



COLORADO
**Colorado Water
Conservation Board**
Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Kirk Russell, P.E., Finance Section Chief

DATE: November 16-17, 2016 Board Meeting

AGENDA ITEM: 15. Proposed Revisions to the 1921 Irrigation District Act

(This is for information only and no action is necessary)

Orchard Mesa Irrigation District and the Henrylyn Irrigation District and will be presenting a proposed change to the 1921 Irrigation District Act. It is anticipated that a bill will be sponsored by Rep. Jeni Arnt & Rep. Don Coram for the upcoming Legislative Session to enact the changes.

Attached is a description of the proposed revisions prepared by Brandeberry & McKenna on behalf of the two districts.



PROPOSED REVISIONS TO THE 1921 IRRIGATION DISTRICT ACT

Background:

The Irrigation District Law of 1921 (C.R.S. 37-42-101 et seq.) is now almost a century old, and many of its provisions have not been updated since it was originally enacted. Revisions are needed to modernize the statutes and make them consistent with the operation of irrigation districts in the 21st Century.

What the bill does:

- Establishes a consistent definition of landowners entitled to receive water from irrigation districts and vote in district elections.
- Clarifies qualifications of board members and updates provisions relating to irrigation district elections.
- Updates the dollar figures to reflect the cost of doing business in 2016 and adjusts it for inflation so that subsequent updates are unnecessary.
- Updates the antiquated provisions relating to the collection of irrigation assessments by county treasurers and how those assessments are paid to and held by irrigation districts.
- Clarifies that water in excess of that required for its landowners can be leased for all beneficial purposes. Existing law limits to domestic, agricultural, power and mechanical purposes. Districts could also utilize SWSPs or interruptible supply agreements provided the State Engineer determines no injury to vested water rights would occur.
- Removes inconsistencies between the 1921 Irrigation District Law and other statutes applicable to irrigation districts.

What the bill does not do:

- This would not affect or enlarge irrigation districts' existing decrees. An irrigation district would have to seek a change in water court or temporary approval via substitute water supply plan (SWSP) in accordance with Colorado law to allow any uses not included in an irrigation district's existing decrees.

Proponents: Henrylyn Irrigation District ("HID") and Orchard Mesa Irrigation District ("OMID"). HID is a 1905 Irrigation District that owns various direct, storage, and exchange water rights dating back to 1907. It provides irrigation water to approximately 33,000 acres of land located in the South Platte drainage (Water Division 1).

OMID is a 1921 Irrigation District that operates the Orchard Mesa Division of the Grand Valley Project, a federal reclamation project located in Mesa County. It provides irrigation water to approximately 9,200 acres of land located in the Colorado River drainage (Water Division 5) with direct flow water rights dating back to 1900.