to fund immediate response. Pursue legal action when appropriate. Complete tasks that are not specific to any one proposed measure. Build communications network and strengthen partnerships.

2019 Project Accomplishments

Monitor and summarize ballot initiatives filed.

Scan websites and social media of likely ballot proponents.

Work with state and local government, oil and gas interests, and other interested parties to prepare communications on programs supported by severance tax revenue.

Favorable 10th Circuit decision on Amendment 71.

**No resources will be used for campaign purposes. All work will comply with the Fair Campaign Practices Act as applied to public entities and be reviewed by legal counsel.*

2019 Work Products

Ballot initiative tracking sheet.

Periodic Enews, webinars, and event presentations.

Tracking on both lawsuits (stream access litigation and Amendment 71).

CWC amicus brief on *Hill v. Warsewa* case.

Project Background

Over the past 27 years, several ballot measures have periodically been introduced that would substantially disrupt Colorado's system of water law and regulation. Whether in the form of a Public Trust Doctrine, environmental rights, or local control; Colorado's economy and water supply reliability would be directly threatened by these sudden, sweeping changes. In recent years, Colorado has also seen an effort to impose the Public Trust Doctrine through litigation.

On their surface, these ballot proposals might appeal to voters who often must decide on complex issues. Because they can move so quickly, a rapid response capacity and long-term presence is required. The CWC Board created the Colorado Water Stewardship Project to be the sentinel for Colorado's water community.

The Colorado Water Stewardship Project maintains vigilance and a readiness to respond to ballot measures as Colorado law allows for public entities, including title setting and appeals prior to petition circulation. Campaigns to urge votes to deny a ballot measure rely on the private sector.