

37-60-123.7. Acquisitions of water for instream flows.

(1) In addition to any other moneys appropriated from the Colorado water conservation board construction fund, up to one million dollars in the fund are continuously appropriated to the board annually to pay for the costs of acquiring water, water rights, and interests in water for instream flow use. The total amount of such continuous appropriation that is unencumbered in any fiscal year shall not exceed one million dollars. The primary priority for expenditures of these revenues shall be the costs of water acquisitions for existing or new instream flow water rights to preserve the natural environment to a reasonable degree. These revenues also may be used in limited circumstances for the costs of water acquisitions to preserve the natural environment of species that have been listed as threatened or endangered under state or federal law, or are candidate species or are likely to become candidate species, support wild and scenic alternative management plans, or provide federal regulatory certainty.

(1.5) In any year that the board expends all of the moneys available for the costs of acquiring water, water rights, and interests in water for instream flow use from the moneys that have been appropriated for the current fiscal year from the Colorado water conservation board construction fund pursuant to this section, the board shall apply to the wildlife commission for all or any portion of the five hundred thousand dollars from habitat stamp moneys made available pursuant to section [33-4-102.7](#) (4) (a) (II), C.R.S. Any habitat stamp moneys received shall be used to acquire water, water rights, or interests in water pursuant to section [37-92-102](#) (3), subject to the limitations set forth in this section.

Editor's note: This subsection (1.5) is effective July 1, 2010.

(2) Prior to any expenditure of funds under this section, the board shall adopt criteria and guidelines regarding its implementation of this spending authority. The board shall approve any expenditure of funds pursuant to this section. Within three months after the end of any fiscal year during which the spending authority created pursuant to this section is exercised, the board shall report to the general assembly regarding how such spending authority was exercised.

Source: L. 2008: Entire section added, p. 1574, § 28, effective May 29. **L. 2009:** (1.5) added, (SB [09-235](#)), ch. 388, p. 2101, § 9, effective July 1, 2010.

Editor's note: Subsection (1.5) was added in a 2009 act that was passed without a safety clause. The act, or portions thereof, may not take effect if the people exercise their right to petition under article V, section 1 (3) of the state constitution. For further explanation concerning the effective date, see page ix of this volume.