

37-60-106. Duties of the board - repeal.

(1) It is 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 has the power and it is 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 are 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, and to designate and approve storm or floodwater runoff channels or basins, and to make such designations available to legislative bodies of cities and incorporated towns, to county planning commissions, and to boards of adjustment of cities, incorporated towns, and counties of this state;

(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 and assist in formulating a response to the plans, purposes, procedures, requirements, laws, proposed laws, or other activities of the federal government and other states which affect or might affect the use or development of the water resources of this state;

(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 with respect to the waters of the interstate streams in this state;

(j) To acquire by grant, purchase, bequest, devise, or lease, any real property or interest therein for the purpose of the prevention or control of floods, or to acquire by eminent domain any real property or interest therein with respect to any project specifically authorized by the United States congress for the prevention or control of floods, including but not limited to easements and rights-of-way for ingress into and egress from such project, with the power in either event to lease such lands or interest therein to agencies of the federal government or to the state or any agency or political subdivision thereof for the construction, operation, or maintenance of flood control and prevention facilities;

(k) In general, to take such action and have such powers as are incidental to the foregoing specific provisions and to the general purposes of this article;

(l) To enter into contracts as provided in sections 37-60-119 to 37-60-122 for the construction of conservation projects which, as authorized by the general assembly under procedures set forth in section 37-60-122, will conserve and utilize for the best advantage of the people of this state the water and power resources of the state, including projects beyond the boundaries of the state of Colorado located on interstate waters when the benefit of such project accrues to the citizens of the state of Colorado, upon application under such rules and regulations as the board shall establish;

(m) To file applications in the name of the department of natural resources for the appropriation of water;

(n) To take all action necessary to acquire or perfect water rights for projects sponsored by the board;

(o) To sell or otherwise dispose of property owned by the board, in the name of the state of Colorado, as a result of expenditures from the Colorado water conservation board construction fund in such manner as to be most advantageous to the state. Proceeds from such sale or disposal shall accrue to the Colorado water conservation board construction fund and shall not revert to the general fund at the close of any fiscal year.

(p) To make grants pursuant to the provisions of section 37-60-122.2 (2) for fish and wildlife resources;

(q) To make a mitigation recommendation pursuant to the provisions of section 37-60-122.2 (1) constituting the official position of the state of Colorado regarding mitigation to maintain a balance between the development of the state's water resources and the protection of the state's fish and wildlife resources;

(r) To foster the conservation of the water of the state of Colorado by the promotion and implementation of sound measures to enhance water use efficiency in order to serve all the water needs of the state, to assure the availability of adequate supplies for future uses, and to assure that necessary water services are provided at a reasonable cost;

(s) (I) To recommend water infrastructure projects, as defined in section 37-60-202 (3), to the governor in accordance with section 37-60-203 and to issue water infrastructure revenue bonds in accordance with the provisions of part 2 of this article.

(II) This paragraph (s) is repealed, effective upon the rejection by the registered electors of the state voting on the question of the ballot question submitted pursuant to section 37-60-203 (1) (a).

(t) To enter into one or more agreements with the Colorado water resources and power development authority and any other entities to assist in the development of the water resources of the state.

(2) The board may coordinate with the United States secretary of the interior and the United States secretary of agriculture to develop plans that conserve and develop water resources consistent with this article for federal lands pursuant to 16 U.S.C. sec. 530, 16 U.S.C. sec. 1604, and 43 U.S.C. sec. 1712.

Source: **L. 37:** p. 1304, § 11. **CSA:** C. 173B, § 11. **CRS 53:** § 148-1-11. **C.R.S. 1963:** § 149-1-11. **L. 66:** p. 44, § 8. **L. 67:** p. 294, § 5. **L. 71:** p. 1343, § 1. **L. 77:** (1)(o) amended, p. 1692, § 1, effective March 4; (1)(h) R&RE, p. 1691, § 1, effective March 26. **L. 80:** (1)(o) amended, p. 698, § 1, effective May 2; (1)(o) amended, p. 695, § 1, effective June 5. **L. 87:** (1)(p) and (1)(q) added, p. 1295, § 2, effective July 13. **L. 91:** (1)(r) added, p. 2023, § 3, effective June 4. **L. 2003:** (2) added, p. 1035, § 5, effective April 17; (1)(s) and (1)(t) added, p. 2410, § 2, effective June 5.

Cross references: (1) For duties of the board with respect to ground water, see § 37-90-117; for eminent domain proceedings, see articles 1 to 7 of title 38.

(2) In 1991, subsection (1)(r) was added by the "Water Conservation Act of 1991". For the short title and the legislative declaration, see sections 1 and 2 of chapter 328, Session Laws of Colorado 1991.

(3) For the legislative declaration contained in the 2003 act enacting subsection (2), see section 1 of chapter 145, Session Laws of Colorado 2003.

ANNOTATION

The statutory duties of the Colorado water conservation board as set out in this section are to foster the development and utilization of waters of Colorado, to gather data looking toward the greater utilization of the waters of the state and the prevention of floods and for this purpose to make investigation and surveys, to cooperate with the United States and the agencies thereof for the purpose of bringing about the greater utilization of the waters of the state of Colorado and the prevention of flood damages, and in general to take such action and have such powers as may be incidental to the powers specifically granted. *Williamson v. Union Oil Co.*, 125 F. Supp. 570 (D. Colo. 1954).

There is implied authority to publish reports. Having authority to make field investigation, not only as a basis for its own policies and action, but to foster and encourage the conservation, development and utilization of the waters of the state by public and private agencies, the authority of the Colorado water conservation board to publish the results of such investigation alone, or in cooperation with agencies of the federal government, would seem to follow by implication. *Williamson v. Union Oil Co.*, 125 F. Supp. 570 (D. Colo. 1954).