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Authorizing the Executive Director of the Department of Institutions to Sell, Exchange, or Lease Certain Water Rights, Water or Ditch Company Stock, Or Other Interests in or Evidence of Rights to Water.

Colorado General Assembly

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CHAPTER 106

**WATER RIGHTS, WATER OR DITCH COMPANY STOCK,
OR OTHER INTERESTS****SELL, EXCHANGE, OR LEASE**

(Senate Bill No. 23. By Senators Stockton, Denny, and Minister; also Representatives H. McCormick, Fentress, Baer, Braden, Burns, Eyerly, Edmonds, Grace, Koster, McNeil, Porter, Quinlan, Sack, and Younglund.)

AN ACT

AUTHORIZING THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF INSTITUTIONS TO SELL, EXCHANGE, OR LEASE CERTAIN WATER RIGHTS, WATER OR DITCH COMPANY STOCK, OR OTHER INTERESTS IN OR EVIDENCE OF RIGHTS TO WATER.

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

Section 1. Executive director authorized to exchange or lease—procedure.—(1) (a) The executive director of the department of institutions, with the approval of the governor, is hereby authorized to exchange for other water rights, and convey, or to lease on a biennial basis, part or parts or all of the right, title, and interest of the state of Colorado in the following described water rights owned by the state of Colorado for the use and benefit of the state home and training school, at Ridge:

(b) The right to three and one-half inches of water from the John Perkins James Ditch, as decreed the 13th day of May, 1936, being also referred to in said decree as Ditch No. 84 and having a priority date as of May 13, 1893, all as recited in deed recorded in Book 818, No. 172, of the records of the clerk and recorder, Jefferson county, Colorado;

(c) The right to thirty-five inches of water from Consolidated Juchem Ditch and Reservoir Company as recited in deed recorded July 1, 1953, with the clerk and recorder of Jefferson county, Colorado, and bearing reception number 553263;

(d) The right to three and three-fourths inches of water from Juchem Consolidated Ditch and Reservoir Company, as recited in deed dated June 26, 1961, and recorded with the clerk and recorder of Jefferson county, Colorado, bearing reception number 879831;

(e) The right to sixty statutory inches of water in the Wannamaker Ditch, as recited in deed recorded June 21, 1911, in book 177 at page 323 of the records of the clerk and recorder, Jefferson county, Colorado;

(f) The right to forty statutory inches of water in the Wannamaker Ditch, as recited in deed recorded June 21, 1911, in book 177 at page 322 of the records of the clerk and recorder, Jefferson county, Colorado;

(g) The right to ten statutory inches of water in the Wannamaker Ditch, as recited in deed recorded June 21, 1911, in book 155 at page 448 of the records of the clerk and recorder, Jefferson county, Colorado;

(h) All right, title, and interest in five hundred forty-two and one-half shares of the capital stock of the Wannamaker Ditch Company represented by certificate No. 229 of said company;

(i) All right, title, and interest in two hundred forty-seven and one-half shares of the capital stock of the Wannamaker Ditch Company, represented by certificate No. 222 of said company;

(j) All right, title, and interests in one share of the capital stock of the Wannamaker Ditch Company, represented by certificate No. 264 of said company;

(k) The right to ten shares of the Wannamaker Ditch Company, representing the right to the use of ten inches of water from the Wannamaker Ditch, as recited in deed dated July 1, 1953, recorded with the clerk and recorder of Jefferson county, Colorado, and bearing reception number 556999;

(1) The right to ten inches of water from the Wannamaker Ditch as recited in deed recorded in book 1492 at page 38, and rerecorded in book 1522 at page 516, of the records of the clerk and recorder, Jefferson county, Colorado.

(2) Prior to conducting the exchange or leasing of such water rights, the executive director of the department of institutions shall secure an appraisal of all such rights by a person or persons experienced and qualified as to the valuation of water rights, including the state engineer, and said water rights shall be exchanged or leased only at public auction, and shall be struck off to the highest and best bidder or bidders.

(3) Prior to conducting such exchange or leasing, the said executive director shall cause same to be advertised in four consecutive issues of some newspaper with general circulation in Jefferson county, Colorado. The advertisement shall describe the water rights to be exchanged or leased, and state the time, place, and terms of exchange or leasing.

(4) In the event all or part of the consideration offered in any bid involves an exchange, an appraisal and evaluation by a person qualified in the valuation of the type of water rights being tendered in exchange shall be a necessary element in the determination of the highest and best bid.

(5) With respect to the shares of stock described in paragraphs (h), (i), and (j) of subsection (1) of this section, the executive director may sell or otherwise dispose of all such shares separately from the other water rights described in subsection (1) of this section, on such terms as are to the best advantage of the state.

(6) Proceeds of any leasing of such water rights, or the sale or other disposition of shares of stock pursuant to subsection (5) of this section, shall be forwarded by the executive director to the state treasurer, who shall deposit the same to the credit of the general fund.

Section 2. Safety clause.—The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.