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Financing Water Projects: Where Do We Go from Here?: A Panel Discussion [Colorado House Bill No. 1088, As Amended 4/15/85]

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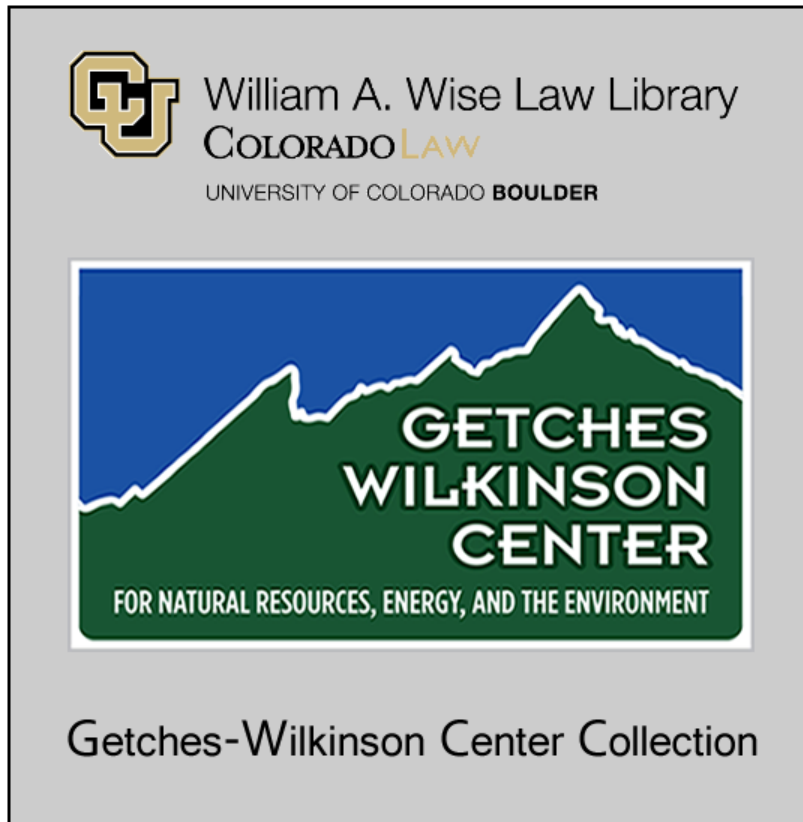
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FINANCING WATER PROJECTS: WHERE DO WE GO FROM HERE?
A Panel Discussion

COLORADO HOUSE BILL NO. 1088
As Amended 4/15/85

CHRIS PAULSON
Colorado House of Representatives

WESTERN WATER LAW IN TRANSITION

A short course sponsored by the
Natural Resources Law Center
University of Colorado School of Law
June 3-5, 1985

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2

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amended
4-15-85

First Regular Session
Fifty-fifth General Assembly

LDO NO. 85*0012/1 STATE OF COLORADO HOUSE BILL NO. 1088

Agriculture, Livestock,
& Natural Resources

BY REPRESENTATIVES Paulson, Hover, Taylor-Little, and
Carpenter;
also SENATORS Bishop and Donley.

RE ENGROSSED

A BILL FOR AN ACT

1 CONCERNING THE WATER RESOURCES OF THE STATE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Declares that it is the policy of the general assembly to protect and foster the full utilization of Colorado's limited surface water resources by allocation thereof through the operation of the appropriation system. States that the water rights appropriation and adjudication system of the state shall continue to be utilized to establish priority of right to the use of surface water resources in the state. Declares that it is the policy of the general assembly to fully utilize the waters of the interstate streams subject to compact agreements with neighboring states. Further declares that, in order to achieve such utilization, certain water projects shall be constructed. Authorizes and requires the Colorado water resources and power development authority to develop and construct specified water projects.

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. Article 95 of title 37, Colorado Revised
4 Statutes, as amended, is amended BY THE ADDITION OF A NEW
5 SECTION to read:

6 37-95-107.5. Legislative declaration - specific project

As amended 2nd reading
MAR 21 1985
HOUSE

Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 authorizations. (1) It is hereby declared to be the policy
2 of the general assembly to protect and foster the full
3 utilization of Colorado's limited surface water resources by
4 allocation thereof through the operation of the appropriation
5 system as provided by sections 5 and 6 of article XVI of the
6 state constitution. Any judicial interpretation or other law
7 to the contrary notwithstanding, the water rights
8 appropriation and adjudication system of the state of Colorado
9 shall continue to be utilized to establish priority of right
10 to the use of the natural streams within the state which
11 include ground water tributary thereto.

12 (2) It is the recognition and intent of the general
13 assembly that investment in the state's water resources for
14 future generations must be made from state funds. Major
15 Colorado water projects should be developed as soon as
16 possible in anticipation of demand and revenues.

17 (3) Several compacts relating to interstate streams have
18 been entered into by the state on behalf of the people of the
19 state of Colorado to reserve for the people the right to the
20 use of such waters under the appropriation doctrine. It is
21 hereby declared to be the policy of the general assembly to
22 fully utilize, for the maximum benefit of all the people, said
23 natural stream resources. To achieve such utilization, it is
24 hereby declared to be the policy of the general assembly that
25 certain major projects, using previously decreed water rights,

1 should be developed. Therefore, the general assembly hereby
2 authorizes the authority to proceed with the simultaneous
3 consideration of the following:

4 "(a) A major multi-purpose water project in western";
5 Colorado to store water for the development of western
6 Colorado to be constructed simultaneously with the facility
7 described in paragraph (b) of this subsection;

8 "(b) A major multi-purpose water project for the benefit
9 of the";
10 Denver metropolitan area on the South Platte river upstream
11 from the Chatfield reservoir;

12 (c) A major multi-purpose water project to
13 regulate and store the waters of the South Platte river and
14 its tributaries located on the South Platte river or its
15 tributaries downstream of the Henderson gauging station
northerly of Denver.

"(4) Any decision by the authority for construction
funding by the authority of any one of the projects specified
in paragraphs (a), (b), or (c), of subsection (3) of this
section shall include construction funding for the other two
projects. The authority shall hold construction funds in an
escrow account until construction of a project commences."

16 SECTION 2. 37-95-107 (5), Colorado Revised Statutes, as
17 amended, is amended to read:

18 37-95-107. Study of proposed projects - authorization
19 thereof. (5) IN ADDITION TO THE AUTHORIZATION SPECIFIED IN
20 SECTION 37-95-107.5, upon receipt of a feasibility study from
21 the Colorado water conservation board, the general assembly
22 may authorize the authority, by means of a joint resolution
23 signed by the governor, to proceed with the consideration of
24 any project which the general assembly deems to be in the
25 interests of and to the advantage of the people of the state.

1 However, ~~said-authorization~~ SUCH JOINT RESOLUTION shall in no
2 way require or compel the authority to fund or in any way
3 finance and proceed with the development, acquisition,
4 construction, reconstruction, enlargement, extension,
5 improvement, furnishing, equipping, maintenance, repair,
6 management, operation, or disposition of, or participation in
7 any proposed project. Such A decision to proceed, WHEN MADE
8 SUBSEQUENT TO SUCH JOINT RESOLUTION, shall be entirely within
9 the discretion of the authority.

10 SECTION 3. Safety clause. The general assembly hereby
11 finds, determines, and declares that this act is necessary
12 for the immediate preservation of the public peace, health,
13 and safety.