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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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
A BILL FOR AN ACT

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.

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

SECTION 1. Article 95 of title 37, Colorado Revised Statutes, as amended, is amended by the addition of a new section to read:

37-95-107.5. Legislative declaration - specific project
authorizations. (1) It is hereby declared to be 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 as provided by sections 5 and 6 of article XVI of the state constitution. Any judicial interpretation or other law to the contrary notwithstanding, the water rights appropriation and adjudication system of the state of Colorado shall continue to be utilized to establish priority of right to the use of the natural streams within the state which include ground water tributary thereto.

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

(3) Several compacts relating to interstate streams have been entered into by the state on behalf of the people of the state of Colorado to reserve for the people the right to the use of such waters under the appropriation doctrine. It is hereby declared to be the policy of the general assembly to fully utilize, for the maximum benefit of all the people, said natural stream resources. To achieve such utilization, it is declared to be the policy of the general assembly that certain major projects, using previously decreed water rights,
should be developed. Therefore, the general assembly hereby authorizes the authority to proceed with the simultaneous consideration of the following:

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

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

(c) A major multi-purpose water project to regulate and store the waters of the South Platte river and its tributaries located on the South Platte river or its 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."

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

37-95-107. Study of proposed projects - authorization thereof. (5) IN ADDITION TO THE AUTHORIZATION SPECIFIED IN SECTION 37-95-107.5, upon receipt of a feasibility study from the Colorado water conservation board, the general assembly may authorize the authority, by means of a joint resolution signed by the governor, to proceed with the consideration of any project which the general assembly deems to be in the interests of and to the advantage of the people of the state.
However, said-authorization SUCH JOINT RESOLUTION shall in no way require or compel the authority to fund or in any way finance and proceed with the development, acquisition, construction, reconstruction, enlargement, extension, improvement, furnishing, equipping, maintenance, repair, management, operation, or disposition of, or participation in any proposed project. Such a decision to proceed, WHEN MADE SUBSEQUENT TO SUCH JOINT RESOLUTION, shall be entirely within the discretion of the authority.

SECTION 3. 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.