

CHAPTER 265

WATER CONSERVATION
APPROPRIATION

(House Bill No. 6. By Representatives Graham, Smith [Weld], Strain, Stone, La Crue, Horsman, Minshall, Renkel, Glenn, Taylor [Crowley and Otero], McDonald [Denver], Felix, Keating, Crowley, Griffith, Wilson [Weld], Jensen, Taylor [Phillips and Sedgwick], Sanburg, Smith [Weld] and Senators Headlee, Hudson, Litel, Hotchkiss, Wheeler, Johnson [6th], Hunter, Murphy, Abbott, Johnston [8th], Ragan, Glenn and Lloyd)

AN ACT

RELATING TO THE WATERS OF THE STATE OF COLORADO; PROVIDING FOR THE CONTROL, PROTECTION AND DEVELOPMENT THEREOF; AND MAKING AN APPROPRIATION THEREFOR.

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

Water
Conservation
Board Created

Section 1. For the purpose of aiding in the protection and development of the waters of the state for the benefit of the present and future inhabitants of the state there is hereby created a Colorado Water Conservation Board with the powers and duties herein set out. Said Board is hereby declared to be an agency of the state and the functions it is to perform, as herein set out, are hereby declared to be governmental functions for the welfare and benefit of the state and its inhabitants.

Board, Defined

Section 2. As used in this Act, the word "Board" shall mean the Colorado Water Conservation Board herein created.

Section 3. The Board shall consist of twelve members. The Governor, the Attorney General, the State Engineer, the Director of the State Planning Commission and the Director of said Board, appointed as hereinafter provided when chosen shall be members ex-officio. The seven remaining members shall be qualified electors of the state, well versed in water matters, and shall be appointed by, and serve at the pleasure of the Governor. The appointed members of the Board shall be chosen geographically as follows: Three from the western slope, and four from the eastern slope; provided that of the four members to be appointed from the eastern slope, one shall be from the Rio Grande Drainage Basin, one shall be from the North Platte Drainage Basin, one from the Arkansas Drainage Basin and one from the South Platte Drainage Basin. Before entering upon the discharge of his duties, each appointed member shall take, subscribe and file with the Secretary of State the oath prescribed by the constitution.

Personnel
of Board

Governor
Appoint Seven
Members—
Qualifications

Section 4. The Governor shall be the chairman of the Board. The Board shall elect from the appointed members a vice-chairman and secretary to serve as such at the pleasure of the Board. The person chosen as secretary shall be well versed in water matters and qualified to represent the Board, and the interests of the state on occasion, as the Board may require.

Organization—
Governor
Chairman

Secretary—
Qualifications

Section 5. The Board may provide for the holding of regular meetings, and may hold a special meeting at any time and place in the state upon the call of the Chairman or Vice-Chairman or any two members. Notice of all special meetings shall be given by telegram at least forty-eight hours, or by registered mail at least four days, before any special meeting.

Regular and
Special
Meetings—Notice

Quorum

Seven members shall constitute a quorum and the affirmative or negative vote of at least seven members shall be necessary to bind the board. Any business may be transacted at a special meeting which could be transacted at a regular meeting.

**Adopt Seal,
Rules and
Regulations**

Section 6. The Board shall adopt a seal and all documents to be executed by the Board shall be under such seal, signed by the Chairman or Vice-Chairman and attested by the Secretary. The Board may, from time to time, adopt suitable rules and regulations as may be necessary or expedient for the conduct of its business and the administration of this Act.

**Attorney General
Act as Legal
Adviser—
Expenses**

Section 7. The Attorney General shall act as legal adviser for the board. He shall receive his actual and necessary expenses when engaged in traveling within or without the state in the performance of such services, and with his consent the board may employ additional legal counsel. Upon the initial undertaking by the board of the powers and duties as provided in this act, and until June 30, 1939, the board may also employ such technical, clerical and other assistants as may be necessary to enable it to perform its duties and carry out the purposes of this act, and may fix their compensation "which shall be compatible with the salaries for like positions in the state employment, but for the biennial period beginning July 1st, 1939, and for each biennial period thereafter, the General Assembly shall determine the necessity of employment of employees of the board and shall fix the compensation of such employees, and the compensation of the Director which office is hereinafter established" provided, however, that the compensation of any employee upon an annual basis shall not exceed the sum of five thousand dollars (\$5,000.00) per annum, and that the com-

**Technical,
Clerical and
Other Assistants
May Be
Employed—
Compensation**

pensation of persons upon a per diem or temporary basis shall be fixed by the board compatible with compensation paid to other persons rendering similar service to the State of Colorado.

Section 8. Each appointed member of the Board shall serve as such without compensation, but shall be paid his actual traveling and necessary expenses while away from his home in the performance of the duties of his office. The Board shall appoint a director who shall be the chief administrative officer of the Board to serve at its pleasure. He shall receive such compensation, as provided in Section 7 of this act, as may be fixed by the Board until June 30, 1939, and thereafter said compensation shall be fixed by the General Assembly. The person so appointed as director shall by virtue of said appointment be a member at large of the Board and shall be well versed in water matters and qualified by experience, knowledge, and personality to represent the Board on occasion as it may require. The offices of director and secretary of the Board may be held by the same person. The ex-officio members of the Board or persons employed by the Board shall receive their actual and necessary expenses when engaged in travel in the performance of their duties.

Compensation of
Members of
Board

Director—
Appointment

Compensation

Qualifications

Compensation
of Ex-Officio
Members

Section 9. The Governor from time to time, with the approval of the Board, shall appoint a commissioner, or commissioners, who shall represent the state of Colorado upon joint commissions to be composed of commissioners representing the states of Colorado and another state or other states for the purpose of negotiating and entering into compacts or agreements between said states, with the consent of the Congress when necessary, ascertaining and declaring the authority, interest or right of the several signatory states,

Governor Appoint
Commissioner
With Approval
of Board

or any of them, over, in and to interstate waters, all to the end that such waters may be used and disposed of by the several states and their respective citizens in accordance with an equitable apportionment or division thereof made between the signatory states by the terms of the compact or agreement; provided, however, that any compact or agreement so entered into on behalf of said states shall not be binding or obligatory upon any of said states or the citizens thereof unless and until, the same shall have been ratified and approved by the legislatures of all of said signatory states, and by the Congress of the United States when necessary. The Board shall furnish such commissioner or commissioners with such legal, engineering, clerical, and other assistants as the Board may deem advisable and necessary, all legal assistants to be employed with the consent of the Attorney General. Such commissioner or commissioners shall serve at the pleasure of the Governor at a compensation to be fixed by him. The compensation of the legal, engineering and other assistants of said commissioner or commissioners shall be fixed by the Board and all such compensation and necessary traveling expenses of such commissioner or commissioners and his or their said assistants shall be paid out of the funds appropriated for carrying out the purposes of this Act.

Compensation of
Commissioner
and Assistants

Board
Cooperate With
Attorney General

Section 10. The Board shall cooperate with the Attorney General in all matters relating to interstate suits concerning the waters of the rivers of the state; and shall arrange for the gathering and compilation of all information, factual, engineering or other data requisite or desirable for the use of the Attorney General in the conduct of such suits.

Duties of
the Board

Section 11. It shall be the duty of the Board to promote the conservation of the waters of the State

of Colorado in order to secure the greatest utilization of such waters and the utmost prevention of floods; and in particular, and without limiting the general character of this section, the Board shall have power and it shall be its duty:

(a) To foster and encourage irrigation districts, public irrigation districts, water users' associations, conservancy districts, drainage districts, mutual reservoir companies, mutual irrigation companies, grazing districts, and any other agencies which have been or may hereafter be formed under the laws of the state of Colorado, or of the United States, for the conservation, development and utilization of the waters of Colorado;

(b) To assist any such agencies in their financing, but not to lend or pledge the credit or faith of the state of Colorado in aid thereof, or to attempt to make the state responsible for any of the debts, contracts, obligations, or liabilities thereof;

(c) To devise and formulate methods, means and plans for bringing about the greater utilization of the waters of the state and the prevention of flood damages therefrom;

(d) To gather data and information looking toward the greater utilization of the waters of the state and the prevention of floods and for this purpose to make investigations and surveys;

(e) To cooperate with the United States and the agencies thereof, and with other states for the purpose of bringing about the greater utilization of the waters of the state of Colorado and the prevention of flood damages;

(f) To cooperate with the United States, or any of the agencies thereof, in the making of preliminary

surveys, and sharing the expense thereof, when necessary, respecting the engineering and economic feasibility of any proposed water conservation or flood control project within the State of Colorado, designed for the purpose of bringing about greater utilization of the waters of this state.

(g) To formulate and prepare drafts of legislation, state and federal, designed to assist in securing greater beneficial use and utilization of the waters of the state and protection from flood damages;

(h) To investigate the plans, purposes and activities of other states, and of the federal government, which might affect the interstate waters of Colorado;

(i) To confer with and appear before the officers, representatives, boards, bureaus, committees, commissions, or other agencies of other states, or of the federal government, for the purpose of protecting and asserting the authority, interests and rights of the state of Colorado and its citizens over, in and to the waters of the interstate streams in this state;

(j) In general, to take such action and have such powers as may be incidental to the foregoing specific provisions and to the general purposes of this Act; provided, however, that nothing in this Act contained shall be construed as restricting or limiting the administrative functions or authority of the State Engineer, including the gathering of data respecting the water supplies of this state, or restricting or limiting the statutory powers of the State Planning Commission, and

Provided, further, that any studies, investigations or data respecting the streams or water supplies

of this state, heretofore or hereinafter made or compiled by the State Engineer, the State Planning Commission, or any other department, office or bureau of this state shall be made available for the use of this Board upon request.

(k) The Board shall lend its full aid and cooperation to the Attorney General in all matters relating to the institution or defense of interstate suits, controversies or negotiations concerning the rivers of this state; and shall arrange for and conduct, either within the state or elsewhere, all investigations and studies, and make compilations of all information, factual, engineering, or other data concerning interstate streams which may be deemed requisite or desirable for use in the conduct of such suits, controversies or negotiations.

Section 12. The State Auditor is authorized and directed to draw warrants monthly in payment of the lawful salaries and expenses of the Board, Commissioner, or Commissioners, and its or their legal, engineering and other assistants and employees as herein provided on vouchers signed by the secretary of the Board and approved by the Governor.

Auditor
Authorized and
Directed to Draw
Warrants for
Salaries and
Expenses

Section 13. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of \$205,000 for the purpose of paying the salaries and expenses of the Board, commissioner, or commissioners, and its, or their, legal, engineering and other assistants, and the carrying out of the purposes of this Act.

Appropriation—
Purposes

Section 14. If any section, subsection, sentence, clause or phrase of this Act is for any reason declared to

Constitutional
Clause

be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have passed the Act and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Repealing Clause

Section 15. All acts or parts of acts in conflict herewith, relating to the appointment of a commissioner or commissioners, for negotiating compacts respecting the waters of interstate streams are hereby repealed; Provided, however, that such repeal shall not affect the authority of any commissioner or commissioners now engaged in the process of negotiating any interstate compact respecting the waters of any interstate stream of this state, nor affect the validity of any such compact when so negotiated.

Safety Clause

Section 16. The General Assembly hereby finds, determines and declares this Act necessary for the immediate preservation of the public peace, health and safety.

Emergency

Section 17. 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.

Approved: June 1, 1937.