

1911

Amend an Act Entitled "An Act Concerning Irrigation Division Engineers and Other Irrigation Officials, and Repealing All Acts in Conflict Herewith," Approved April 4, 1903, and to Repeal All Acts or Parts of Acts in Conflict with the Provisions of This Act.

Colorado General Assembly

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Colorado General Assembly, "Amend an Act Entitled "An Act Concerning Irrigation Division Engineers and Other Irrigation Officials, and Repealing All Acts in Conflict Herewith," Approved April 4, 1903, and to Repeal All Acts or Parts of Acts in Conflict with the Provisions of This Act." (1911). *Session Laws 1901-1950*. 1073.

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or body of land owned by the petitioners, but such description need not be more particular than is required when such lands are entered by the county assessor in the assessment book. Such petition shall be deemed to give the assent of the petitioners to the inclusion in said district of the lands described in the petition, and such petition must be acknowledged in the same manner that conveyances of land are required to be acknowledged." Petition.

Section 2. All acts or parts of acts inconsistent herewith, are hereby repealed. Repealing clause.

Section 3. In the opinion of the General Assembly, an emergency exists; therefore, this act shall take effect and be in force from and after its passage. Emergency

Approved May 29th, 1911.

CHAPTER 155.

IRRIGATION DIVISION ENGINEERS.

(S. B. No. 531, by Senator Carpenter.)

AN ACT

AMEND AN ACT ENTITLED "AN ACT CONCERNING IRRIGATION DIVISION ENGINEERS AND OTHER IRRIGATION OFFICIALS, AND REPEALING ALL ACTS IN CONFLICT HEREWITH," APPROVED APRIL 4, 1903, AND TO REPEAL ALL ACTS OR PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS OF THIS ACT.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That Section One (1) of an Act entitled "AN ACT CONCERNING IRRIGATION DIVISION ENGINEERS AND OTHER IRRIGATION OFFICIALS, AND REPEALING ALL ACTS IN CONFLICT HEREWITH," APPROVED APRIL 4, 1903, be amended so as to read as follows:

Governor
appoint
Irrigation
Division
Engineers.

Qualifications
of appointees.

Division No. 1.

Division No. 2.

Division No. 3.

Division No. 4.

Division No. 5.

Section 1. The office of the Superintendent of Irrigation is hereby declared abolished, and in place of such superintendents the Governor shall, subject to confirmation by the Senate, appoint an Irrigation Division Engineer for each irrigation division now existing or which may hereafter be created. Each person so appointed shall have been a resident of Colorado for at least five (5) years, and shall have been a resident of the division, over which he shall have jurisdiction, for at least two (2) years prior to his appointment, unless there shall have been no applicant who is qualified for appointment in said division, in which case any qualified resident of any other irrigation division may be appointed. One of said officers shall have jurisdiction over Irrigation Division No. 1, comprising all water districts now or hereafter to be formed, consisting of lands in the State of Colorado irrigated by water taken from the South Platte River, the North Platte river, the Big Laramie river, the North and Middle forks of the Republican river, Sandy and Frenchmans creeks, and the streams draining into the said rivers and creeks; one over Irrigation Division No. 2, comprising all water districts now or hereafter to be formed, consisting of lands irrigated by water taken from the Arkansas river, the South Fork of the Republican river, the Smoky Hill river and the Dry Cimarron river, and the streams draining into the said rivers; one over Irrigation Division No. 3, comprising all water districts now or hereafter to be formed, consisting of lands watered from the Rio Grande river and its tributaries; one over Irrigation Division No. 4, which is hereby created, comprising all water districts now, or hereafter to be formed, consisting of lands in the State of Colorado watered by the San Juan river and its tributaries, and, also all water districts now, or hereafter to be formed, consisting of lands in the State of Colorado watered by the Grand river and its tributaries, below the mouth of Roan Creek, including Water District No. 42, and one over Irrigation Division No. 5, which is hereby created, comprising all water districts now or hereafter to be formed, consisting of lands in the state of Colorado watered by the Grand river and its tributaries above and including Roan Creek and Water Districts Nos. 39 and 45, and, also, all water districts now, or

hereafter to be formed, consisting of lands in the state of Colorado irrigated by water taken from the Green river and its tributaries, respectively.

The office of the irrigation division engineers of the several divisions shall be located in the following cities: For Division No. 1, at the State Capitol Building in Denver; for Division No. 2 in Pueblo; for Division No. 3 in Alamosa; for Division No. 4 in Montrose; for Division No. 5 in Glenwood Springs; for any division which may hereafter be created, in such place as may be designated by the act creating the division. The Secretary of State shall provide a suitable office for each Division Engineer and shall supply him with suitable furniture and office equipment for the proper transaction of the business and preservation of the records of the irrigation division. Such office and equipment shall be used exclusively for the conduct of business of the State of Colorado and for no private business of any character. The office shall be open during all ordinary business hours except when the duties of the Division Engineer require his absence, in which instance notice of his whereabouts shall be posted at said office.

Location of
offices.

Secretary of
State provide
offices.

Offices open.

Section 2. That Section Six (6) of said acts be amended so as to read as follows:

Section 6. Any irrigation division engineer appointed as hereinbefore provided, shall hold office for a term of four years, or until his successor shall have been appointed and qualified, and shall be removed only for malfeasance in office, incompetency, or neglect of duty.

Term of office.

Section 3. That Section Seven (7) of said act be amended so as to read as follows:

Section 7. The Division Engineer for each of divisions No. 1 and No. 2 shall receive a salary of two thousand five hundred dollars (\$2,500) per annum and the division engineer for each of divisions No. 3; No. 4 and No. 5 shall receive a salary of one thousand five hundred (\$1,500) dollars per annum, payable monthly in equal installments, upon vouchers approved by the State Engineer, drawn upon the Auditor of State, by whom warrants shall be drawn upon the State Treasurer therefor. He shall also receive reimbursement for all actual and necessary expenses incurred in the performance of his duties, which expenses shall not exceed the sum of Five

Salaries.

Expenses
approved by
State Engineer.

Hundred (\$500.) Dollars per annum, and such expenses shall be paid monthly upon vouchers, approved by the State Engineer, drawn upon the Auditor of State by whom warrants shall be drawn upon the State Treasurer therefor.

Section 4. That Section Nine (9) of said act be amended to read as follows:

Duties of
Engineer.

Section 9. The duties of the irrigation division engineer shall be as follows: He shall be governed by all acts heretofore enacted relative to superintendents of irrigation and shall have general control over the water commissioners of the several districts within his division. He shall, under the general supervision of the State Engineer, execute the laws of the State relative to the distribution of water, in accordance with the right of priority of appropriation, as established by judicial decrees.

Distribution
of water.

He shall, in the distribution of water, be governed by the regulations of this act, and acts that are now in force, but for the better discharge of his duties, he shall have the authority to make such other regulations to secure the equal and fair distribution of water, in accordance with the rights of priority of appropriation, as may, in his judgment, be needed in his division; Provided, such regulations shall not be in violation of any part of this act, or other laws of the State, but shall be merely supplementary to and necessary to enforce the provisions of the General Laws and amendments thereto.

Persons may
appeal to
State Engineer.

Any person, ditch company, or ditch owner, who may deem himself injured or discriminated against by any such order or regulation of such irrigation division engineer shall have the right to appeal from the same to the State Engineer, by filing with the State Engineer a copy of the order or regulation complained of, and a statement of the manner in which the same injuriously affects the petitioner's interest. The State Engineer shall, after due notice, hear whatever testimony may be brought forward by the petitioner, either orally or by way of affidavits, and through the irrigation division engineer shall have power to suspend, amend or confirm the order complained of.

State Engineer
give hearing.

He shall have the right to call out any water commissioner of any water district within his division, at any time he may deem it necessary, and he shall have the power to perform the regular duties of water commissioner in all districts within his division.

Call out water commissioner.
Perform water commissioner's duties.

Each irrigation division engineer shall devote his entire time to the work of his office and in stream measurement, ditch and canal rating, examination of ditches and reservoirs, collection of information relating to the supply and use of water, proper preservation and indexing of data and records and any other duties which may be of him required by law or directed by the State Engineer, or which will tend to facilitate and improve the distribution and use of water within his division. He shall require the water commissioners to make annual reports as required by law, on or before the 15th day of November of each year. All records and data collected by the division engineer shall be the property of the State of Colorado and shall be open to public examination and use during all business hours, except when necessarily absent as in Section 1 of this Act provided, and it shall be unlawful for any division engineer to engage in any other business or private engineering practice, and he shall not hold or perform the duties of any other office.

Devote entire time to work.

Require water commissioner to make annual report.

All records property of the State.

Section 5. That Section Eleyen (11) of said act be amended so as to read as follows:

Section 11. The clerk of any court in this State issuing judicial decrees fixing the priorities of appropriation of water for irrigation and other beneficial purposes in any of such divisions, shall within ten days after such decrees have been entered, forward by registered mail one certified copy of said decree to the State Engineer, and one certified copy to the irrigation division engineer having jurisdiction over the water district in which said decree shall have been entered, as heretofore provided by law in the case of superintendents of irrigation. Immediately upon receipt of said certified copies of such decrees, both the State Engineer and said division engineers shall promptly file and preserve the same among the official records in the office of each of said officials and such division and State Engineers shall make a tab-

Clerks of court furnish State Engineer and Division Engineer copy of all decrees.

File decrees.

ulated statement of such decrees, in uniform books to be prepared for such purpose by the State Engineer.

Repealing
clause.

Section 6. All acts or parts of acts in conflict herewith are hereby repealed.

Emergency
clause.

Section 7. In the opinion of the General Assembly an emergency exists; therefore, this act shall be in full force and effect from and after the date of its approval.

Approved May 5th, 1911.

CHAPTER 156.

JOINT TENANCY.

(H. B. No. 38, by Mr. Proske.)

AN ACT

TO AMEND SECTION 3603 OF THE REVISED STATUTES OF COLORADO, 1908, RELATING TO JOINT-TENANCY.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 3603, Chapter LXXV, of the Revised Statutes of Colorado, 1908, relating to Joint Tenancy, be and the same is hereby amended so as to read as follows:

Persons
assume
ownership.

3603. If any person shall assume and exercise exclusive ownership over, or take away, destroy, lessen in value, or otherwise injure or abuse any property held in joint tenancy, tenancy in common or co-parcenary, the party aggrieved shall have his action of trespass or trover, for the injury in the same manner as he would have if such joint tenancy, tenancy in common, or co-parcenary did not exist. Nothing herein contained shall prevent one joint tenant, tenant in common or co-parcenary, owning at least 51%, or any number of joint tenants, tenants