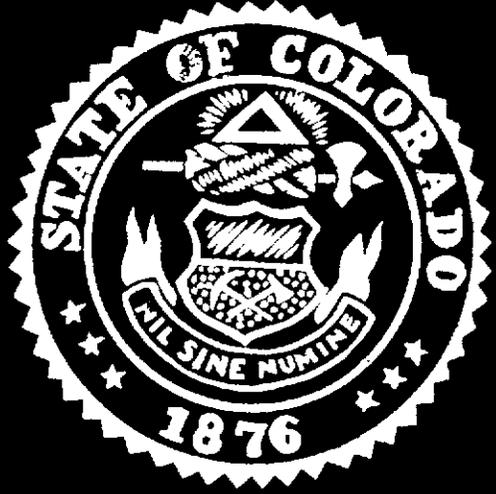


MARTEL

Feb 38

# WATER CONSERVATION AGENCIES OF THE STATE OF COLORADO



FOURTH EDITION

COLORADO WATER CONSERVATION BOARD  
102 COLUMBINE BUILDING  
1845 SHERMAN STREET  
DENVER, COLORADO 80203

BENJAMIN F. STAPLETON  
Chairman, Denver  
FREDERICK V. KROEGER  
Vice-Chairman, Durango  
H. G. BERTHELSON  
Rio Blanco  
CLARENCE E. BURR  
Walden  
QUINCY C. CORNELIUS  
Hooper  
CRAIG A. GOODWIN  
Gunnison  
JAMES H. MACDONALD  
La Junta  
HERBERT H. VANDEMOER  
Sterling  
RICHARD B. WILLIAMS  
Grand Junction



FELIX L. SPARKS  
Director  
C. J. KUIPER  
Deputy Director  
LAREN D. MORRILL  
Chief Engineer

JOHN A. LOVE, Governor

Telephone:  
892-3441

COLORADO WATER CONSERVATION BOARD

102 COLUMBINE BUILDING  
1845 SHERMAN STREET  
DENVER, COLORADO 80203

May 15, 1968

F O R E W A R D

In recent years there has been a great demand from both within and without the State of Colorado for information pertaining to the state's official water resource agencies. This publication, which contains both the applicable state statutes and summary information on each agency, is designed to meet that demand. Irrigation districts organized pursuant to state law are not included herein, not because they lack importance, but because they are gradually being supplanted by conservancy type districts.

It will be noted that the statutes creating the agencies listed herein were enacted in 1937, or shortly thereafter. This sudden emphasis on water resource development was partly the result of the unprecedented and disastrous drouth period of the decade following 1930.

The first edition of this publication was issued in 1960, and this edition in 1968.

*Felix L. Sparks*  
FELIX L. SPARKS  
Director

FLS:lk

WATER CONSERVATION AGENCIES  
of the  
STATE OF COLORADO

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*Castillo Co. Water Cons. Dist  
P.O. Box 42  
San Luis, Colo. 81152*



**ST VRAIN & LEFT HAND  
WATER CONSERVANCY DISTRICT**

*500 Coffman St., Suite 107  
1756 N. MAIN*

LONGMONT, COLORADO 80501

*Huerfano Co. Water Cons. Dist*

<u>Name of District</u>	<u>Year Organized</u>	<u>Counties</u>
1. Alamosa-La Jara	1981	Alamosa - Conejos Rio Grande
2. Animas-La Plata	1981	La Plata
3. Arkansas River	1952	Bent
4. Badger Beaver	1976	Morgan - Washington
5. Costilla County	1976	Costilla
6. Huerfano County	1971	Huerfano
7. Michigan River	1979	Jackson
8. Municipal Subdistrict (Northern Colo WCD)	1970	Boulder, Larimer, Weld
9. North La Junta	1955	Otero
10. <del>Beaver</del> Pot Hook	1960	Moffat
11. Trinchera	1968	Costilla
12. Upper Arkansas	1979	Chaffee - Costar Fremont

CHAPTER I

COLORADO WATER CONSERVATION BOARD

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149-1-11 Duties of Board - p. 8

## COLORADO WATER CONSERVATION BOARD

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### INTRODUCTION

Prior to 1937 all matters in the state pertaining to water resources were under the jurisdiction of the State Engineer. However, over the years a feeling developed that the duties of the State Engineer were too all-inclusive to permit a proper emphasis on the development of water resources. As a result of this sentiment, the Colorado Water Conservation Board was created in 1937.

The general purpose of the Board is expressed by statute as follows:

"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 . . . ."

Under the pertinent state statutes now in effect, the Board has nine appointed members chosen from designated geographical areas of the state. These members are appointed by the Governor for a period of three years and are not compensated in any way for their services. Nevertheless, the appointed members spend a great amount of time pursuant to the statutory duties imposed upon the Board. The Board has four ex-officio members who hold office by virtue of their elective or civil service appointment to responsible state positions.

Waters originating in Colorado flow into and through eighteen other states. By interstate compacts and United States Supreme Court decisions, these waters are so divided that the State of Colorado receives less than fifty percent of the waters originating within Colorado's boundaries. As a general rule, the people of Colorado are firmly united when it comes to dealing with other states, but great varieties of opinion normally exist on intrastate matters. Both intrastate and interstate relations fall within the jurisdiction of the Water Conservation Board.

Without exception, spirited controversies have existed or still exist concerning our major water resource projects. These differences may exist entirely within the state, entirely without, or sometimes both ways. If the vital water resources of this state are to be properly utilized, it is obvious that the state water board must take the roles of coordinator, arbitrator, planner and promoter. The state board has not always been eminently successful in these roles, but past experiences have demonstrated that important projects would drift indefinitely upon the sea of contention without positive action by the state government.

Colorado is a semi-arid state. The average annual rainfall in parts of the state is less than six inches. The amount of water available for consumption within the state in

any year is an inflexible quantity which bears no relationship to the ever-increasing human population. The utmost utilization of our water is therefore not only desirable but an absolute necessity.

The coming years will only aggravate the already existing water shortages. One of the great challenges of the future will be the constant necessity to keep adequate water supplies available at the points of need.

## WATER CONSERVATION BOARD OF COLORADO

(From Colorado Statutes Annotated, as amended through 1968)

- 149-1-1. Creation.
- 149-1-2. Board defined.
- 149-1-3. Personnel.
- 149-1-4. Organization.
- 149-1-5. Meetings - notice.
- 149-1-6. Seal - rules and regulations.
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- 149-1-9. Commissioner.
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- 149-1-11. Duties of board.
- 149-1-12. Warrants for salaries and expenses.
- 149-1-13. Authority of commissioners under prior laws.
- 149-1-14. Water studies.
- 149-1-15. Employment of temporary personnel.
- 149-1-16. Reports.
- 149-1-17. Reports and publications.
- 149-1-18. Assent to water resources planning act.

149-1-1. Creation. - 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 set out in this article, are hereby declared to be governmental functions for the welfare and benefit of the state and its inhabitants. (1937).

149-1-2. Board defined. - As used in this article, the word "board" shall mean the Colorado water conservation board. (1937).

149-1-3. Personnel. - (1) The board shall consist of thirteen members. The natural resources coordinator, attorney general, state engineer, and director of said board shall be members ex officio. The nine remaining members shall be qualified electors of the state, well versed in water matters, and shall be appointed by the governor for terms of three years. The appointments shall be made in such a manner that the terms of three members shall expire on May 12 of each year. The members of said board who have been appointed and are now

serving as such members shall continue to serve as such members. In case a vacancy shall occur in the appointed membership of the board by death, resignation, or otherwise, the governor shall appoint a successor to serve the unexpired term of such member of the board. (1967).

(2) The appointed members of said board shall be chosen geographically as follows: Four from the western slope and five from the eastern slope; provided, that of the five members to be appointed from the eastern slope, one shall be from the Rio Grande drainage basin, one from the North Platte drainage basin, one from the Arkansas drainage basin, one from the South Platte drainage basin outside of the city and county of Denver, and one shall be from the city and county of Denver and intimately familiar with its water problems; and that of the four members to be appointed from the western slope, one shall be from the Yampa-White drainage basin, one from the main Colorado drainage basin, one from the Gunnison-Uncompahgre drainage basin, and one from the San Miguel-Dolores-San Juan drainage basins. Before entering upon the discharge of his duties, each appointed member shall make, subscribe and file with the secretary of state the oath prescribed by the constitution. (1937).

149-1-4. Organization. - The board shall elect from the appointed members a chairman and a vice chairman to serve as such at the pleasure of the board. The director of the board shall serve as secretary. (1967).

149-1-5. Meetings - notice. - 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. 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. (1937).

149-1-6. Seal - rules and regulations. - 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. From time to time, the board may adopt suitable rules and regulations as may be necessary or expedient for the conduct of its business and the administration of this article. (1937).

149-1-7. Attorney general as legal advisor. - The attorney general shall act as legal advisor for the board, and with his consent the board may employ additional legal counsel. (1967).

149-1-8. Compensation of members - director - employees. -  
(1) 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.

(2) The office of director of the water conservation board is hereby created. The board shall appoint a person who shall be well versed in water matters and qualified by experience, knowledge, and personality to represent the board and carry out its functions. The director shall be the chief administrative head of the board under the direction and supervision of the board and shall have general supervision and control of all its activities, functions, and employees. The appointment or removal of such director shall be subject to article XII, section 13, of the state constitution and statutes enacted pursuant thereto relating to civil service. He shall be reimbursed for all actual and necessary traveling and other expenses incurred by him in the discharge of his official duties.

(3) Pursuant to article XII, section 13, of the state constitution, the board may employ such technical, clerical, and other personnel as may be necessary to enable it to perform its duties and carry out the purposes of this article. Such personnel shall be reimbursed for all actual and necessary traveling and other expenses incurred by them in the discharge of their official duties. (1967).

149-1-9. Commissioner. - (1) 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 state 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, 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, 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.

(2) The board shall furnish such 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 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 commissioners shall be fixed by the board and all such compensation and necessary traveling expenses of such commissioners and their assistants shall be paid out of the funds appropriated for carrying out the purposes of this article. (1937).

149-1-10. Board to co-operate with attorney general. - The board shall co-operate 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. (1937).

149-1-11. Duties of the board. - (1) 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:

(2) 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 may 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.

(3) 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. (1937).

(4) 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. (1966).

(5) 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.

(6) To co-operate 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.

(7) To co-operate 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.

(8) 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.

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

(10) 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. (1937).

(11) 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.

(12) 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 article. (1967).

149-1-12. Warrants for salaries and expenses. - The state controller is authorized and directed to draw warrants monthly in payment of the lawful salaries and expenses of the board, or commissioners, and its or their legal, engineering and other assistants and employees on vouchers signed by the secretary of the board and approved by the governor. (1937).

149-1-13. Authority of commissioners under prior laws. - All acts or parts of acts in conflict herewith, relating to the appointment of commissioners for negotiating compacts respecting the waters of interstate streams are hereby repealed; provided, that such repeal shall not affect the authority of any 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. (1937).

149-1-14. Water studies. - The Colorado water conservation board is hereby authorized and directed to forthwith make, or cause to be made, a continuous study of the water resources of the state of Colorado, and a continuous study of the present and potential uses thereof to the full extent necessary to a unified and harmonious development of all waters for beneficial use in Colorado to the fullest extent possible under the law, including the law created by compacts affecting the use of said water. The studies so to be made shall include analyses of the extent to which water may be transferred from

one watershed to another within the state without injury to the potential economic development of the natural watershed from which water might be diverted for the development of another watershed. (1967).

149-1-15. Employment of temporary personnel. - The Colorado water conservation board is authorized and empowered to employ such persons, and enter into such co-operative undertakings with agencies of government as it may deem advisable for carrying out the work outlined in section 149-1-14. The employment in this section referred to is of such persons as the Colorado water conservation board finds may be necessary to meet an emergency by employing temporary personnel to supplement the work of regular state employees, it being the purpose of this law to provide for the utmost speed in accomplishing its purposes. The Colorado water conservation board may grant such authority as it deems necessary or proper to the persons it may designate to carry out the provisions of sections 149-1-15 and 149-1-16, inclusive. (1953).

149-1-16. Reports. - The Colorado water conservation board shall cause the results of the studies to be embodied in written reports, copies of which shall be held in the offices of said board as a public record available for the use of any interested person, and a copy of each of said reports shall be sent to each member of the general assembly. (1967).

149-1-17. Reports and publications. - (1) The board shall report to the coordinator of the division of natural resources at such time and on such matters as the coordinator may require.

(2) Publication of studies conducted by the board and other publications circulated in quantity outside the division shall be subject to the approval and control of the coordinator of the division of natural resources. (1964).

149-1-18. Assent to water resources planning act. - (1) The state of Colorado, by and through the Colorado water conservation board, hereby assents to the provisions of the act of Congress entitled "Water Resources Planning Act", approved July 22, 1965. The Colorado water conservation board is hereby authorized, empowered, and directed to perform such acts as may be necessary to the conduct and establishment of a comprehensive water planning program as defined in Title III of said act and in conformity with such rules and regulations as may be promulgated by the water resources council

pursuant to said act.

(2) There is hereby created a fund designated as "federal aid water planning fund" to which shall be deposited all sums contributed to the state of Colorado by the federal government pursuant to title III of the water resources planning act. All monies deposited under the provisions of this section are hereby specifically appropriated to the Colorado water conservation board for the purposes specified in said act of Congress and no such monies shall be expended for any other purpose. (1967).

## COLORADO WATER CONSERVATION BOARD

## CURRENT BOARD MEMBERS

<u>Appointed Members</u>	<u>Term Expires</u>	<u>Address</u>
H. G. Berthelson	May 12, 1968	Rio Blanco 81651
Clarence E. Burr	May 12, 1970	Walden 80480
Quincy C. Cornelius	May 12, 1969	Hooper 81136
Craig A. Goodwin	May 12, 1970	Gunnison 81230
Frederick V. Kroeger	May 12, 1969	P. O. Box 1090 Durango 81302
James H. Macdonald	May 12, 1969	819 Carson Street La Junta 81050
Benjamin F. Stapleton	May 12, 1968	2017 Denver-U.S. Nat'l. Bank Center, Denver 80202
Herbert H. Vandemoer	May 12, 1970	R. R. #3, Sterling 80751
Richard B. Williams	May 12, 1968	531 Rood Avenue, Grand Junction 81501

<u>Ex-Officio Members</u>	<u>State Office</u>	<u>Address</u>
 Richard T. Eckles	Coordinator of Natural Res.	1845 Sherman St., Denver 80203
Duke W. Dunbar	Attorney- General	State Capitol, Denver 80203
A. Ralph Owens	State Engi- neer	1845 Sherman St., Denver 80203
Felix L. Sparks	Director, Water Conser- vation Board	1845 Sherman St., Denver 80203

Officers

Benjamin F. Stapleton	- Chairman
Frederick V. Kroeger	- Vice-Chairman
Felix L. Sparks	- Secretary

## COLORADO WATER CONSERVATION BOARD

## CURRENT BOARD MEMBERS

<u>Appointed Members</u>	<u>Term Expires</u>	<u>Address</u>
Clarence E. Burr	May 12, 1964	Walden
Quincy Cornelius	May 12, 1966	Hooper
Frederick V. Kroeger	May 12, 1966	P. O. Box 1090 Durango
L. S. McCandless	May 12, 1965	Craig
Frank Milenski	May 12, 1966	Rte. 1, La Junta
David J. Miller	May 12, 1964	1004 A Ninth Ave., Greeley
William H. Nelson	May 12, 1965	Box 149, Grand Junction
F. M. Peterson	May 12, 1964	REA Bldg., Delta
Benjamin F. Stapleton, Jr.	May 12, 1965	2017 Denver-U.S. Nat'l. Bank Center, Denver

<u>Ex-Officio Members</u>	<u>State Office</u>	<u>Address</u>
John A. Love	Governor	State Capitol, Denver
Duke W. Dunbar	Attorney- General	State Capitol, Denver
W. M. Williams	Director, Planning Com.	State Services Bldg., Denver
J. E. Whitten	State Engi- neer	State Services Bldg., Denver
Felix L. Sparks	Director, Water Conser- vation Board	State Services Bldg., Denver

Officers

Governor John A. Love	- Chairman
Benjamin F. Stapleton, Jr.	- Vice-Chairman
Felix L. Sparks	- Secretary

## COLORADO WATER CONSERVATION BOARD

HISTORY OF BOARD MEMBERSHIP  
(Appointed)ARKANSAS RIVER BASIN

Miss Vena Pointer	Pueblo	1937-1948
John Beatty	Manzanola	1948-1955
Christian Wunsch	La Junta	1955-1958
Frank Milenski	La Junta	1958-

CITY AND COUNTY OF DENVER (SOUTH PLATTE RIVER)\*

L. Ward Bannister	Denver	1945-1950
Byron Rogers	Denver	1950-1951
Teller Ammons	Denver	1951-1953
Harold D. Roberts	Denver	1953-1956
Benjamin F. Stapleton, Jr.	Denver	1956-

COLORADO RIVER BASIN (MAIN STEM)\*\*

Wayne N. Aspinall	Palisade	1937-1939
Silmon Smith	Grand Junction	1939-1950
C. J. McCormick	Grand Junction	1950-1953
Vern A. Meek	Grand Junction	1953-1956
William H. Nelson	Grand Junction	1956-

GUNNISON-UNCOMPAHGRE RIVER BASINS\*\*

Edward L. Dutcher	Gunnison	1945-1949
Dan H. Hughes	Montrose	1949-1952
Edward L. Dutcher	Gunnison	1952-1955
F. M. Peterson	Delta	1955-

NORTH PLATTE RIVER BASIN

George J. Bailey	Walden	1937-1956
Clarence Burr	Walden	1956-

RIO GRANDE RIVER BASIN

Chris Wallrich	Alamosa	1937-1949
A. E. Headlee	Monte Vista	1949-1953
Raphael J. Moses	Alamosa	1953-1958
Richard E. Conour	Del Norte	1958-1963
Quincy Cornelius	Hooper	1963-

COLORADO WATER CONSERVATION BOARD

HISTORY OF BOARD MEMBERSHIP  
(Appointed)

ARKANSAS RIVER BASIN

Miss Vena Pointer	Pueblo	1937-1948
John Beatty	Manzanola	1948-1955
Christian Wunsch ✓	La Junta	1955-1958
Frank Milenski ✓	La Junta	1958-1966
James H. Macdonald	La Junta	1966-

CITY AND COUNTY OF DENVER (SOUTH PLATTE RIVER) \*

L. Ward Bannister	Denver	1945-1950
Byron Rogers ✓	Denver	1950-1951
Teller Ammons	Denver	1951-1953
Harold D. Roberts	Denver	1953-1956
Benjamin F. Stapleton	Denver	1956-1980

COLORADO RIVER BASIN (MAIN STEM) \*\*

Wayne N. Aspinall	Palisade	1937-1939
Silmon Smith	Grand Junction	1939-1950
C. J. McCormick	Grand Junction	1950-1953
Vern A. Meek - - ✓	Grand Junction	1953-1956
William H. Nelson ✓	Grand Junction	1956-1965
Richard B. Williams	Grand Junction	1965-

GUNNISON-UNCOMPAHGRE RIVER BASINS \*\*

Edward L. Dutcher	Gunnison	1945-1949
Dan H. Hughes	Montrose	1949-1952
Edward L. Dutcher	Gunnison	1952-1955
F. M. Peterson	Delta	1955-1964
Craig A. Goodwin ✓	Gunnison	1964-

NORTH PLATTE RIVER BASIN

George J. Bailey	Walden	1937-1956
Clarence E. Burr ✓	Walden	1956-

HISTORY OF BOARD MEMBERSHIP (Continued)  
(Appointed)

RIO GRANDE RIVER BASIN

Chris Wallrich	Alamosa	1937-1949
A. E. Headlee	Monte Vista	1949-1953
Raphael J. Moses	Alamosa	1953-1958
Richard E. Conour	Del Norte	1958-1963
Quincy C. Cornelius	Hooper	1963-

SAN MIGUEL-DOLORES-SAN JUAN RIVER BASINS\*\*

John B. O'Rourke	Durango	1937-1947
Dan Hunter	Dove Creek	1947-1954
Ira Kelly	Mancos	1954-1957
D. L. "Lew" Williams	Norwood	1957-1963
Frederick V. Kroeger	Durango	1963-1984

SOUTH PLATTE RIVER BASIN

John M. Dille	Fort Morgan	1937-1949
John A. Cross	Loveland	1949-1952
John M. Dille	Fort Morgan	1952-1955
David J. Miller	Greeley	1955-1964
Herbert H. Vandemoer	Sterling	1964-1985

YAMPA-WHITE RIVER BASINS\*\*

P. S. Elting	Hot Sulphur Springs	1937-1939
F. R. Carpenter	Hayden	1939-1941
George R. Pughe	Craig	1941-1956
L. S. McCandless	Craig	1956-1965
H. G. Berthelson	Rio Blanco	1965-

\*Representation created by statutory amendment in 1945.

\*\*Prior to 1945 representation from western Colorado was not based on specific areas.

HISTORY OF BOARD MEMBERSHIP (Continued)  
(Appointed)

SAN MIGUEL-DOLORES-SAN JUAN RIVER BASINS\*\*

John B. O'Rourke	Durango	1937-1947
Dan Hunter	Dove Creek	1947-1954
Ira Kelly	Mancos	1954-1957
D. L. "Lew" Williams	Norwood	1957-1963
Frederick V. Krøeger	Durango	1963-

SOUTH PLATTE RIVER BASIN

John M. Dille	Fort Morgan	1937-1949
John A. Cross	Loveland	1949-1952
John M. Dille	Fort Morgan	1952-1955
David J. Miller	Greeley	1955-

YAMPA-WHITE RIVER BASINS\*\*

P. S. Elting	Hot Sulphur Springs	1937-1939
F. R. Carpenter	Hayden	1939-1941
George R. Pughe	Craig	1941-1956
L. S. McCandless	Craig	1956-

\*Representation created by statutory amendment in 1945.

\*\*Prior to 1945 representation from western Colorado was not based on specific areas.

COLORADO WATER CONSERVATION BOARD

BOARD STAFF - Current

<u>Position</u>	<u>Name</u>	<u>Address</u>
Director	Felix L. Sparks	1845 Sherman St., Denver 80203
Deputy Director	C. J. Kuiper	"
Chief Engineer	Laren D. Morrill	"
Supervising Engineer	Fred L. Boydston, Jr.	"
Supervising Engineer	Stanley A. Miller	"
Water Resource Analyst	Donald H. Hamburg	"
Water Resource Analyst	Vacant	"
Senior Engineer	Francis M. Bell	"
Senior Engineer	George A. Brown	"
Senior Engineer	E. Carter Hutchinson	"
Senior Engineer	Thor J. Longley	"
Associate Engineer	William H. Sweet	P. O. Box 447 Monte Vista 81144
Assistant Engineer	Demmus D. Harvey, Jr.	208 Colorado Bldg., Pueblo 81001
Engineer Technician	Richard L. Teed	1845 Sherman St., Denver 80203
Office Manager	Lelah J. Keating	"
Principal Clerk-Steno	Mary G. Martel	"
Principal Clerk	Mary L. Brady	"
Senior Clerk-Typist	Alice J. Cavanah	"

CONSULTANTS

Attorney	Raphael J. Moses	Box 34, Boulder 80302
Engineer	Clifford H. Jex	202 Petroleum Bldg. Grand Junction 81501

## COLORADO WATER CONSERVATION BOARD

## HISTORY OF KEY STAFF MEMBERS

Director

Clifford H. Stone	1937-1952
Ivan C. Crawford	1953-1958
Felix L. Sparks	1958-1979

Deputy Director\*

Robert M. Gildersleeve	1959-
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Chief Engineer

Charles L. Patterson	1937-1948
Robert M. Gildersleeve	1949-1959
Leonard R. Kuiper	1959-

Attorney

Jean S. Breitenstein	1942-1954
Hatfield Chilson	1954-1956
Felix L. Sparks	1956-1958
Raphael J. Moses	1958-

\* Position created in 1959.

CHAPTER II

## COLORADO RIVER WATER CONSERVATION DISTRICT

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## COLORADO RIVER WATER CONSERVATION DISTRICT

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INTRODUCTION

Concurrently with the creation of the state water conservation board in 1937, the Colorado General Assembly authorized the organization of The Colorado River Water Conservation District. This latter organization was created for the purpose of dealing specifically with the waters of the Colorado River. This district is not to be confused with local conservancy districts organized under the general conservancy district laws, (Chapter V).

The District embraces fifteen counties lying within the main Colorado River Basin. The board of directors for the district is comprised of one representative from each county within the district, appointed by the Board of County Commissioners of each county. The necessary operating revenues are derived from ad valorem taxes imposed upon the real and personal property within the district.

The district board determines policy within its jurisdiction and lends active assistance to the development of water resource projects, including detailed engineering and legal studies. Actual project operation and contractual relations have to date been reserved to local conservancy

boards, although the district has broad general powers in this field.

The pertinent state statutes are not entirely clear as to the division of authority between the state board and the district board. In general, however, it can be said that the state board defines and establishes state policy, taking into consideration the recommendations made by the district board. Occasional conflicts of interest between state and sectional activities are inevitable, but in the main the activities of sectional agencies are an invaluable supplement to the operation of the central state agency, to-wit: the Colorado Water Conservation Board.

COLORADO RIVER WATER CONSERVATION DISTRICT  
Glenwood Springs, Colorado

1. Date of organization: 1937.
2. Counties included: Delta, Eagle, Garfield, Mesa, Moffat, Grand, Gunnison, Ouray, Pitkin, Rio Blanco, Poutt, Summit, Montrose (part), Hinsdale (part) and Saguache (part).
3. Assessed valuation (1967): \$373,986,607.
4. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
A. Allen Brown	President	P.O.Box 43, Delta 81416
Orest A. Gerbaz	Vice-President Secretary	Woody Creek 81656 P. O. Box 218, Glenwood Spgs. 81501
Charles O. Dever	Treasurer	First Nat'l. Bank Glenwood Spgs. 81501

5. Board Members:

<u>Name</u>	<u>Address</u>
A. Allen Brown	P. O. Box 43 Delta 81416
Orest A. Gerbaz	Woody Creek 81656
Anthony W. Williams	P. O. Box 338 Grd. Junction 81501
Amos W. Horn	Granby 80446
Purvis C. Vickers	Lake City 81235
John J. Sherman	Baggs Rte. Box 54 Craig 81625
Frank Delaney	P. O. Box 356 Glenwood Spgs. 81601
Hugh L. Caldwell	464 Garfield Meeker 81641
Wesley E. Signs	Steamboat Spgs. 80477
John A. Hughes	P. O. Box 367 Montrose 81401
Eddie J. Hazard	Flying M Ranch Saguache 81149
Karl H. Knorr	Star Route Kremmling 80459
Robert G. Porter	County Judge, Court House Gunnison 81230
Eugene D. Lorig	Eagle 81631
Vaughn L. Stealey	Ridgway 81432

## 6. Full time staff:

<u>Name</u>		<u>Address</u>
	Secy.-Engr.	P. O. Box 218 Glenwood Spgs. 81601
Eunice B. Gammill	Office Secretary	P. O. Box 218 Glenwood Spgs. 81601
Eeryl L. Jones	Draftsman	P. O. Box 218 Glenwood Spgs. 81601
Joseph V. Oberosler	Engr. Aide	P. O. Box 218 Glenwood Spgs. 81601

## 7. Consultants:

Delaney and Balcomb Attorneys		P. O. Box 790 Glenwood Spgs. 81601
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## COLORADO RIVER WATER CONSERVATION DISTRICT

(From Colorado Statutes Annotated, as amended through 1968)

- 150-7-1. Declaration.
- 150-7-2. District body corporate - area.
- 150-7-3. Board of directors.
- 150-7-4. Vacancies-- secretary and treasurer.
- 150-7-5. General powers.
- 150-7-6. Principal office - meetings.
- 150-7-7. Tax - assessments - collections.
- 150-7-8. Organization.
- 150-7-9. Petition.
- 150-7-10. Notice of hearing on petition.
- 150-7-11. Protesting of petitions.
- 150-7-12. Board of directors to prepare plans.
- 150-7-13. Appointment of appraisers.
- 150-7-14. Board bound by financing plan.
- 150-7-15. Compensation of appraisers.
- 150-7-16. Directors may make assessments.
- 150-7-17. Improvement district bonds.
- 150-7-18. Assessments perpetual lien.
- 150-7-19. Invalid assessments - board remedy.
- 150-7-20. Assessment record as evidence.
- 150-7-21. Remedies in case of faulty notice.
- 150-7-22. District may issue bonds.
- 150-7-23. Lawful contracts.
- 150-7-24. Maintenance assessment.
- 150-7-25. Definition of terms.
- 150-7-26. Compensation of directors.
- 150-7-27. Annual levy limit.
- 150-7-28. Investment of surplus funds.
- 150-7-29. Sinking fund.
- 150-7-30. District rules and regulations.
- 150-7-31. Court to ratify contracts.
- 150-7-32. Allocation of water or service.

150-7-1. Declaration. - In the opinion of the general assembly of the state of Colorado the conservation of the water of the Colorado river in Colorado for storage, irrigation, mining and manufacturing purposes and the construction of reservoirs, ditches and works for the purpose of irrigation and reclamation of additional lands not yet irrigated,

as well as to furnish a supplemental supply of water for lands now under irrigation, is of vital importance to the growth and development of the entire district and the welfare of all its inhabitants and that to promote the health and general welfare of the state of Colorado an appropriate agency for the conservation, use and development of the water resources of the Colorado river and its principal tributaries should be established and given such powers as may be necessary to safeguard for Colorado, all waters to which the state of Colorado is equitably entitled under the Colorado river compact. (1937).

150-7-2. District body corporate - area. - That there is hereby created a water conservation district to be known and designated as "The Colorado River Water Conservation District." Such district is hereby declared to be a body corporate under the laws of Colorado. Said district shall comprise the following area and territory of the state of Colorado: Grand county, Routt county, Moffat county, Rio Blanco county, Ouray county, Mesa county, Garfield county, Pitkin county, Eagle county, Delta county, Gunnison county, Summit county, those parts of Hinsdale and Saguache counties lying west and north of the continental divide and being within the drainage basin of the Gunnison river, and that part of Montrose county not included in the Southwestern water conservation district as set forth and described in section 150-8-2. (1961).

150-7-3. Board of directors. - (1) The Colorado river water conservation district shall be managed and controlled by a board of fifteen directors. One of said directors shall be from each of the respective counties in said district. He shall be selected by the board of county commissioners of the county in which he resides. He may be a member of the board of county commissioners of such county. He shall have been a resident of such county, or if only a part of a county is included within the boundaries of the said district, then a resident of such included part, for a period of at least two years prior to the date of his appointment and shall be a freeholder who has paid taxes in the county of his residence during the calendar year next preceding his appointment. The members of said board shall hold office for a term of three years and until their successors are appointed and qualified, except as herein otherwise provided. The regular term of office of each director shall commence on the third Tuesday of January following his appointment. The board of county commissioners of the county in which a director, whose term of office is about to expire, resides, shall, at its first

meeting in January, appoint a successor who shall take office on the third Tuesday in January following his appointment.

(2) The members of the board of directors of said district who are now in office shall hold their respective office for the period of time for which they were selected to serve, and their tenure of office shall not be affected by this amendatory section. Within sixty days after this section becomes effective, each of the boards of county commissioners of the counties of Hinsdale and Saguache shall appoint a director from such county with the qualifications above prescribed, to serve as a member of the board of directors of the Colorado river water conservation district. The director from Hinsdale county shall hold office until the third Tuesday of January, 1962, and the director from Saguache county shall hold office until the third Tuesday of January, 1963. Upon expiration of the several terms of office of the directors to be appointed under the terms of this section, successors shall be appointed as herein provided to serve for the regular term of three years. (1961).

150-7-4. Vacancies - secretary and treasurer. - The office of director shall become vacant when any member ceases to reside in the county from which he was appointed. In the event a vacancy occurs in said office by reason of death, resignation, removal, or otherwise, it shall be filled by the board of county commissioners of the county from which said member originally came. Before entering upon the discharge of his duties, each director shall take an oath to support and defend the constitution of the United States and of the state of Colorado and to impartially, without fear or favor, discharge the duties of a director of said district. The board of directors of said district shall appoint a secretary and a treasurer. The same individual may at the election of the board hold both said offices. The board shall likewise hire such other employees, including engineers and attorneys, as may be required to properly transact the business of the district, and said board is authorized to provide for the compensation of the secretary and treasurer and other appointees. The treasurer shall be required by the board to give bond with corporate surety in such amount as the board may fix and which it deems sufficient to protect the funds in the hands of the treasurer or under his control. Such bond is to be subject to the approval of the board. (1937).

150-7-5. General powers. - In its corporate capacity, such district shall have power to:

- (1) Sue and be sued in the name of the Colorado River water conservation district;
- (2) To acquire, operate and hold in the name of the district such real and personal property as may be necessary to carry out the provisions of this article, and to sell and convey such property or its products, as provided in this article, or when said property is no longer needed for the purposes of said district;
- (3) To make surveys and conduct investigations to determine the best manner of utilizing stream flows within the district, the amount of such stream flow or other water supply and to locate ditches, irrigation works and reservoirs to store or utilize water for irrigation, mining, manufacturing or other purposes, and to make filings upon said water and initiate appropriations for the use and benefit of the ultimate appropriators, and to do and perform all acts and things necessary or advisable to secure and insure an adequate supply of water, present and future, for irrigation, mining, manufacturing and domestic purposes within said districts;
- (4) To make contracts with respect to the relative rights of said district under its claims and filings, and the rights of any other person, association, or organization seeking to divert water from any of the streams within said district;
- (5) To contract with any agencies, officers, bureaus and departments of the state of Colorado or the United States of America, including the board of control of the state penitentiary, to obtain services or labor for the initiation or construction of irrigation works, canals, reservoirs, power plants, or retaining ponds within said district;
- (6) To enter upon any privately owned land or other real property for the purpose of making surveys or obtaining other information, without obtaining any order so to do, but without causing any more damage than is necessary to crops or vegetation upon such land;
- (7) To organize special assessment districts at different times for the purpose of establishing effective agencies to secure funds to construct reservoirs or other irrigation works under various types and plans of financing, including, among others, by issuance of revenue warrants only, by the issuance of bonds or revenue obligations constituting a lien up to a

specified, designated amount against the lands in said special improvement district, payable out of special assessments or by general obligations of such special improvement districts;

(8) To contract with the United States government, the bureau of reclamation, or other agencies of the United States government, for the construction of any such works and the issuance of such obligations as the special improvement districts may have the power to issue in payment of costs of construction and maintenance of said works;

(9) To have and to exercise the power of eminent domain to acquire ditches, reservoirs or other works or lands or rights-of-way therefor which said district or any subdivision thereof, or special improvement districts created pursuant to the power hereby conferred, may need to carry out the plans of said district or the improvement districts therein, and in general to exercise any and all rights and powers of eminent domain conferred upon other agencies as provided in chapter 50, C.R.S. 1963;

(10) To file upon and hold for the use of the public sufficient water of any natural stream to maintain a constant stream flow in the amount necessary to preserve fish, and to use such water in connection with retaining ponds for the propagation of fish for the benefit of the public;

(11) To exercise such implied powers and perform such other acts as may be necessary to carry out and effect any of the express powers hereby conferred upon such district, (1937).

150-7-6. Principal office - meetings. - The board of directors of said district shall designate a place within the district where the principal office is to be maintained and may change such place from time to time. Regular quarterly meetings of said board shall be held at said office on the third Tuesday in the months of January, April, July and October. The board shall also be empowered to hold such special meetings as may be required for the proper transaction of business. Special meetings may be called by the president of the board or by any three directors. Meetings of the board shall be public and proper minutes of the proceedings of said board shall be preserved and shall be open to the inspection of any elector of the district during business hours. (1937).

150-7-7. Tax - assessments - collections. - (1)(a) As soon as the district shall have been organized and a board of directors shall have been appointed and qualified, such board of directors shall have the power and authority to fix the amount of an assessment upon the property within the district, not to exceed two-tenths of one mill for every dollar of assessed valuation therein as a level or general levy to be used for the purpose of paying the expenses of organization, for surveys and plans, to pay the salaries of officers and the per diem allowed to directors and their expenses, and for other incidental expenses which may be incurred in the administration of the affairs of the district.

(b) Said board of directors shall also have the power and authority to fix the amount of an additional assessment upon the property within the district, not to exceed two-tenths of one mill for every dollar of assessed valuation therein, as a level or general levy, to be used for the purpose of paying the costs and expenses of construction or partial construction of any project designed or intended to accomplish the utilization of water, by storage or otherwise, for any beneficial uses or purposes. A two-thirds vote of the membership of said board shall be required to fix the amount of each of said levies.

(c) The amount of each assessment on each dollar of assessed valuation shall be certified to the boards of county commissioners of the various counties in which the district is located and by them included in their next annual levy for state and county purposes. Such amounts so certified shall be collected for the use of such district in the same manner as are taxes for county purposes, and the revenue laws of the state for the levy and collection of taxes on real estate for county purposes, except as modified by this article, shall be applicable to the levy and collection of the amounts certified by the board of directors of said district including the enforcement of penalties, forfeiture and sale for delinquent taxes.

(d) All collections made by the county treasurer pursuant to such levies shall be paid to the treasurer of the conservation district on or before the tenth day of the next succeeding calendar month. If any items of expense have already been paid in whole or in part from any other sources by the said district, they may be repaid from receipts of such levies. Such levies may be made, although the work proposed or any part thereof may have been found impractical or for other

reasons abandoned. The collection of data and the payment of expenses therefor, including salaries of engineers and attorneys and other clerical assistants, to conserve the water of said district and to enable said district to adopt plans and projects for the orderly development of said district is hereby declared to be a matter of general benefit to the public welfare, and such that taxes for said purposes may be properly imposed, in the opinion of the general assembly.

(e) If this subsection (1) or any clause, phrase or part thereof be held unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the validity or force of any other part of this section nor any other part of this law and the general assembly hereby declares it would have enacted the remainder of this article without said subsection (1) of this section. (1958).

(2) The board of said district may in lieu of the level or general tax authorized by subsection (1) of this section, levy special assessments upon all real estate within the district, except such real estate as is hereinafter exempted, to raise funds to pay expenses of organization, salaries, expenses and per diem allowances of officers and directors and to prepare a general plan for the maintenance of constant stream flow and adequate water supplies in all the principal tributaries and the main stream of the Colorado river in said district, and provide for future development of the district and insure water therefor. Such assessments shall be made in proportion to the benefits to each piece of real estate accruing by reason of the adoption of a comprehensive plan of development of the natural resources of the district as a whole. The board of directors if it deems it advisable at any time before levying special assessments shall appraise the benefits to the several parcels of real estate within the district which shall result from the organization of said district and the general plans and development aforesaid. The board may adopt rules for such purpose and provide inter alia for notice and hearing to all persons affected thereby. A permanent record arranged by counties of the benefits which will accrue to each tract of land shall be kept and such benefits shall be apportioned over a series of years, the amount to be collected each year to be in the discretion of the board; provided the amount of such assessment to be levied and assessed against the real property in said district any one year shall not exceed a total of seventy-five hundred dollars and it is hereby declared that the amount of special benefits accruing annually to the real estate in said district is in excess of

such amount. All property owned by the state, counties, cities, towns, school districts or other governmental agencies shall be exempt from taxation or special levies under this article.

(3) Prior to October fifteenth of each year in which an assessment is made, the board of directors shall appoint a time and place where it will meet within the district for the purpose of hearing objections to assessments at least thirty days prior to the dates so appointed. Notice of such hearing shall be given by posting a notice thereof at or near the door of the treasurer's office in each county in said district, and by publishing said notice in a legal newspaper not less than three consecutive times within a period of thirty days, immediately prior to the hearing; provided, the notice posted in each county shall be sufficient if it pertains to the property subject to assessment in said county only and need not contain the description of, or any reference to property situated in other counties also affected by such assessment. The notice shall contain a description of the real estate so assessed in the county in which said notice is posted and published, the amount of the assessment fixed by the board, and the time and place fixed by the board for the hearing of objections to such assessments. It shall not be necessary for the notice to contain a separate description of the lots or tracts of real estate, but it shall be sufficient if the said notice shall contain such descriptions as will inform the owner whether or not his real estate is covered by such descriptions, and to inform the owner of the amount of special assessments thereon.

(4) If in the opinion of any person whose real estate is assessed, his property has been assessed too high or has been erroneously or illegally assessed, at any time before the date of such hearing he may file written objections to such assessments, stating the ground of such objections, which statement shall be verified by the affidavit of said person or some other person familiar with the facts. At such hearing the board shall hear such evidence and argument as may be offered concerning the correctness or legality of such assessment and may modify or amend the same. Any owner of property desiring to appeal from the finding of the board as to assessments, within thirty days from the finding of the board shall file with the clerk of the district court of the county in which the property is situated, a written notice making demand for a trial by the court. At the same time, the appellant shall file a bond with good and sufficient security, to be approved

by the clerk of said court, in a sum not exceeding two hundred dollars, to the effect that if the finding of the court be not more favorable to the appellant than the finding of the board, the appellant will pay the costs of the appeal. The appellant shall state definitely from what part of the order the appeal is taken. In case more than one appeal is taken, upon a showing that the same may be consolidated without injury to the interests of anyone, the court may consolidate and try the same together.

(5) The court shall not disturb the findings of the board unless the finding of the board in any case is manifestly disproportionate to the assessments imposed upon other property in the district created under this article. The trial shall be to the court and the matter shall take precedence before the court and shall be taken up as promptly as may be after the appeal is filed. If no appeal is taken from the finding of the board within the time prescribed in this section, or after the finding of the district court in case an appeal is taken from the finding of the board, then said assessments shall be final and conclusive evidence that said assessments have been made in proportion to the benefits conferred upon each tract of real estate of said district by reason of the general plans of survey, comprehensive plan of development and the completion of improvements to be constructed under the provisions of this article and such assessments shall constitute a perpetual lien as provided in section 150-7-18 upon the real estate so assessed until paid. (1937).

150-7-8. Organization. - (1) Notwithstanding the organization of the district herein provided for, public irrigation districts organized under and pursuant to article 4 of chapter 149, CRS 53, and irrigation districts organized under and pursuant to articles 1 and 2 of this chapter, and any other form of organization designed or intended to acquire, construct or maintain reservoirs, ditches and similar works for irrigation or other beneficial purposes under any law of the state of Colorado or of the United States of America, may be organized to cover and include areas within the Colorado river water conservation district and may likewise embrace territory within that said district and partly out of the district. The board of directors, whenever in their opinion such form of organization will help promote the local interests or accomplish improvements for any part of said district, may recommend the organization of any such type of organization.

(2) In addition to such forms of organization, whenever in the opinion of the board of directors of said district it is feasible and necessary that ditches, canals, reservoirs or other works which benefit only a part of the district should be constructed, a local improvement district or subdivision, or as many of such local improvement districts as may be necessary may be created as provided in this article. Said local improvement district, when organized under the provisions of this law, shall be designated as "Water Users' Association No. \_\_\_\_\_ in the Colorado River Water Conservation District," or as "Special Improvement District No. \_\_\_\_\_ in the Colorado River Water Conservation District." Each sub-district shall be numbered consecutively as created or organized. The board of directors, the engineers, attorneys, secretary and other officers, agents and employees of the district, so far as it may be necessary, shall serve in the same capacity for such subdivisions or subdistricts. A contract and agreement between the main district and the sub-district may be made in the same manner as contracts and agreements between two districts. (1937).

150-7-9. Petition. - (1) Before any subdistrict shall be established under this article, a petition shall be filed in the office of the clerk of the district court of the county in which the territory to be embraced in said subdistrict, or the greater part thereof is situate, signed by the board of directors of the district or by a majority of the owners of land situate within the limits of the territory proposed to be organized into a subdistrict.

(2)(a) The petition shall set forth:

(b) The proposed name of said subdistrict, whether it shall be designated "Water Users' Association No. \_\_\_\_\_ in the Colorado River Water Conservation District," or "Special Improvement District No. \_\_\_\_\_ in the Colorado River Water Conservation District";

(c) That property within the proposed subdistrict will be benefited by the proposed reservoirs, ditches, canals, works or other improvements, and setting forth in a general way the nature and estimated cost thereof, together with a general statement of the nature of the anticipated benefits to be derived therefrom;

(d) A full description of the territory to be included in the proposed subdistrict. The description need not be

given by metes and bounds or by legal subdivision, but it shall be sufficient to enable a property owner to ascertain whether his property is within the territory proposed to be organized in a district. Such territory need not be contiguous, provided it be so situated that the organization as a single subdistrict of the territory described is such as to promote or tend to promote one or more of the objectives of this article as to all parts of the area proposed to be included;

(e) A general description of the methods proposed to finance the proposed works or other improvements, whether by revenue warrants pledging the income from the proposed works, special improvement bonds to be paid by special assessments on the property benefited and in an amount on each tract of land not in excess of the appraised benefits, contracts of water users or water users associations creating liens or mortgages on lands within the subdistrict, or general obligation bonds constituting a lien against the real property embraced in such subdistrict, and which indebtedness shall never be an obligation of the district itself. If general obligations are proposed, the petition shall allege and show that all lands in the subdistrict will be benefited in an amount not less than the total amount of general obligation bonds to be issued exclusive of interest.

(f) If such a petition be filed by the board of directors of the district it shall contain a statement to the effect that a majority of the landowners of the territory in the proposed subdistrict petitioned the board of directors to organize said subdistrict, and a copy of the petition of said landowners shall be attached as an exhibit to the petition for organization of the subdistrict.

(g) The petition shall pray for the organization of a subdistrict by the name proposed.

(3) To determine whether a majority of landowners in said district have signed the petition, in the event the petition is signed by landowners, or have petitioned the board of directors of the district in the event the petition is filed by the board of directors, the court may require the county treasurer of each county in which territory proposed to be included in said subdistrict is situated, to furnish a certified list of names of landowners within said area and the court shall be governed by the names as they appear upon said copy of the tax roll, and the same shall be prima facie

evidence of ownership, and if said tax roll shows a majority of the landowners have signed the main petition or petitioned the district for said organization the same shall be considered as prima facie evidence that a majority of said landowners are in favor of the organization of said proposed subdistrict. (1937).

150-7-10. Notice of hearing on petition. - (1) Immediately after the filing of such petition the court wherein such petition is filed or a judge thereof in vacation, by order shall fix a place and time, not less than sixty days nor more than ninety days after the petition is filed, for hearing thereon, and thereupon the clerk of said court shall cause notice by publication, which may be substantially the same as section 29-8-1, to be made of the pendency of the petition and of the time and place of hearing thereon; the clerk of said court shall also forthwith cause a copy of said notice to be mailed by United States registered mail to the board of county commissioners of each of the several counties having territory within the proposed district and to the board of directors of said district in the event that said petition is filed by the landowners.

(2) The district court in and for the county in which the petition for the organization of a subdistrict has been filed, for all purposes of this article, except as hereinafter otherwise provided, thereafter shall maintain and have original and exclusive jurisdiction coextensive with the boundaries of said subdistrict of lands and other property proposed to be included in said district or affected by said district, without regard to the usual limits of its jurisdiction.

(3) No judge of such court wherein such petition is filed shall be disqualified to perform any duty imposed by this article by reason of ownership of property within any subdistrict or proposed subdistrict, or by reason of ownership of any property that may be benefited, taxed or assessed therein. (1937).

150-7-11. Protesting of petitions. - (1) At any time after the filing of a petition for the organization of a subdistrict, and not less than thirty days prior to the time fixed by the order of the court for the hearing upon said petition, and not thereafter, a protest may be filed in the office of the clerk of the court wherein the proceedings for the organization of such subdistrict is pending, signed by

a majority of the owners of the land in said proposed sub-district protesting the organization or creation of said subdistrict. It shall be the duty of the clerk of the court forthwith, upon filing of said protest, to make as many certified copies thereof, including the signatures thereto, as there are counties into any part of which said proposed sub-district extends, and forthwith to place in the hands of the county treasurer of each of such counties one of said certified copies.

(2) It shall be the duty of each of such county treasurers to determine from the last tax rolls of his county, and to certify to said district court under his official seal, prior to the day fixed for the hearing, the total number of owners of land situate in such proposed subdistrict within his county and the total number of owners of land situate in such proposed subdistrict within his county who have signed such protest. Such certificate shall constitute prima facie evidence of the facts so stated therein and shall be so received and considered by the court.

(3) Upon the day set for the hearing upon the original petition, if it shall appear to the court from such certificate and from such other evidence as may be adduced by any party in interest that the said protest is not signed by a majority of the owners of land within the proposed subdistrict, the court shall thereupon dismiss said protest and shall proceed with the hearing on the petition. If it appears to the court at said hearing that the protest is signed by any person or corporation who signed the original petition for the organization of said subdistrict, either to the court or to the district, then the signature of any such landowner upon the protest shall be disregarded and not counted. The board of county commissioners of any county in which any part of said proposed subdistrict is situate, or any owner of real property in said proposed subdistrict who has not signed the petition for the organization of said subdistrict, on or before the date set for the cause to be heard, may file objections to the organization and incorporation of the district. Such objections shall be limited to a denial of the statements in the petition, and shall be heard by the court as an advanced case without unnecessary delay.

(4) Upon said hearing, if it appears that said petition has been signed and presented in accordance with the requirements of this article, and that the allegations of the petition are true, the court shall enter a decree and therein

adjudicate all questions of jurisdiction and declare the subdistrict organized and designate the name of said subdistrict, by which in all subsequent proceedings it shall thereafter be designated and known, and thereafter said subdistrict shall be deemed and considered a special improvement district.

(5) Such order shall be deemed and binding upon the real property within the subdistrict and no appeal or writ of error shall lie therefrom, and entry of such order shall finally and conclusively establish the regular organization of said subdistrict against all persons except the state of Colorado, in an action in the nature of a writ of quo warranto to be commenced by the attorney general within three months after said decree is entered, and not otherwise. Within ten days after such subdistrict has been declared duly organized by the court, the clerk of said court shall transmit to the county clerk and recorder in each of the counties having lands in said subdistrict, copies of the findings and decree of the court establishing said subdistrict. The same shall be filed and recorded in the office of the county clerk and recorder where they shall become permanent records. The clerk and recorder in each county shall charge a fee of two dollars for filing and preserving the same. (1937).

150-7-12. Board of directors to prepare plans. - Upon organization of such subdistricts the board of directors of said district, acting as the board of directors of said subdistrict, shall be authorized and they are hereby required to prepare and adopt as the official plans for said subdistrict a comprehensive detailed plan showing the nature of the improvements or works, including all canals, reservoirs and ditches, whether within or without the district, and the estimated cost of each principal part of said system or works. (1937).

150-7-13. Appointment of appraisers. - As soon as such official plan has been prepared and adopted and is on file in the office of said district, upon petition of the district the court shall appoint a board of appraisers consisting of three members. The qualifications of said appraisers and all proceedings before them shall be in accordance with the provisions of the law pertaining to the duties and qualifications of appraisers under the conservancy law of Colorado as set forth in sections 29-4-1 to 29-4-16, C.R.S. 1963, except that where reference is made in said law to districts it shall apply to subdistricts organized under this article. (1937).

150-7-14. Board bound by financing plan. - (1) The board of directors of the district shall be bound by the plan of financing set forth in the petition for the organization of the subdistrict and approved by decree of the district court. The appointment of appraisers shall not be necessary in the event that the plan adopted provides that general obligations of the subdistrict are to be issued or provides for the issuance of revenue warrants which shall be a lien and charge upon the rental and income from the irrigation works or reservoirs or other improvements to be constructed under the plan adopted and the rental derived from any such works.

(2) The warrants shall be payable in such denominations, with interest at a rate not exceeding six per cent per annum which may be fixed by the board of directors of said district pursuant to the order and decree of the court. They shall pledge the income and rentals from said irrigation works or water supplied therethrough, and the subdistrict shall not be otherwise obligated for the payment thereof.

(3) At the time said revenue warrants are issued the board of directors of the district shall make and enter in the minutes of the proceeding a resolution in which the due dates of said revenue warrants, the amount of interest thereon, which shall not exceed six per cent per annum, the general provisions of said bonds and a recital that the same are payable out of rental and income only, are set forth, and shall require the payment of an assessment or annual rental charge by the persons who are to use or derive benefit from the water or other service furnished through said improvements or works, sufficient to meet said payments, and the resolution shall be irrevocable during the time that any of said revenue warrants are outstanding and unpaid. The revenue warrants shall be signed "Water Users' Association No. \_\_\_\_\_ in the Colorado River Water Conservation District, By \_\_\_\_\_, President. Attest \_\_\_\_\_, Secretary." or "Special Improvement District No. \_\_\_\_\_ in the Colorado River Water Conservation District, By \_\_\_\_\_, President. Attest, \_\_\_\_\_, Secretary." They shall be countersigned by the treasurer.

(4) General obligation bonds of said subdistrict shall be signed in the same manner as provided in this section for revenue warrants and shall recite that the same are issued pursuant to the provisions of this article and are to be payable at the time and in the manner and with the rate of interest therein specified, and that the same were issued

under and pursuant to a decree of court and a resolution of the board of directors authorizing the issues of said obligations and referring to the date of said resolution. Said bonds shall further recite that they are payable from funds to be derived by assessments and tax levies against the property in said subdistrict and not otherwise, and that the same are not to be deemed or considered as an obligation of the Colorado River Water Conservation District but only as an obligation of said subdistrict, and that the district itself is not to be obligated in any manner for the payment of said bonds. (1937).

150-7-15. Compensation of appraisers. - Appraisers when appointed under the provisions of this article shall receive a compensation of ten dollars per day during the time that they are engaged in the performance of their duties. (1937).

150-7-16. Directors may make assessments. - (1) In the event that the plans for the organization of said district, including the petition and the decree entered thereon provide for a plan of financing the construction or acquisition of the works, or other improvements proposed, by special assessments to be levied against the appraised benefits to property within said subdistrict, then the board of directors may make assessments from time to time as required, and said board in making said assessments, shall be guided by the procedure for the levy of similar assessments under the conservancy law of the state of Colorado, and particularly the provisions of said law appearing in sections 29-5-4 to 29-5-6, and the same shall apply to subdistricts created under this article. The board of directors from time to time, as the affairs of the subdistrict may demand, may levy on all property upon which benefits have been appraised an assessment of such portion of said benefits as may be found necessary by said board to pay the cost of the appraisal, the preparation and execution of the official plan for said subdistrict, superintendence of construction and administration during the period of construction, plus ten per cent of said total to be added for contingencies, but not to exceed in the total of principal the appraised benefits so adjudicated.

(2) The said assessments, to be known as the "construction fund assessment," shall be apportioned to and levied on each tract of land or other property in said district in proportion to the benefits appraised and not in excess thereof, and in case bonds are issued, as provided in section 150-7-17, then the amount of interest which will accrue on

such bonds as estimated by said board of directors shall be included in and added to the said assessment, but the interest to accrue on account of the issuance of said bonds shall not be construed as a part of the cost of construction in determining whether or not the expenses and cost of making said improvement are or are not equal to or in excess of the benefits appraised.

(3) As soon as said assessment is levied, the secretary of the subdistrict, at the expense thereof, shall prepare in duplicate an assessment of the subdistrict. It shall be in the form of a well-bound book endorsed and named "Construction Fund Assessment Record of Water Users' Association No. \_\_\_\_\_ (or Special Improvement District No. \_\_\_\_\_, as the case may be) of the Colorado River Water Conservation District." Said record shall be in the form of similar records for conservancy districts under the laws of this state, particularly as provided by section 29-5-4. Said assessments may be paid in the manner provided by section 29-5-5, relating to conservancy districts under the laws of this state. All proceedings provided in said sections with respect to conservancy districts shall apply to the assessments, the records thereof, and the manner of payment of assessments of subdistricts organized under this article. (1937).

150-7-17. Improvement district bonds. - (1) The board of directors of said district may issue as obligations of the subdistrict, not as an obligation of the Colorado River water conservation district, improvement district bonds to be paid out of special assessments made by said board of directors against all lands in the subdistrict, not exceeding, however, in the aggregate principal amount of ninety per cent of the amount of benefits assessed against said lands and unpaid at the time of issue of said bonds. The bonds shall contain a recital to the effect that they are issued under and in accordance with the provisions of this article as special improvement district bonds and are to be payable out of special assessments to be levied against the property in said subdistrict as herein provided, and not other wise. Such improvement district bonds shall be signed, "Water Users' Association No. \_\_\_\_\_ (or Special Improvement District No. \_\_\_\_\_, as the case may be) of the Colorado River Water Conservation District, By \_\_\_\_\_, President," and countersigned "\_\_\_\_\_, Treasurer."

(2) Otherwise said bonds shall be in such denominations

and become due at such dates, with interest at such rate, payable either annually or semiannually, but not exceeding the rate of six percent per annum, and contain such other provisions as may be fixed by the board of directors, provided said provisions are not inconsistent with the terms of this article. Except as otherwise herein expressly modified, the law relating to the form and issuance of bonds of conservancy districts under the laws of this state, particularly section 29-5-6, shall apply and govern officers of the district in the issuance and sale of said bonds, and other provisions of said law with respect to the levy of assessments or the payment of said bonds with interest, and particularly section 29-5-10, shall likewise be applicable to the bonds of a sub-district organized under this article. (1937).

150-7-18. Assessments perpetual lien. - All assessments on account of special improvements against appraised benefits and interest thereon and penalties for default of payment thereof, together with costs of collecting the same, from the date of the filing of the "construction fund assessment" record and the "maintenance fund assessment" record in the office of the treasurer of the county wherein the lands and property are situate, shall constitute a perpetual lien in an amount not in excess of the benefits severally appraised upon the land and other property against which said assessments have been levied and such benefits appraised to which only the lien of the general, state, county, city, town or school district taxes shall be paramount, provided no sale of said property, to enforce any general, state, county, city, town, school tax or other lien, shall extinguish the perpetual lien of said assessment. Provided further that any landowner at any time may pay the full amount of said assessment and thereafter the property of any such landowner shall be clear and free from said lien and shall not be subject to assessment for and on account of benefits appraised against any other land or default in the payment of assessments made against any other land. (1937).

150-7-19. Invalid assessments - board remedy. - If any assessment made under the provisions of this article shall prove invalid, the board of directors by subsequent or amended acts or proceedings, promptly and without delay, shall remedy all defects or irregularities, as the case may require, by making and providing for the collection of new assessments, or otherwise. (1937).

150-7-20. Assessment record as evidence. - The record of assessments contained in the respective assessment records of the district shall be prima facie evidence in all courts of all matters therein contained. (1937).

150-7-21. Remedies in case of faulty notice. - Whenever in this article notice is provided for, if the court finds that due notice was not given, jurisdiction shall not thereby be lost or the proceedings be deemed abated or held void, but the court shall continue the hearing until such time as proper notice may be given and thereupon shall proceed as though proper notice had been given in the first instance. If any appraisalment, assessment, levy, or other proceeding relating to said district be held defective, then the board of directors may file a motion in the cause in which said district was organized to perfect any such defect, and the court shall set a time for hearing thereon. If the original notice as a whole shall be held to be sufficient but faulty only with reference to publication as to certain particular lands or as to service as to certain particular persons, publication of the defective notice may be ordered as to the particular lands, or service may be made on the persons not properly served, and said notice be thereby corrected without invalidating the original as to other lands or persons. (1937).

150-7-22. District may issue bonds. - The district, in the name of the subdistrict as provided in section 150-7-8, and not otherwise, when authorized by the plan of organization and decree of court organizing said subdistrict to do so, may issue general obligations or bonds which shall constitute a lien against the real property in said subdistrict. Said obligations are not to bear interest in excess of five per cent per annum, payable semiannually, and may be issued and made payable in series becoming due not less than five years and not more than fifty years after date. Such bonds are to be paid from assessments levied from time to time, as the bonds and interest thereon become due, against the real property in said district and not otherwise. The board of directors of said district shall certify to the board of county commissioners of the several counties in which said subdistrict or any part thereof is located, the amount of the levy necessary to pay said bonds as they become mature, and also to pay the interest becoming due on all outstanding bonds, at the same time that like certificates are made under this article for assessments on special improvement district bonds, and the procedure for the assessment and collection of revenue or taxes of the county and state are, except as may be otherwise

herein provided, made applicable and are to be followed in the levy of assessments for payment of taxes and collection of principal and interest on such general obligations. (1937).

150-7-23. Lawful contracts. - (1)(a) When the petition for the organization of a subdistrict and the decree for such organization so provides it shall be lawful for any said subdistrict to make contracts as follows:

(b) A water users' association may bind itself to levy an annual assessment for the use of water and to secure same by liens on land and water rights or in such manner as may be provided by law.

(c) Any person or corporation landowner may create a mortgage lien upon lands or give other security satisfactory to the board or any other contracting agency, and all such contracts shall provide for forfeiture of the use of water for nonpayment of assessments or installments in the same manner and procedure as provided by statute for forfeiture of stock in a mutual ditch company. (1937).

150-7-24. Maintenance assessment. - (1) To maintain, operate and preserve ditches, canals, reservoirs, or other improvements made pursuant to this article, and to strengthen, repair and restore the same, when needed, and for the purpose of defraying any incidental expenses of the subdistrict, upon completion of a works provided for in the plan for any such subdistrict, on or before the first Monday in November of each year thereafter, the board of directors may certify to the board of county commissioners of the county in which said subdistrict or any part thereof is located an assessment on each tract of land and upon public corporations subject to assessment under this article, for the purpose of raising funds to be used for the maintenance of said improvements. If an appraisal of benefits has been made against the lands in said district, assessments shall be apportioned by the county treasurer and by the board of directors of said district against the property therein upon the basis of the appraisal of benefits originally made. If no such appraisal has been made and the form of organization and financing is such that revenue warrants or general obligations of the subdistrict have been issued, then said assessment shall be made on the basis of assessed valuation of the property subject to assessment in said subdistrict.

(2) Such assessment shall not exceed five mills on each

dollar of the assessed valuation of the property in said sub-district in any one year, unless the court shall by order authorize an assessment of a larger percentage. The assessment shall be levied by resolution of the board of directors and shall be enrolled in a well-bound record to be known as "maintenance fund assessment record," and shall be substantially the form provided for similar records of conservancy districts under the laws of the state of Colorado, particularly as provided by section 29-5-7. Assessments so certified shall be levied by the board of county commissioners of the counties in which said subdistrict is situate, on the property of said district in their respective counties, to be collected by the treasurers of the several counties and delivered to the treasurer of the district in like manner and with like effect as is provided for the collection and return of other assessments under this article. The whole assessment shall be due and payable as and when taxes for county purposes levied in the same year are due and payable. The said maintenance assessments shall be in addition to any assessments which have been levied against benefits appraised for and on account of construction. (1937).

150-7-25. Definition of terms. - (1) The word "district" as used in this article shall mean "The Colorado River Water Conservation District."

(2) The word "subdivision" as used in this law shall embrace and include the kind or character of special improvement districts created under the provisions of this article, including subdistricts organized under the name and style of "Water Users' Association No. \_\_\_\_\_ of the Colorado River Water Conservation District," and "Special Improvement District No. \_\_\_\_\_ of the Colorado River Water Conservation District."

(3) The words "Colorado river," unless the context otherwise indicates, shall be construed to embrace and include any and all tributaries or streams which flow into the Colorado river which may be found in any part of the territory embraced in said district.

(4) The term "property" as used in subsection (1) of section 150-7-7 shall be deemed and construed to include both real and personal property. In other parts of said article relating to special assessments, unless otherwise specified, it shall be held to mean real estate as the words "real estate" are defined by the law of the state of Colorado and

shall embrace all railroads, tram roads, electric railroads, state and interurban railroads, highways, telephone, telegraph and transmission lines, water systems, water rights, pipelines, and rights-of-way of public service corporations and all other real property, whether held for public or private use.

(5) The term "person" as used in this article not otherwise specified, shall be taken to mean a person, firm, partnership, association or corporation. (1937).

150-7-26. Compensation of directors. - The directors of said district shall receive as compensation a sum not to exceed twenty-five dollars per day while actually engaged in the business of said district, and in addition shall be entitled to their actual traveling and transportation expenses when away from their respective places of residence on district business. (1961).

150-7-27. Annual levy limit. - (1) The district shall have no power of taxation or right to levy or assess taxes, except an annual levy, not exceeding two tenths of a mill on each dollar of the assessed value of property in said district, as provided in section 150-7-7. The district shall have no power to contract or incur any obligation or indebtedness except as herein expressly provided, and then any obligation or indebtedness so contracted or incurred is to be payable out of the funds derived through said limited tax and not otherwise, and except that said district for and in behalf of any subdistrict or improvement district created hereunder shall have the right to issue obligations as herein expressly authorized and not otherwise.

(2) All assessments under this article shall be collected by the county treasurer of the respective counties in which said real estate is situated at the same time and the same manner as it is now provided by law for the collection of taxes for county and state purposes, and if said assessments are not paid, then the real estate shall be sold at the regular tax sale for the payment of said assessments, interest and penalties in the manner provided by the statutes of the state of Colorado for selling property for the payment of general taxes. If there are no bids at said tax sale for the property so offered said property shall be struck off to the district and the tax certificates shall be issued in the name of the district, and the board of directors shall have the same power with reference to the sale of said tax certificates

as is vested in county commissioners and county treasurers when property is struck off to the counties.

(3) Tax deeds may be issued, based upon said certificates of sale in the same manner that deeds are executed on tax sales on general state and county taxes. (1937).

150-7-28. Investment of surplus funds. - The board of directors of said district may invest any surplus funds of the district, including any funds in the "construction fund assessment" not needed for immediate use to pay the cost of construction of any project in any one of the subdistricts or to pay bonds or coupons or to meet current expenses, in interest bearing bonds or securities of the United States or of any agency of the United States if the bonds are guaranteed by the United States, or in the bonds of the state of Colorado or any county or municipal corporation in said state. The board of directors of said district may require any funds of the district, or of any subdistrict, to be deposited with such depository or bank as may be designated by the board, and shall likewise have authority to require the treasurer of the district to take from such depository a bond with corporate surety to insure payment of any such deposit, or to require such depository to pledge securities of the same kind as those in which the district is authorized to invest its funds to insure payment of any such deposit. (1937).

150-7-29. Sinking fund. - Such district may provide for a sinking fund for the ultimate payment of any of the obligations of any subdistrict. Said sinking fund may be invested as provided in section 150-7-28. (1937).

150-7-30. District rules and regulations. - The district shall have the power and authority to make general rules and regulations for the conduct of its business, as well as the conduct of the business of any subdistrict therein, and by such rules and regulations may provide for the rental of water or other services which are to be furnished by said subdistrict, to any municipality, public irrigation district or irrigation district or other quasi-municipal corporation in this state, and to make contracts for the payment of the rental to be charged for any such water or services. (1937).

150-7-31. Court to ratify contracts. - (1) The board of directors of said district at any time may apply to the court within which any subdistrict was organized to ratify and confirm any contract, or proposed issue of revenue warrants,

special assessment bonds or general obligation bonds issued or to be issued in behalf of any subdistrict, and to ratify any other proceeding pertaining to any such subdistrict. The petition shall describe the contract, obligation or other proceeding to be ratified and confirmed, and allege the facts which show compliance with the terms of this article and ask for confirmation.

(2) Notice of such proceeding shall be given by publication in the same manner as provided in section 150-7-10 for the organization of subdistricts, except that the provisions and purpose of the contract, obligations or other proceeding to be ratified and confirmed shall be given in a general way but in sufficient detail to identify the same, with a statement to the effect that any such contract, obligation, or other proceeding may be seen and examined by any person in interest in the office of the board of directors of said district during specified hours. Publication of said notice shall give the court full jurisdiction of the subject matter and of all persons interested therein, any landowner or other person in interest may appear and protest, setting forth reasons therefor. The hearing shall be conducted as provided by the rules of civil procedure, but without a jury as in other cases, and upon conclusion thereof and if the court finds that all the proceedings were regular and in accordance with this article, a decree of confirmation shall be entered and the same shall be binding upon all persons and upon all property thereby affected. (1937).

150-7-32. Allocation of water or service. - In order to enable a subdistrict organized under the provisions of this article to furnish water to lands which have not been irrigated and had, up to the time of the construction of the works to be constructed by said subdistrict, no water supply, and at the same time to enable other areas within the same subdistrict to obtain a supplemental supply of water, or to enable said subdistrict to furnish a complete service to certain lands, certain areas, certain persons or municipalities within the district and to supplement an existing supply or service to other persons, localities and municipalities, prior to the time that an appraisement of benefits is made in any such subdistrict, the board of directors may make a resolution setting forth the amount of water or the kind of service to be allocated to specified classes or areas, and such limitation shall be taken into consideration by the appraisers in the appraisal of benefits with respect to lands affected by any such limitation. Like conditions and restrictions may

be provided for payment by certain lands or persons of revenue warrants which pledge the income from the works of said subdistricts, but no such limitation shall be contained or govern the payment of any general obligations of any such subdistrict. (1937).

CHAPTER III

## RIO GRANDE WATER CONSERVATION DISTRICT

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## RIO GRANDE WATER CONSERVATION DISTRICT

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### INTRODUCTION

The early settlers of the San Luis Valley began irrigating the land in 1850. The Valley was extensively developed in the decade of 1880-1890. From this period until the 1930's serious interstate and international differences arose concerning the waters of the Rio Grande River and its tributaries. In 1929 a temporary compact between Colorado, New Mexico and Texas was concluded. Finally in 1939, the Rio Grande Compact was entered into by the aforesaid states and approved by the United States Congress.

In 1966 the States of Texas and New Mexico sued the State of Colorado over the delivery of water under the terms of the Rio Grande Compact. It was at this time that the people of the San Luis Valley felt that they should have a water conservation district which would geographically cover the entire Valley and could represent the people of the Valley in the aforesaid litigation. As a result of this, the General Assembly in 1967 authorized the organization of the Rio Grande Water Conservation District.

The district includes all of the Counties of Alamosa, Conejos and Rio Grande and parts of the Counties of

Mineral and Saguache. The board of directors consists of nine directors, comprised of two representatives from each of the Counties of Conejos, Alamosa, Rio Grande and Saguache and one representative from Mineral County, appointed by the Board of County Commissioners of each county. While other provisions of the statutes are not similar, the powers of the board are nearly identical with the other two conservation districts.

Besides the immediate problem of the pending litigation, the district must determine whether to approve certain other projects in the Valley including the "Plan for Development of Closed Basin Division, San Luis Valley Project, Colorado" report issued by the United States Department of the Interior. This project is designed to salvage shallow ground waters which presently are nonbeneficially consumed by evaporation and transpiration and deliver the salvaged waters to the Rio Grande for credit under the Rio Grande Compact.

RIO GRANDE WATER CONSERVATION DISTRICT  
Monte Vista, Colorado

1. Date of organization: September 25, 1967.
2. Counties included: Alamosa, Conejos, Rio Grande, Mineral (part), and Saguache (part).
3. Assessed valuation (1967): \$67,566,272.
4. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Robert C. Taylor	President	Rt. 1, Box 107 Alamosa 81101
John H. Brownell	Vice-President	Hooper 81136
Dale Sowards	Secy.-Treasurer	P. O. Box 392 Manassa 81141

5. Board Members:

<u>Name</u>	<u>Address</u>
John H. Brownell	Hooper 81136
Robert C. Taylor	Rt. 1, Box 107 Alamosa 81101
Kelly Sowards	P. O. Box 65 Manassa 81141
Dale Sowards	P. O. Box 392 Manassa 81141
W. W. Wyley	Wagon Wheel Gap 81154
Carl L. Worley	Route 1 Monte Vista 81144
Tunis F. Hanna	Route 1 Del Norte 81132
Jack Frost Curtis	Saguache 81149
Donald Eugene Myers	Center 81125

6. Full time staff:

<u>Name</u>	<u>Address</u>
Mrs. Ruth Clark	Assistant-Secy. P. O. Box 283 Monte Vista 81144

7. Consultants:

Schneider, Shoe- maker, Wham & Cooke	Attorneys	Suite 515, Majestic Bldg., Denver 80202
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## RIO GRANDE WATER CONSERVATION DISTRICT

(From Colorado Statutes Annotated, as amended through 1968)

- 150-10-1. Declaration.
- 150-10-2. Creation and name of district.
- 150-10-3. Board of directors.
- 150-10-4. Employees.
- 150-10-5. Powers of district.
- 150-10-6. Principal office - meetings.
- 150-10-7. Assessment and levy by board.
- 150-10-8. Creation of subdistricts.
- 150-10-9. Compensation of directors.
- 150-10-10. Limitations on power to levy and contract.
- 150-10-11. Investment of surplus funds.
- 150-10-12. Rules and regulations.
- 150-10-13. Ratification of contract.
- 150-10-14. Petition.
- 150-10-15. Notice and hearing on petition.
- 150-10-16. Election resolution.
- 150-10-17. Conduct of election.
- 150-10-18. Notice of election.
- 150-10-19. Polling places.
- 150-10-20. Election supplies.
- 150-10-21. Election returns.
- 150-10-22. Expenses of election.

150-10-1. Declaration. - In the opinion of the general assembly of the state of Colorado, the conservation of the water of the Rio Grande and its tributaries for beneficial use, and the construction of reservoirs, ditches, and works for such purposes is of vital importance to the growth and development of the entire area and the welfare of all its inhabitants, and that to promote the health and general welfare of the state of Colorado, an appropriate agency for the conservation, use, and development of the water resources of the Rio Grande and its tributaries should be established and given such powers as may be necessary to safeguard for Colorado, all waters to which the state of Colorado is equitably entitled.

150-10-2. Creation and name of district. - There is hereby created a water conservation district to be known and designated as "Rio Grande Water Conservation District" when the governor declares, pursuant to section 150-10-21, that

such district is formed. Such district is hereby declared to be a body corporate under the laws of Colorado. Said district shall comprise the counties of Alamosa, Conejos, Rio Grande, and those portions of Saguache and Mineral counties which are within the drainage basin of the Rio Grande River and its tributaries, including the closed basin thereof.

150-10-3. Board of directors. - (1) The district shall be managed and controlled by a board of nine directors. The members of said board shall hold their offices for a term of three years and until their successors are appointed and qualified. Two members of such board shall be appointed from each of the counties of Conejos, Alamosa, Rio Grande and Saguache, and one such member shall be appointed from Mineral county. At the time of his appointment each director shall be a resident and freeholder of the county from which he is appointed, or if only a part of the county is included within the boundaries of said district, then a resident and freeholder of such included part. Each director shall be appointed by the board of county commissioners of the county in which such director resides. He may be a member of the board of county commissioners of such county. Within thirty days after this article becomes effective, the board of county commissioners of each of said counties shall designate the member to be appointed by it, and certify the same to the governor of the state of Colorado, and within fifteen days after receipt of all such certifications, the governor shall call a meeting of said board at a time and at a place within said district to be fixed by the governor. The members of said board shall convene at the time and place so designated and select one of their number to act as president and one of their number to act as vice-president, each to hold office for one year or until his successor is duly selected by the board.

(2) The office of a director shall become vacant when any director ceases to reside in the county from which he was appointed. In the event a vacancy occurs in said office by reason of death, resignation, removal, or otherwise, it shall be filled by the board of county commissioners of the county from which said director originally came. Before entering upon the discharge of his duties, each director shall take an oath to support and defend the constitution of the United States and of the state of Colorado and to impartially, without fear or favor, discharge the duties of a director of said district.

150-10-4. Employees. - The board of directors of said district shall appoint a secretary and a treasurer. The same individual at the election of the board may hold both said offices. The board shall likewise hire such other employees, including engineers and attorneys, as may be required to properly transact the business of the district, and said board is authorized to provide for the compensation of the secretary and treasurer and other appointees. The treasurer shall be required by the board to give bond with corporate surety in such amount as the board may fix and which it deems sufficient to protect the funds in the hands of the treasurer or under his control. Such bond is to be subject to the approval of the board.

150-10-5. Powers of district. - (1)(a) The district, in its corporate capacity, shall have power to:

(b) Sue and be sued in the name of the Rio Grande water conservation district and otherwise to participate in litigation;

(c) Acquire, operate, and hold in the name of the district such real and personal property as may be necessary to carry out the provisions of this article, and to sell and convey such property or its products as provided in this article, or when said property is no longer needed for the purposes of said district;

(d) Borrow money and incur indebtedness and to issue bonds or other evidence of such indebtedness, except that the district may not incur any indebtedness in an aggregate amount exceeding the product of the assessed valuation of the district multiplied by two mills;

(e) Make surveys and conduct investigations to determine the best manner of utilizing stream flows within the district, the amount of such stream flow or other water supply, and to locate ditches, irrigation works, and reservoirs to store or utilize water for irrigation, mining, manufacturing, or other purposes, and to make filings upon said water and initiate appropriations for the use and benefit of the ultimate appropriators, and to do and perform all acts and things necessary or advisable to secure and insure an adequate supply of water, present and future, for irrigation, mining, manufacturing, and domestic purposes within said district;

(f) Make contracts with respect to the relative rights of

said district under its claims and filings, and the rights of any other person, association, or organization seeking to divert water from any of the streams within said district;

(g) Contract with any agencies, officers, bureaus, and departments of the state of Colorado and the United States of America, including the board of control of the state penitentiary, to obtain services or labor for the initiation or construction of irrigation works, canals, reservoirs, power plants, or retaining ponds within said district;

(h) Enter upon any privately owned land or other real property for the purpose of making surveys or obtaining other information, without obtaining any order so to do, providing the same can be done without damage to the lands, crops, or improvements thereon;

(i) Contract with the United States government, the bureau of reclamation, or other agencies of the United States government, for the construction of any works;

(j) Have and to exercise the power of eminent domain to acquire ditches, reservoirs, or other works or lands or rights-of-way therefor, which said district may need to carry out the plans of said district and in general to exercise any and all rights and powers of eminent domain conferred upon other agencies as provided in chapter 50, C.R.S. 1963, as amended;

(k) File upon and hold for the use of the public sufficient water of any natural stream to maintain a constant stream flow in the amount necessary to preserve fish, and to use such water in connection with retaining ponds for the propagation of fish for the benefit of the public;

(l) Exercise such implied powers and perform such other acts as may be necessary to carry out and effect any of the express powers hereby conferred upon such district.

150-10-6. Principal office - meetings. - The board of directors of the district shall designate a place within the district where the principal office is to be maintained and may change such place from time to time. Regular quarterly meetings of said board shall be held at said office on the fourth Tuesday in the months of January, April, July, and October. The board shall also be empowered to hold such special meetings as may be required for the proper transaction of business. Special meetings may be called by the

president of the board or by any three directors. Meetings of the board shall be public and proper minutes of the proceedings of said board shall be preserved and shall be open to the inspection of any elector of the district during business hours.

150-10-7. Assessment and levy by board. - (1) As soon as the district shall have been organized and a board of directors shall have been appointed and qualified, such board of directors shall have the power and authority to fix the amount of an assessment upon the property within the district not to exceed four-tenths of one mill for every dollar of assessed valuation therein, as a level or general levy to be used for the purpose of paying the expenses of organization, for surveys and plans, to pay the salary of officers, and the per diem allowed to directors and their expenses, and for other expenses which may be incurred in the administration of the affairs of the district.

(2) The amount of assessment on each dollar of assessed valuation shall be certified to boards of county commissioners of the various counties in which the district is located, and by them included in their next annual levy for state and county purposes. Such amount so certified shall be collected for the use of such district in the same manner as are taxes for county purposes, and the revenue laws of the state for the levy and collection of taxes on real estate for county purposes, except as herein modified, shall be applicable to the levy and collection of the amount certified by the board of directors of said district as aforesaid, including the enforcement of penalties, forfeiture, and sale for delinquent taxes.

(3) All collections made by the county treasurer pursuant to such levy shall be paid to the treasurer of the conservancy district on or before the tenth day of the next succeeding calendar month. If any items of expense have already been paid in whole or in part from any other sources by the said district, they may be repaid from receipts of such levy. Such levy may be made, although the work proposed, or any part thereof, may have been found impracticable, or for other reasons abandoned. The collection of data and the payment of expenses therefor, including salaries of engineers, attorneys, and others, to conserve the water of said district, and to enable said district to adopt plans for the orderly development of said district is hereby declared to be a matter of general benefit to the public welfare, and such that a tax

for said purposes may be properly imposed, in the opinion of the general assembly.

(4) If any provision of this section be held unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the validity or force of any other part of this section, or any other part of this article, and the general assembly hereby declares it would have enacted the remainder of this article without this section.

150-10-8. Creation of subdistricts. - Notwithstanding the organization of the district herein provided for, irrigation and internal improvement districts organized under articles 1, 2, 4, and 5 of this chapter, and any other form or organization designed or intended to acquire, construct, or maintain reservoirs, ditches, and similar works for irrigation or other beneficial purposes under any law of the state of Colorado or of the United States of America, may be organized to cover and include areas within the Rio Grande water conservation district, and may likewise embrace territory within that said district and partly out of the district. The creation of the Rio Grande water conservation district shall not affect the existence of public irrigation districts heretofore created under article 4 of chapter 149, CRS 1953, or water conservancy districts heretofore created pursuant to article 5 of chapter 150. A contract and agreement between the main district and the subdistrict may be made in the same manner as contracts and agreements between two districts.

150-10-9. Compensation of directors. - The directors of the district shall receive as compensation a sum not to exceed twenty-five dollars per day while actually engaged in the business of said district, and in addition shall be entitled to their actual traveling and transportation expenses when away from their respective places of residence on district business.

150-10-10. Limitations on power to levy and contract. - The district shall have no power of taxation or right to levy or assess taxes, except an annual levy, not exceeding four-tenths of a mill on each dollar of the assessed value of property in said district. The district shall have no power to contract or incur any obligation or indebtedness except as herein expressly provided, and then any obligation or indebtedness so contracted or incurred is to be payable out of the funds derived through said limited tax and not otherwise.

150-10-11. Investment of surplus funds. - The board of directors of said district may invest any surplus funds of the district not needed for immediate use in interest bearing bonds or securities of the United States or of any agency of the United States, if the bonds are guaranteed by the United States, or in the bonds of the state of Colorado or any county or municipal corporation in said state. The board of directors of said district may require any funds of the district, or of any subdistrict, to be deposited with such depository or bank as may be designated by the board, and likewise shall have authority to require the treasurer of the district to take from such depository a bond with corporate surety to insure payment of any such deposit, or to require such depository to pledge securities of the same kind as the district is authorized to invest its funds in, to insure payment of any such deposit.

150-10-12. Rules and regulations. - Such district shall have the power and authority to make general rules and regulations for the conduct of its business.

150-10-13. Ratification of contract. - (1) The board of directors of the district, at any time, may apply to the court within which any subdistrict was organized to ratify and confirm any contract, or other action.

(2) Notice of such proceeding shall be given by publication once a week for four weeks in a newspaper located within the district describing the contract or other action to be ratified and confirmed in a general way, but in sufficient detail to identify the same, with a statement to the effect that any such contract, or other proceeding may be seen and examined by any person in interest in the office of the board of directors of said district during specified hours. Publication of said notice shall give the court full jurisdiction of the subject matter and of all persons interested therein. Any landowner or other person in interest may appear and protest, setting forth reasons therefor.

(3) The hearing shall be conducted as provided by the Colorado rules of civil procedure, but without a jury as in other cases, and upon conclusion thereof, and if the court finds that all the proceedings were regular and in accordance with this article, a decree of confirmation shall be entered and the same shall be binding upon all persons and upon all property thereby affected.

150-10-14. Petition. - Before the Rio Grande water conservation district shall be established under this article, a petition shall be filed in the office of the clerk of the district court of the twelfth judicial district in and for Alamosa county, signed by not fewer than four hundred landowners, each of which owns eighty or more acres of land situated within the limits proposed to be organized into said district. The petition shall set forth the name of the proposed district, a general description of the boundaries of the proposed district, and shall pray for an election on the question of organization of the proposed district. No petition with the requisite signatures shall be declared void on account of alleged defects, but the court may permit the petition to be amended at any time to conform to the facts by correcting any errors. Similar petitions, except for signatures, may be filed and together shall be regarded as one petition. All such petitions filed prior to the hearing on the first petition filed shall be considered by the court the same as though filed with the first petition placed on file. In determining whether the requisite number of landowners have signed the petition, the court shall be governed by the names as they appear upon the tax roll. Duplicate copies of the petition covering the lands in each county shall be prepared and sent to the treasurer of each such county. Each treasurer shall examine the copy of such petition sent to him and shall file a certificate with said district court in and for Alamosa county stating as to each signatory whether such person owns eighty acres of land or more. Such certificate shall be prima facie evidence as to such ownership. For the purposes of this article, any person owning land in joint tenancy or as a tenant in common shall be deemed an owner of all land so held.

150-10-15. Notice and hearing on petition. - (1) Immediately after the filing of such petition, the court shall fix a time not less than forty-five days nor more than ninety days after the petition is filed for hearing thereon, and the clerk of said court shall cause notice by publication to be made of the pendency of the petition and of the time and place of hearing thereon. Such notice shall be published in a newspaper of general circulation published within the boundaries of the proposed district, such notice to be published once each week for four successive weeks. The clerk shall also notify the county commissioners of each of said counties of the pendency of the petition and the time and place of hearing thereon. No judge of the district court of the twelfth judicial district in and for the county

of Alamosa shall be disqualified to perform duties imposed by this article by reason of ownership of property within the proposed district.

(2) Upon the day set for the hearing upon the original petition, if it shall appear to the court from the certificates of the county treasurers, and from such other evidence as may be adduced by any party in interest, that the petition is signed by the requisite number of owners of land, the court shall thereupon set a day certain for the holding of a meeting by the boards of county commissioners of the counties, part or all of which lands lie within the boundaries of the proposed Rio Grande water conservation district, and shall set the time and place of meeting.

150-10-16. Election resolution. - On such day certain or as soon thereafter as is reasonably possible, the board of county commissioners of the counties, part or all of whose lands lie within the boundaries of the proposed Rio Grande water conservation district, shall meet at the time and place specified by such court, or at such other place as the county commissioners of said counties shall designate. The county commissioners of said counties shall call an election by resolution adopted at least thirty days prior to such election. Such resolution shall recite that the object and purpose of the election is to determine whether or not the Rio Grande water conservation district is to be formed. The county commissioners shall provide in the election resolution, or by supplemental resolution, for the appointment of sufficient judges and clerks of the election who shall be taxpaying electors residing within the proposed district and shall set their compensation. The election resolution shall also then designate the precincts and polling places. The description of precincts may be made by reference to any order of the governing body of any county, municipality, or other public body in which the proposed district or any part thereof is situated, or by reference to any previous order or by other instrument of such governing body, or by detailed description of such precincts or by other sufficient description. Precincts established by any such governing body may be consolidated in the election resolution by the county commissioners for the election.

150-10-17. Conduct of election. - (1) Except as provided in this act, an election held pursuant hereto shall be opened and conducted in the manner provided by the laws of the state of Colorado for the conduct of general elections, except that

only taxpaying electors may vote in such election. Registration pursuant to the general election laws or any other statute is not required.

(2) Any taxpaying elector may vote in any election by absent voter's ballot under the terms and conditions and in substantially the same manner insofar as is practicable as prescribed in the Colorado election code of 1963 for general elections.

150-10-18. Notice of election. - Notice of such election shall be given by publication. No other notice of election need be given.

150-10-19. Polling places. - All polling places designated by the election resolution shall be within the area included within the proposed district.

150-10-20. Election supplies. - The county commissioners of each county shall have provided at each polling place ballots or ballot labels, or both, ballot boxes or voting machines, or both, instructions, elector's affidavits, and other material and supplies required for a general election by law. The county commissioners, acting as a group, may procure all of the necessary supplies and may agree among themselves as to a division of the costs therefor. Election officials may require the execution of an affidavit by any person desiring to vote at any election of the district of evidence of his qualifications as a taxpaying elector, which affidavit shall be prima facie evidence of the facts therein stated.

150-10-21. Election returns. - The election officials shall make their returns directly to the county commissioners of said counties in care of the board of county commissioners of Alamosa county, Alamosa, Colorado. The county commissioners of said counties shall act as the canvassing body. The returns of said election shall be made and canvassed at any time and in the manner provided by law for the canvass of the returns of any general election. It shall be the duty of such canvassing body to certify promptly and to transmit to the governor of the state of Colorado a statement of the results of the vote upon the proposition submitted. If a majority of the voters voting in said election vote in favor of the formation of the Rio Grande water conservation district, the governor shall declare the same to be formed. If

a majority of the voters voting in said election do not vote in favor of formation of said district, the governor shall declare that the district is not formed. If the governor declares said district to be formed, it shall be formed as of the time and date specified in his declaration of its formation.

150-10-22. Expenses of election. - The expenses of the election shall be paid by the Colorado water conservation board to the extent of fifteen thousand dollars and there is hereby appropriated to said board the sum of fifteen thousand dollars to be used for this purpose and no other. Each county shall be entitled to a fraction of said sum, the numerator of which is the election expense incurred by each such county and the denominator of which is the total election expense of all such counties. (All 1967).

CHAPTER IV

## SOUTHWESTERN WATER CONSERVATION DISTRICT

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## SOUTHWESTERN WATER CONSERVATION DISTRICT

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### INTRODUCTION

The state statutes creating the Southwestern Water Conservation District are for all practical purposes identical with those creating the Colorado River Water Conservation District (Chapter II). The Southwestern District embraces the remainder of the Colorado River basin in Colorado not included within the boundaries of the Colorado River District, namely the San Juan and Dolores River basins. These latter two rivers enter the main stem of the Colorado River at widely separated points in the State of Utah.

The district includes the counties of San Miguel, Dolores, Montezuma, Archuleta, San Juan, La Plata, Hinsdale (part), Montrose (part), and Mineral (part). Each county is entitled to one member on the board of directors, appointed by the County Commissioners of each county. Except for the geographical division, the board functions in the same manner as does the board of the Colorado River Water Conservation District.

The problems of the two districts are somewhat similar since all the waters of the Colorado River and its

tributaries are controlled by the terms of the Colorado River Compact and the Upper Colorado River Compact. The Southwestern area, however, is more arid and the seasonal fluctuations of water supply are more severe. There is substantial evidence that a prolonged drouth of about fifty years duration forced the ancient Indians to abandon their cliff dwellings in this area, some five hundred years ago. A significant portion of the area is now occupied by the Southern and Mountain Ute Indian Reservations.

SOUTHWESTERN WATER CONSERVATION DISTRICT  
Durango, Colorado

1. Date of organization: May 27, 1941.
2. Counties or portions of counties included: Montezuma, Archuleta, Dolores, Hinsdale (part), La Plata, Montrose (part), San Juan, San Miguel, and Mineral (part).
3. Assessed valuation (1967): \$104,684,214.
4. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Ira E. Kelly	President	Mancos 81328
D. Lewis Williams	Vice-President	Norwood 81401
Archie B. Toner	Secretary- Treasurer	P. O. Box 578 Pagosa Spgs. 81147

5. Board Members:

<u>Name</u>	<u>Address</u>
Ira E. Kelly	Mancos 81328
Wade Redford	Dove Creek 81324
D. Lewis Williams	Norwood 81401
George Mike Young	Norwood 81401
Robert K. Wyman	Silverton 81433
F. V. Kroeger	P. O. Box 1090 Durango 81301
Dailey Hott	Pagosa Spgs. 81147
Archie B. Toner	P. O. Box 578 Pagosa Spgs. 81147
Frank Teal	Pagosa Spgs. 81147

6. Full time staff: None.

7. Consultants:

Frank E. (Sam) Maynes	Attorney	P. O. Box 1157 Durango 81301
Clifford H. Jex	Engineer	P. O. Box 1946 Grd. Junction 81501

## SOUTHWESTERN WATER CONSERVATION DISTRICT

(From Colorado Statutes Annotated, as amended through 1968)

- 150-8-1. Declaration - rivers named.
- 150-8-2. Creation and name of district.
- 150-8-3. Board of directors.
- 150-8-4. Vacancy in office of director.
- 150-8-5. Powers of district.
- 150-8-6. Principal office - meetings.
- 150-8-7. Assessment and levy by board.
- 150-8-8. Creation of subdistricts.
- 150-8-9. Procedure for establishment of subdistricts.
- 150-8-10. Time and place of hearing on petition.
- 150-8-11. Filing of protest - procedure - decree - fee.
- 150-8-12. Plan for subdistrict.
- 150-8-13. Appointment of appraisers.
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- 150-8-15. Compensation of appraisers.
- 150-8-16. Assessments - procedure in making.
- 150-8-17. Improvement district bonds.
- 150-8-18. Assessments constitute perpetual lien.
- 150-8-19. Directors to remedy defects in assessments.
- 150-8-20. Record of assessments as evidence.
- 150-8-21. Defects in notice perfected.
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- 150-8-23. Contracts of subdistricts.
- 150-8-24. Board to certify assessments.
- 150-8-25. Definitions.
- 150-8-26. Compensation of directors.
- 150-8-27. Limitations on power to levy and contract.
- 150-8-28. Investment of surplus funds.
- 150-8-29. Sinking fund.
- 150-8-30. Rules and regulations.
- 150-8-31. Ratification of contract or revenue warrants.
- 150-8-32. Subdistrict furnishing water to nonirrigated land.

150-8-1. Declaration - rivers named. - In the opinion of the general assembly of the state of Colorado the conservation of the water of the San Juan and Dolores rivers and their tributaries for storage, irrigation, mining and manufacturing purposes and the construction of reservoirs, ditches and works for the purpose of irrigation and reclamation of additional lands not yet irrigated, as well as to furnish a supplemental supply of water for lands now

under irrigation, is of vital importance to the growth and development of the entire district and the welfare of all its inhabitants and that to promote the health and general welfare of the state of Colorado an appropriate agency for the conservation, use and development of the water resources of the San Juan and Dolores rivers and their principal tributaries should be established and given such powers as may be necessary to safeguard for Colorado, all waters to which the state of Colorado is equitably entitled. (1941).

150-8-2. Creation and name of district. - (1) There is hereby created a water conservation district to be known and designated as "The Southwestern Water Conservation District." Such district is hereby declared to be a body corporate under the laws of Colorado. Said district shall comprise the following area and territory: The counties of San Miguel, Dolores, Montezuma, Archuleta, San Juan, La Plata, all that part of Hinsdale county not included in the Colorado river water conservation district as set forth in section 150-7-2, that part of Mineral county lying south and west of the continental divide and being within the drainage basin of the San Juan river, and all that part of Montrose county described as follows:

(2) Beginning at the point where the common boundary of Montrose county and San Miguel county meets the boundary of Ouray county; thence northerly along the county line to a point on the range line between ranges eleven and twelve west, township forty-seven north; thence westerly along the north line of sections twenty-four, twenty-three, twenty-two, twenty-one, twenty and nineteen township forty-seven north, range twelve west; thence northerly on the east range line of township forty-seven north, range thirteen west; to the northeast corner of township forty-seven north, range thirteen west; thence westerly on the south line of township forty-eight north, range thirteen west; to the southeast corner of section thirty-four; thence northerly on the east line of sections thirty-four, twenty-seven and twenty-two, to the northeast corner of section twenty-two; thence westerly on the north line of sections twenty-two, twenty-one, twenty and nineteen township forty-eight north, range thirteen west, to the east range line of township forty-eight north, range fourteen west; thence northerly along the range line to its intersection with the south line of township forty-nine north, range thirteen west; thence westerly on the township line to the southeast corner of township forty-nine north, range fifteen west; thence northerly on the

range line between ranges fourteen and fifteen west, township forty-nine north, to its intersection with the north boundary line of said Montrose county; thence westerly along the north boundary of said Montrose county to its intersection with the west boundary line of the state of Colorado; thence southerly on the west boundary of the state of Colorado to the southwest corner of said Montrose county; thence easterly on the south boundary of Montrose county to the place of beginning, all townships and ranges of the New Mexico principal meridian; all of said southwestern-water conservation district lying and being in the state of Colorado. (1961)

150-8-3. Board of directors. - (1) The said southwestern water conservation district shall be managed and controlled by a board of nine directors. The members of said board shall hold their office for a term of three years and until their successors are appointed and qualified. One member of said board is to be selected from each of the respective counties in said water conservation district, and at the time of his appointment shall have been a resident of said county, or if only a part of a county is included within the boundaries of said district, then a resident of such included part, for at least two years prior to the date of his appointment and shall be a freeholder who has paid taxes upon real estate in the county of his residence during the calendar year next preceding his appointment. He shall be appointed by the board of county commissioners of the county in which he resides. He may be a member of the board of county commissioners of such county. Within thirty days after this article becomes effective, the board of county commissioners of each of said counties shall designate the member to be appointed by it and certify the same to the governor of the state of Colorado, and within fifteen days thereafter the governor shall call a meeting of said board at a time and at a place within said district to be fixed by the governor. The members of said board shall convene at the time and place so designated and select one of their number to act as president and presiding officer until the fourth Tuesday in January following his appointment.

(2) Immediately upon organization the members of said board shall be divided by lot or chance into three classes. The term of office of the members of the first class shall expire on the third Tuesday in January, 1942; the term of office of the members of the second class shall expire on

the third Tuesday in January, 1943; and the term of office of the members of the third class shall expire on the third Tuesday in January, 1944; provided that, from and after the passage of this article the terms of office shall expire on the fourth Tuesday in January, instead of the third Tuesday in January, as provided in this subsection (2). At the first meeting of the board of county commissioners held after the second Tuesday in January, and every three years thereafter, the boards of county commissioners of the counties of residence of the members whose terms expire shall appoint successors to take office on the fourth Tuesday in January following.

(3) The members of the board of directors of said district who are now in office shall hold their respective offices for the period of time for which they were selected to serve, and their tenure of office shall not be affected by this amendatory section. Within sixty days after this section becomes effective, the board of county commissioners of Mineral county shall appoint a director from such county, with the qualifications above prescribed, to serve as a member of the board of directors of the southwestern water conservation district until the fourth Tuesday in January, 1963. Upon expiration of such term of office, a successor shall be appointed as provided to serve for the regular term of three years. (1961).

150-8-4. Vacancy in office of director. - The office of director shall become vacant when any member ceases to reside in the county from which he was appointed. In the event a vacancy occurs in said office by reason of death, resignation, removal, or otherwise, it shall be filled by the board of county commissioners of the county from which said member originally came. Before entering upon the discharge of his duties, each director shall take an oath to support and defend the constitution of the United States and of the state of Colorado and to impartially, without fear or favor, discharge the duties of a director of said district. The board of directors of said district shall appoint a secretary and a treasurer. The same individual at the election of the board may hold both said offices. The board shall likewise hire such other employees, including engineers and attorneys, as may be required to properly transact the business of the district, and said board is authorized to provide for the compensation of the secretary and treasurer and other appointees. The treasurer shall be required by the board to give bond with corporate surety in

such amount as the board may fix and which it deems sufficient to protect the funds in the hands of the treasurer or under his control. Such bond is to be subject to the approval of the board. (1941).

150-8-5. Powers of district. - Such district, in its corporate capacity, shall have power to:

- (1) Sue and be sued in the name of the southwestern water conservation district;
- (2) To acquire, operate and hold in the name of the district such real and personal property as may be necessary to carry out the provisions of this article, and to sell and convey such property or its products as provided in this article, or when said property is no longer needed for the purposes of said district;
- (3) To make surveys and conduct investigations to determine the best manner of utilizing stream flows within the district, the amount of such stream flow or other water supply and to locate ditches, irrigation works and reservoirs to store or utilize water for irrigation, mining, manufacturing or other purposes, and to make filings upon said water and initiate appropriations for the use and benefit of the ultimate appropriators, and to do and perform all acts and things necessary or advisable to secure and insure an adequate supply of water, present and future, for irrigation, mining, manufacturing and domestic purposes within said districts;
- (4) To make contracts with respect to the relative rights of said district under its claims and filings, and the rights of any other person, association or organization seeking to divert water from any of the streams within said district;
- (5) To contract with any agencies, officers, bureaus and departments of the state of Colorado and the United States of America, including the board of control of the state penitentiary, to obtain services or labor for the initiation or construction of irrigation works, canals, reservoirs, power plants, or retaining ponds within said district;
- (6) To enter upon any privately owned land or other real property for the purpose of making surveys or obtaining

other information, without obtaining any order so to do, but without causing any more damage than is necessary to crops or vegetation upon such land;

(7) To organize special assessment districts at different times for the purpose of establishing effective agencies to secure funds to construct reservoirs or other irrigation works under various types and plans of financing, including among others, by issuance of revenue warrants only, by the issuance of bond or revenue obligations constituting a lien up to a specified, designated amount against the lands in said special improvement district, payable out of special assessments or by general obligations of such special improvement districts;

(8) To contract with the United States government, the bureau of reclamation, or other agencies of the United States government, for the construction of any such works and the issuance of such obligations as the special improvement districts may have the power to issue in payment of costs of construction and maintenance of said works;

(9) To have and to exercise the power of eminent domain to acquire ditches, reservoirs or other works or lands or rights-of-way therefor which said district or any subdivision thereof, or special improvement districts created pursuant to the power hereby conferred, may need to carry out the plans of said district or the improvement districts therein, and in general to exercise any and all rights and powers of eminent domain conferred upon other agencies as provided in chapter 50, C.R.S. 1963;

(10) To file upon and hold for the use of the public sufficient water of any natural stream to maintain a constant stream flow in the amount necessary to preserve fish, and to use such water in connection with retaining ponds for the propagation of fish for the benefit of the public;

(11) To exercise such implied powers and perform such other acts as may be necessary to carry out and effect any of the express powers hereby conferred upon such district. (1941).

150-8-6. Principal office - meetings. - The board of directors of the district shall designate a place within the district where the principal office is to be maintained and may change such place from time to time. Regular

quarterly meetings of said board shall be held at said office on the fourth Tuesday in the months of January, April, July and October. The board shall also be empowered to hold such special meetings as may be required for the proper transaction of business. Special meetings may be called by the president of the board or by any three directors. Meetings of the board shall be public and proper minutes of the proceedings of said board shall be preserved and shall be open to the inspection of any elector of the district during business hours. (1943).

150-8-7. Assessment and levy by board. - (1)(a) As soon as the district shall have been organized and a board of directors shall have been appointed and qualified, such board of directors shall have the power and authority to fix the amount of an assessment upon the property within the district not to exceed four-tenths of one mill for every dollar of assessed valuation therein, as a level or general levy to be used for the purpose of paying the expenses of organization, for surveys and plans, to pay the salary of officers and the per diem allowed to directors and their expenses, and for other incidental expenses which may be incurred in the administration of the affairs of the district. A two-thirds vote of the membership of said board shall be required to fix the amount of said levy.

(b) The amount of assessment on each dollar of assessed valuation shall be certified to boards of county commissioners of the various counties in which the district is located and by them included in their next annual levy for state and county purposes. Such amount so certified shall be collected for the use of such district in the same manner as are taxes for county purposes, and the revenue laws of the state for the levy and collection of taxes on real estate for county purposes, except as herein modified, shall be applicable to the levy and collection of the amount certified by the board of directors of said district as aforesaid, including the enforcement of penalties, forfeiture, and sale for delinquent taxes.

(c) All collections made by the county treasurer pursuant to such levy shall be paid to the treasurer of the conservancy district on or before the tenth day of the next succeeding calendar month. If any items of expense have already been paid in whole or in part from any other sources by the said district, they may be repaid from receipts of such levy. Such levy may be made, although the work proposed

or any part thereof, may have been found impracticable or for other reasons abandoned. The collection of data and the payment of expenses therefor, including salaries of engineers and attorneys and other clerical assistants, to conserve the water of said district and to enable said district to adopt plans for the orderly development of said district is hereby declared to be a matter of general benefit to the public welfare, and such that a tax for said purposes may be properly imposed, in the opinion of the general assembly.

(d) If this subsection (1) or any clause, phrase, or part thereof be held unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the validity or force of any other part of this section or any other part of this article and the general assembly hereby declares it would have enacted the remainder of this article without said subsection (1) of this section.

(2) In lieu of the level or general tax authorized by subsection (1) of this section, the board may levy special assessments upon all real estate within the district, except such real estate as is hereinafter exempted, to raise funds to pay expenses of organization, salaries, expenses and per diem allowances of officers and directors and to prepare a general plan for the maintenance of constant stream flow and adequate water supplies in all the principal tributaries and the main stream of the San Juan and Dolores rivers in said district, and provide for future development of the district and insure water therefor. Such assessments shall be made in proportion to the benefits to each piece of real estate accruing by reason of the adoption of a comprehensive plan of development of the natural resources of the district as a whole. The board of directors if it deems it advisable at any time before levying special assessments shall appraise the benefits to the several parcels of real estate within the district which shall result from the organization of said district and the general plans and development. The board may adopt rules for such purpose and provide inter alia for notice and hearing to all persons affected thereby. A permanent record arranged by counties of the benefits which will accrue to each tract of land shall be kept and such benefits shall be apportioned over a series of years, the amount to be collected each year to be in the discretion of the board; provided the amount of such assessment to be levied and assessed against the real property in said district in any one year shall not exceed a total of seven thousand five

hundred dollars and it is hereby declared that the amount of special benefits accruing annually to the real estate in said district is in excess of such amount. All property owned by the state, counties, cities, towns, school districts or other governmental agencies shall be exempt from taxation or special levies under this article.

(3) Prior to October fifteenth of each year in which an assessment is made, the board of directors shall appoint a time and place where it will meet within the district for the purpose of hearing objections to assessments at least thirty days prior to the dates so appointed. Notice of such hearing shall be given by posting a notice thereof at or near the door of the treasurer's office in each county in said district, and by publishing said notice in a legal newspaper not less than three consecutive times within a period of thirty days, immediately prior to the hearing. The notice posted in each county shall be sufficient if it pertains to the property subject to assessment in said county only and need not contain the description of or any reference to property situated in other counties also affected by such assessment. Said notice shall contain a description of the real estate so assessed in the county in which said notice is posted and published, the amount of the assessment fixed by the board, and the time and place or places fixed by the board for the hearing of objection to such assessments. It shall not be necessary for the said notice to contain a separate description of the lots or tracts of real estate, but it shall be sufficient if the said notice shall contain such descriptions as will inform the owner whether or not his real estate is covered by such descriptions, and to inform the owner of the amount of special assessments thereon.

(4) If in the opinion of any person whose real estate is assessed, his property has been assessed too high or has been erroneously or illegally assessed, at any time before the date of such hearing he may file written objections to such assessments, stating the ground of such objections, which statement shall be verified by the affidavit of said person or some other person familiar with the facts. At such hearing the board shall hear evidence and argument as may be offered concerning the correctness or legality of such assessment and may modify or amend the same. Any owner of property desiring to appeal from the finding of the board as to assessments within thirty days from the finding of the board shall file with the clerk of the district court

of the county in which the property is situated, a written notice making demand for a trial by the court. At the same time, the appellant shall file a bond with good and sufficient security, to be approved by the clerk of said court, in a sum not exceeding two hundred dollars, to the effect that if the finding of the court be not more favorable to the appellant than the finding of the board, the appellant will pay the costs of the appeal. The appellant shall state definitely from what part of the order the appeal is taken. In case more than one appeal is taken, upon a showing that the same may be consolidated without injury to the interests of anyone, the court may consolidate and try the same together.

(5) The court shall not disturb the findings of the board unless the finding of the board in any case is manifestly disproportionate to the assessments imposed upon other property in the district created under this article. The trial shall be to the court and the matter shall take precedence before the court and shall be taken up as promptly as may be after the appeal is filed. If no appeal is taken from the finding of the board within the time prescribed in this section, or after the finding of the district court in case an appeal is taken from the finding of the board, then said assessments shall be final and conclusive evidence that said assessments have been made in proportion to the benefits conferred upon each tract of real estate of said district by reason of the general plans of survey, comprehensive plan of development and the completion of improvements to be constructed under the provisions of this article and such assessments shall constitute a perpetual lien as hereinafter provided upon the real estate so assessed until paid. (1941).

150-8-8. Creation of subdistricts. - (1) Notwithstanding the organization of the district herein provided for, public irrigation districts organized under article 4 of chapter 149, CRS 53, and irrigation districts organized under articles 1 and 2 of this chapter, and any other form of organization designed or intended to acquire, construct or maintain reservoirs, ditches and similar works for irrigation or other beneficial purposes under any law of the state of Colorado or of the United States of America, may be organized to cover and include areas within the Southwestern Water Conservation District and may likewise embrace territory within that said district and partly out of the district. Whenever in their opinion such form of organization

will help promote the local interests or accomplish improvements for any part of said district, the board of directors may recommend the organization of any such type of organization.

(2) In addition to such forms of organization, whenever in the opinion of the board of directors of said district it is feasible and necessary that ditches, canals, reservoirs or other works which benefit only a part of the district should be constructed, a local improvement district or subdivision, or as many of such local improvement districts as may be necessary may be created. Such local improvement district, when organized under the provisions of this article, shall be designated as "Water Users' Association No. \_\_\_\_\_ in the Southwestern Water Conservation District," or as "Special Improvement District No. \_\_\_\_\_ in the Southwestern Water Conservation District." Each subdistrict shall be numbered consecutively as created or organized. The board of directors, the engineers, attorneys, secretary and other officers, agents and employees of the district, so far as it may be necessary, shall serve in the same capacity for such subdivision or subdistricts. A contract and agreement between the main district and the subdistrict may be made in the same manner as contracts and agreements between two districts. (1941).

150-8-9. Procedure for establishment of subdistricts. -

(1) Before any subdistrict shall be established under this article, a petition shall be filed in the office of the clerk of the district court of the county in which the territory to be embraced in said subdistrict, or the greater part thereof is situate, signed by the board of directors of the district or by a majority of the owners of land situate within the limits of the territory proposed to be organized into a subdistrict.

(2) (a) The petition shall set forth:

(b) The proposed name of said subdistrict, whether it shall be designated "Water Users' Association No. \_\_\_\_\_ in the Southwestern Water Conservation District," or "Special Improvement District No. \_\_\_\_\_ in the Southwestern Water Conservation District";

(c) That property within the proposed subdistrict will be benefited by the proposed reservoirs, ditches, canals, works or other improvements, and setting forth in a general

way the nature and estimated cost thereof, together with a general statement of the nature of the anticipated benefits to be derived therefrom;

(d) A full description of the territory to be included in the proposed subdistrict. Said description need not be given by metes and bounds or by legal subdivision, but it shall be sufficient to enable a property owner to ascertain whether his property is within the territory proposed to be organized in a district. Such territory need not be contiguous, provided it be so situated that the organization as a single subdistrict of the territory described is such as to promote or tend to promote one or more of the objectives of this article as to all parts of the area proposed to be included;

(e) A general description of the methods proposed to finance the proposed works or other improvements, whether by revenue warrants pledging the income from the proposed works, special improvement bonds to be paid by special assessments on the property benefited and in an amount on each tract of land not in excess of the appraised benefits, contracts of water users or water users associations creating liens or mortgages on lands within the subdistrict, or general obligation bonds constituting a lien against the real property embraced in such subdistrict, and which indebtedness shall never be an obligation of the district, itself. If general obligations are proposed, the petition shall allege and show that all lands in the subdistrict will be benefited in an amount not less than the total amount of general obligation bonds to be issued exclusive of interest;

(f) If such a petition be filed by the board of directors of the district it shall contain a statement to the effect that a majority of the landowners of the territory in the proposed subdistrict petitioned the board of directors to organize said subdistrict, and a copy of the petition of said landowners shall be attached as an exhibit to the petition for organization of the subdistrict;

(g) Said petition shall pray for the organization of a subdistrict by the name proposed.

(3) To determine whether a majority of landowners in said district have signed the petition, in the event the petition is signed by landowners, or have petitioned the board of directors of the district in the event the petition is filed

by the board of directors, the court may require the county treasurer of each county in which territory proposed to be included in said subdistrict is situated, to furnish a certified list of names of landowners within said area and the court shall be governed by the names as they appear upon said copy of the tax roll, and the same shall be prima facie evidence of ownership, and if said tax roll shows a majority of the landowners have signed the main petition or petitioned the district for said organization the same shall be considered as prima facie evidence that a majority of said landowners are in favor of the organization of said proposed subdistrict. (1941).

150-8-10. Time and place of hearing on petition. - (1) Immediately after the filing of such petition the court wherein such petition is filed or a judge thereof in vacation, by order shall fix a place and time, not less than sixty days nor more than ninety days after the petition is filed, for hearing thereon, and thereupon the clerk of said court shall cause notice by publication, which may be substantially the same as section 29-8-1, to be made of the pendency of the petition and of the time and place of the hearing thereon. The clerk of said court shall also forthwith cause a copy of said notice to be mailed by United States registered mail to the board of county commissioners of each of the several counties having territory within the proposed district and to the board of directors of said district in the event that said petition is filed by the landowners.

(2) The district court in and for the county in which the petition for the organization of a subdistrict has been filed shall thereafter, for all purposes of this article, except as hereinafter otherwise provided, maintain and have original and exclusive jurisdiction co-extensive with the boundaries of said subdistrict, of lands and other property proposed to be included in said district or effected by said district, without regard to the usual limits of its jurisdiction.

(3) No judge of such court wherein such petition is filed shall be disqualified to perform any duty imposed by this article by reason of ownership of any property that may be benefited, taxed or assessed therein. (1941).

150-8-11. Filing of protest - procedure - decree - fee. -  
(1) At any time after the filing of a petition for the

organization of a subdistrict, and not less than thirty days prior to the time fixed by the order of the court for the hearing upon said petition, and not thereafter, a protest may be filed in the office of the clerk of the court wherein the proceedings for the organization of such subdistrict is pending, signed by a majority of the owners of the land in said proposed subdistrict protesting the organization or creation of said subdistrict. It shall be the duty of the clerk of the court forthwith, upon filing of said protest, to make as many certified copies thereof, including the signatures thereto, as there are counties into any part of which said proposed subdistrict extends, and forthwith to place in the hands of the county treasurer of each of such counties one of said certified copies. It shall be the duty of each of such county treasurers to determine from the last tax rolls of his county, and to certify to said district court under his official seal, prior to the day fixed for the hearing, the total number of owners of land situate in such proposed subdistrict within his county and the total number of owners of land situate in such proposed subdistrict within his county who have signed such protest. Such certificate shall constitute prima facie evidence of the facts so stated therein and shall be received and considered by the court.

(2) Upon the day set for the hearing upon the original petition, if it shall appear to the court from such certificate and from such other evidence as may be adduced by any party in interest that the said protest is not signed by a majority of the owners of land within the proposed subdistrict, the court shall thereupon dismiss said protest and shall proceed with the hearing on the petition. If it appears to the court at said hearing that the protest is signed by any person or corporation who signed the original petition for the organization of said subdistrict, either to the court or to the district, then the signature of any such landowner upon the protest shall be disregarded and not counted. The board of county commissioners of any county in which any part of said proposed subdistrict is situate, or any owner of real property in said proposed subdistrict who has not signed the petition for the organization of said subdistrict, on or before the date set for the cause to be heard, may file objections to the organization and incorporation of the district. Such objections shall be limited to a denial of the statements in the petition, and shall be heard by the court as an advanced case without unnecessary delay.

(3) Upon said hearing, if it appears that said petition has been signed and presented in accordance with the

requirements of this article, and that the allegations of the petition are true, the court shall enter a decree and therein adjudicate all questions of jurisdiction and declare the subdistrict organized and designate the name of said subdistrict, by which in all subsequent proceedings it shall thereafter be designated and known, and thereafter said subdistrict shall be deemed and considered a special improvement district.

(4) Such order shall be deemed and binding upon the real property within the subdistrict and no appeal or writ of error shall lie therefrom, and entry of such order shall finally and conclusively establish the regular organization of said subdistrict against all persons except the state of Colorado, in an action in the nature of a writ of quo warranto to be commenced by the attorney general within three months after said decree is entered, and not otherwise. Within ten days after such subdistrict has been declared duly organized by the court, the clerk of said court shall transmit to the county clerk and recorder in each of the counties having lands in said subdistrict, copies of the findings and decree of the court establishing said subdistrict. The same shall be filed and recorded in the office of the county clerk and recorder where they shall become permanent records. The clerk and recorder in each county shall collect a fee of two dollars for filing and preserving the same. (1941).

150-8-12. Plan for subdistrict. - Upon organization of such subdistricts the board of directors of said district, acting as the board of directors of said subdistrict, shall be authorized and they are hereby required to prepare and adopt as the official plans for said subdistrict a comprehensive detailed plan showing the nature of the improvements or works, including all canals, reservoirs and ditches, whether within or without the district, and the estimated cost of each principal part of said system or works. (1941).

150-8-13. Appointment of appraisers. - As soon as such official plan has been prepared and adopted and is on file in the office of said district, the court, upon petition of the district, shall appoint a board of appraisers consisting of three members. The qualifications of said appraisers and all proceedings before them shall be in accordance with the provisions of the law pertaining to the duties and qualifications of appraisers under the conservancy law of Colorado as set forth in sections 29-4-1 to 29-4-16, except

that where reference is made to districts it shall apply to subdistricts organized under this article. (1941).

150-8-14. Directors bound by financing plan. - (1) The board of directors of said district shall be bound by the plan of financing set forth in the petition for the organization of the subdistrict and approved by the decree of the district court. The appointment of appraisers shall not be necessary in the event that the plan adopted provides that general obligations of the subdistrict are to be issued or provides for the issuance of revenue warrants which shall be a lien and charge upon the rental and income from the irrigation works or reservoirs or other improvements to be constructed under the plan adopted and the rental derived from any such works. Said warrants shall be payable in such denominations, with interest at a rate not exceeding six per cent per annum which may be fixed by the board of directors of said district pursuant to the order and decree of the court. They shall pledge the income and rentals from said irrigation works or water supplied therethrough, and the subdistrict shall not be otherwise obligated for the payment thereof.

(2) At the time said revenue warrants are issued the board of directors of the district shall make and enter in the minutes of the proceedings a resolution in which the due dates of said revenue warrants, the amount of interest thereon, which shall not exceed six percent per annum, the general provisions of said bonds and a recital that the same are payable out of rental and income only are set forth, and shall require the payment of an assessment or annual rental charge by the persons who are to use or derive benefit from the water or other service furnished through said improvements or works, sufficient to meet said payments, and the resolution shall be irrevocable during the time that any of said revenue warrants are outstanding and unpaid. Said revenue warrants shall be signed "Water Users' Association No. \_\_\_\_\_ in the Southwestern Water Conservation District, By \_\_\_\_\_, President, Attest \_\_\_\_\_, Secretary," or "Special Improvement District No. \_\_\_\_\_ in the Southwestern Water Conservation District, By \_\_\_\_\_, President, Attest \_\_\_\_\_, Secretary." They shall be countersigned by the treasurer.

(3) General obligation bonds of said subdistrict shall be signed in the same manner as provided for revenue warrants and shall recite that the same are issued pursuant to the provisions of this article and are to be payable at the time

and in the manner and with the rate of interest therein specified, and that the same were issued under and pursuant to a decree of court and a resolution of the board of directors authorizing the issues of said obligations and referring to the date of said resolution. Said bonds shall further recite that they are payable from funds to be derived by assessments and tax levies against the property in said subdistrict and not otherwise, and that the same are not to be deemed or considered as an obligation of the Southwestern Water Conservation District but only as an obligation of said subdistrict, and that the district itself is not to be obligated in any manner for the payment of said bonds. (1941).

150-8-15. Compensation of appraisers. - Appraisers when appointed under the provisions of this article shall receive a compensation of ten dollars per day during the time that they are engaged in the performance of their duties. (1941).

150-8-16. Assessments - procedure in making. - (1) In the event that the plans for the organization of said district, including the petition and the decree entered thereon provide for a plan of financing the construction or acquisition of the works, or other improvements proposed, by special assessments to be levied against the appraised benefits to property within said subdistrict, then said board of directors may make assessments from time to time, as required, and in making said assessments, said board shall be guided by the procedure for the levy of similar assessments under the conservancy law of the state of Colorado, and particularly the provisions of said law appearing in sections 29-5-4 to 29-5-6, and the same shall apply to subdistricts created under this article.

(2) From time to time, as the affairs of the subdistrict may demand, the board of directors may levy on all property upon which benefits have been appraised an assessment of such portion of said benefits as may be found necessary by said board to pay the cost of the appraisal, the preparation and execution of the official plan for said subdistrict, superintendence of construction and administration during the period of construction, plus ten per cent of said total to be added for contingencies, but not to exceed in the total of principal the appraised benefits so adjudicated. The assessments, to be known as the "construction fund assessment," shall be apportioned to and levied on each tract of land or other property in said district in proportion

to the benefits appraised and not in excess thereof, and in case bonds are issued, as provided in section 150-8-17, then the amount of interest which will accrue on such bonds as estimated by said board of directors shall be included in and added to the said assessment, but the interest to accrue on account of the issuance of said bonds shall not be construed as a part of the cost of construction in determining whether or not the expenses and cost of making said improvement are or are not equal to or in excess of the benefits appraised.

(3) As soon as said assessment is levied the secretary of the subdistrict, at the expense thereof, shall prepare in duplicate an assessment of the subdistrict. It shall be in the form of a well-bound book endorsed and named "Construction Fund Assessment Record of Water Users' Association No. \_\_\_\_\_, or Special Improvement District No. \_\_\_\_\_, of the Southwestern Water Conservation District." Said record shall be in the form of similar records for conservancy districts under the laws of this state, particularly as provided in section 29-5-4. Said assessments may be paid in the manner provided in section 29-5-5, relating to conservancy districts under the laws of this state. All proceedings provided in said sections with respect to conservancy districts shall apply to the assessments, the records thereof, and the manner of payment of assessments of subdistricts organized under this article. (1941).

150-8-17. Improvement district bonds. - (1) The board of directors of said district may issue as obligations of the subdistrict, not as an obligation of the Southwestern Water Conservation District, improvement district bonds to be paid out of special assessments made by said board of directors against all lands in the subdistrict, not exceeding in the aggregate amount of ninety per cent of the amount of benefits assessed against said lands and unpaid at the time of issue of said bonds. Such bonds shall contain a recital to the effect that they are issued under and in accordance with the provisions of this article as special improvement district bonds and are to be payable out of special assessments to be levied against the property in said subdistrict and not otherwise.

(2) Said improvement district bonds shall be signed, "Water Users' Association No. \_\_\_\_\_ or Special Improvement District No. \_\_\_\_\_, of the Southwestern Water Conservation District, by \_\_\_\_\_, President," and countersigned

"\_\_\_\_\_, Treasurer." Otherwise said bonds shall be in such denominations and become due at such dates, with interest at such rate, payable either annually or semiannually, but not exceeding the rate of six per cent per annum, and contain such other provisions as may be fixed by the board of directors, provided said provisions are not inconsistent with the terms of this article. Except as otherwise herein expressly modified, the law relating to the form and issuance of bonds of conservancy districts under the laws of this state, particularly section 29-5-6, shall apply and govern officers of the district in the issuance and sale of said bonds, and other provisions of said law with respect to the levy of assessments or the payment of said bonds with interest, and particularly section 29-5-10, shall likewise be applicable to the bonds of a subdistrict organized under this article. (1941).

150-8-18. Assessments constitute perpetual lien. - All assessments on account of special improvements against appraised benefits and interest thereon and penalties for default of payment thereof, together with the cost of collecting the same, from the date of the filing of the "construction fund assessment" record and the "maintenance fund assessment" record in the office of the treasurer of the county wherein the lands and property are situate, shall constitute a perpetual lien in an amount not in excess of the benefits severally appraised upon the land and other property against which said assessments have been levied and such benefits appraised, to which only the lien of the general, state, county, city, town or school taxes shall be paramount, provided no sale of said property, to enforce any general, state, county, city, town, school tax or other lien, shall extinguish the perpetual lien of said assessment. At any time any landowner may pay the full amount of said assessment and thereafter the property of any such landowner shall be clear and free from said lien and shall not be subject to assessment for and on account of benefits appraised against any other land or default in the payment of assessments made against any other land. (1941).

150-8-19. Directors to remedy defects in assessments. - If any assessment made under the provisions of this article shall prove invalid, the board of directors shall by subsequent or amended acts or proceedings promptly and without delay remedy all defects or irregularities, as the case may require, by making and providing for the collection of new assessments, or otherwise. (1941).

150-8-20. Record of assessments as evidence. - The record of assessments contained in the respective assessment records of the district shall be prima facie evidence in all courts of all matters therein contained. (1941).

150-8-21. Defects in notice perfected. - Whenever notice is provided for in this article, if the court finds that due notice was not given, jurisdiction shall not thereby be lost or the proceedings be deemed abated or held void, but the court shall continue the hearing until such time as proper notice may be given and shall thereupon proceed as though proper notice had been given in the first instance. If any appraisal, assessment, levy, or other proceeding relating to said district be held defective, then the board of directors may file a motion in the cause in which said district was organized to perfect any such defect, and the court shall set a time for hearing thereon. If the original notice as a whole shall be held to be sufficient but faulty only with reference to publication as to certain particular lands or as to service as to certain particular persons, publication of the defective notice may be ordered as to the particular lands, or service may be made on the persons not properly served, and said notice be thereby corrected without invalidating the original as to other lands or persons. (1941).

150-8-22. Subdistrict bonds constitute lien. - In the name of the subdistrict and not otherwise, when authorized by the plan of organization and decree of court organizing said subdistrict to do so, the district may issue general obligations or bonds which shall constitute a lien against the real property in said subdistrict. Said obligations are not to bear interest in excess of five per cent per annum, payable semimonthly, and may be issued and made payable in series becoming due not less than five years and not more than fifty years after date. Such bonds are to be paid from assessments levied from time to time, as the bonds and interest thereon become due, against the real property in said district and not otherwise. The board of directors of said district shall certify to the board of county commissioners of the several counties in which said subdistrict or any part thereof is located, the amount of the levy necessary to pay said bonds as they become mature, and also to pay the interest becoming due on all outstanding bonds, at the same time that like certificates are made under this article for assessments on special improvement district bonds, and the procedure for the assessment and collection of revenue or taxes of the county and state are, except as may be

otherwise herein provided, made applicable and are to be followed in the levy of assessments for payment of taxes and collection of principal and interest on such general obligations. (1941).

150-8-23. Contracts of subdistricts. - (1)(a) When the petition for the organization of a subdistrict and the decree for such organization so provides it shall be lawful for any subdistrict to make a contract or contracts as follows:

(b) A water users' association may bind itself to levy an annual assessment for the use of water and to secure same by liens on land and water rights or in such manner as may be provided by law.

(c) Any person or corporation landowner may create a mortgage lien upon lands or give other security satisfactory to the board; or any other contracting agency, and all such contracts shall provide for forfeiture of the use of water for nonpayment of assessments or installments in the same manner and procedure as provided by statute for forfeiture of stock in a mutual ditch company. (1941).

150-8-24. Board to certify assessments. - (1) To maintain, operate and preserve ditches, canals, reservoirs, or other improvements made pursuant to this article, and to strengthen, repair and restore the same, when needed, and for the purpose of defraying any incidental expenses of the subdistrict, the board of directors may upon completion of a works provided for in the plan for any such subdistrict, on or before the first Monday in November of each year thereafter, certify to the board of county commissioners of the county in which said subdistrict or any part thereof is located an assessment on each tract of land and upon public corporations subject to assessment under this article, for the purpose of raising funds to be used for the maintenance of said improvements. If an appraisal of benefits has been made against the lands in said district, assessments shall be apportioned by the county treasurer and by the board of directors of said district against the property therein upon the basis of the appraisal of benefits originally made. If no such appraisal has been made and the form of organization and financing is such that revenue warrants or general obligations of the subdistrict have been issued, then said assessment shall be made on the basis of assessed valuation of the property subject to assessment in said subdistrict.

(2) Said assessment shall not exceed five mills on each dollar of the assessed valuation of the property in said subdistrict in any one year unless the court shall by order authorize an assessment of a larger percentage. Said assessment shall be levied by resolution of the board of directors and shall be enrolled in a well-bound record to be known as "maintenance fund assessment record," and shall be substantially the form provided for similar records of conservancy districts under the laws of the state of Colorado, particularly as provided by section 29-5-7. Assessments so certified shall be levied by the board of county commissioners of the counties in which said subdistrict is situate, on the property of said district in their respective counties, to be collected by the treasurers of the several counties and delivered to the treasurer of the district in like manner and with like effect as is provided for the collection and return of other assessments under this article. The whole assessment shall be due and payable as and when taxes for county purposes levied in the same year are due and payable. The said maintenance assessments shall be in addition to any assessments which have been levied against benefits appraised for and on account of construction. (1941).

150-8-25. Definitions. - (1) The word "district" as used in this article shall mean "The Southwestern Water Conservation District."

(2) The word "subdivision" as used in this article shall embrace and include the kind or character of special improvement districts created under the provisions hereof, including subdistricts organized under the name and style of "Water Users' Association No. \_\_\_\_\_ of the Southwestern Water Conservation District," and "Special Improvement District No. \_\_\_\_\_ of the Southwestern Water Conservation District."

(3) The words "San Juan and Dolores Rivers," unless the context otherwise indicates, shall be construed to embrace and include any and all tributaries or streams which flow into the San Juan and Dolores Rivers which may be found in any part of the territory embraced in said district.

(4) The term "property" as used in subsection (1) of section 150-8-7 shall be deemed and construed to include both real and personal property. In other parts of said article relating to special assessments, unless otherwise specified, it shall be held to mean real estate as the words

"real estate" are defined by the law of the state of Colorado and shall embrace all railroads, tram roads, electric railroads, state and interurban railroads, highways, telephone, telegraph and transmission lines, water systems, water rights, pipelines, and rights-of-way of public service corporations and all other real property, whether held by public or private use.

(5) The term "person" as used in this article not otherwise specified, shall be taken to mean a person, firm, partnership, association or corporation. (1941).

150-8-26. Compensation of directors. - The directors of the district shall receive as compensation a sum not to exceed twenty-five dollars per day while actually engaged in the business of said district, and in addition shall be entitled to their actual traveling and transportation expenses when away from their respective places of residence on district business. (1961).

150-8-27. Limitations on power to levy and contract. -  
(1) The district shall have no power of taxation or right to levy or assess taxes, except an annual levy, not exceeding two-tenths of a mill on each dollar of the assessed value of property in said district, as provided in section 150-8-7. The district shall have no power to contract or incur any obligation or indebtedness except as herein expressly provided, and then any obligation or indebtedness so contracted or incurred is to be payable out of the funds derived through said limited tax and not otherwise, and except that said district for and in behalf of any subdistrict or improvement district created hereunder shall have the right to issue obligations as herein expressly authorized and not otherwise.

(2) All assessments under this article shall be collected by the county treasurer of the respective counties in which said real estate is situated at the same time and in the same manner as it is now provided by law for the collection of taxes for county and state purposes, and if said assessments are not paid, then the real estate shall be sold at the regular tax sale for the payment of said assessments, interest and penalties in the manner provided by the statutes of the state of Colorado for selling property for the payment of general taxes. If there are no bids at said tax sale for the property so offered said property shall be struck off to the district and the tax certificates shall

be issued in the name of the district, and the board of directors shall have the same power with reference to the sale of said tax certificates as is now vested in county commissioners and county treasurers when property is struck off to the counties.

(3) Tax deeds may be issued, based upon said certificates of sale in the same manner that deeds are executed on tax sales on general state and county taxes. (1941).

150-8-28. Investment of surplus funds. - The board of directors of said district may invest any surplus funds of the district including any funds in the construction fund assessment not needed for immediate use to pay the cost of construction of any project in any one of the subdistricts or to pay bonds or coupons or to meet current expenses, in interest bearing bonds or securities of the United States or of any agency of the United States if the bonds are guaranteed by the United States, or in the bonds of the state of Colorado or any county or municipal corporation in said state. The board of directors of said district may require any funds of the district, or of any subdistrict, to be deposited with such depository or bank as may be designated by the board, and likewise shall have authority to require the treasurer of the district to take from such depository a bond with corporate surety to insure payment of any such deposit, or to require such depository to pledge securities of the same kind as the district is authorized to invest its funds in, to insure payment of any such deposit. (1941).

150-8-29. Sinking fund. - Said district may provide for a sinking fund for the ultimate payment of any of the obligations of any subdistrict. Such sinking fund may be invested as provided in section 150-8-28. (1941).

150-8-30. Rules and regulations. - Such district shall have the power and authority to make general rules and regulations for the conduct of its business, as well as the conduct of the business of any subdistrict therein, and may by such rules and regulations provide for the rental of water or other services which are to be furnished by said subdistrict, to any municipality, public irrigation district or irrigation district or other quasi-municipal corporation in this state, and to make contracts for the payment of the rental to be charged for any such water or services. (1941).

150-8-31. Ratification of contract or revenue warrants. -

(1) The board of directors of the district, at any time, may apply to the court within which any subdistrict was organized to ratify and confirm any contract, or issue or proposed issue of revenue warrants, special assessment bonds or general obligation bonds issued or to be issued in behalf of any subdistrict, and to ratify any other proceeding pertaining to any such subdistrict. The petition shall describe the contract, obligation or other proceeding to be ratified and confirmed, and allege the facts which show compliance with the terms of this article and ask for confirmation.

(2) Notice of such proceeding shall be given by publication in the same manner as provided for the organization of subdistricts, except that the provisions and purpose of the contract, obligations or other proceeding to be ratified and confirmed shall be given in a general way but in sufficient detail to identify the same, with a statement to the effect that any such contract, obligation or other proceeding may be seen and examined by any person in interest in the office of the board of directors of said district during specified hours. Publication of said notice shall give the court full jurisdiction of the subject matter and of all persons interested therein. Any landowner or other person in interest may appear and protest, setting forth reasons therefor.

(3) The hearing shall be conducted as provided by the rules of civil procedure, but without a jury as in other cases, and upon conclusion thereof and if the court finds that all the proceedings were regular and in accordance with this article, a decree of confirmation shall be entered and the same shall be binding upon all persons and upon all property thereby affected. (1941).

150-8-32. Subdistrict furnishing water to nonirrigated land. - In order to enable a subdistrict organized under the provisions of this article to furnish water to lands which have not been irrigated and had up to the time of the construction of the works to be constructed by said subdistrict no water supply, and at the same time to enable other areas within the same subdistrict to obtain a supplemental supply of water, or to enable said subdistrict to furnish a complete service to certain lands, certain areas, certain persons or municipalities within the district and to supplement an existing supply or service to

other persons, localities and municipalities, prior to the time that an appraisement of benefits is made in any such subdistrict, the board of directors may make a resolution setting forth the amount of water or the kind of service to be allocated to specified classes or areas, and such limitation shall be taken into consideration by the appraisers in the appraisal of benefits with respect to lands affected by any such limitation. Like conditions and restrictions may be provided for payment by certain lands or persons of revenue warrants which pledge the income from the works of said subdistricts, but no such limitation shall be contained or govern the payment of any general obligations of any such subdistrict. (1941).

CHAPTER V

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## WATER CONSERVANCY DISTRICTS

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### INTRODUCTION

Prior to 1937, various agencies dealing with water distribution and ownership usually operated on a single use basis, i.e., for irrigation only, municipal purposes only, etc. The advent of large multiple use developments, such as the Colorado-Big Thompson Project, dictated the necessity of creating a central local authority which could acquire and distribute water for any beneficial purpose. As a result, water conservancy districts were authorized by state law in 1937.

Water conservancy districts are local instrumentalities of the state government. As such they have taxing power within prescribed limitations, may acquire and sell water, construct water resource projects, and in general do everything necessary to provide adequate water supplies for the area served. Since 1937 such districts have been the sponsoring, repayment and distribution agencies for federal reclamation projects.

The original applicable state statutes have been amended frequently as experience and need have indicated. However, the statutes are still confusing in many important

respects and lead to numerous lawsuits in the state courts. Further amendments will undoubtedly come about.

Conservancy districts are organized by prescribed procedures in the Colorado district courts. Thereafter they remain under the jurisdiction of the proper court throughout their existence. The boards of directors of the districts are appointed by the court, unless at least fifteen percent of the qualified taxpayers of a district request the right to designate directors by election.

## WATER CONSERVANCY DISTRICTS

(From Colorado Statutes Annotated, as amended through 1968)

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150-5-1. Declaration. - (1) It is hereby declared that to provide for the conservation of the water resources of the state of Colorado and for the greatest beneficial use of water within this state, the organization of water conservancy districts and the construction of works as herein defined by such districts are a public use and will:

(2) Be essentially for the public benefit and advantage of the people of the state of Colorado.

(3) Indirectly benefit all industries of the state.

(4) Indirectly benefit the state of Colorado in the increase of its taxable property valuation.

(5) Directly benefit municipalities by providing adequate supplies of water for domestic use.

(6) Directly benefit lands to be irrigated from works to be constructed.

(7) Directly benefit lands now under irrigation by stabilizing the flow of water in streams and by increasing flow and return flow of water to such streams.

(8) (a) Promote the comfort, safety and welfare of the people of the state of Colorado, and it is therefore declared to be the policy of the state of Colorado;

(b) To control, make use of and apply to beneficial use all unappropriated waters originating in this state to a direct and supplemental use of such waters for domestic, manufacturing, irrigation, power and other beneficial uses.

(c) To obtain from water originating in Colorado the highest duty for domestic uses and irrigation of lands in Colorado within the terms of interstate compacts.

(d) To co-operate with the United States under the federal reclamation laws and other agencies of the United States government for the construction and financing of works in the state of Colorado as herein defined and for the operation and maintenance thereof.

(e) To promote the greater prosperity and general welfare of the people of the state of Colorado by encouraging the organization of water conservancy districts as provided in this article. (1937).

150-5-2. Definition of terms. - (1) This article may be known and cited as "Water conservancy act"; the districts created hereunder may be termed "water conservancy districts"; and the bonds which may be issued hereunder may be called "water conservancy bonds," and such designation may be engraved or printed on their face. Wherever the term "publication" is used in this article and no manner specified therefor, it shall be taken to mean once a week for three consecutive weeks in at least one newspaper of general circulation in each county wherein such publication is to be made. It shall not be necessary that publication be made on the same day of the week in each of the three weeks, but not less than fourteen days, excluding the day of the first publication, shall intervene between the first publication and the last publication, and publication shall be complete on the date of the last publication.

(2) Whenever the term "person" is used in this article, and not otherwise specified, it shall be taken to mean a person, firm, partnership, association or corporation, other than a county, town, city, city and county, or other political subdivision. Similarly, the words "public corporation" shall be taken to mean counties, city and counties, towns, cities, school districts, irrigation districts, water districts, park districts, subdistricts, and all governmental agencies, clothed with the power of levying or providing for the levy of general or special taxes or special assessments.

(3) Whenever the word "board" is used in this article, and not otherwise specified, it shall be taken to mean the board of directors of the district.

(4) Whenever the term "works" is used in this article, unless otherwise specified, it shall be held to mean dams, storage reservoirs, compensatory and replacement reservoirs, canals, conduits, pipelines, tunnels, power plants and any and all works, facilities, improvements and property necessary or convenient for the supplying of water for domestic, irrigation, power, milling, manufacturing, mining, metallurgical and any and all other beneficial uses.

(5) Whenever the term "court" is used in this article, and not otherwise specified, it shall be taken to mean the district court of that judicial district of the state of Colorado wherein the petition for the organization of a water conservancy district shall be filed.

(6) Whenever the term "property" is used in this article, unless otherwise specified, it shall be held to mean real estate and personal property.

(7) Whenever the term "land" or "real estate" is used in this article, unless otherwise specified, it shall be held to mean real estate, as the words "real estate" are defined by the laws of the state of Colorado, and shall embrace all railroads, tramroads, electrical roads, street and interurban railroads, highways, roads, streets, and street improvements, telephone, telegraph, and transmission lines, gas, sewer and water systems, water rights, pipelines and rights-of-way of public service corporations, and all other real property whether held for public or private use.

(8) Whenever the term "land" or "property" is used in this article with reference to benefits, appraisals, assessments, or taxes, as political entities, according to benefits received, public corporations shall be considered as included in such reference in the same manner as "land" or "property."

(9) Whenever the term "acre-foot" or "acre-feet" is used in this article, any other commonly used unit for measurement of water may be substituted therefor when appropriate. (1961).

150-5-3. Jurisdiction of district courts. - The district court sitting in and for any county in this state or any judge thereof in vacation, is hereby vested with jurisdiction, power and authority when the conditions stated in section 150-5-4 are found to exist, to establish water

conservancy districts which may be entirely within or partly within and partly without the judicial district in which said court is located, for conserving, developing and stabilizing supplies of water for domestic, irrigation, power, manufacturing and other beneficial uses as herein provided; provided that the terms of this article shall not be construed to confer upon such district court jurisdiction to hear, adjudicate and settle questions concerning the priority of appropriation of water between districts organized under this article and ditch companies and other owners of ditches drawing water for irrigation purposes from the same stream or its tributaries, and jurisdiction to hear and determine such questions of law and questions of right growing out of or in any way involved or connected therewith, are expressly excluded herefrom and shall be determined in the proper county as otherwise provided by the laws of the state of Colorado. (1937).

150-5-4. Petition. - (1)(a) Before any water conservancy district shall be established under this article having an assessed valuation of irrigated land, together with improvements thereon within the proposed district, of twenty million dollars or more, a petition shall be filed in the office of the clerk of the court vested with jurisdiction in a county in which all or part of the lands embraced in such proposed water conservancy district are situated, signed by not fewer than fifteen hundred owners of irrigated land situated within the limits of the territory proposed to be organized into a district but not embraced within the incorporated limits of a city or town; and each tract of land shall be listed opposite the name of the signer, each such tract, together with improvements thereon, to have an assessed value of not less than two thousand dollars; and be also signed by not fewer than five hundred owners of nonirrigated lands or lands embraced in the incorporated limits of a city or town, all situated in the proposed district; and each tract of land shall be listed opposite the name of the signer, each such tract, together with improvements thereon, to have an assessed value of not less than one thousand dollars. (1967).

(b) In the event a petitioner shall sign such petition both as owner of irrigated and nonirrigated land situated within a municipality, his name shall be counted only as an owner of irrigated lands. A signing petitioner shall not be permitted, after the filing of the petition, to withdraw his name therefrom. (1949).

(c) No district shall be formed under subsection (1) of this section unless the assessed valuation of irrigated land, together with improvements thereon, within the proposed district, is twenty million dollars or more and no city, or city and county, having a population of more than twenty-five thousand as determined by the last United States census shall be included within such district unless by and with the written consent of the chief executive officer of such city, or city and county, with the approval of the legislative body of such municipality, and such consent may specify that the rate of taxation on the assessed valuation of property within said city, or city and county, under section 150-5-17 shall not exceed a maximum rate which may be less than the rates set out in section 150-5-17, and in such case the district shall not have power to levy an assessment on the property in said city, or city and county, at a greater rate than that specified in said consent. (1967).

(2)(a) Before any water conservancy district shall be established under this article having an assessed valuation of irrigated land, together with improvements thereon, within the proposed district of less than twenty million dollars, a petition shall be filed in the office of the clerk of the court vested with jurisdiction, in a county in which all or part of the lands embraced in such proposed water conservancy district are situated, signed by not fewer than twenty-five per cent of the owners of irrigated lands to be included in the district, but not embraced within the incorporated limits of a city or town; and each tract of land shall be listed opposite the name of the signer, each such tract, together with improvements thereon, to have an assessed value of not less than one thousand dollars; and be also signed by not fewer than five percent of the owners of nonirrigated land or lands embraced in the incorporated limits of a city or town, all situated in the proposed district; and each tract of land shall be listed opposite the name of the signer, each such tract, together with improvements thereon, to have an assessed value of not less than one thousand dollars.

(b) In the event a petitioner shall sign such a petition both as owner of irrigated and nonirrigated land situated within a municipality, his name shall be counted only as an owner of irrigated land. A signing petitioner shall not be permitted, after the filing of the petition, to withdraw his name therefrom.

(c) No district shall be formed under subsection (2) of this section unless the assessed valuation of irrigated land, together with improvements thereon, within the proposed district, is less than twenty million dollars and no city, or city and county, having a population of more than twenty-five thousand as determined by the last United States census shall be included within such district unless by and with the written consent of the chief executive officer of such city, or city and county, with the approval of the legislative body of such municipality, and such consent may specify that the rate of taxation on the assessed valuation of property within said city, or city and county, under section 150-5-17 shall not exceed a maximum rate which may be less than the rates set out in section 150-5-17, and in such case the district shall not have power to levy an assessment on the property in said city, or city and county, at a greater rate than that specified in said consent.

(3)(a) The petition shall set forth:

(b) The proposed name of said district;

(c) That property within the proposed district will be benefited by the accomplishment of the purposes enumerated in section 150-5-3;

(d) A general description of the purpose of the contemplated improvement, and of the territory to be included in the proposed district. The description need not be given by metes and bounds or by legal subdivision, but it shall be sufficient to enable a property owner to ascertain whether his property is within the territory proposed to be organized as a district. The territory need not be contiguous, provided that it is so situated that the organization of a single district of the territory described is calculated to promote one or more of the purposes enumerated in section 150-5-3;

(e) Whether or not any part of the proposed district is included within the boundaries of a district already in existence under the provisions of this article; and if so, the general description, as defined in paragraph (d) of this subsection (3), of the overlapping area;

(f) The assessed value of all irrigated land within the boundaries of the proposed district;

(g) A general designation of divisions of the district and the number of directors of the district proposed for each subdivision;

(h) The petition shall pray for the organization of the district by the name proposed.

(4) No petition with the requisite signatures shall be declared void on account of alleged defects, but the court may permit the petition to be amended at any time to conform to the facts by correcting any errors in the description of the territory, or in any other particular. However, similar petitions or duplicate copies of the same petition for the organization of the same district may be filed and together shall be regarded as one petition. All such petitions filed prior to the hearing on the first petition filed, shall be considered by the court the same as though filed with the first petition placed on file.

(5) In determining whether the requisite number of landowners have signed the petition, the court shall be governed by the names as they appear upon the tax roll which shall be prima facie evidence of such ownership. (1961).

150-5-5. Bond of petitioners. - At the time of filing the petition or at any time subsequent thereto, and prior to the time of hearing on said petition, a bond shall be filed, with security approved by the court, sufficient to pay all expenses connected with the proceedings in case the organization of the district be not effected. If at any time during the proceeding the court shall be satisfied that the bond first executed is insufficient in amount, it may require the execution of an additional bond within a time to be fixed to be not less than ten days distant, and upon failure of the petitioner to execute the same, the petition shall be dismissed. (1937).

150-5-6. Notice of hearing on petition. - (1) Immediately after the filing of such petition, the court wherein such petition is filed or a judge thereof in vacation, by order shall fix a place and time, not less than sixty days nor more than ninety days after the petition is filed, for hearing thereon and thereupon the clerk of said court shall cause notice by publication to be made of the pendency of the petition and of the time and place of hearing thereon; the clerk of said court shall also forthwith cause a copy

of said notice to be mailed by United States registered mail to the board of county commissioners of each of the several counties having territory within the proposed district.

(2) The district court in and for the county in which the petition for the organization of a water conservancy district has been filed, shall thereafter for all purposes of this article, except as hereinafter otherwise provided, maintain and have original and exclusive jurisdiction, co-extensive with the boundaries of said water conservancy district, and of land and other property proposed to be included in said district or affected by said district without regard to the usual limits of its jurisdiction.

(3) No judge of such court wherein such petition is filed shall be disqualified to perform any duty imposed by this article by reason of ownership of property within any water conservancy district or proposed water conservancy district, or by reason of ownership of any property that may be benefited, taxed or assessed therein. (1937).

150-5-7. Protests and hearings on petitions. - (1)(a) At any time after the filing of a petition for the organization of a conservancy district having an assessed valuation of irrigated land within the proposed district, together with improvements thereon, of twenty million dollars or more, a petition protesting the creation of said district may be filed in the office of the clerk of the court wherein the proceeding for the creation of said district is pending. Such protesting petition shall be filed at least 30 days prior to the time fixed by order of court for the hearing upon the petition to create such district, and not thereafter.

(b) Any such protesting petition shall be signed by either (i) not fewer than fifteen hundred owners of the irrigated lands in said proposed district, but not embraced within the incorporated limits of a city or town, the aggregate assessed value of which, together with improvements, is not less than two million dollars, and also signed by not fewer than five hundred owners of nonirrigated land or lands embraced in the incorporated limits of a city or town, all such situated within the proposed district, the aggregate assessed value of which, together with improvements, is not less than one million dollars; or (ii) owners of property subject to ad valorem taxes within the proposed district, regardless of number, the aggregate assessed value of which

property is more than fifty per cent of the total assessed value of all property subject to ad valorem taxes within the proposed district.

(c) The signers of any such protesting petition shall state therein a description of the taxable property owned by each, the value thereof as shown by the last preceding assessment, and that they did not sign the petition for creating the proposed district. (1967).

(2) (a) At any time after the filing of a petition for the organization of a conservancy district having an assessed valuation of irrigated land within the proposed district, together with improvements thereon, of less than twenty million dollars, a petition protesting the creation of said district may be filed in the office of the clerk of the court wherein the proceeding for the creation of said district is pending. Such protesting petition shall be filed at least 30 days prior to the time fixed by order of court for the hearing upon the petition to create said district, and not thereafter.

(b) Any such protesting petition shall be signed by either (i) not fewer than twenty-five percent of the owners of the irrigated lands within said proposed district not embraced within the incorporated limits of a city or town, and also signed by not fewer than five percent of owners of nonirrigated lands or lands embraced in the incorporated limits of a city or town, all situated within the proposed district; or (ii) owners of property subject to ad valorem taxes within the proposed district, regardless of number, the aggregate assessed value of which property is more than fifty per cent of the total assessed value of all properties subject to ad valorem taxes within the proposed district.

(c) The signers of any such protesting petition shall state therein a description of the taxable property owned by each, the value thereof as shown by the last preceding assessment, and that they did not sign the petition for creating the proposed district. (1967).

(3) In the event a petitioner shall sign such petition both as owner of irrigated and nonirrigated land situated within a municipality, his name shall be counted only as an owner of irrigated lands. (1949).

(4) (a) Upon the filing of any petition either for or against creation of a district, it shall be the duty of the clerk of the court to make as many certified copies thereof, including the signatures thereto, as there are counties in which any part of said district extends.

(b) The court shall thereupon order the mailing of such copies to the appropriate county treasurers, which order shall include directions to the county treasurers to certify by a day certain such information contained in their official files as the court may deem necessary to resolve the issues of property ownership and assessed valuation raised in or incidental to the petitions as filed. (1967).

(5) (a) Upon the day set for the hearing upon the original petition, if it shall appear to the court from the information furnished by the county treasurers, and from such other evidence as may be adduced by any party in interest, that a protesting petition is not signed by the requisite number of owners of lands and of the requisite values, as applicable, the court shall thereupon dismiss said protesting petition and shall proceed with the original hearing as in this section provided.

(b) If the court shall find from the evidence that a protesting petition is signed by the requisite number of owners of lands and of the requisite values, as applicable, the court shall order an election on the question of the formation of the district in accordance with the procedure set forth in sections 34 through 36, inclusive, of this article. The court shall exercise all functions which are the responsibility of the board of directors of a water conservancy district as set forth in said sections.

(c) The finding of the court upon the question of total valuation, the genuineness of the signatures, and all other matters of law and fact incident to such determination shall be final and conclusive on all parties and interests whether appearing or not. (1967).

(6) (a) Any owner of real property in said proposed district not having individually signed a petition for the organization of a conservancy district, may file objection to the organization and incorporation of the district. Such objection shall be limited to a denial of the statements in the petition.

(b) The owner of any real property, or interest therein subject to ad valorem taxation, within the proposed district may file a petition with the court stating reasons why said property should not be included therein and praying that said property be excluded therefrom. Such reasons may include, but not be limited to, absence of benefit to the said property to be derived from the proposed district, and the fact that the exclusion will not interfere with the purposes of the proposed district. Such petition shall be duly verified and shall describe the property sought to be excluded. The court shall hear said petition and all objections thereto at the time of the hearing on the petition for organization as an advanced matter, and shall determine whether said property should be excluded or included in said district. A final order of the court shall be entered on a petition for exclusion prior to and separately from any final order granting or dismissing the petition for the organization of the district.

(c) Any petitions or objections filed under (a) or (b) of this subsection shall be filed at least thirty days prior to the time fixed by order of court for hearing upon the petition to create said district, and not thereafter. (1967).

(7) Upon the said hearing, if it shall appear that a petition for the organization of a water conservancy district has been signed and presented in conformity with this article, and that the allegations of the petition are true, and that no protesting petition has been filed, or if filed has been dismissed, by order duly entered of record, the court shall adjudicate all questions of jurisdiction, declare the district organized and give it a corporate name, by which in all proceedings it shall thereafter be known, and thereupon the district shall be a political subdivision of the state of Colorado and a body corporate with all the powers of a public or municipal corporation. (1949).

(8) In such decree the court shall designate the place where the office or principal place of business of the district shall be located, which shall be within the corporate limits of the district, and which may be changed by order of court from time to time. The regular meetings of the board shall be held at such office or place of business but for cause may be adjourned to any other convenient place. The official records and files of the district shall be kept at the office so established. (1949).

(9) If the court finds that no petition has been signed and presented in conformity with this article, or that the material facts are not as set forth in the petition filed, it shall dismiss said proceedings and adjudge the costs against the signers of the petition in such proportion as it shall deem just and equitable. No appeal or writ of error shall lie from an order dismissing said proceeding; but nothing herein shall be construed to prevent the filing of a subsequent petition for similar improvements or for a similar water conservancy district, and the right to so renew such proceeding is hereby expressly granted and authorized. (1949).

(10) If an order be entered establishing the district, such order shall be deemed final and no appeal or writ of error shall lie therefrom, and the entry of such order shall finally and conclusively establish the regular organization of the district against all persons except the state of Colorado, in an action in the nature of a writ of quo warranto, commenced by the attorney general within three months after said decree declaring such district organized as herein provided, and not otherwise. The organization of such district shall not be directly nor collaterally questioned in any suit, action or proceeding except as herein expressly authorized. (1949).

(11) Nothing herein contained shall be construed to affect districts heretofore organized under the provisions of this article. (1949).

150-5-8. Provisions for filing decree of incorporation. - Within thirty days after the district has been declared a corporation by the court, the clerk of the court shall transmit to the secretary of state and to the county clerk and recorder in each of the counties having lands in said district, copies of the findings and the decree of the court incorporating said district. The same shall be filed in the office of the secretary of state in the same manner as articles of incorporation are required to be filed under the general laws concerning corporations, and copies shall also be filed in the office of the county clerk and recorder of each county in which a part of the district may be, where they shall become permanent records; and the clerk and recorder in each county shall collect a fee of one dollar for filing and preserving the same, and the secretary of state shall collect for filing said copies such fees as are provided by law for like services in similar cases. (1937).

150-5-9. Appointment of board of directors. - (1)(a) Within thirty days after entering the decree incorporating said district, the court shall appoint a board of directors of the district consisting of not more than fifteen persons who are residents of the counties in which the water conservancy district is situated, all of whom shall be the owners of real property in said district.

(b) At the expiration of their respective terms of office as fixed by the court, appointments shall be made by said court for the term of two years. The court shall fill all vacancies which may occur on the board. Each director shall hold office during the term for which he is appointed and until his successor is duly appointed and has qualified, and shall furnish a corporate surety bond at the expense of the district, in amount and form fixed and approved by the court, conditioned for the faithful performance of his duties as such director.

(c) When a judicial district in which a water conservancy district was organized is subsequently divided in to three or more judicial districts, then for the purposes of this subsection (1), on and after the second Tuesday in January, 1965, the term "the court" means the district court in and for the county in which the petition for the organization of the water conservancy district has been filed. In the event any such water conservancy district shall extend into two or more judicial districts, or any parts thereof, the directors of such water conservancy district shall be appointed by the presiding district judges of all such judicial districts, who, sitting en banc, shall constitute "the court" as above defined. In the event of a tie vote, the chief justice of the supreme court of the state of Colorado shall cast the deciding vote. (1964).

(2) In districts organized subsequent to March 12, 1945, in the event a petition signed by not fewer than fifteen per cent of the qualified taxpaying electors of a water conservancy district, praying for the election of a director to fill the terms of office of the director then about to expire in lieu of the appointment thereof by the court, shall be filed with the clerk of the court at any time prior to ninety days preceding the expiration date of the term of office of any director appointed by the court, the court shall order the holding of an election in the district for the purpose of filling the vacancies to be caused by the expiration of the terms of office of the

director so about to expire in lieu of the appointment of a successor or successors by the court as provided in subsection (1) of this section. The petition shall be signed by qualified taxpaying electors of a water conservancy district having the same qualifications as electors privileged to vote upon the question of entering into a contract with the United States as provided in sections 150-5-33 and 150-5-34. (1949).

(3) Upon the entry of such order by the court, the clerk of the court shall prepare a certified copy of such order and file the same with the board of directors which shall thereafter provide for the holding of such election for the election of such member of the board of directors in accordance with the provisions of section 150-5-34. (1949).

(4) Any director so elected shall have the qualifications required for members of the board of directors appointed by the court and shall furnish like bond as required of directors appointed by the court under subsection (1) of this section. (1949).

(5) The call of such election shall be published in pursuance with the provisions of section 150-5-35 and such election and the canvass of returns thereof shall be held in pursuance of the provisions of section 150-5-36. (1949).

(6) Nothing herein contained shall be construed to affect districts heretofore organized under the provisions of this article. (1949).

150-5-10. Organization of board of directors. - (1) Before entering upon his official duties each director shall take and subscribe to an oath before an officer authorized to administer oaths, that he will support the constitution of the United States and the state of Colorado and will honestly, faithfully and impartially perform the duties of his office and that he will not be interested directly or indirectly in any contract let by said district, which oath shall be filed in the office of the clerk of said court in the original case.

(2) Upon taking the oath, the board shall choose one of their number chairman of the board and president of the district, and shall elect some suitable person secretary of the board and of the district, who may or may not be a member of the board. Such board shall adopt a seal and

shall keep in a well-bound book a record of all of its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees and all corporate acts which shall be open to inspection of all owners of property in the district, as well as to all other interested parties.

(3) Each member of the board shall receive as compensation for his service such sum as shall be ordered by the court, not in excess of the sum of five hundred dollars per annum, payable monthly, and necessary traveling expenses actually expended while engaged in the performance of his duties. (1937).

150-5-11. Quorum. - A majority of the directors shall constitute a quorum and a concurrence of a majority of those in attendance, in any matter, within their duties, shall be sufficient for its determination, except as otherwise herein provided. (1937).

150-5-12. Employment of agents. - The secretary shall be custodian of the records of the district and of its corporate seal, and shall assist the board in such particulars as it may direct in the performance of its duties. The secretary shall attest, under the corporate seal of the district, all certified copies of the official records and files of the district that may be required of him by this article, or by any person ordering the same and paying the reasonable cost of transcription, and any portion of the record so certified and attested shall prima facie import verity. The secretary shall serve as treasurer of the district, unless a treasurer is otherwise provided for by the board. The board may also employ a chief engineer, who may be an individual, partnership or corporation; an attorney, and such other engineers, attorneys and other agents and assistants as may be needful; and may provide for their compensation which, with all other necessary expenditures, shall be taken as a part of the cost or maintenance of the improvement. The chief engineer shall be superintendent of all the works and improvements, and shall make a full report to the board each year, or oftener if required by the board, and may make such suggestions and recommendations to the board as he may deem proper. The secretary and treasurer and such other agents or employees of the district as the court may direct, shall furnish corporate surety bonds, at the expense of the district, in amount and form fixed and approved by the court,

conditioned upon the faithful performance of their respective duties. (1937).

150-5-13. General powers. - The board shall have power on behalf of said district:

(1) To have perpetual succession.

(2)(a) To take by appropriation, grant, purchase, bequest, devise or lease, and to hold and enjoy water, waterworks, water rights and sources of water supply and any and all real and personal property of any kind within or without the district necessary or convenient to the full exercise of its powers.

(b) To sell, lease, encumber, alien or otherwise dispose of water, waterworks, water rights and sources of supply of water for use within the district.

(c) To acquire, construct or operate, control and use any and all works, facilities and means necessary or convenient to the exercise of its power, both within and without the district for the purpose of providing for the use of such water within the district. To do and perform any and all things necessary or convenient to the full exercise of the powers herein granted.

(d) However, any works or facilities planned and designed for the exportation of water from the natural basin of the Colorado river and its tributaries in Colorado, by any district created under this article, shall be subject to the provisions of the Colorado river compact and the Boulder Canyon Project Act. Any such works or facilities shall be designed, constructed and operated in such manner that the present appropriations of water, and in addition thereto prospective uses of water for irrigation and other beneficial consumptive use purposes, including consumptive uses for domestic, mining and industrial purposes, within the natural basin of the Colorado river in the state of Colorado, from which water is exported, will not be impaired nor increased in cost at the expense of the water users within the natural basin. The facilities and other means for the accomplishment of said purpose shall be incorporated in, and made a part of any project plans for the exportation of water from said natural basin in Colorado.

(3) To have and to exercise the power of eminent domain

and dominant eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property necessary to the exercise of powers herein granted; provided, such district shall not have or exercise the power of eminent domain over or by means thereof to acquire the title to or beneficial use of vested water rights for transmountain diversion, and in connection therewith such district shall not have the power to carry or transport water in transmountain diversion, the title to which has been acquired by any municipality by virtue of eminent domain proceedings against any vested rights.

(4) (a) To construct and maintain works and establish and maintain facilities across or along any public street or highway, and in, upon, or over any vacant public lands which public lands are now, or may become, the property of the state of Colorado, and to construct works and establish and maintain facilities across any stream of water or water-course; provided, that the district shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to completely or unnecessarily impair the usefulness thereof. The grant of the right to use such vacant state lands shall be effective upon the filing by such district with the state board of land commissioners an application showing the boundaries, extent and locations of the lands, rights-of-way, or easements desired for such purposes.

(b) If the land, rights-of-way or easements for which application shall be made is for the construction of any aqueduct, ditch, pipeline, conduit, tunnel, or other works for the conveyance of water, or for roads, or for poles or towers, and wires for the conveyance of electrical energy or for telephonic or telegraphic communication, no compensation shall be charged the district therefor, unless in the opinion of the state board of land commissioners the construction of such works will render the remainder of the legal subdivision through which such works are to be constructed valueless or unsalable, in which event the district shall pay for the lands to be taken and for such portion of any legal subdivision which in the opinion of the board is rendered valueless or unsalable, at the rate of two dollars and fifty cents per acre. If the lands for which application is made are for purposes other than the construction of roads or works for the conveyance of water, or electricity or telephonic or telegraphic communication, such district shall

pay to the state for such lands at the rate of two dollars and fifty cents per acre.

(c) Upon filing such application, accompanied by map or plat showing the location or proposed location of such works or facilities, the fee title to so much of such state lands as shall be necessary or convenient to enable such district efficiently and without interference to construct, maintain and operate its works and to establish, maintain and operate its facilities, shall be conveyed to said district by patent. If an easement or right-of-way only over such lands be sought by the district, such easement or right-of-way shall be evidenced by permit or grant executed by or on behalf of the state board of land commissioners. The state board of land commissioners may reserve easements or rights-of-way, in the public, across any lands in such patents, grants or permits described for streets, roads and highways theretofore established according to law. Before any such patent, grant or permit shall be executed, any compensation due to the state under the provisions hereof, must be paid. No fee shall be exacted from the district for any patent, permit or grant so issued or for any service rendered hereunder.

(d) In the use of streets, the district shall be subject to the reasonable rules and regulations of the county, city or town where such streets lie, concerning excavation and the refilling of excavation, the relaying of pavements and the protection of the public during periods of construction; provided, that the district shall not be required to pay any license or permit fees, or file any bonds. The district may be required to pay reasonable inspection fees.

(5) To contract with the government of the United States or any agency thereof for the construction, preservation, operation and maintenance of tunnels, reservoirs, regulating basins, diversion canals and works, dams, power plants and all necessary works incident thereto, and to acquire perpetual rights to the use of water from such works; to sell and dispose of perpetual rights to the use of water from such works to persons and corporations, public and private.

(6) To list in separate ownership the lands within the district which are susceptible of irrigation from district sources and to make an allotment of water to all such lands, which allotment of water shall not exceed the maximum amount of water that the board determines could be beneficially used on such lands; to levy assessments as provided in sections

150-5-16 to 150-5-21, against the lands within the district to which water is allotted on the basis of the value per acre-foot of water allotted to said lands within the district; provided, that the board may divide the district into units and fix a different value per acre-foot of water in the respective units, and in such case, shall assess the lands within each unit upon the same basis of value per acre-foot of water allotted to lands within such unit.

(7) To fix rates at which water not allotted to lands as provided in subsection (6) of this section, shall be sold, leased, or otherwise disposed of; provided, that rates shall be equitable although not necessarily equal or uniform, for like classes of service throughout the district.

(8) To enter into contracts, employ and retain personal services and employ laborers; to create, establish and maintain such offices and positions as shall be necessary and convenient for the transaction of the business of the district; and to elect, appoint and employ such officers, attorneys, agents and employees therefor as shall be found by the board to be necessary and convenient.

(9) To adopt plans and specifications for the works for which the district was organized, which plans and specifications may at any time be changed or modified by the board. Such plans shall include maps, profiles, and such other data and descriptions as may be necessary to set forth the location and character of the works, and a copy thereof shall be kept in the office of the district and open to public inspection.

(10) To appropriate and otherwise acquire water and water rights within or without the state; to develop, store and transport water; to subscribe for, purchase and acquire stock in canal companies, water companies and water users' associations; to provide, sell, lease, and deliver water for municipal and domestic purposes, irrigation, power, milling, manufacturing, mining, metallurgical and any and all other beneficial uses and to derive revenue and benefits therefrom; to fix the terms and rates therefor; and to make and adopt plans for and to acquire, construct, operate and maintain dams, reservoirs, canals, conduits, pipelines, tunnels, power plants and any and all works, facilities, improvements and property necessary or convenient therefor, and in the doing of all of said things

to obligate itself and execute and perform such obligations according to the tenor thereof; provided, the sale, leasing and delivery of water for irrigation and domestic purposes as provided in this section shall only be made for use within the district.

(11) Nothing provided in this article shall be construed to grant to the district or board the power to generate, distribute or sell electric energy except for the operation of the works and facilities of the district.

(12) To invest any surplus money in the district treasury, including such money as may be in any sinking fund established for the purpose of providing for the payment of the principal or interest of any contract, or bonded, or other indebtedness or for any other purpose, not required for the immediate necessities of the district, in its own bonds, or in treasury notes or bonds of the United States, or of this state, and such investment may be made by direct purchase of any issue of such bonds or treasury notes, or part thereof, at the original sale of the same, or by the subsequent purchase of such bonds or treasury notes. Any bonds or treasury notes thus purchased and held may be sold from time to time, and the proceeds reinvested in bonds or treasury notes. Sales of any bonds or treasury notes thus purchased and held shall be made in season so that the proceeds may be applied to the purposes for which the money with which the bonds or treasury notes were originally purchased were placed in the treasury of the district. The functions and duties authorized by this subsection shall be performed under such rules and regulations as shall be prescribed by the board.

(13) To refund bonded indebtedness incurred by the district under and pursuant to such rules and regulations as shall be prescribed by the board.

(14) To borrow money and incur indebtedness and to issue bonds or other evidence of such indebtedness.

(15) To adopt by-laws not in conflict with the constitution and laws of the state for carrying on the business, objects and affairs of the board and the district. (1943).

150-5-14. Power to acquire rights-of-way. - Whenever, pursuant to this article, the electors of a water conservancy district shall have authorized a contract with the

United States for construction and acquisition of works and water rights, which contract shall have obligated the district to acquire rights-of-way therefor to be conveyed by the district to the United States upon reimbursement by the United States, then the district, without further election and through its board of directors, shall have power to do all acts for acquiring such rights-of-way, including borrowing of and paying interest upon, such sums of money as shall be required to make deposits fixed by the court for possession and to pay awards on condemnation of said rights-of-way as well as amounts up to the appraised values of the particular rights-of-way as shall have been fixed by the appraisers for the United States in each instance of negotiated purchases, notwithstanding the sum borrowed shall be greater than the ordinary annual incomes and revenues of the district; and all debts heretofore incurred, and interest payments heretofore made for the aforesaid purposes, are hereby expressly authorized, ratified and approved. (1943).

150-5-15. Subdistricts. - (1) Subdistricts may be organized upon the petition of the owners of real property, within or partly within and partly without the district, which petition shall fulfill the same requirements concerning the subdistricts as the petition outlined in section 150-5-4 is required to fulfill, concerning the organization of the main district, and shall be filed with the clerk of the court, and shall be accompanied by a bond as provided for in section 150-5-5. All proceedings relating to the organization of such subdistricts shall conform in all things to the provision of this article relating to the organization of districts; provided, that not more than a majority of the owners of lands, having one-half or more of the aggregate assessed value of the lands in the proposed subdistrict, shall be required to sign the petition for the creation of a subdistrict and not more than twenty-five per cent of the owners of lands in the proposed subdistrict shall be required to sign the protesting petition against the creation of such subdistrict.

(2) Whenever the court shall declare and decree by its order duly entered of record, such subdistricts to be organized, the clerk of said court shall thereupon give notice of such order to the directors of the district who shall thereupon act also as directors of the subdistrict. Thereafter, the proceedings in reference to the subdistrict in all matters shall conform to the provisions of this article

except that in the appraisal of benefits for the purpose of such subdistricts, in the issuance of bonds, in levying of assessments and in all other matters affecting only the subdistrict, the provisions of this article shall apply to the subdistrict as though it were an independent district, and it shall not in these things be amalgamated with the main district.

(3) The said petition for organization of a subdistrict shall also contain a statement of the amount or quantity of water for which said subdistrict desires to acquire the perpetual use and the amount of money that said subdistrict is willing to pay therefor, and prior to the entry of its decree organizing any territory into a subdistrict, the court shall obtain the verified consent of the board to furnish such perpetual use of water for the purposes therein specified to such subdistrict at a price and upon the terms mentioned in the petition, then the court shall be authorized to enter its decree of organization of such subdistrict. (1937).

150-5-16. Classification of taxes and assessments - powers. - (1) (a) In addition to the other means of providing revenue for such districts, the board shall have power and authority to levy and collect taxes and special assessments for maintaining and operating such works and paying the obligations and indebtedness of the district by any one or more of the methods or combinations thereof, classified as follows:

(b) Class A. To levy and collect taxes upon all property within the district as provided in section 150-5-17.

(c) Class B. To levy and collect assessments for special benefits accruing to property within municipalities for which use of water is allotted as provided in section 150-5-18.

(d) Class C. To levy and collect assessments for special benefits accruing to property within public corporations for which use of water is allotted as provided in section 150-5-19.

(e) Class D. To levy and collect assessments for special benefits accruing to lands for which use of water is allotted as provided in section 150-5-20. (1960).

150-5-17. Levy and collection under class A. - (1) As to any district formed prior to the effective date of this amendment to section 150-5-17, to levy and collect taxes under class A, in each year, the board shall determine the amount of money necessary to be raised by taxation, taking into consideration other sources of revenue of the district, and shall fix a rate of levy which when levied upon every dollar of assessed valuation of property within the district and with other revenues will raise the amount required by the district, to supply funds for paying expenses of organization, for surveys and plans, paying the costs of construction, operating and maintaining the works of the district; provided that said rate shall not exceed one-half mill on the dollar; prior to the delivery of water from the works, and thereafter not to exceed one mill on the dollar, of assessed valuation of the property within the district, except in the event of accruing defaults or deficiencies where an additional levy may be made as provided in section 150-5-21. On or before the first day of October of each year, the board shall certify to the board of county commissioners of each county within the district, or having a portion of its territory within the district, the rate so fixed with directions that at the time and in the manner required by law for levying of taxes for county purposes, such board of county commissioners shall levy such tax upon the assessed valuation of all property within the district, in addition to such other taxes as may be levied by such board of county commissioners, at the rate so fixed and determined.

(2) (a) As to any district formed subsequent to the effective date of this amendment, to levy and collect taxes under class A, in each year, the board shall determine the amount of money necessary to be raised by taxation, taking into consideration other sources of revenue of the district, and shall fix a rate of levy which, when levied on every dollar of assessed valuation of property within the district and, with other revenues, will raise the amount required by the district to supply funds for paying expenses of organization, for surveys and plans, paying the costs of construction and operating and maintaining the works of the district; provided, that said rate shall not exceed: (1957)

(b) In the case of a district having an assessed valuation when formed of not more than twenty million dollars,

one and one-half mill on each dollar of assessed valuation of property within the district prior to the delivery of water from the works, and thereafter not to exceed three mills on each dollar of assessed valuation. (1963).

(c) In the case of a district having an assessed valuation when formed of more than twenty million dollars but not more than fifty million dollars, one mill on each dollar of assessed valuation of property within the district prior to the delivery of water from the works, and thereafter not to exceed two mills on each dollar of assessed valuation.

(d) In the case of a district having an assessed valuation when formed of more than fifty million dollars, not to exceed one-half mill on each dollar of assessed valuation of property within the district prior to the delivery of water from the works, and thereafter not to exceed one mill on each dollar of assessed valuation of the property within the district.

(e) In the event of accruing defaults or deficiencies a levy in addition to those prescribed in this subsection (2) may be made as provided in section 150-5-21.

(3) On or before the first day of October of each year, the board shall certify to the board of county commissioners of each county within the district, or having a portion of its territory within the district, the rate so fixed with directions that at the time and in the manner required by law for levying of taxes for county purposes, such board of county commissioners shall levy such tax upon the assessed valuation of all property within the district, in addition to such other taxes as may be levied by such board of county commissioners at the rate so fixed and determined.

(4)(a) Any district formed prior to the effective date of this amendment having an assessed valuation of less than fifty million dollars shall be authorized to levy taxes no greater than those prescribed in subsection (2) of this section for districts having a like assessed valuation but formed subsequent to the effective date of this amendment, by following the election procedure provided in this subsection.

(b) Whenever the board of directors of the district, by resolution adopted by a majority of all of the members of

the board, shall determine that the interests of said district and the public interest or necessity demand an increase in the mill levy for such district not greater than the maximum mill levy prescribed in subsection (2) of this section for the purposes therein stated, said board shall order the submission of the proposition to the qualified electors of the district who shall have paid a tax on property in the district in the year preceding such election, at an election held for that purpose. Any election held for the purpose of submitting any such proposition may be held separately, or may be consolidated or held concurrently with any other election authorized by law at which such qualified electors of the district shall be entitled to vote.

(c) The declaration of such election may be included within one and the same resolution which resolution, in addition to such declaration of public interest or necessity, shall recite the maximum mill levy proposed which shall be no greater than that authorized by subsection (2) of this section for a district of like size formed subsequent to the effective date of this amendment. Such resolution shall also fix the date upon which such election shall be held and the manner of holding the same and the method of voting for or against the increase in mill levy. Such resolution shall also fix the compensation to be paid the officers of the election and shall designate the precincts and polling places and shall appoint for each polling place from each precinct from the electors thereof, the officers of such election which officers shall consist of three judges, one of whom shall act as a clerk, who shall constitute a board of election for each polling place. The description of precincts may be made by reference to any order of the board of county commissioners of the county in which the district or any part thereof is situated or by reference to any previous order or resolution of the board or by detailed description of such precincts. Precincts established by boards of the various counties may be consolidated for special elections held hereunder.

(d) In the event any such election shall be called to be held concurrently with any other election or shall be consolidated therewith, the resolution calling the election hereunder need not designate precincts or polling places or names of officers of the election but shall contain reference to the act or order calling such other election and fixing the precincts and polling places and

appointing the election officers therefrom. The resolution shall be published once a week for two consecutive weeks, the last publication of which shall be at least ten days prior to the date set for said election, in a newspaper of general circulation, printed and published within the district, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made.

(e) The election shall be conducted in accordance with the provisions of section 150-5-36. In the event that a majority of the qualified electors voting at said election shall favor an increase in the mill levy of the district, the board of directors shall be authorized to levy taxes under the provisions of subsection (2) of this section at rates no greater than those specified in such resolution in lieu of the rates specified in said subsection (2) provided that such rates shall not exceed those specified in said subsection (2). If a majority of said qualified electors voting at such election shall not vote in favor of the proposition of increasing such mill levy, the board of directors may continue to levy taxes at rates not exceeding those authorized prior to such election. (1957).

150-5-18. Levy and collection under class B. - (1) To levy and collect special assessments under class B, the board shall make an allotment of water to each petitioning municipality in the district in the manner as hereinafter provided, in such quantity as will in the judgment of the board, when added to the then present supply of water of such municipality, make an adequate supply for such municipality, and shall fix and determine the rate per acre-foot, and terms at and upon which such water shall be sold, leased or otherwise disposed of, for use by such municipalities; provided, that such rates shall be equitable although not necessarily equal or uniform for like classes of services throughout the district.

(2)(a) In the event any city, city and county, or town shall desire to purchase, lease or otherwise obtain the beneficial use of waters of the district for domestic or irrigation purposes, the legislative body of such municipality shall by ordinance authorize and direct its mayor and clerk to petition the board for an allotment of water, upon terms prescribed by the board, which petition shall contain inter alia, the following:

(b) Name of municipality;

(c) Quantity of water to be purchased or otherwise acquired;

(d) Price per acre-foot to be paid;

(e) Whether payments are to be in cash or annual installments;

(f) Agreement by the municipality to make payments for the beneficial use of such water together with annual maintenance and operating charges and to be bound by the provisions of this article and the rules and regulations of the board.

(3) The secretary of the board shall cause notice of the filing of such petition to be given and published once each week for two successive weeks, in a newspaper published in the county in which said municipality is situated, which notice shall state the filing of such petition and giving notice to all persons interested to appear at the office of the board, at a time named in said notice and show cause, in writing, if any they have, why the petition should not be granted.

(4) The board at the time and place mentioned in said notice or at such time to which the hearing of said petition may adjourn, shall proceed to hear the petition and objections thereto, presented in writing, by any person showing cause why said petition should not be granted. The failure of any person interested to show cause shall be deemed and taken as an assent on his part to the granting of said petition. At its discretion, the board may accept or reject the said petition, but if it deems it for the best interest of the district that said petition be granted, shall enter an order granting the said petition and from and after such order the said municipality shall be deemed to have purchased, leased, or otherwise acquired the beneficial use of water as set forth in said order.

(5) If said petition is granted, the board shall determine the amount of money necessary to be raised by taxation in each year from property within such municipality to pay the annual installments and a fair proportionate amount of estimated operating and maintenance charges for the next succeeding year, as provided in the order granting said

petition, and prepare a statement showing the tax rate to be applied to all property in such municipality, which rate shall be the rate fixed by resolution of the board, modified to the extent necessary to produce from each such municipality only the amount of money apportioned thereto in said resolution, less any amount paid or undertaken to be paid by such municipality in cash or as credited thereto by payments from the general funds of such municipality. Upon receipt by the board of county commissioners of each county, wherein such municipality is located, of a certified copy of such resolution showing the tax rate to be applied to all property in each municipality and showing the municipalities and the property which is exempt therefrom, if any, it shall be the duty of the county officers to levy and collect such tax in addition to such other tax as may be levied by such board of county commissioners at the rate so fixed and determined. (1937)

150-5-19. Levy and collection under class C. - (1) To levy and collect special assessments upon lands under class C, the board shall make an allotment of water to each of the petitioning public corporations, other than municipalities, within the district in the manner as provided in this section, in such quantity as will in the judgment of the board, when added to the present supply of water of such public corporation make an adequate supply of water for such public corporation, and shall fix and determine the rate or rates per acre-foot and terms at and upon which water shall be sold, leased or otherwise disposed of to such public corporation; provided, that such rates shall be equitable although not necessarily equal or uniform for like classes of services throughout the district.

(2)(a) In the event any such public corporation shall desire to purchase, lease or otherwise obtain the beneficial use of waters of the district, the board of such public corporation by resolution shall authorize and direct its president and secretary to petition the board for an allotment of water, upon terms prescribed by the board, which petition shall contain, inter alia, the following:

(b) Name of public corporation;

(c) Quantity of water to be purchased or otherwise acquired;

(d) Price per acre-foot to be paid;

(e) Whether payments are to be made in cash or annual installments;

(f) Agreement by such public corporation to make payments for the beneficial use of such water, together with annual maintenance and operating charges, and to be bound by the provision of this article and the rules and regulations of the board.

(3) The secretary of the board shall cause notice of the filing of such petition to be given and published, which notice shall state the filing of such petition and giving notice to all persons interested to appear at the office of the board at a time named in said notice and show cause in writing why the petition should not be granted. The board at the time and place mentioned in said notice, or at such time to which the hearing of said petition may be adjourned, shall proceed to hear the petition and objections thereto, presented in writing, by any person showing cause why said petition should not be granted. The failure of any person interested to show cause shall be deemed and taken as an assent on his part to the granting of said petition. At its discretion, the board may accept or reject the said petition, but if it deems it for the best interest of the district that said petition shall be granted, shall enter an order to that effect granting the said petition and from and after such order, the public corporation or persons therein shall be deemed to have purchased, leased, or otherwise acquired the beneficial use of water as set forth in said order.

(4) If said petition is granted, the board shall determine the amount of money necessary to be raised by assessment in each year on lands within such public corporation, less any amount paid or undertaken to be paid by such public corporation in cash or as credited thereto by payments from the general fund of such public corporation, and shall certify to the county assessor of the county in which the lands of such public corporation are located, the amount of the assessment, plus a fair proportionate amount of the estimated operating and maintenance charges for the next succeeding year on each tract of land on or before the first day of October of each year and such county assessor shall extend the amount of such assessment, plus said operating and maintenance charges, on the tax roll as an assessment against the lands upon which said assessment is made. (1960).

150-5-20. Levy and collection under class D. - (1) To levy and collect special assessments upon lands under class D, the board shall make an allotment of water to petitioning owners of lands in the district, upon which water can be beneficially used in the manner as hereinafter provided, in such amount as will in the judgment of the board, together with the present supply of water for irrigation purposes on such lands, make an adequate water supply for irrigation of such lands, and shall fix and determine the rate or rates per acre-foot and the terms at and upon which water shall be sold, leased or otherwise disposed of, for use on said lands.

(2)(a) In the event that any person or private corporation shall elect to purchase, lease or otherwise obtain the beneficial use of waters of the district for irrigation of lands, such person or corporation shall petition the board for an allotment of water upon terms prescribed by the board, which petition shall contain, inter alia, the following:

(b) Name of applicant;

(c) Quantity of water to be purchased or otherwise acquired;

(d) Descriptions of lands upon which the water will be used and attached;

(e) Price per acre-foot to be paid;

(f) Whether payment will be made in cash or annual installments;

(g) Agreement that the annual installments and the charges for maintenance and operating shall become a tax lien upon the lands for which such water is petitioned and allotted and to be bound by the provision of this article and the rules and regulations of the board.

(3) In its discretion the board may accept or reject the said petition, but if it deems it for the best interest of the district that said petition be granted, shall enter an order granting the said petition and from and after such order, the said petitioner shall have deemed to have agreed to the purchase, lease or other means of acquiring the beneficial use of water under the terms set forth in said petition

and order. Such order shall provide for payment on the basis of rate per acre-foot of water allotted to said lands within the district, providing that the board may divide the district into units and fix a different rate per acre-foot of water in the respective units and provided, further, that such rates shall be equitable although not necessarily equal or uniform for like classes of services throughout the district.

(4) The secretary of the board shall cause notice of the filing of such petition to be given and published, which notice shall state the filing of such petition and giving notice to all persons interested to appear at the office of the board at a time named in said notice and show cause in writing why the petition should not be granted. The board at the time and place mentioned in said notice, or at such time to which the hearing on said petition may be adjourned, shall proceed to hear the petition and objections thereto, presented in writing, by any person showing cause why said petition should not be granted. The failure of any person interested to show cause shall be deemed and taken as an assent on his part to the granting of said petition. At its discretion, the board may accept or reject the said petition, but if it deems for the best interest of the district that said petition shall be granted, shall enter an order to that effect granting said petition, and from and after such order the petitioner or persons interested therein, shall be deemed to have purchased, leased or otherwise acquired the beneficial use of water as set forth in said order.

(5) If such petition is granted, the board shall cause a certified copy of the order granting said petition to be recorded in the county in which said lands are located and thereafter, the annual installments and annual operating and maintenance charges shall be a perpetual tax lien upon such lands. On or before the first day of October of each year, the board shall certify to the county assessor of the county within the district in which such lands are located the amount of the annual installments, plus a fair proportionate amount of the estimated operating and maintenance charges apportioned to said lands for the next succeeding year, and such county assessor shall extend the amount so certified on the tax roll as a flat special assessment against the lands for which such water is petitioned and allotted. (1937).

150-5-21. Levies cover defaults and deficiencies. - The board in making the annual assessments and levies, shall take into account the maturing indebtedness for the ensuing year as provided in its contracts or the maturing of bonds and interest on all bonds, and deficiencies and defaults of prior years, and shall make ample provision for the payment thereof. In case the proceeds of such levies and assessments made under the provisions of this article together with other revenues of the district, are not sufficient to punctually pay the annual installments on its contracts or bonds, and interest thereon, and to pay defaults and deficiencies, then the board shall make such additional levies of taxes or assessments as may be necessary for such purposes and notwithstanding any limitations by contract, order, tax lien, or otherwise, such taxes and assessments shall be made and continue until the indebtedness of the district shall be fully paid; provided, that the amount of such additional levies of taxes under class A shall not in any one year exceed an amount that would be raised by a levy of one-half mill against the assessed value of such property as fixed for general tax purposes; provided, that such levies for defaults and deficiencies shall not at any time be so made as to impose upon class A payments in excess of twenty-five per cent of the anticipated revenue from all sources to be raised for the specific purpose of payment of existing defaults and deficiencies; and provided, further, that in making such additional levies or assessments, the board shall take into account all sources of revenue and equitably distribute the burden of such defaults and deficiencies according to the uses and benefits as provided in this article. (1937).

150-5-22. Objections to assessments - appeal. - (1) Prior to the first day of October of each year in which assessments are made, the board shall appoint a time and place where it will meet within the district for the purpose of hearing objections to assessments, and prior notice of such hearing shall be given by publication in two issues, a week apart, in some newspaper of general circulation published in each county; provided, that if there is any county in the district in which there is no newspaper published, then such notice shall be published in an adjoining county. Said notice shall notify the owners of property in the district that in the secretary's office may be found and examined a description of the property so assessed, the amount of the assessment thereon fixed by the board, and the time and place fixed by the board for the hearing of objections to such

assessments. It shall not be necessary for said notice to contain separate descriptions of the lots or tracts of real estate, but it shall be sufficient if the notice shall contain such descriptions as will inform the owner whether or not his real estate is covered by such descriptions, and to inform the owner where can be found of record the amount of assessments.

(2) If in the opinion of any person whose property is assessed, his property has been assessed too high, or has been erroneously or illegally assessed, at any time before the date of such hearing, he may file written objections to such assessments, stating the grounds of such objections, which statement shall be verified by the affidavit of said person or his agent. In such hearing the board shall hear such evidence and arguments as may be offered concerning the correctness or legality of such assessment and may modify or amend the same.

(3) Any owner of property desiring to appeal from the findings of the board as to assessment, within thirty days from the finding of the board, shall file with the clerk of the court a written notice making demand for trial by the court. The appellant at the same time shall file a bond with good and sufficient security to be approved by the clerk of said court in a sum not exceeding two hundred dollars to the effect that if the finding of the court be not more favorable to the appellant than the finding of the board, the appellant will pay the cost of the appeal. The appellant shall state definitely from what part of the order the appeal is taken. In case more than one appeal is taken, upon its showing that the same may be consolidated without injury to the interests of any one, the court may consolidate and try the same together.

(4) The court shall not disturb the findings of the board unless the findings of the board in any case is manifestly disproportionate to the assessments imposed upon other property in the district created under this article. The trial shall be to the court and the matter shall take precedence before the court and shall be taken up as promptly as may be after the appeal is filed. If no appeal is taken from the findings of the board within the time prescribed in this section, or after the findings of the court in case an appeal is taken from the findings of the board, then the assessment shall be final and conclusive evidence that said assessments have been made in proportion

to the benefits conferred upon the property in said district by reason of the improvements to be constructed under the provisions of this article and such assessments shall constitute a perpetual lien upon such property so assessed until paid. (1937).

150-5-23. Officers levy and collect taxes and assessments. - It shall be the duty of the officer or body having authority to levy taxes within each county, city and county, or town, to levy the taxes and special assessments as provided in this article and it shall be the duty of all county, or city and county officials, charged with the duty of collecting taxes, to collect such taxes and special assessments in the time, form and manner and with like interest and penalties as county or city and county taxes are collected and when collected to pay the same to the district ordering its levy or collection, and the payment of such collections shall be made through the secretary of the district and paid into the depository thereof to the credit of the district. All taxes and assessments made under this article together with all interest thereon and penalties for default in payment thereof, and all costs in collecting the same, until paid, shall constitute a perpetual lien on a parity with the tax lien of general, state, county, city, town or school taxes and no sale of such property to enforce any general, state, county, city, town or school tax or other liens shall extinguish the perpetual lien of such taxes and assessments. (1937).

150-5-24. Sale for delinquencies. - If the taxes or assessments levied are not paid, then the real property shall be sold at the regular tax sale for the payment of said taxes and assessments, interest and penalties, in the manner provided by the statutes of the state of Colorado for selling property for payment of general taxes. If there are no bids at said tax sale for the property so offered under class A and class B, said property shall be struck off to the county, and the county shall account to the district in the same manner as provided by law for accounting for school, town and city taxes. If there are no bids for the property so offered under class C and class D, said property shall be struck off to the district and the tax certificate shall be issued in the name of the district and the board shall have the same power with reference to sale of said tax certificate, as vested in county commissioners and county treasurers when property is struck off to the counties. (1937).

150-5-25. Exemptions. - All property of whatever kind and nature owned by the state and by towns, cities, school districts, drainage districts, irrigation districts, park districts, water districts, or any other governmental agency within the said district, shall be exempt from assessment and levy by the board as provided by this article for the purposes herein contained. (1937).

150-5-26. Sale of water by contract. - The board may sell, lease or otherwise dispose of the use of water by term contracts or by contracts for the perpetual use of such water to public corporations, persons, mutual ditch companies, water users' associations and other private corporations for irrigation, domestic, or commercial use as shall be provided by contracts, in writing, authorized and entered into by the board; and the board shall require that security be given to secure the payments to be made under such contracts. (1960).

150-5-27. Contracts - security - enforcement. - (1)(a) To meet the annual installments as provided in contracts for the use of water:

(b) A water users' association may bind itself to levy an annual assessment on the use of water and to secure same by liens on land and water rights or in such manner as may be provided by law;

(c) A mutual ditch or irrigation company may bind itself by mortgage upon its irrigation works and system or to levy annual assessments upon its stockholders;

(d) Any person or corporation landowner may create a mortgage lien upon lands or give other security satisfactory to the board; and all such contracts shall provide for forfeiture of the use of water for nonpayment of assessments or installments in the same manner and procedure as provided by statute for forfeiture of stock in a mutual ditch company;

(e) A public corporation shall meet the annual installments as provided in sections 150-5-18 and 150-5-19 of this article. (1960).

150-5-28. Sinking fund. - Whenever a contract of indebtedness has been created by the district, it shall be

lawful for the board to make the annual levy of taxes and special assessments in such amount as will create a surplus of funds to meet the annual installments of indebtedness or the payment of bonds and interest, and the necessary maintenance and operating charges, and the board shall cause such surplus funds to be placed in a sinking fund which may be used for the payments of contingencies, defaults and delinquencies, and to pay the future annual installments of indebtedness on contract or bonds and interest. (1937).

150-5-29. Additional powers. - (1)(a) The board shall have the following powers concerning the management, control, delivery, use and distribution of water by the district:

(b) To make and enforce all reasonable rules and regulations for the management, control, delivery, use and distribution of water;

(c) To withhold the delivery of water upon which there are any defaults or delinquencies of payment;

(d) To provide for and declare forfeitures of rights to the use of water upon default or failure to comply with any order, contract or agreement for the purchase, lease or use of water and to resell, lease or otherwise dispose of water upon which forfeiture has been declared;

(e) To allocate and reallocate the use of water to lands within the district;

(f) To provide for and grant the right, upon terms, to transfer water from lands to which water has been allocated to other lands within the district and to discharge liens from lands to which same was theretofore attached and to create liens, as provided in this article, upon lands to which the use of such water is transferred. (1937).

150-5-30. Allotment of water to disabled landowner or administrator. - Where the landowner in a water conservancy district, organized under this article, is under disability by reason of infancy, insanity or otherwise, or lands are held under administration, executorship, guardianship, conservatorship, trusteeship, receivership or other similar proceedings the administrator, executor, guardian, conservator, trustee, receiver or other like officer shall be considered the "landowner" for all purposes within this article;

and when authorized by the court having jurisdiction of the estate or lands, such administrator, executor, guardian, conservator, trustee, receiver or other like officer may petition for an allotment of water, in such quantity as determined by such court, as will, together with the present supply of water for irrigation purposes, make an adequate supply for the irrigation of such lands; or in the event such administrator, executor, guardian, conservator, trustee, receiver or other like officer has heretofore petitioned for a supply of water for irrigation of lands so held, the court having jurisdiction of the estate or lands, may ratify or confirm the petition for such quantity of water as it may determine will make an adequate supply for the irrigation of such lands, and such petition so made and authorized or ratified and confirmed shall have the same effect and be binding upon all parties interested in such lands to the same extent as though made by a landowner while not under disability. (1939).

150-5-31. Inclusion of lands. - (1) The boundaries of any district organized under the provisions of this article may be changed in the manner hereinafter prescribed, but the change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had such change of boundaries not been made.

(2) The owners of lands may file a petition with the board, in writing, praying that such lands be included in the district. The petition shall describe the tracts or body of land owned by the petitioners, and such petition shall be deemed to give assent of the petitioners to the inclusion in said district of the lands described in the petition, and such petition must be acknowledged in the same manner that conveyances of land are required to be acknowledged. The secretary of the board shall cause notice of filing of such petition to be given and published in the county in which the lands are situated, which notice shall state the filing of such petition, names of petitioners, descriptions of lands mentioned and the prayer of said petitioners; giving notice to all persons interested to appear at the office of the board at any time named in said notice and show cause in writing why the petition should not be granted. At the time and place mentioned or at such time to which the hearing may be adjourned, the board shall

proceed to hear the petition and all objections thereto, presented in writing by any person showing cause why said petition should not be granted. The failure of any person interested to show cause shall be deemed and held and taken as an assent on his part to the inclusion of such lands in the district as prayed for in the petition. If the petition is granted, the board shall make an order to that effect and file the same with the clerk of the court and upon order of the court said lands shall be included in the district.

(3) (a) In addition to the method provided in subsections (1) and (2) of this section, additional areas, either contiguous or noncontiguous to the district, and including irrigated lands, nonirrigated lands, towns and cities, and other lands, and any one or more of the same may be included in the district by petition, which petition shall be filed in the district court of the county in which the petition for organization of the original district was filed, signed by not fewer than twenty-five per cent of the owners of irrigated lands in said area, but not embraced within the corporate limits of a city or town; and each tract of land shall be listed opposite the name of the signer, each such tract together with the improvements thereon, to have an assessed value of not less than one thousand dollars; and also signed by not fewer than five per cent of the owners of nonirrigated lands or lands embraced within the incorporated limits of a city or town, all situated in the area embraced in said petition; and each tract of land shall be listed opposite the name of the signer, each such tract together with improvements thereon, to have an assessed value of not less than one thousand dollars. Said petition shall set forth a general description of the territory in the area sought to be included in the district, the name of the district in which it is sought to be included, a statement that the property sought to be included will be benefited by the accomplishment of the purposes for which the original district was formed, and shall pray for the inclusion of the area in the district.

(b) No petition with the requisite signatures shall be declared null and void on account of alleged defects, but the court may permit the petition to be amended at any time to conform to the facts by correcting any errors in the description of the territory, or in any other particular. However, similar petitions or duplicate copies of the same petition for the inclusion of the same area may

be filed and shall together be regarded as one petition. All such petitions filed prior to the hearing on the first petition filed, shall be considered by the court the same as though filed with the first petition placed on file.

(c) In determining whether the requisite number of landowners has signed the petition, the names as they appear upon the tax roll shall be prima facie evidence of such ownership.

(d) At the time of filing the petition or at any time subsequent thereto, and prior to the time of hearing on said petition, a bond shall be filed, with security approved by the court, sufficient to pay all expenses connected with the proceedings in case the inclusion of the area be not effected. If at any time during the proceeding the court shall be satisfied that the bond first executed is insufficient in amount, it may require the execution of an additional bond within a time to be fixed to be not less than ten days distant and upon failure of the petitioner to execute the same, the petition shall be dismissed.

(e) Immediately after the filing of such petition, the court wherein such petition is filed or a judge thereof in vacation, by order, shall fix a place and time, not less than sixty days nor more than ninety days after the petition is filed, for hearing thereon and thereupon the clerk of said court shall cause notice by publication to be made of the pendency of the petition and of the time and place of hearing thereon; the clerk of said court shall also forthwith cause a copy of said notice to be mailed by United States registered mail to the board of county commissioners of each of the several counties having territory within the area proposed to be included within the district.

(f) No city, or city and county, having a population of more than twenty-five thousand as determined by the last United States census shall be included within such area proposed to be included within the district unless by and with the written consent of the chief executive officer of such city, or city and county, with the approval of the legislative body of such municipality, and such consent may specify that the rate of taxation

on the assessed valuation of property within said city, or city and county, under section 150-5-17 shall not exceed a maximum rate which may be less than the rates set out in said section 150-5-17, and in such case the district shall not have power to levy an assessment on the property in said city, or city and county, at a greater rate than that specified in said consent.

(g) Not less than thirty days prior to the time fixed by order of court for the hearing on said petition, and not thereafter, a petition may be filed in the office of the clerk of the court wherein the proceeding for inclusion is pending, signed by not fewer than twenty per cent of the owners of irrigated lands in said area, but not embraced within the incorporated limits of a city or town, who have not signed the petition for inclusion, and also signed by not fewer than five per cent of the owners of nonirrigated lands or lands embraced in the incorporated limits of a city or town, all situated in said area proposed to be included within the district, who have not signed the petition for inclusion, protesting the inclusion of said area. The signers of said protesting petition shall state therein the land owned by each, and also shall state the value thereof as shown by the last preceding assessment.

(h) In the event a petitioner shall sign such petition both as owner of irrigated and nonirrigated land situated within a municipality, his name shall be counted only as an owner of irrigated lands.

(i) Upon the day set for the hearing upon the original petition, if it shall appear to the court that said protesting petition is not signed by the requisite number of owners of lands and of the requisite value, the court shall thereupon dismiss said protesting petition and shall proceed with the original hearing as in this section provided.

(j) If the court shall find from the evidence that said protesting petition is signed by the requisite number of owners of lands, and of the requisite values, the court shall forthwith dismiss the original petition for inclusion. The finding of the court upon the question of such valuation, the genuineness of the signatures, and all matters of law and fact incident to such determination shall be final and conclusive on all parties in interest whether appearing or not.

(k) Any owner of real property in said proposed area not having individually signed a petition for the inclusion, and desiring to object to the inclusion, on or before ten days prior to the date set for the cause to be heard, may file objection to the inclusion.

(l) Such objection shall be limited to a denial of the statements in the petition and shall be heard by the court as an advanced case without unnecessary delay.

(m) Any owner of irrigated land in said proposed area who has not individually signed a petition for the inclusion of the area within the district and who desires to have his irrigated lands excluded from said district, on or before ten days prior to the date set for the cause to be heard, may file a petition in said district court asking to have his irrigated lands excluded therefrom. Any petition so filed shall be heard by the said district court on the date set for the hearing of the petition for inclusion of the area and the district court shall exclude such irrigated lands from the area proposed for inclusion within the district.

(n) Upon the said hearing, if it shall appear that a petition for the inclusion has been signed and presented, as provided in this subsection, in conformity with this article, and that the allegations of the petition are true, and that no protesting petition has been filed, or if filed has been dismissed, by order duly entered of record, the court shall adjudicate all questions of jurisdiction, and declare the area included in the district to the same extent and as fully as if said area had been included in the original petition for the organization of the district; provided, that prior to the entry of its decree including such area within the district, the court shall obtain the verified consent of the board of directors of the district to the inclusion of such area, which consent shall set forth the terms and conditions upon which said area shall be included, which terms may include the price and value per acre-foot of water to be allotted and contracted for use within said included area, and which said terms and conditions shall be embodied in the decree of said court.

(o) If the court finds that no petition has been signed and presented in conformity with this section, or that the material facts are not as set forth in the petition filed, it shall dismiss said proceedings and adjudge the costs

against the signers of the petition in such proportion as it shall deem just and equitable. No appeal or writ of error shall lie from an order dismissing said proceeding; but nothing herein shall be construed to prevent the filing of a subsequent petition for similar purposes, and the right so to renew such proceeding is hereby expressly granted and authorized.

(4) As a part of any order entered establishing the inclusion of lands or areas into the district, the court shall designate the division or divisions of the district to which such included lands or areas shall be attached, or shall in combination with or in lieu of the foregoing create a new division or divisions from such included lands or areas and appoint the directors therefor; provided, that the total number of directors of the district shall not exceed fifteen.

(5) (a) If an order be entered establishing the inclusion of lands or areas into the district, such order shall be deemed final and no appeal or writ of error shall lie therefrom, and the entry of such order shall finally and conclusively establish the inclusion of the lands or areas against all persons except the state of Colorado, in an action in the nature of a writ of quo warranto, commenced by the attorney general within three months after said decree declaring such lands or areas included as provided, and not otherwise. The inclusion of said lands or areas shall not be directly or collaterally questioned in any suit, action or proceeding except as in this section expressly authorized.

(b) Upon the entry of such decree, the clerk of the court shall transmit to the secretary of state and to the county clerk and recorder in each of the counties in which said lands or areas are located, copies of the findings and decree of the court including such lands or areas in the district. The same shall be filed in the office of the secretary of state in the same manner as articles of incorporation are now required to be filed under the general laws concerning corporations, and copies shall also be filed in the office of the county clerk and recorder in each county in which a part of the district may be, where they shall become permanent records; and the office of the clerk and recorder in each county shall receive a fee of one dollar for filing and preserving the same, and the secretary of state shall receive for filing such copies such fees as provided by law for like services in similar cases. (1961).

150-5-32. Exclusion of lands. - (1)(a) The owner in fee of any lands constituting a portion of any district, regardless of the assessed valuation of such district, or, if the assessed valuation of an existing district is less than three hundred million dollars then not less than fifteen owners of land in an overlapping area as described in section 150-5-4(3)(e) who are petitioners for the formation of a new district proposed to be organized under the provisions of this article which includes lands within such existing district, may file with the board a petition praying that such lands be excluded and taken from said district. Petitions shall describe the lands which the petitioners desire to have excluded. Such petition must be acknowledged in the same manner and form as required in case of a conveyance of land and be accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings.

(b) The secretary of the board shall cause a notice of filing of such petition to be published in a newspaper of general circulation in the county in which said lands, or the major portion thereof are located, the final publication to be made not less than ten days prior to the date set for the hearing thereon. If such petition has been filed by the proponents of a new district, individual notice shall also be given to those landowners of the existing district whose lands are included in the request for exclusion, by mailing a copy of such notice by registered or certified mail not less than ten days prior to the date set for the hearing thereon to each such landowner at his last known address, as shown by the records of the treasurer of the county in which the lands are located. The notice shall state the filing of such petition, the names of petitioners and, if applicable, the name of the proposed new district, descriptions of lands mentioned in said petition, and the prayer of said petitioners and it shall notify all persons interested to appear at the office of said board at the time named in said notice, showing cause in writing why said petition should not be granted.

(c) The board at the time and place mentioned in the notice, or at the time to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all objections thereto, presented in writing, by any person showing cause why the prayer of the petition should not be granted. The filing of such petition shall be deemed and taken as an assent by each and all such petitioners to the exclusion from the district of the lands mentioned

in the petition, or any part thereof.

(d) If they deem it not for the best interests of the district that the lands mentioned in the petition or some portion thereof, shall be excluded from the district, the board shall order that said petition be denied; but if they deem it for the best interest of the district that the lands mentioned in the district, or some portion thereof, be excluded from the district, and if there are no outstanding bonds of the district, then the board may order the lands mentioned in the petition or some portion thereof, to be excluded from the district. If such exclusion is granted at the request of a proposed new district, it shall be conditioned to take effect only upon the legal creation of the proposed new district.

(e) In case contract has been made between the district and the United States or any agency thereof, no change shall be made in the boundaries of the district unless the secretary of the interior shall assent thereto in writing and such assent be filed with the board. Upon such assent, any lands excluded from the district upon order of the court shall be discharged from all liens in favor of the United States under the contract with the United States or under bonds deposited with its agents.

(f) Upon allowance of such petition, the board shall file a certified copy of the order of the board making such change with the clerk of the court and upon order of the court said lands shall be excluded from the district. (1961).

(2) Following organization of a district, under this article at any time prior to authorization for the incurring of bonded or other indebtedness under the election procedures set forth in sections 150-5-34 to 150-5-37, inclusive, and prior to the execution of a contract with the United States of America or any of its agencies, the governing body of any city, city and county, or town, regardless of its population, originally included in the district without consent given in the manner provided in section 150-5-4, and over an express objection made in writing to the court in which the petition for organization has been filed at any time prior to the date upon which the court declares the district organized, may pass an ordinance declaring all property, real and personal, within the limits of said public corporation, to be lands and property excluded from the district, and upon service by registered or

certified mail of a certified copy of said ordinance upon the secretary of state of Colorado, the board of directors of the district, the court organizing said district, the assessor or treasurer and clerk and recorder of the county in which that public corporation is located, said city, city and county, or town, and all lands and property within its limits, shall forthwith be automatically excluded from the district, and said property and lands within the limits of said public corporation shall thereafter be free of any tax levied by the district, except that if such exclusion occurs after March 15 of any year, said lands and property, and the owners thereof, shall be liable for any existing levy made under section 150-5-17, only for the taxable year of the exclusion, said liability in no event to exceed one-half mill on the dollar of valuation of the property, real and personal, within the limits of said public corporation.

(3) Nothing in this section shall be construed as to interfere with, conflict or amend any proceeding now pending in any district court in the state of Colorado. (1957).

150-5-33. Board to execute contracts - issue bonds. - To pay for construction, operation and maintenance of said works and expenses preliminary and incidental thereto, the board is hereby authorized to enter into contract with the United States or any agency thereof, providing for payment in installments or to issue negotiable bonds of the district. If bonds are authorized, the same shall bear interest at a rate not exceeding six per cent per annum, payable semiannually, and shall be due and payable, not less than ten nor more than fifty years from their dates. The form, terms and provisions of said bonds, provisions for their payment and conditions for their retirement and calling, not inconsistent with law, shall be vested and determined by the board and they shall be issued in payment of the works, equipment, expenses and interest during the period of construction. Said bonds shall be executed in the name of and on behalf of the district and signed by the president of the board with the seal of the district affixed thereto and attested by the secretary of the board. Said bonds shall be in such denominations as the board shall determine and shall be payable to bearer and may be registered in the office of the county treasurer of the county wherein the organization of the district has been effected, with the interest coupons payable to bearer, which shall bear the facsimile signature of the president of the board. Such

bonds shall be exempt from all state, county, municipal, school and other taxes imposed by any taxing authority of the state of Colorado and shall not be sold at less than par and accrued interest. (1937).

150-5-34. Contracts - submission to electors. - (1) Whenever the board incorporated under this article, by resolution adopted by a majority of the said board, shall determine that the interests of said district and the public interest or necessity demand the acquisition, construction or completion of any source of water supply, waterworks, or other improvements, or facility, or the making of any contract with the United States or other persons or corporations, to carry out the objects or purposes of said district, wherein the indebtedness or obligation shall be created, to satisfy which shall require a greater expenditure than the ordinary annual income and revenue of the district shall permit, said board shall order the submission of the proposition of insuring such obligation or bonded or other indebtedness for the purposes set forth in said resolution, to such qualified electors of the district as shall have paid a tax on property in the district in the year preceding such election, at an election held for that purpose.

(2) Any election held for the purpose of submitting any proposition of incurring such obligation or indebtedness may be held separately, or may be consolidated or held concurrently with any other election authorized by law at which such qualified electors of the district shall be entitled to vote.

(3) The declaration of public interest or necessity herein required and the provision for the holding of such election may be included within one and the same resolution, which resolution, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the works or improvements, as the case may be, the amount of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such indebtedness. Such resolution shall also fix the date upon which such election shall be held and the manner of holding the same and the method of voting for or against the incurring of the proposed indebtedness. Such resolution shall also fix the compensation to be paid the officers of the election and shall designate the precincts and polling places and shall appoint for each polling place,

from each precinct from the electors thereof, the officers of such election, which officers shall consist of three judges, one of whom shall act as clerk, who shall constitute a board of election for each polling place.

(4) The description of precincts may be made by reference to any order of the board of county commissioners of the county in which the district or any part thereof is situated, or by reference to any previous order, or resolution of the board or by detailed description of such precincts. Precincts established by the boards of the various counties may be consolidated for special elections held hereunder. In the event any such election shall be called to be held concurrently with any other election or shall be consolidated therewith, the resolution calling the election hereunder need not designate precincts or polling places or the names of officers of election, but shall contain reference to the act or order calling such other election and fixing the precincts and polling places and appointing election officers therefrom. (1937).

150-5-35. Publication of call. - The resolution provided in section 150-5-34 shall be published once a week for two consecutive weeks, the last publication of which shall be at least ten days prior to the date set for said election, in a newspaper of general circulation within the district, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made. (1961).

150-5-36. Conduct of election. - The respective election boards shall conduct the election in their respective precincts in the manner prescribed by law for the holding of general elections, and shall make their returns to the secretary of the district. At any regular or special meeting of the board held not earlier than five days following the date of such election, the returns thereof shall be canvassed and the results declared. In the event that any election held hereunder shall be consolidated with any primary or general election, the returns thereof shall be made and canvassed at the time and in the manner provided by law for the canvass of the returns of such primary or general election. It shall be the duty of such canvassing body to promptly certify and transmit to the board a statement of the result of the vote upon the proposition submitted hereunder. Upon receipt of such certificate, it shall be the duty of the board to tabulate and declare

the results of the election held hereunder. (1937).

150-5-37. If majority favor - subsequent elections. -

In the event that it shall appear from said returns that a majority of said qualified electors of the district who shall have voted on any proposition submitted hereunder at such election voted in favor of such proposition, the district shall thereupon be authorized to incur such indebtedness or obligations, enter into such contract, or issue and sell such bonds of the district, all for the purpose and object provided for in the proposition submitted hereunder and in the resolution therefor, and in the amount so provided and at a rate of interest not exceeding the rate of interest recited in such resolution. Submission of the proposition of incurring such obligation or bonded or other indebtedness at such an election shall not prevent or prohibit submission of the same or other propositions at subsequent elections called for such purpose. (1937).

150-5-38. Confirmation of contract proceedings. - (1)

In its discretion, the board may file a petition in the court at any time, praying a judicial examination and determination of any power conferred or of any tax or assessment levied or of any act, proceeding or contract of the district, whether or not said contract shall have been executed, including proposed contracts for the acquisition, construction, maintenance or operation of works for the district. Such petition shall set forth the facts whereon the validity of such power, assessment, act, proceeding or contract is founded and shall be verified by the president of the board. Notice of the filing of said petition shall be given by the clerk of the court, under the seal thereof, stating in brief outline the contents of the petition and showing where a full copy of any contract therein mentioned, may be examined. The notice shall be served by publication in at least five consecutive issues of a weekly newspaper of general circulation published in the county in which the principal office of the district is located, and by posting the same in the office of the district at least thirty days prior to the date fixed in said notice for the hearing on said petition.

(2) Any owner of property in the district or person interested in the contract or proposed contract may appear and move to dismiss or answer said petition at any time prior to the date fixed for said hearing or within such

further time as may be allowed by the court; and the petition shall be taken as confessed by all persons who fail so to appear.

(3) The petition and notice shall be sufficient to give the court jurisdiction and upon hearing, the court shall examine into and determine all matters and things affecting the question submitted, shall make such findings with reference thereto and render such judgment and decree thereon as the case warrants. Costs may be divided or apportioned among the contesting parties in the discretion of the trial court. Review of the judgment of the court may be had as in other similar cases, except that such review must be applied for within thirty days after the time of the rendition of such judgment, or within such additional time as may be allowed by the court within thirty days. The rules of civil procedure shall govern in matters of pleading and practice where not otherwise specified herein. The court shall disregard any error, irregularity or omission which does not affect the substantial rights of the parties. (1937).

150-5-39. Correction of faulty notices. - In any and every case where a notice is provided for in this article, if the court finds for any reason that due notice was not given, the court shall not thereby lose jurisdiction, and the proceeding in question shall not thereby be void or be abated, but in that case the court shall order due notice to be given, and shall continue the hearing until such time as notice shall be properly given, and thereupon shall proceed as though notice had been properly given in the first instance. (1937).

150-5-40. Early hearings. - All cases in which there may arise a question of the validity of the organization of a water conservancy district, or a question of the validity of any proceeding under this article shall be advanced as a matter of immediate public interest and concern, and heard at the earliest practicable moment. The courts shall be open at all times for the purposes of this article. (1937).

150-5-41. Liberal construction. - This article being necessary to secure and preserve the public health, safety, convenience and welfare, and for the security of public and private property, it shall be liberally construed to effect the purposes of this article. (1937).

150-5-42. Constitutional construction clause. - Should the courts of the state or of the United States declare any section, provision, paragraph, clause, sentence, phrase, or part thereof, of this article invalid or unconstitutional, or in conflict with any other section, provision, paragraph, clause, sentence, phrase, or part thereof, of this article, then such decision shall affect only the section, provision, paragraph, clause, sentence, phrase or part thereof, declared to be unconstitutional or unauthorized; and shall not affect any other part whatsoever of this article. The general assembly of the state of Colorado hereby declares that it would have passed this article and each section, provision, paragraph, clause, sentence, or phrase hereof irrespective of the fact that any one or more of the other sections, provisions, paragraphs, clauses, sentences or phrases, or parts thereof, be declared invalid or unconstitutional. (1937).

150-5-43. Repeal - saving clause. - All acts or parts of acts conflicting in any way with any of the provisions of this article in regard to the improvements or improvement districts, or regulating or limiting the power of taxation or assessments, or otherwise interfering with the accomplishment of the purposes of this article according to its terms, are hereby declared nonoperative and noneffective as to this article as completely as if they did not exist. But all such acts and parts of acts shall not in any other way be affected by this article. (1937).

150-5-44. Dissolution of districts. - Any water conservancy district heretofore or hereafter organized may be dissolved in the manner specified in sections 150-5-44 to 150-5-50 inclusive; provided that such district has not been authorized to incur bonded or other indebtedness under the election procedures set forth in sections 150-5-34 to 150-5-37, inclusive, and provided further, that if such district shall have entered into a contract with the United States or any other agency thereof, no dissolution shall take place unless the secretary of the interior of the United States shall first consent thereto. (1957).

150-5-45. Election for dissolution - petition or resolution filed. - (1) An election submitting the proposition of dissolution of the district may be initiated by the filing of a copy of a resolution adopted by three-fourths of all the members of the board of directors of

such district requesting such an election or by the filing of a petition requesting such election. Such resolution or petition shall be filed in the district court which formed said district.

(2) Any such petition so filed shall be accompanied by a good and sufficient bond for five hundred dollars with not less than two sureties approved by the court, and, if a majority of the qualified electors do not vote for dissolution in the election hereinafter specified, the amount of such bond shall be forfeited to the district, otherwise the same shall be discharged.

(3) If the assessed valuation of irrigated land together with improvements thereon within said district when formed shall be in excess of twenty million dollars, such petition shall bear signatures of any owners of irrigated land equal in number to two-thirds or more of the number of each type of owners required by section 150-5-4, upon a petition for the formation of such a district. Such irrigated land shall be situated within the limits of the district and shall not be embraced within the incorporated limits of any city or town. Said petition shall also bear the signatures of any owners of non-irrigated land or land embraced within the incorporated limits of a city or town equal in number to two-thirds or more of the number of such type of owners required by said section upon a petition for the formation of such a district, said land to be situated within the limits of the district.

(4) If the assessed valuation of irrigated land and improvements thereon within such district when formed shall be less than twenty million dollars, said petition shall contain the same number and type of signatures required by section 150-5-4 upon petitions for the formation of such a district. In either case the petition shall set forth opposite each signature the description of the land and the assessed valuation thereof together with any improvements. Similar petitions or duplicate copies of the same petition may be filed together and shall be regarded as one petition. No petition with the requisite signatures shall be declared void on account of alleged defects, but the court may permit the petition to be amended from time to time to conform to the facts by correcting errors in descriptions, valuation or any other particular. (1957).

150-5-46. Notice of election. - Upon presentation of such petition or resolution, the court shall cause a notice to be published forthwith at least once each week for four consecutive weeks in a newspaper of general circulation in each county where the district or parts thereof lie. Such notice shall recite that a petition or resolution for dissolution of the district has been filed, shall describe generally the territory of the district, and shall further specify the time and places of election, which time shall not be less than sixty days nor more than ninety days after the date of the last publication of the notice. If an objection to the petition or resolution is filed in such court by an owner of land situated within said district within twenty days from the date of the last publication of the notice, the court may, if necessary, continue the election from time to time until all objections are disposed of. Due notice of the time and places of any continued election shall be given in the manner and form prescribed above. (1957).

150-5-47. Objections to resolution or petition. - Objections to a resolution for an election shall be confined to the question of whether sufficient directors voted in favor of the same. Objections to a petition for such election shall be confined to the question of whether sufficient qualified owners of land situate within the district have signed the petition for such election. Such petition shall be accepted as prima facie evidence of all facts stated therein and all signatures affixed to such petition shall be presumed to be those of qualified owners residing within the boundaries of the district until the contrary is proven. No signer of a petition shall be permitted to withdraw his name from such petition after it is filed except for fraud. All objections shall be heard as an advanced case on the docket of the court. Nothing in this section shall be construed to prevent the filing of subsequent resolutions or petitions for the same purpose, but elections on the proposition of dissolution shall not be held more frequently than once every three years. (1957).

150-5-48. Election procedure - ballot. - (1) Any election held for the purpose of submitting the proposition of dissolution of a district may be held separately or may be consolidated or held concurrently with any other election authorized by law. The election shall be conducted by the secretary of the board of directors of such

district under the supervision of the court and the court shall fix the manner of holding the same, and shall also fix the compensation to be paid the officers of the election and shall designate the precincts and polling places and shall appoint for each polling place, for each precinct from the electors thereof, the officers of such election, which officers shall consist of three judges, one of whom shall act as clerk, who shall constitute a board of election for each polling place.

(2) The description of precincts may be made by reference to any order of the board of county commissioners of the county in which the district or any part thereof is situated, or by reference to any previous order or resolution of the board or by detailed description of such precincts. Precincts established by the boards of the various counties may be consolidated for special elections held hereunder. In the event any such election shall be called to be held concurrently with any other election or shall be consolidated therewith, the court order need not designate precincts or polling places or the names of officers of election, but shall contain a reference to the act or order calling such other election and fixing the precincts and polling places, and appointing election officers therefrom. The election shall be conducted in accordance with the provisions of section 150-5-36.

(3) The results of such election shall be certified promptly by the secretary of the board of directors to the court. It shall be the duty of the secretary of the board of directors of the district to prepare ballots to be used at the election on which shall be inscribed the words "For Dissolution" and "Against Dissolution." The cost of the election and ballots shall be paid by the district under the supervision of the court and the district shall be authorized under the supervision of the court to borrow funds for this purpose. Irrespective of any other provision of this article, the district shall not be required or authorized to hold any election on the proposition of such borrowing. (1957).

150-5-49. Majority vote determines question. - The tax-paying electors residing within the district who paid property taxes in the calendar year preceding the year in which such election is held shall be qualified to vote on the question of dissolving the district. If a majority of votes are for dissolution of the district, the district shall be dissolved as provided in section 150-5-50. Any objections

to the election, or proceedings to invalidate the election, must be filed in the court within thirty days from the date of the election. Errors, omissions and irregularities not affecting substantial rights shall be disregarded. (1957).

150-5-50. Winding up and dissolution - order entered. -

(1) In the event the vote is for dissolution, any qualified signer of the petition for the election, or the board of directors of such district may, within such time as may be fixed by the court, present a written plan for the winding up of the affairs of the district. Such plan may specify that the affairs of the district shall be wound up by the board of directors of the district or by a receiver appointed by the court for that purpose. On a day fixed by the court, the court shall consider such plan or plans and shall enter an order establishing therefrom a plan for the winding up of such affairs. The court shall retain continuing jurisdiction to modify such plan from time to time, and shall supervise such winding up.

(2) If no such plan is presented on or before the day set by the court, then the court shall appoint a receiver to wind up the affairs of the district under the court's supervision. Upon the appointment of any receiver all authority of the board of directors of the district shall terminate except that its authority to levy taxes for the payment of the obligations of the district and the costs of winding up shall continue until the district be dissolved. Such board shall levy taxes within the limits imposed by article 5 of chapter 150, sufficient to pay expeditiously such obligations and costs, and if a receiver shall have been appointed, all tax collections shall be delivered to such receiver.

(3) When it shall appear to the satisfaction of the court that all obligations of the district have been discharged, and the costs of winding up the districts paid, such court shall enter an order dissolving the district and a certified copy of such order shall be recorded by the clerk of the court in all counties in which the district may be situate. All funds remaining in the hands of such receiver or board of directors after such dissolution shall be divided among the counties comprising any part of such district in proportion to the total valuation of taxable property in such county within the boundaries of such district, as determined by the tax roll of such counties in the treasurer's hands, for the calendar year preceding the year in which such dissolution occurs, and said receiver or members of the board of directors shall thereupon be discharged by the court. (1957).

BASALT WATER CONSERVANCY DISTRICT  
Basalt, Colorado

1. Date of organization: April 14, 1964.
2. Counties or portions of counties included: Parts of Garfield, Eagle and Pitkin.
3. Assessed valuation:  
First reported assessment (1964): \$3,917,805.  
Current assessment (1967): 5,222,912.
4. Principal water development project: Basalt Project.  
Feasibility investigation in progress. Total project cost is estimated at \$17,545,000.

## 5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Austin Heuschkel	President	Carbondale 81623
George Luck singer	Vice-President	Basalt 81621
Stephen Callicotte	Secretary	Carbondale 81623
Willis Kenney	Treasurer	Carbondale 81623

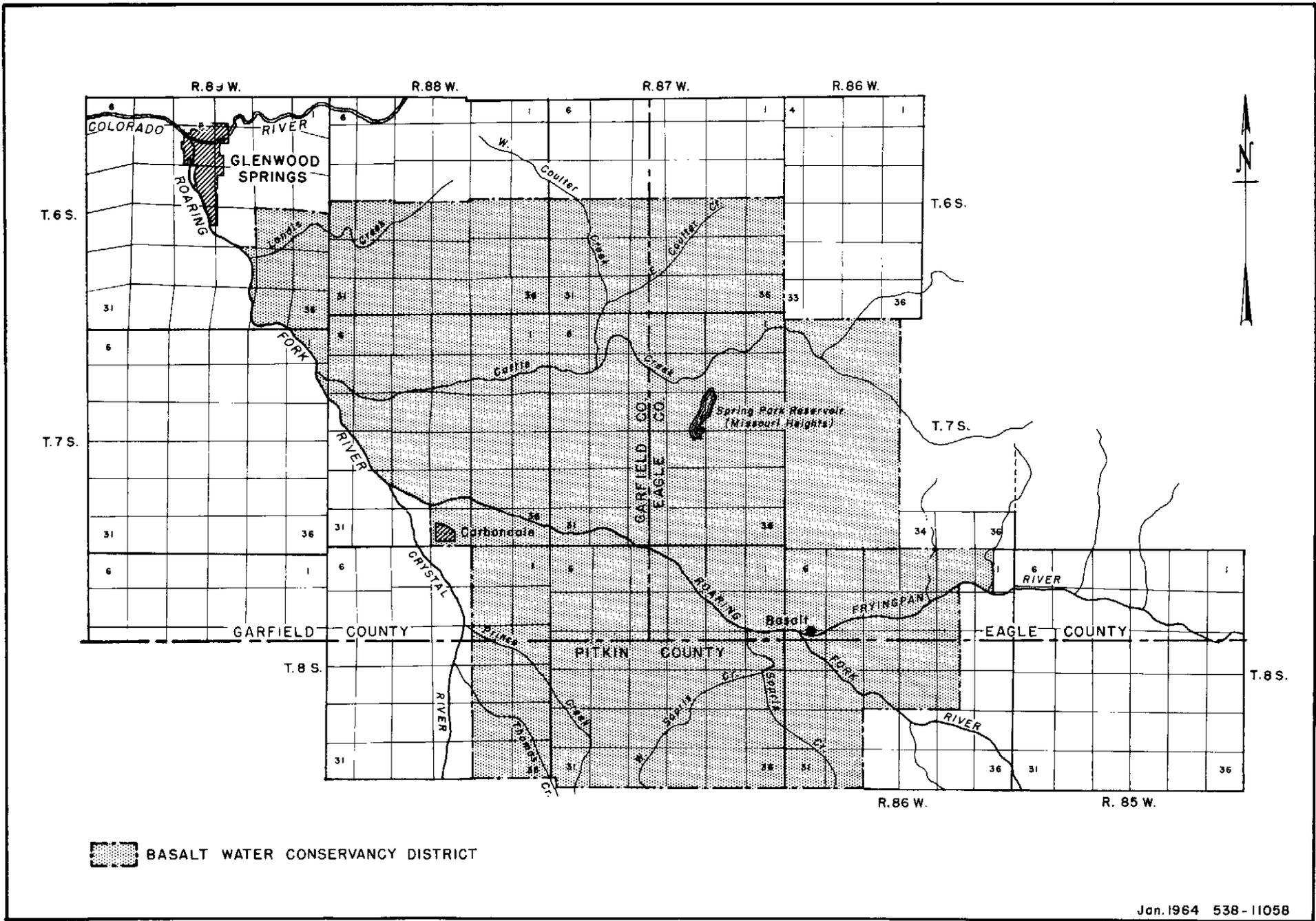
## 6. Board Members:

<u>Name</u>	<u>Address</u>
Bernard Hopkins	Glenwood Spgs. 81601
Austin Heuschkel	Carbondale 81623
Harold Fender	Carbondale 81623
Willis Kenney	Carbondale 81623
Thomas Turnbull	Carbondale 81623
Floyd Crawford	Carbondale 81623
George Luck singer	Basalt 81621

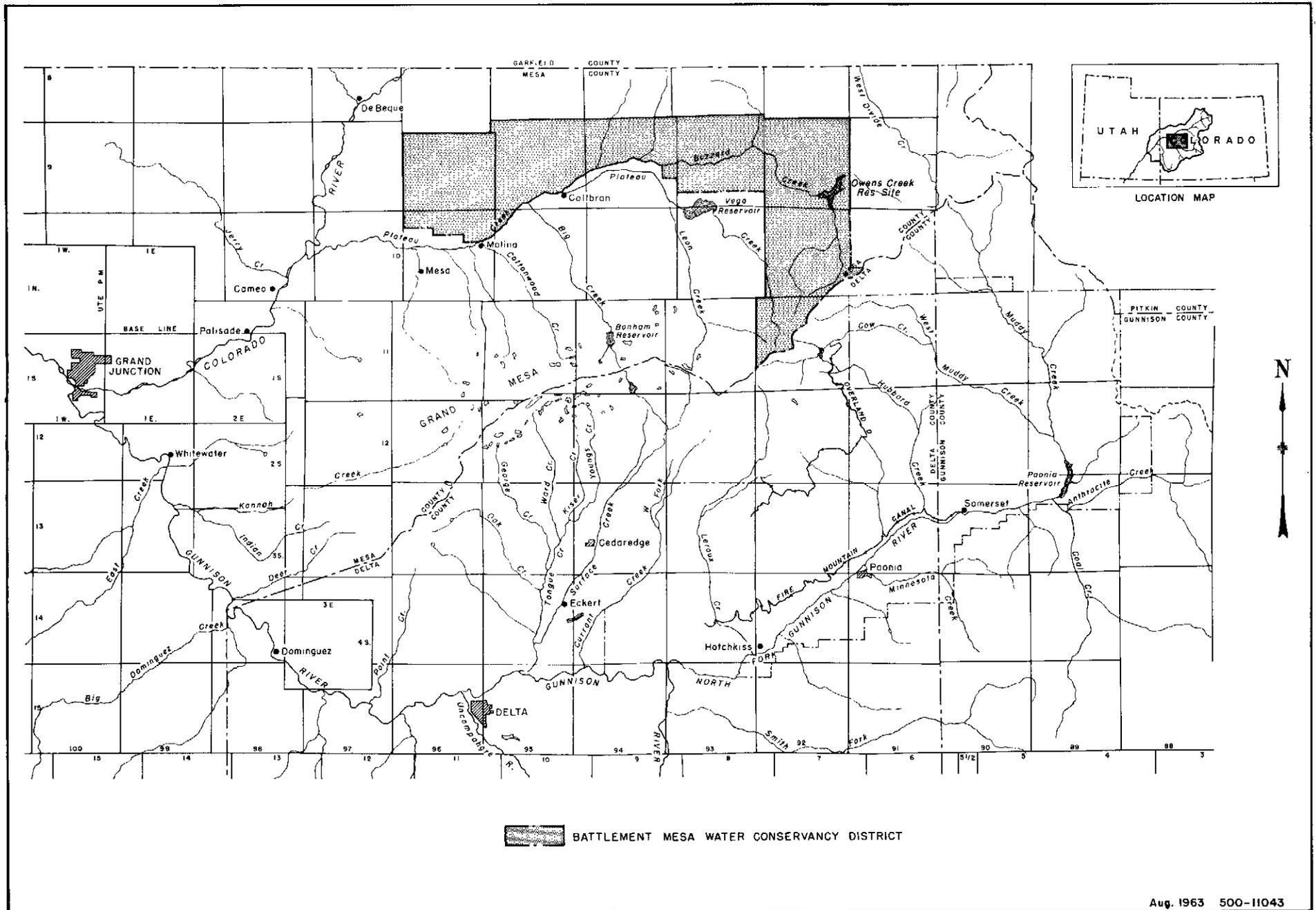
## 7. Full time staff: None.

## 8. Consultants:

Delaney & Balcomb	Attorneys	Drawer 790
Edward Mulhall, Jr.		Glenwood Spgs. 81601



 BASALT WATER CONSERVANCY DISTRICT



BATTLEMENT MESA WATER CONSERVANCY DISTRICT  
Collbran, Colorado

1. Date of organization: May 7, 1962.
2. Counties or portions of counties included: Mesa.
3. Assessed valuation:  
     First reported assessment (1962): \$265,760.  
     Current assessment (1967): 326,170.
4. Principal water development project: Battlement Mesa.  
     Project feasibility report in progress. Total  
     project cost estimated at \$16,959,000.

5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Lucius C. Currier	President	782 - 25 Road Grd. Junction 81502
Arthur Linn	Secretary- Treasurer	Collbran 81624

6. Board Members:

<u>Name</u>	<u>Address</u>
Clyde Bruton	Collbran 81624
Lucius C. Currier	782 - 25 Road Grd. Junction 81502
Paul Hight	Collbran 81624
Ray Hittle	Collbran 81624
Arthur Linn	Collbran 81624
Fred Wallace	Collbran 81624
Theodore W. Walker	Collbran 81624

7. Full time staff: None.

8. Consultants:

Albin Anderson	Attorney	201 N. 5th St., Grd. Junction 81501
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**BLUESTONE WATER CONSERVANCY DISTRICT**  
DeBeque, Colorado

1. Date of organization: January 14, 1963.
2. Counties or portions of counties included: Garfield and Mesa.
3. Assessed valuation:  
First reported assessment (1964): \$3,395,770.  
Current assessment (1967): 4,686,650.
4. Principal water development project: Bluestone Project. Project feasibility report in progress. Total project cost estimated at \$11,659,000.

## 5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
William J. Whatley	President	DeBeque 81630
LeRoy Latham	Secretary- Treasurer	DeBeque 81630

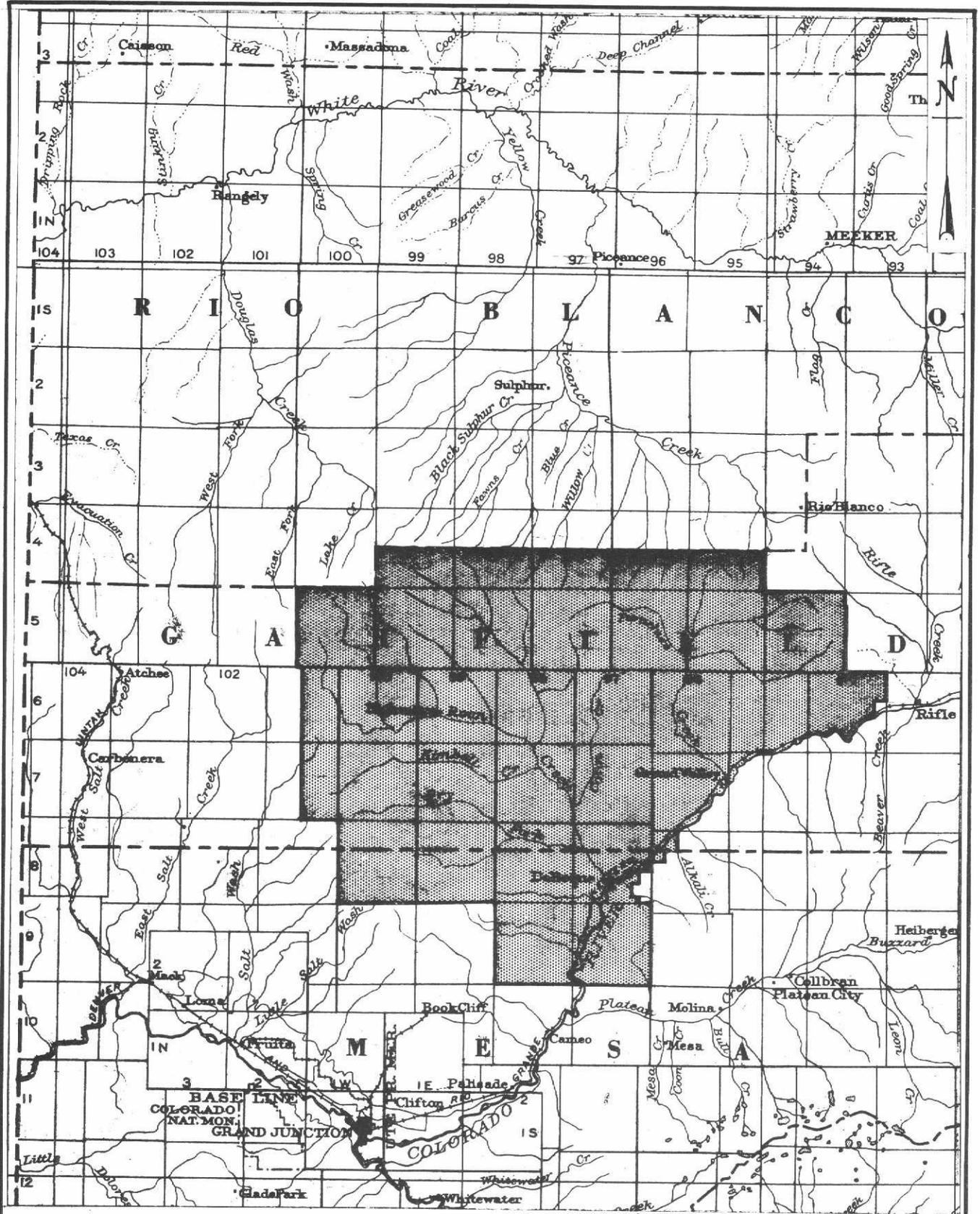
## 6. Board Members:

<u>Name</u>	<u>Address</u>
Virgil Rickstrew	DeBeque 81630
LeRoy Latham	DeBeque 81630
William J. Whatley	DeBeque 81630
Thomas L. Alber	Grd.Valley 81635
Orville Mahaffey	Grd.Valley 81635
Lee Hayward	Grd.Valley 81635
George Anderson	DeBeque 81630

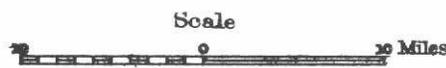
## 7. Full time staff: None.

## 8. Consultants:

Kenneth Balcomb	Attorney	P. O. Box 790 Glenwood Spgs. 81601
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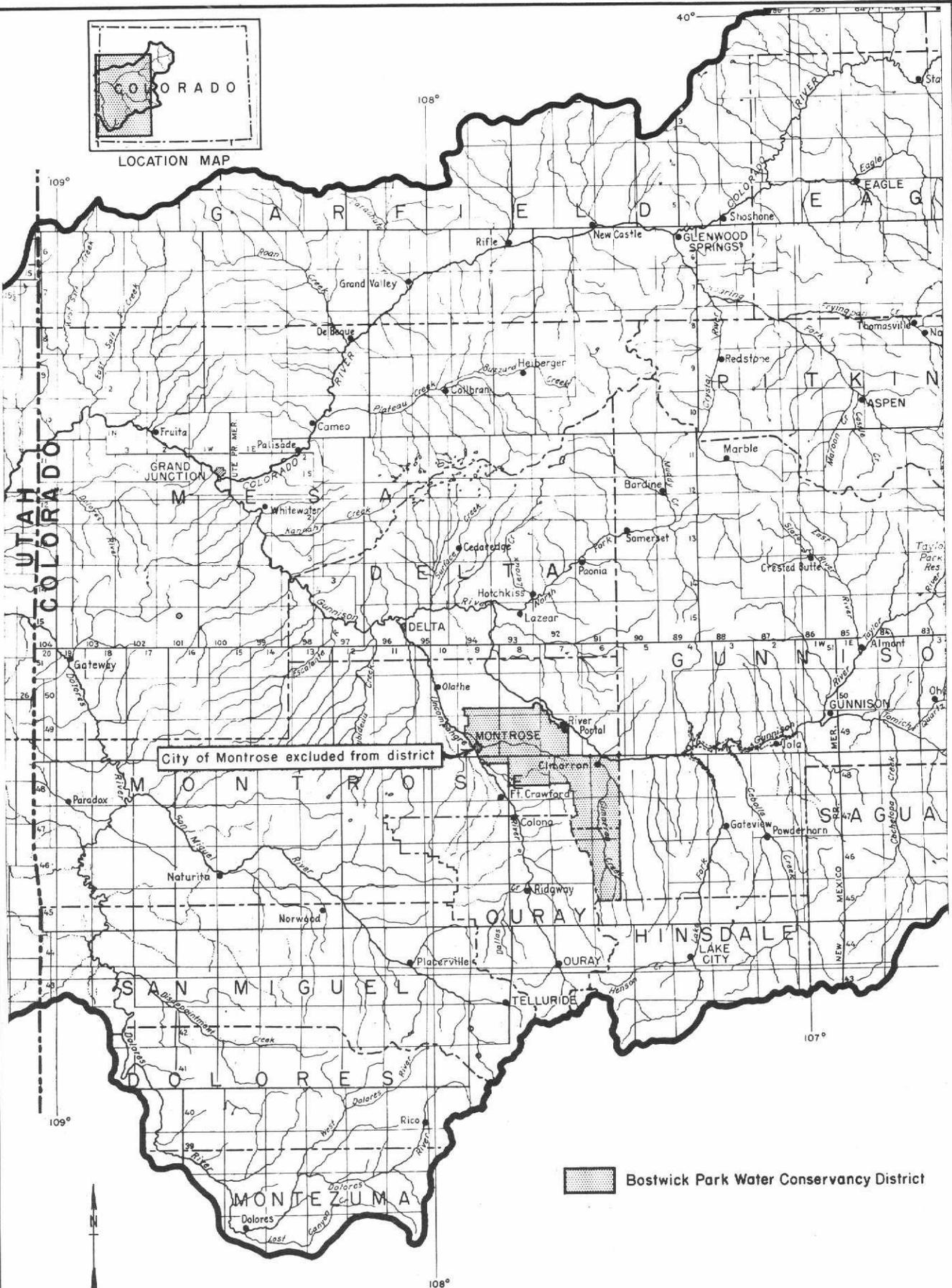


 BLUESTONE WATER CONSERVANCY DISTRICT



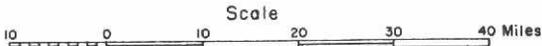


LOCATION MAP



City of Montrose excluded from district

 Bostwick Park Water Conservancy District



**BOSTWICK PARK WATER CONSERVANCY DISTRICT**  
**Montrose, Colorado**

1. Date of organization: September 6, 1961.
2. Counties or portions of counties included: Montrose and Gunnison.
3. Assessed valuation:  
     First reported assessment (1962): \$3,041,385.  
     Current assessment (1967): 3,697,720.
4. Principal water development project: Bostwick Park Project. Under construction. Total project cost estimated at \$4,010,000.

5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
August Bellgardt	President	R.R. 4, Montrose 81401
Clyde Duroy	Vice-President	R.R. 1, Montrose 81401
Richard Freeman	Secretary- Treasurer	Rt. 2, Box 342 Montrose 81401
Daniel S. King	Asst. Secty.- Treasurer	Box 327 Montrose 81401

6. Board Members:

<u>Name</u>	<u>Address</u>
August Bellgardt	R. R. 4                      Montrose 81401
Clyde Duroy	R. R. 1                      Montrose 81401
Richard Freeman	R. R. 2, Box 342          Montrose 81401
Robert McCarrick	R. R. 2                      Montrose 81401
Ed Hofmann	R. R. 1, Box 477          Montrose 81401
Harold Barslund	R. R. 4                      Montrose 81401

7. Full time staff: None.

8. Consultants:

Petrie, King, Woodrow & Roushar	Attorneys	P. O. Box 327 Montrose 81401
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**CENTRAL COLORADO WATER CONSERVANCY DISTRICT**  
**Hudson, Colorado**

1. Date of organization: September 15, 1965.
2. Counties or portions of counties included: Adams and Weld.
3. Assessed valuation:  
     First reported assessment (1966): \$24,601,752.  
     Current assessment (1967): 24,899,790.
4. Principal water development project: Central-South Platte Project. Total project cost estimated at \$550,000,000.
5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Charles H. Starks	President	Keenesburg 80643
Rollo P. Shaklee	Secretary	Keenesburg 80643
R. V. Rouse	Treasurer	Hudson 80642

6. Board Members:

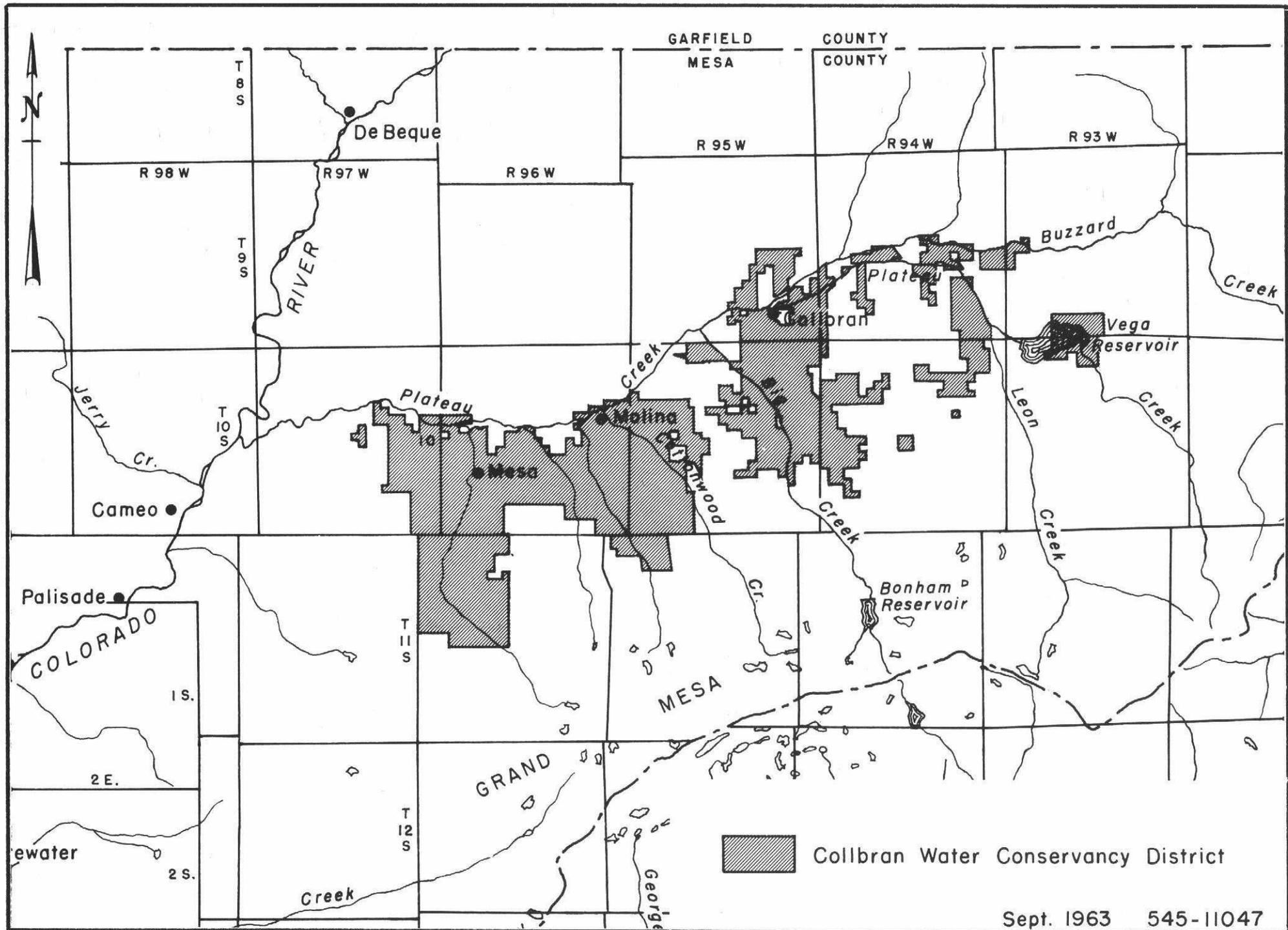
<u>Name</u>	<u>Address</u>
Charles H. Starks	Keenesburg 80643
Rollo P. Shaklee	Keenesburg 80643
R. V. Rouse	Hudson 80642
Mel C. Sarchet	Rt. 2, Box 219 Ft. Lupton 80621
Albert Hattendorf	Rt. 3, Box 54 Brighton 80601
W. E. Scott	Ft. Lupton 80621
Merl E. Dunham	Keenesburg 80643
Dr. J. W. Wells	Brighton 80601
Tony Heit	66 North 7th Brighton 80601
H. Alfred Krogh	3801 E. 64th Ave. Commerce City 80022
S. Wayne McNeal	Kersey 80644
James L. Erger	Brighton 80601
William E. Howard	Hudson 80642
James L. Sirios	Keenesburg 80643
Edward Kerbs	Ft. Lupton 80621

7. Full time staff: None.

8. Consultants:

Miller and Ruyle	Attorneys	P. O. Box 749 Greeley 80631
Mills E. Bunger	Cons. Engineer	3850 Harlan Wheatridge 80033
Cy Cress	Public Relations	25 So. 6th Ave., Brighton 80601





COLLBRAN WATER CONSERVANCY DISTRICT  
Collbran, Colorado

1. Date of organization: October 26, 1955.
2. Counties or portions of counties included: Mesa.
3. Assessed valuation:
 

First reported assessment (1956):	\$1,030,210.
Current assessment (1967):	2,166,250.
4. Principal water development project: Collbran Project.  
Completed in 1962. Total project cost \$16,200,000.
5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Herbert R. Milholland	President	Molina 81646
Millard H. Dixon	Vice-President	Mesa 81643
Erwine H. Stewart	Secretary- Treasurer	Mesa 81643

6. Board Members:

<u>Name</u>	<u>Address</u>
Francis E. Chapman	Collbran 81624
Millard H. Dixon	Mesa 81643
Herbert R. Milholland	Molina 81646
Ben Nichols	Mesa 81643
Erwine H. Stewart	Mesa 81643
Henry J. Tupper	Collbran 81624

7. Full time Staff:

Everett Collins	Manager	Collbran 81624
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8. Consultants:

Groves & Nelson	Attorneys	P. O. Box 1598 Grd. Junction 81501
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CONEJOS WATER CONSERVANCY DISTRICT  
Manassa, Colorado

1. Date of organization: September 30, 1940.
2. Counties or portions of counties included: Conejos.
3. Assessed valuation:  
     First reported assessment (1941): \$3,300,318.  
     Current assessment (1967): 5,910,430.
4. Principal water development project: Platoro Dam.  
     Completed in 1951. Total project cost \$4,801,000.

## 5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Harold Wissmath	President	Antonito 81120
Kelly Sowards	Vice-President	Manassa 81141
Leland R. Holman	Secretary- Treasurer	Box 35 Manassa 81141

## 6. Board Members:

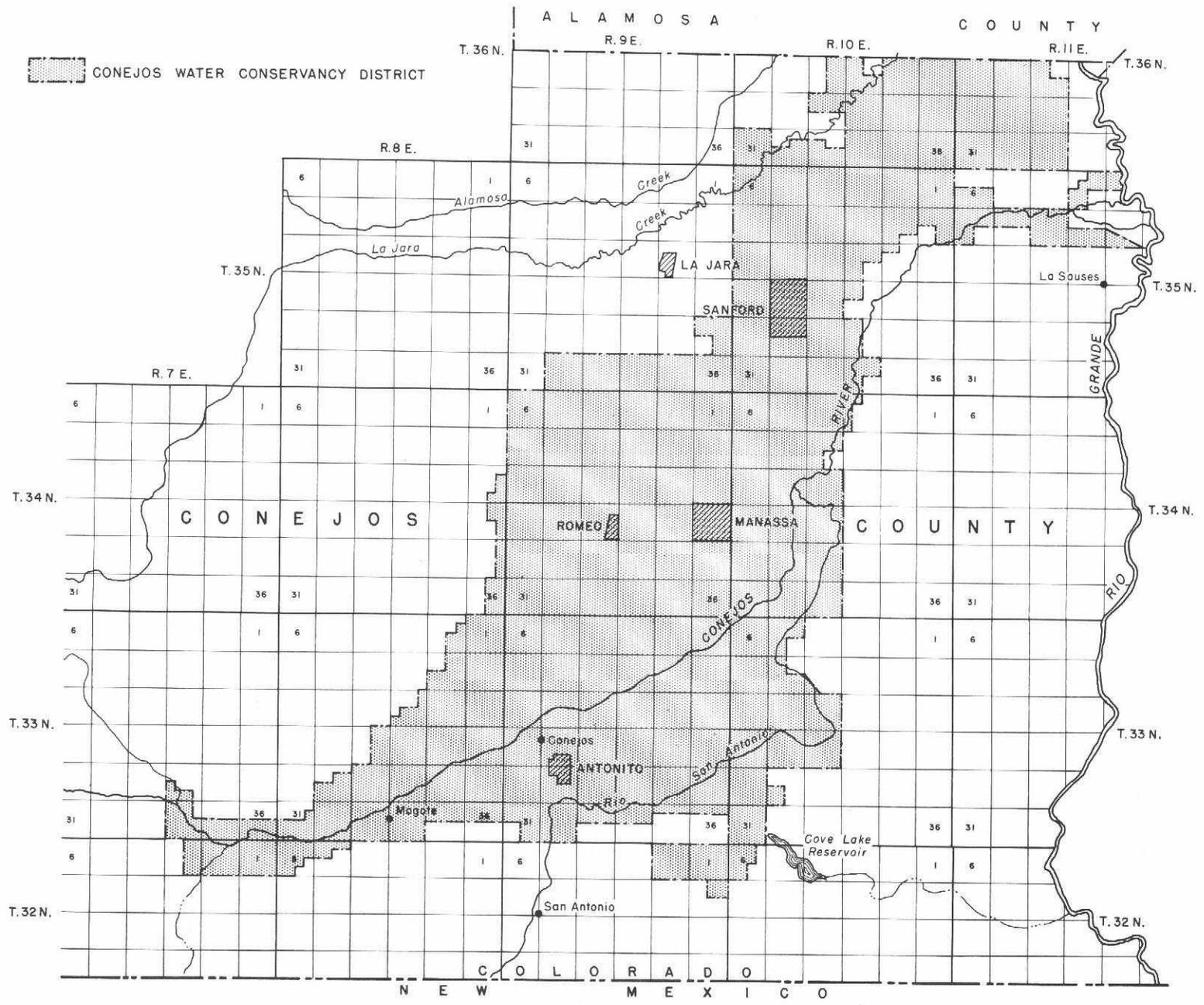
<u>Name</u>	<u>Address</u>
Harold Wissmath	Antonito 81120
F. W. Smith	Antonito 81120
Kelly Sowards	Manassa 81141
Cletus M. Gilleland	Manassa 81141
James A. Reed	Sanford 81151
Joseph S. Chavez	La Jara 81140
Robert E. Robins, Jr.	Antonito 81120

## 7. Full time staff: None.

## 8. Consultants:

Henry Blickhahn	Attorney	412½ San Juan Ave. Alamosa 81101
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 CONEJOS WATER CONSERVANCY DISTRICT





CRAWFORD WATER CONSERVANCY DISTRICT  
Crawford, Colorado

1. Date of organization: May 31, 1957.
2. Counties or portions of counties included: Delta, Montrose, and Gunnison.
3. Assessed valuation:  
First reported assessment (1958): \$865,435.  
Current assessment (1967): 792,735.
4. Principal water development project: Smith Fork Project.  
Completed in 1962. Total project cost \$4,616,000.
5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Tom LeValley	President	Hotchkiss 81419
Paul Wakefield	Vice-President	Crawford 81415
Winifred Kraai	Secretary- Treasurer	Crawford 81415

6. Board Members:

<u>Name</u>	<u>Address</u>
Guy Albright	Crawford 81415
Grant Farnsworth	Crawford 81415
Paul Wakefield	Crawford 81415
Don Reid	Crawford 81415
Tom LeValley	Hotchkiss 81419
Henry Hamilton	Crawford 81415
Harold Cunningham	Crawford 81415

7. Full time staff:

Oscar Linman	Manager	Crawford 81415
Winifred Kraai	Secretary- Treasurer	Crawford 81415

8. Consultants:

Willett and Carroll	Attorneys	Box 42, Delta 81416
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DOLORES WATER CONSERVANCY DISTRICT  
Cortez, Colorado

1. Date of organization: November 20, 1961.
2. Counties or portions of counties included: Montezuma and Dolores.
3. Assessed valuation:  
First reported assessment (1962): \$17,548,290.  
Current assessment (1967): 19,151,575.
4. Principal water development project: Dolores Project.  
Congressional authorization pending. Estimated total project cost \$46,330,000.

## 5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
I. W. Patterson	President	Cortez 81321
E. F. Smith	Secretary- Treasurer	Drawer K Cortez 81321

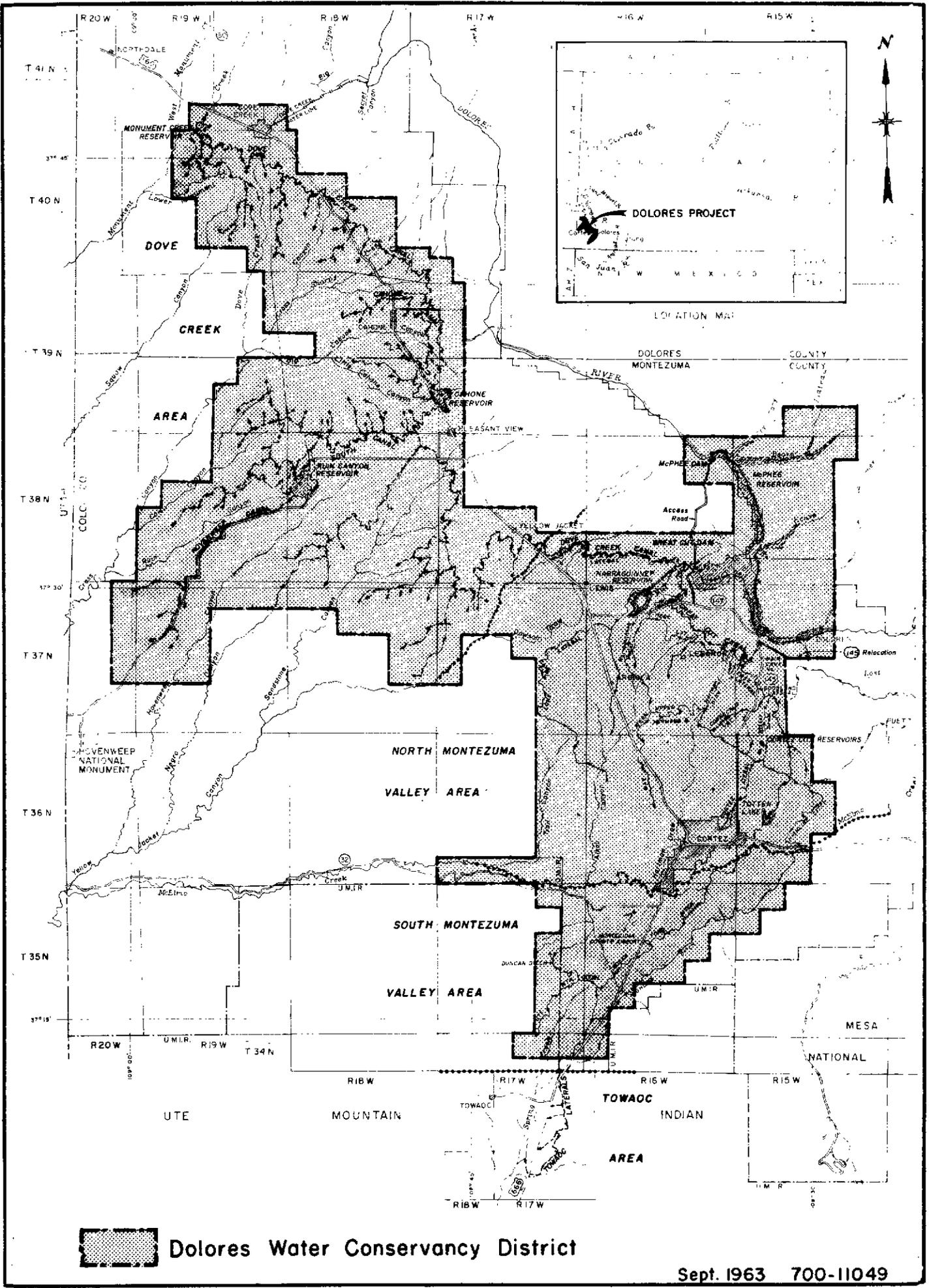
## 6. Board Members:

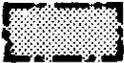
<u>Name</u>	<u>Address</u>
I. W. Patterson	Cortez 81321
Jack Kinkade	Dolores 81323
Paul Fury	Dove Creek 81324
E. H. Gilliland	Box 291 Yellow Jacket 81335
Floyd Cox	Rt. #1 Dolores 81323
Ed Smith	Rt. #1, Box 40 Dolores 81323
Ted A. Weed	Dove Creek 81324

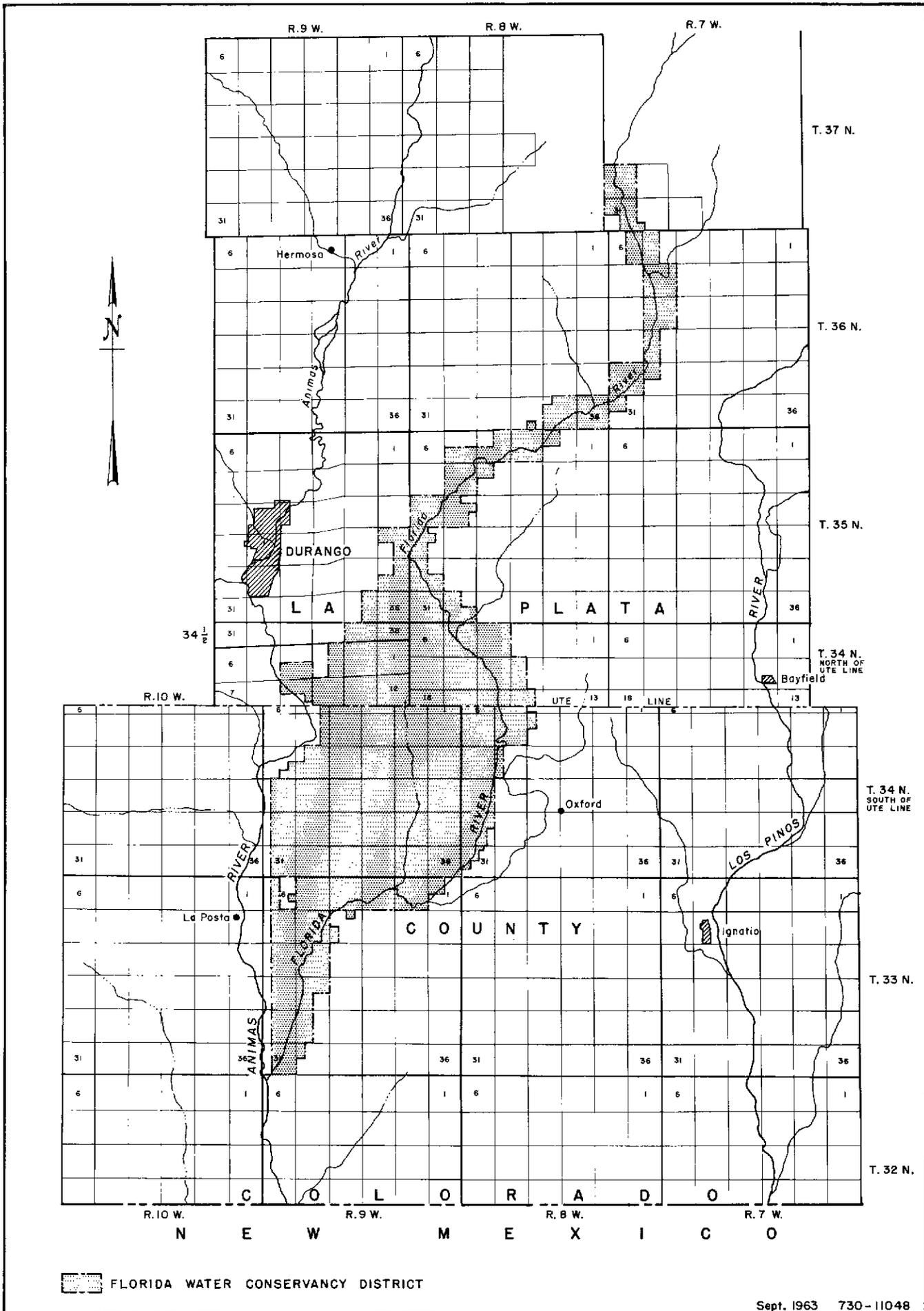
7. Full time staff: None.

## 8. Consultants:

George Buck, Jr.	Attorney	P. O. Box 936 Cortez 81321
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 Dolores Water Conservancy District



FLORIDA WATER CONSERVANCY DISTRICT

FLORIDA WATER CONSERVANCY DISTRICT  
Durango, Colorado

1. Date of organization: August, 1948.
2. Counties or portions of counties included: La Plata.
3. Assessed valuation:  
     First reported assessment (1948): \$1,912,630.  
     Current assessment (1967): 5,212,135.
4. Principal water development project: Florida Project.  
     Completed in 1964. Total project cost \$10,958,000.

5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Andrew Fletcher	President	Rt.2, Durango 81301
George Brown	Vice-President	Rt.3, Box 252 Durango 81301
Wayne J. Lunt	Secretary- Treasurer	Rt. 2, Durango 81301

6. Board Members:

<u>Name</u>	<u>Address</u>
Wayne J. Lunt	Rt. 2, Box 117 Durango 81301
Chester Beaston	Rt. 2 Durango 81301
Austin Decker	Rt. 2 Durango 81301
Andrew Fletcher	Rt. 2 Durango 81301
George Brown	Rt. 3, Box 252 Durango 81301

7. Full time staff: None.

8. Consultants:

L. W. McDaniel	Attorney	Box 1157 Durango 81301
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FRUITLAND MESA WATER CONSERVANCY DISTRICT  
Crawford, Colorado

1. Date of organization: August 18, 1960.
2. Counties or portions of counties included: Delta, Montrose and Gunnison.
3. Assessed valuation:  
First reported assessment (1961): \$588,710.  
Current assessment (1967): 701,890.
4. Principal water development project: Fruitland Mesa Project. Authorized for construction.  
Total estimated project cost \$27,285,000.
5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
John Tufly	President	Star Route, Crawford 81415
Wallace Klaseen	Vice-President	Route 1, Crawford 81415
William W. Shaw	Secretary- Treasurer	Box 45, Crawford 81415

6. Board Members:

<u>Name</u>	<u>Title</u>	<u>Address</u>
1/77 Carton Meek	Box 7	<u>Maher 81421</u>
John Tufly	Star Route	Crawford 81415
William W. Shaw	Box 45	Crawford 81415
Wallace Klaseen	Route 1	Crawford 81415
Otto Porter	Route 1	Crawford 81415

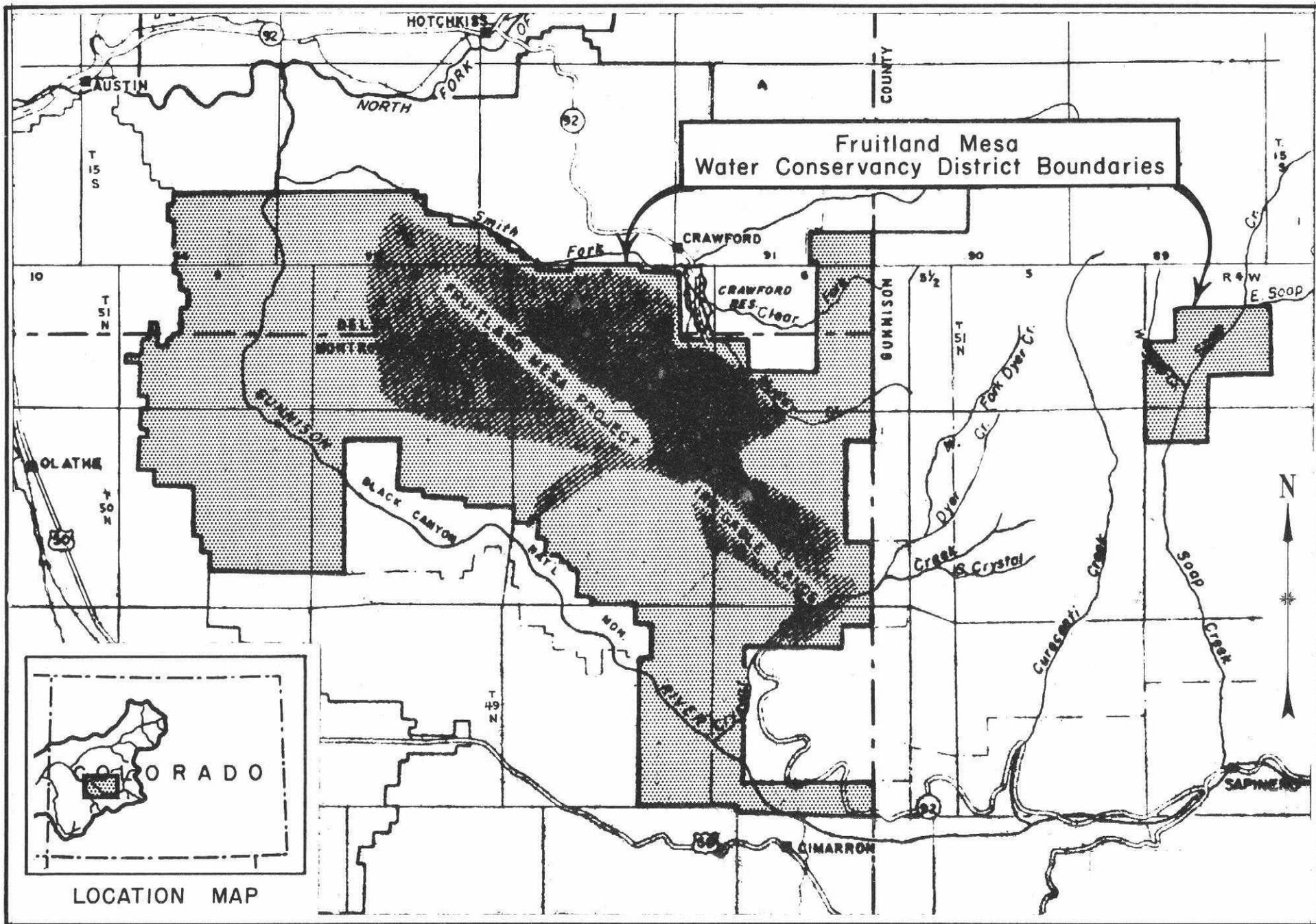
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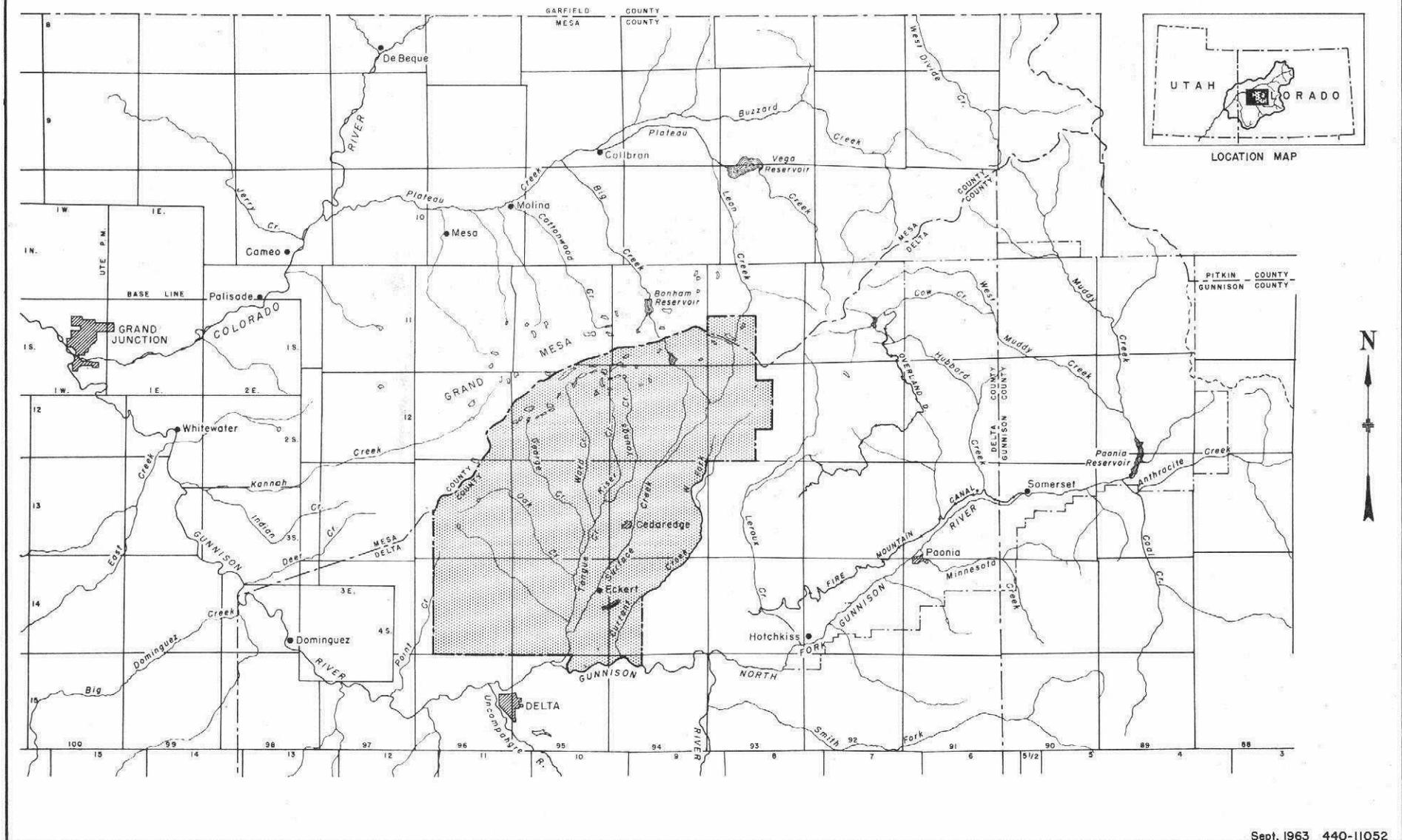
7. Full time staff: None.

8. Consultants:

Willetts and Carroll	Attorneys	P. O. Box 42, Delta 81416
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 GRAND MESA WATER CONSERVANCY DISTRICT



GRAND MESA WATER CONSERVANCY DISTRICT  
Cedaredge, Colorado

1. Date of organization: April 10, 1961.
2. Counties or portions of counties included: Delta.
3. Assessed valuation:  
First reported assessment (1961): \$3,575,800.  
Current assessment (1967): 4,106,700.
4. Principal water development project: Grand Mesa Project.  
Feasibility investigation in progress. Total project cost estimated at \$33,300,000.
5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Robert M. Campbell	President	Cedaredge 81413
James K. Grant	Vice-President	Cedaredge 81413
Benson Palmer	Secretary- Treasurer	Cedaredge 81413

6. Board Members:

<u>Name</u>	<u>Address</u>
Robert M. Campbell	Cedaredge 81413
Moad M. Horn	Eckert 81418
John H. Kehmeier	Eckert 81418
Herschel G. Burgess	Austin 81410
Harold P. Farmer	Cedaredge 81413
George Bertram	Cedaredge 81413
James K. Grant	Cedaredge 81413

7. Full time staff: None.

8. Consultants:

Willett and Carroll	Attorneys	P. O. Box 42 Delta 81416
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GREAT NORTHERN WATER CONSERVANCY DISTRICT  
Craig, Colorado

1. Date of organization: December 20, 1963.
2. Counties or portions of counties included: Moffat and Routt.
3. Assessed valuation:  
First reported assessment (1964): \$5,532,325.  
Current assessment (1967): 7,753,855.
4. Principal water development project: Great Northern Project. Feasibility investigation not yet started. Total project cost is estimated at \$5,000,000.

## 5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
John J. Sherman	President	Baggs Rte., Craig 81625
Robert A. Jones	Vice-President	Box 518, Craig 81625
Neal P. McKinstry	Secretary- Treasurer	Box 865, Craig 81625

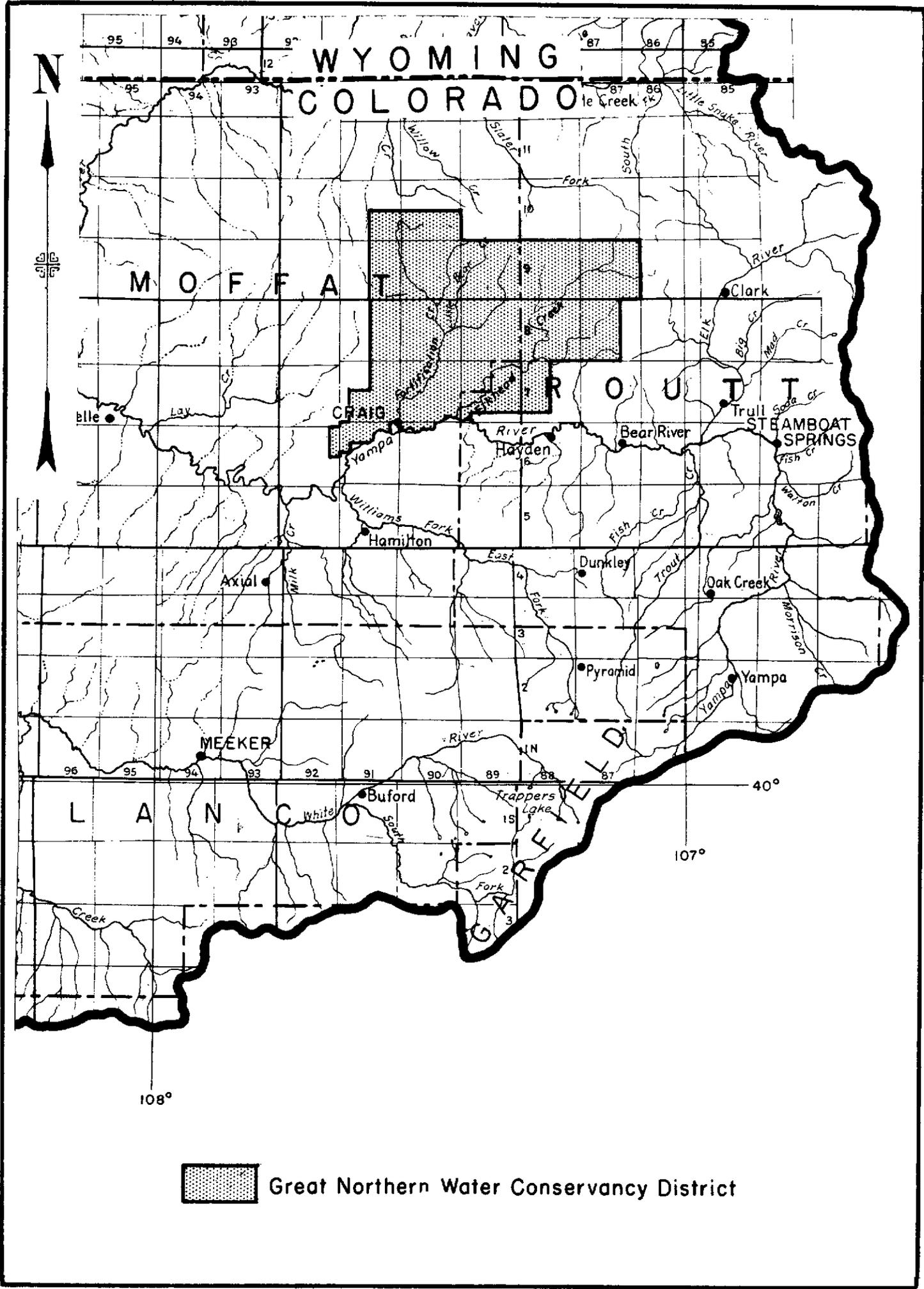
## 6. Board Members:

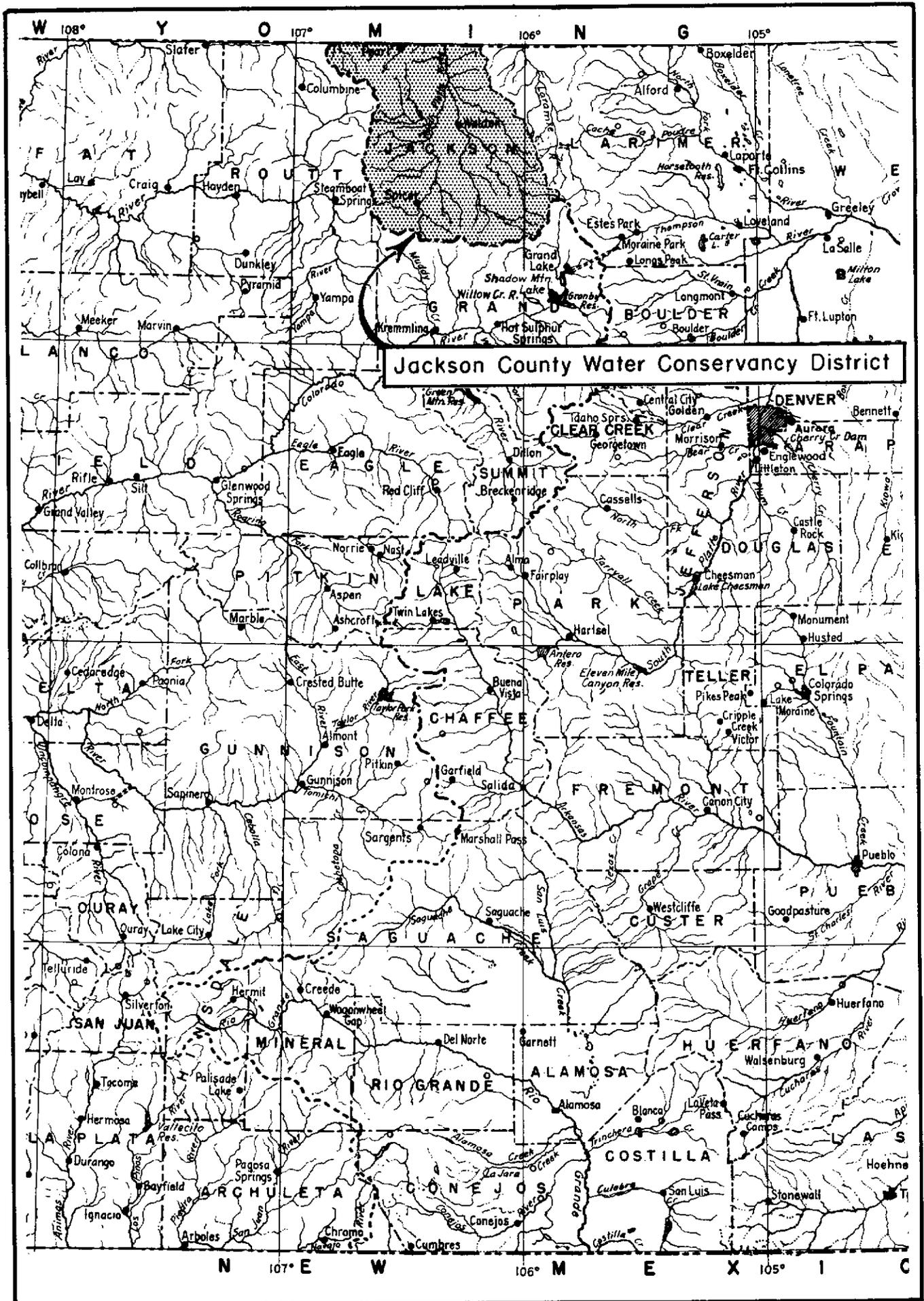
<u>Name</u>	<u>Address</u>
John J. Sherman	Baggs Rte. Craig 81625
Webster Shroyer	930 Barclay Craig 81625
Donald Van Tassel	Craig 81625
Roy Pitney	Hayden 81639
Alton Welch	Rte. 1 Craig 81625
Robert A. Jones	Box 518 Craig 81625
Neal P. McKinstry	Box 865 Craig 81625

## 7. Full time staff: None.

## 8. Consultants:

Jack Davis	Attorney	Craig 81625
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Jackson County Water Conservancy District

JACKSON COUNTY WATER CONSERVANCY DISTRICT  
Walden, Colorado

1. Date of organization: November 7, 1961.
2. Counties or portions of counties included: Jackson.
3. Assessed valuation:  
     First reported assessment (1962): \$8,628,718.  
     Last assessment (1966): 8,198,433.
4. Principal water development project: None contemplated at this time.

5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Victor Hanson, Jr.	President	Walden 80480
John Mallon	Vice-President	Walden 80480
H. Lloyd Hampton	Secretary- Treasurer	Walden 80480

6. Board Members:

<u>Name</u>	<u>Address</u>
H. Lloyd Hampton	Walden 80480
Russel Crowder	Walden 80480
Ernest Brocker	Walden 80480
Victor Hanson, Jr.	Walden 80480
Fred Adams	Walden 80480
John Mallon	Walden 80480
Robert Wamsley	Coalmont 80430

7. Full time staff: None.

8. Consultants:

Ward Fischer	Attorney	First Nat'l. Bank Bldg., Ft. Collins 80521
Charles C. Fisk	Engineer	2990 Vance St., Denver 80215

JUNIPER WATER CONSERVANCY DISTRICT  
Meeker, Colorado

1. Date of organization: June 27, 1966.
2. Counties or portions of counties included: Moffat.
3. Assessed valuation:  
First reported assessment (1966): \$3,466,510.  
Current assessment (1967): 4,663,425.
4. Principal water development project: Juniper Project.  
Feasibility investigation to be started in 1968.  
Estimated total project cost \$54,492,000.

## 5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Earl Wilson	President	Axial Route Meeker 81641
R. H. McIntyre	Vice-President	Maybell 81640
Irma B. Ledford	Secretary- Treasurer	Dinosaur 81610

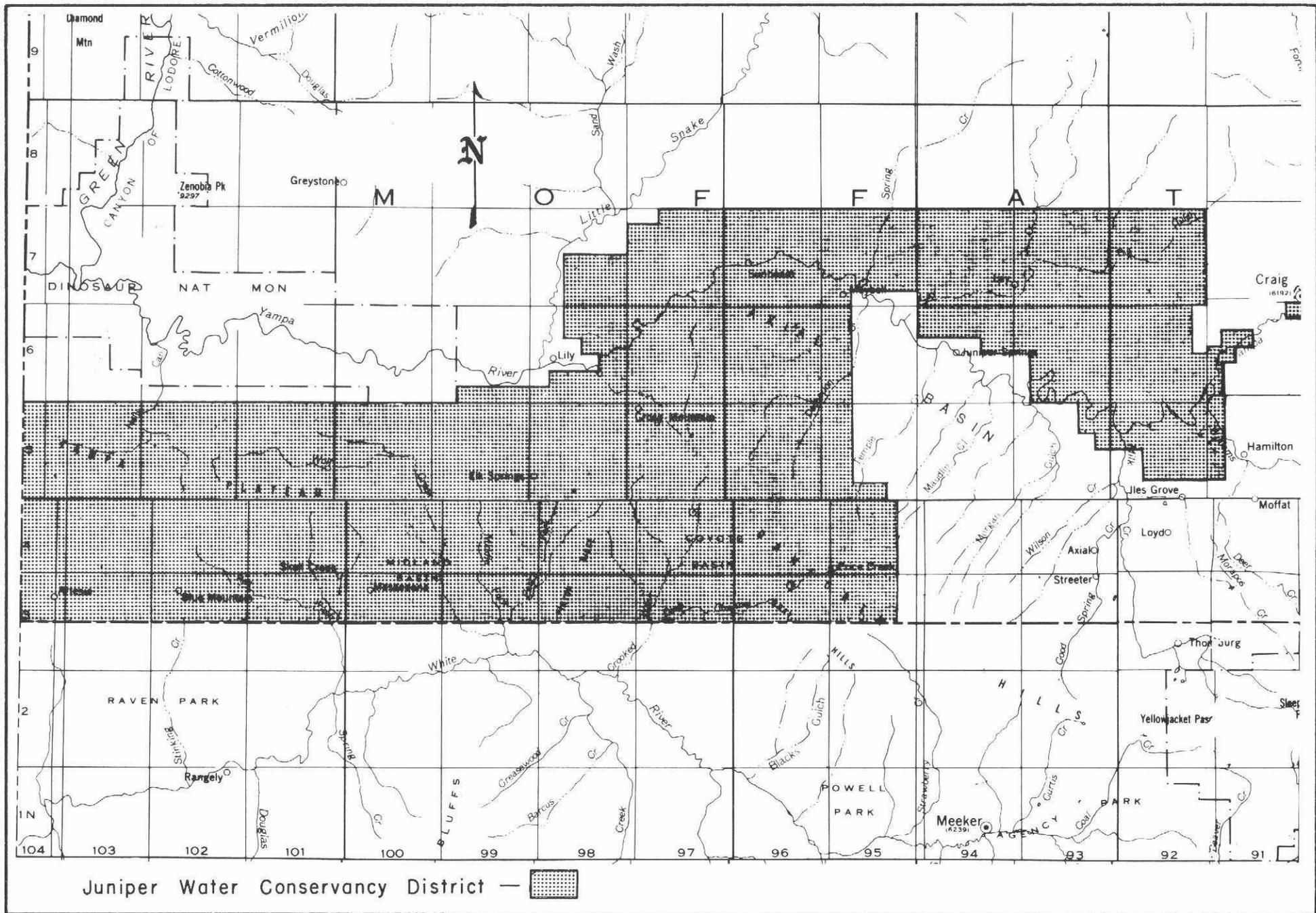
## 6. Board Members:

<u>Name</u>	<u>Address</u>
Tony Angelo	387 Russell St. Craig 81625
Steve Andrew	Maybell 81640
Irma B. Ledford	Dinosaur 81610
Edwin C. Johnson	901 Sherman St. Denver 80203
Gene S. Guess	Maybell 81640
R. H. McIntyre	Maybell 81640
Earl Wilson	Axial Route Meeker 81641

7. Full time staff: None.

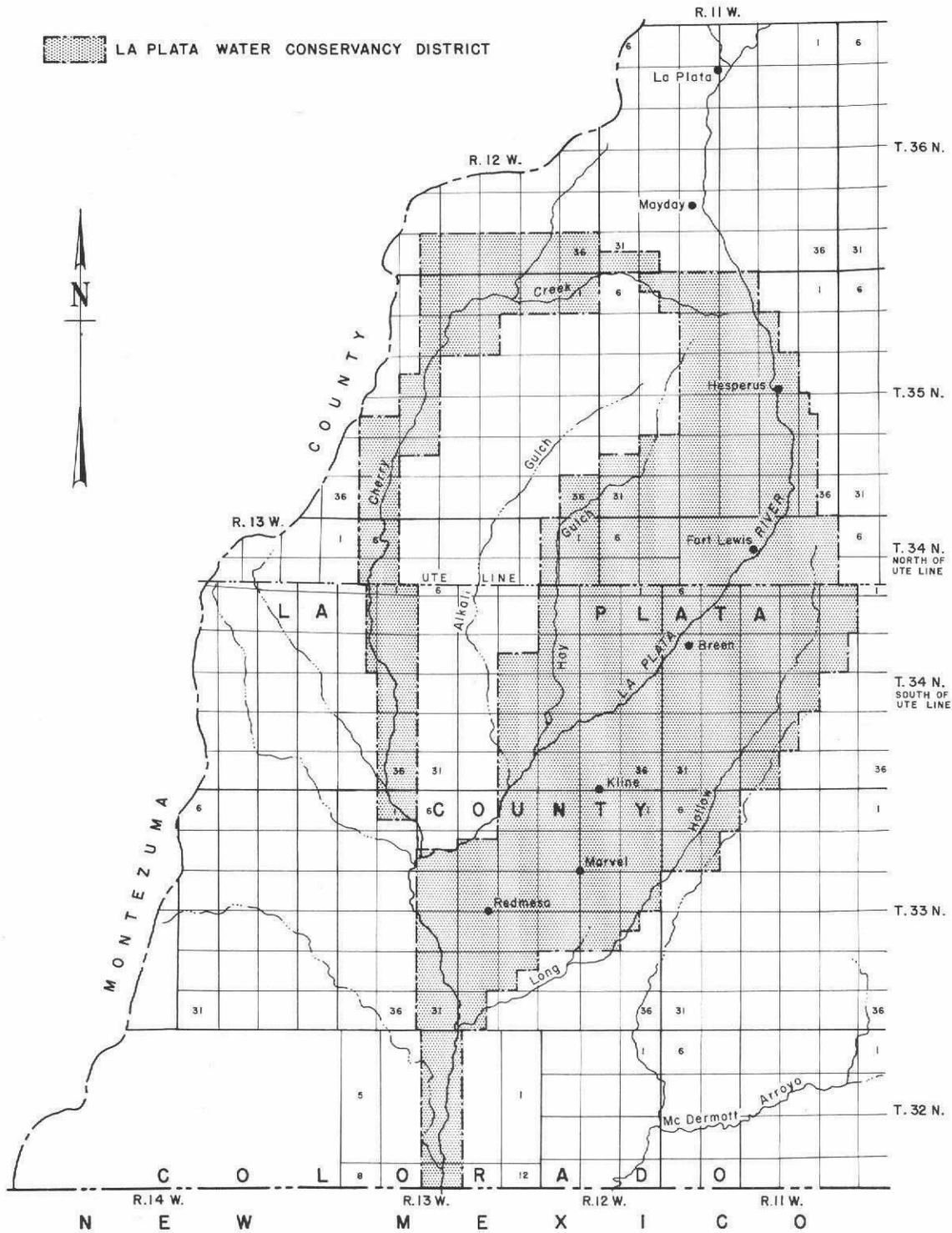
## 8. Consultants:

E. D. Davis	Attorney	124 W. Victory Way Craig 81625
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Juniper Water Conservancy District — 

LA PLATA WATER CONSERVANCY DISTRICT



LA PLATA WATER CONSERVANCY DISTRICT  
Hesperus, Colorado

1. Date of organization: April 17, 1944.
2. Counties or portions of counties included: La Plata.
3. Assessed valuation:
  - First reported assessment (1945): \$ 692,585.
  - Current assessment (1967): 2,090,150.
4. Principal water development project: Animas-La Plata Project. Congressional authorization pending.  
Estimated total project cost \$109,493,000.
5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Victor A. Paulek	President	Hesperus 81326
Robert K. Taylor	Vice-President	Hesperus 81326
Marguerite Paulek	Secretary- Treasurer	Hesperus 81326

6. Board Members:

<u>Name</u>	<u>Address</u>
Victor A. Paulek	Hesperus 81326
Lawrence Huntington	Hesperus 81326
Robert K. Taylor	Hesperus 81326
Herman Patscheck	Mancos 81326
J. R. Kroeger	Rte. 1 Durango 81301

7. Full time staff: None.

8. Consultants:

Frank E. Maynes	Attorney	1040 Main Ave., Durango 81301
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Deer Area  
184  
Po 206 B mead 842-5206

LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT

Sterling, Colorado = 522 - 1378

1. Date of organization: May 6, 1964.
2. Counties or portions of counties included: Logan, Morgan, Sedgwick and Washington.
3. Assessed valuation:  
First reported assessment (1964): \$61,106,186.  
Current assessment (1967): 73,613,156.
4. Principal water development project: Narrows Project.  
Congressional authorization pending. Estimated project cost \$61,820,000.

5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Donald W. Hamil	President	Rt. 2, Box 177 Sterling 80751
Millard Huey	Vice-President	615 E. Bijou Ave. Ft. Morgan 80701
Eric P. Wendt	Secretary- Treasurer	P. O. Box 1725 Sterling 80751

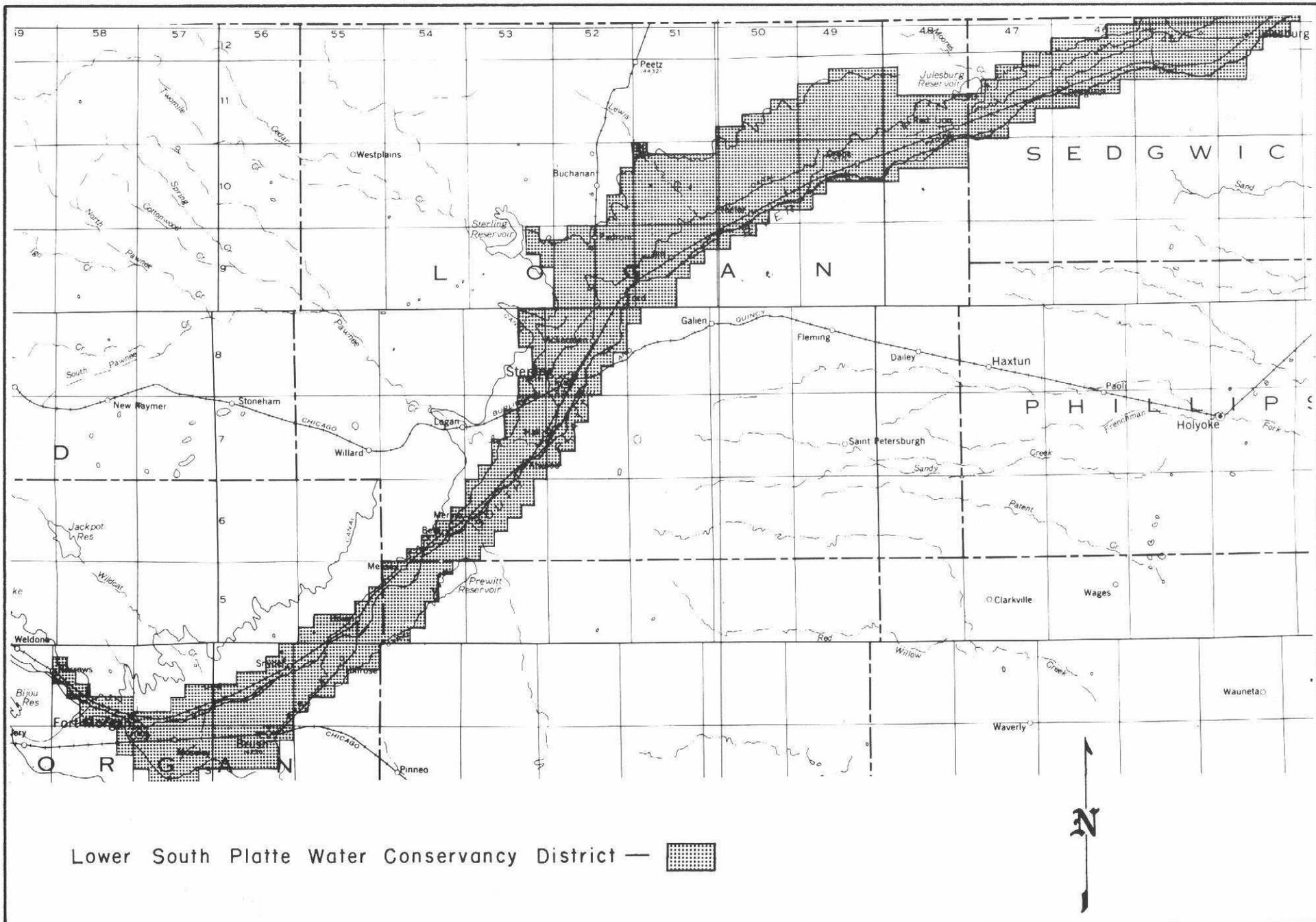
6. Board Members:

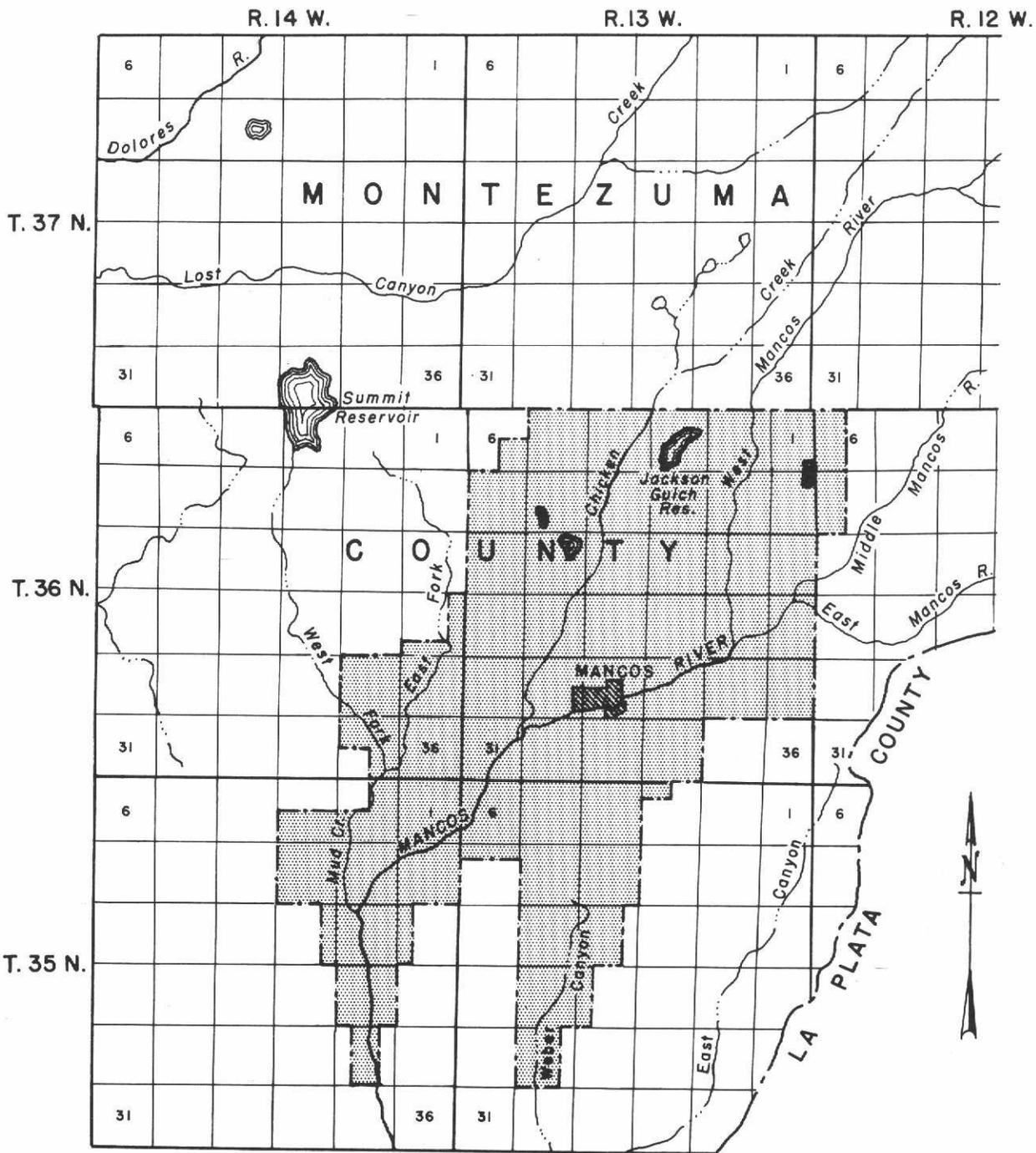
<u>Name</u>	<u>Address</u>
Donald W. Hamil	Rt. 2, Box 177 Sterling 80751
Millard Huey	615 E. Bijou Ave. Ft. Morgan 80701
Eric P. Wendt	P. O. Box 1725 Sterling 80751
E. A. Breidenbach	Iliff 80736
Sylvester Gerk	Julesburg 80737
T. L. Giacomini	Rt. 2, Box 242 Sterling 80751
Joseph Grant	Crook 80726
J. C. Howell	709 Gateway Ave. Ft. Morgan 80701
Clarence Lebsack	Merino 80741
Marvin McElwain	420 Delmar Sterling 80751
Donald Mitchell	P. O. Box 426 Brush 80723
Reuben Peif	315 W. Beaver Ave. Ft. Morgan 80701
Denzel Pyle	Iliff 80736
H. J. Rasmussen	617 Lincoln Ft. Morgan 80701
Donald Spillman	Julesburg 80737
Forrest Toyne	Sedgwick 80749

7. Full time staff: None.

8. Consultants:

D. Monte Pascoe	Attorney	2031 U.S. Nat'l. Bnk. Center, Denver 80202
Ben Sublett	Attorney	P. O. Box 350 Sterling 80751
Robert C. McAtee	Engineer	609 Elwood Sterling 80751





 MANGOS WATER CONSERVANCY DISTRICT

MANCOS WATER CONSERVANCY DISTRICT  
Mancos, Colorado

1. Date of organization: July 20, 1942.
2. Counties or portions of counties included: Montezuma.
3. Assessed valuation:  
     First reported assessment (1942): \$ 669,420.  
     Current assessment (1967): 1,776,190.
4. Principal water development project: Mancos Project.  
     Completed in 1950. Total project cost \$3,895,000.
5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Ira E. Kelly	President	Mancos 81328
Noland Alexander	Vice-President	Mancos 81328
Lloyd Doerfer	Secretary- Treasurer	Mancos 81328

6. Board Members:

<u>Name</u>	<u>Address</u>
Ira E. Kelly	Mancos 81328
Noland Alexander	Mancos 81328
Tom Colbert	Mancos 81328
Lloyd Doerfer	Mancos 81328
Elbert Gustafson	Mancos 81328

7. Full time staff:

James Cook	Superintendent	Mancos 81328
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8. Consultants:

Parga & Dyer	Attorneys	Cortez 81321
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MIDDLE PARK WATER CONSERVANCY DISTRICT  
Granby, Colorado

1. Date of organization: August 21, 1950.
2. Counties or portions of counties included: Grand and Summit.
3. Assessed valuation:  
First reported assessment (1951): \$10,622,660.  
Current assessment (1967): 23,287,790.
4. Principal water development project: Middle Park Project. Feasibility investigation not yet started.  
Estimated total project cost \$19,893,000.

## 5. Officers:

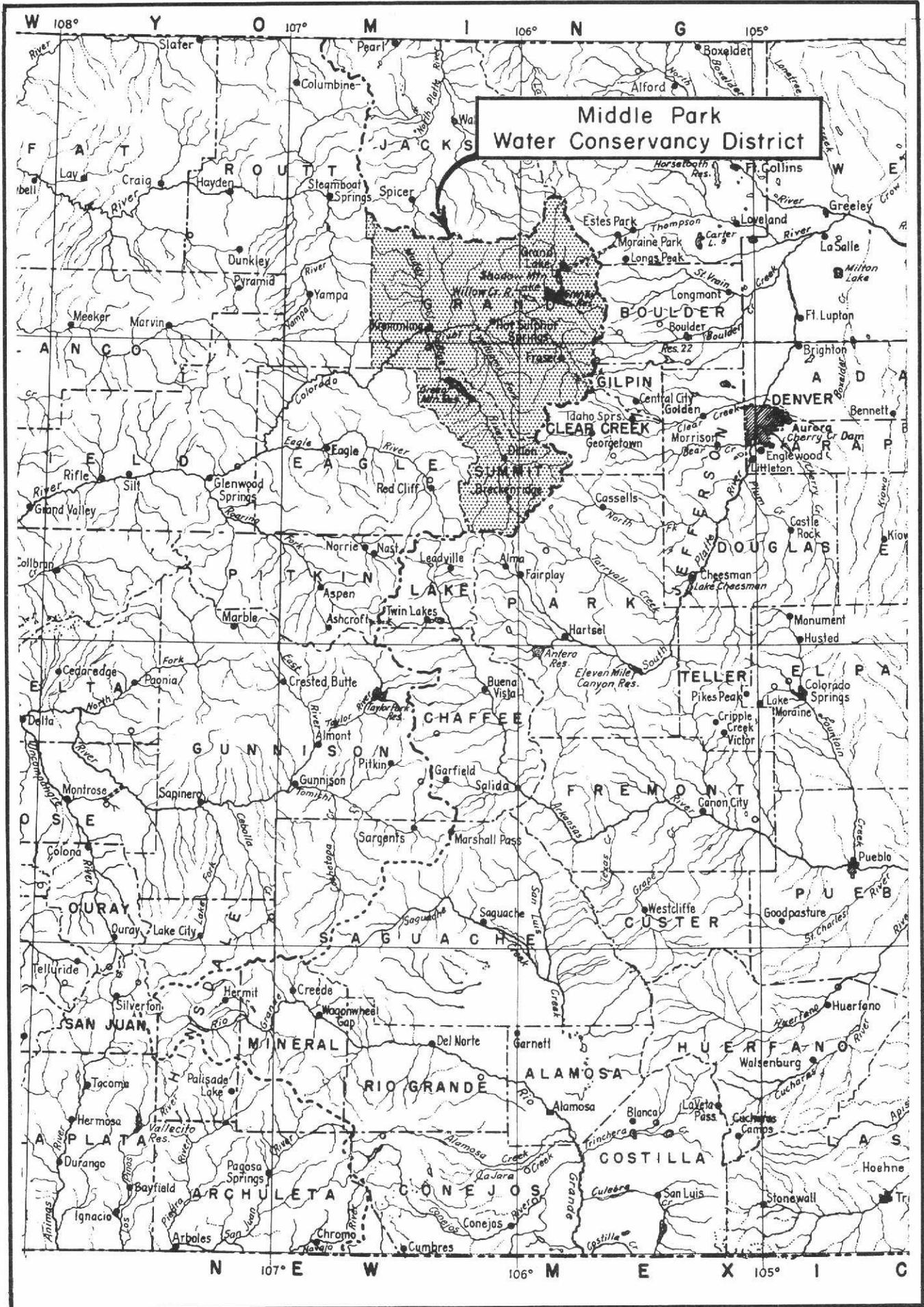
<u>Name</u>	<u>Title</u>	<u>Address</u>
Amos W. Horn	President	Granby 80446
Earl W. Rice	Vice-President	Dillon 80435
Denzel H. McClung	Secretary	Kremmling 80459
Carl G. Breeze	Treasurer	Kremmling 80459

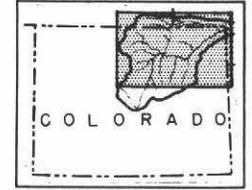
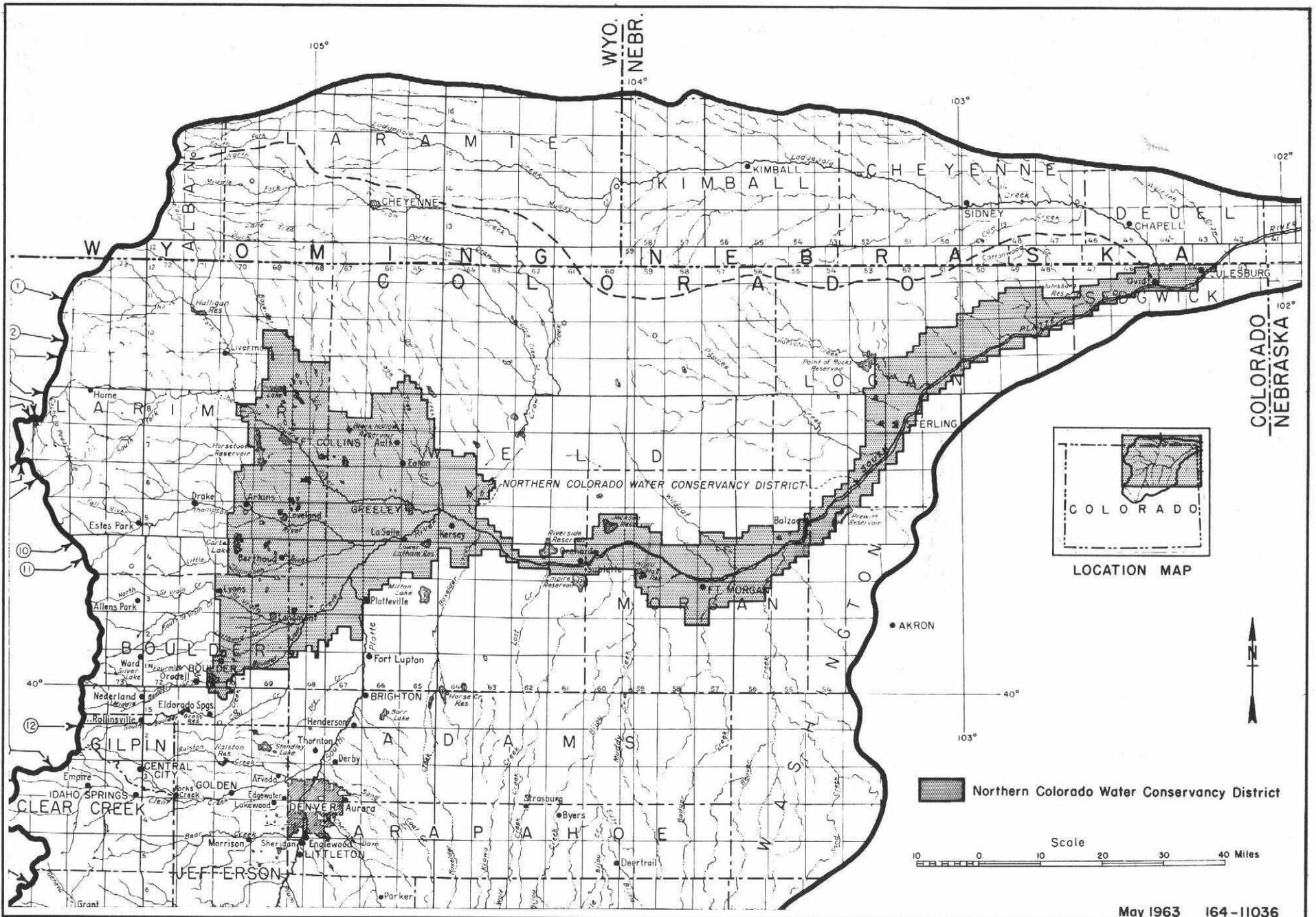
## 6. Board Members:

<u>Name</u>	<u>Address</u>
Amos W. Horn	Granby 80446
Redwood Fisher	Granby 80446
Carl G. Breeze	Kremmling 80459
Frank F. Brown	Breckenridge 80424
Earl W. Rice	Dillon 80435
Karl H. Knorr	Blue River Rt. Kremmling 80459
Kenneth H. Wheatley	Kremmling 80459

## 7. Full time staff: None.

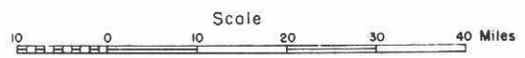
8. Robert Delaney                      Attorney                      P. O. Box 790  
Glenwood Spgs. 81601
- E. D. Bloye                              Engineer                      Hot Sulphur Spgs.  
80451





LOCATION MAP

Northern Colorado Water Conservancy District



NORTHERN COLORADO WATER CONSERVANCY DISTRICT  
Loveland, Colorado

1. Date of organization: September 28, 1937.
2. County or portions of counties included: Boulder, Larimer, Weld, Morgan, Logan, Sedgwick and Washington.
3. Assessed valuation:  
First reported assessment (1938): \$120,793,738.  
Current assessment (1967): 546,328,230.
4. Principal water development project: Colorado-Big Thompson Project. Completed in 1959. Total project cost \$160,432,000.
5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
J. Ben Nix	President	Rt.2, Eaton 80615
Clyde E. Moffitt	Vice-President	P. O. Box 576 Ft. Collins 80521
J. R. Barkley	Secretary- Manager	Box 679 Loveland 80537
J. C. Nelson	Treasurer	Box 679 Loveland 80537

6. Board Members:

<u>Name</u>	<u>Address</u>
J. Ben Nix	Rt. 2, Box 161 Eaton 80615
D. I. Hutchinson, Jr.	Box 1170 Boulder 80301
Milton H. Nelson	2040 W. Long's Peak Ave. Longmont 80501
John R. Moore	622 W. Mt. Ave. Ft. Collins 80521
Gordon C. Dyekman	P. O. Box 292 Loveland 80537
Clyde E. Moffitt	P. O. Box 576 Ft. Collins 80521
Robert S. Davis	P. O. Box 836 Greeley 80631
George Deines	1229 Francis Longmont 80501
William D. Farr	P. O. Box 878 Greeley 80631
R. J. Lamborn	1011. Lincoln Ft. Morgan 80701
H. H. Vandemoer	Rt. 3 Sterling 80751
Kish Otsuka	Box 117 Sedgwick 80749

NORTHERN COLORADO WATER CONSERVANCY DISTRICT  
 Loveland, Colorado  
 (Continued)

## 6. Board Members: (Continued)

<u>Name</u>	<u>Address</u>
Ed F. Munroe, Di- rector Emeritus	1421 W. Mt. Ave. Ft. Collins 80521
Dr. Charles A. Lory Director Emeritus	903 Stover Ft. Collins 80521

## 7. Full time staff: Office Address P. O. Box 679, Loveland, Colorado 80537.

J. R. Barkley	Secretary-Manager
Earl F. Phipps	Asst. Manager
Dennis E. Walker	O. & M. Superintendent
James C. Nelson	Records Officer & Treasurer
Harold Bower	O. & M. Fieldman
Kenneth L. Whitmore	O. & M. Fieldman
Gene Schleiger	O. & M. Fieldman
Harland Witt	O. & M. Fieldman
Bobby E. House	O. & M. Fieldman
H. J. Wooldridge	O. & M. Fieldman
Minerva G. Lee	Records Clerk
Leona M. Schwab	Recept.-Secretary
Kay Halbleib	Clerk-Stenographer
Lynette Knaus	Clerk-Stenographer
Norma Jean Goodheart	Clerk-Stenographer

## 8. Legal Counsel:

Davis, Graham & Stubbs		
John M. Sayre	Principal Counsel	American Nat'l. Bank Bldg. Denver 80202

NORTH FORK WATER CONSERVANCY DISTRICT  
Hotchkiss, Colorado

1. Date of organization: March 17, 1941.
2. Counties or portions of counties included: Delta and Gunnison.
3. Assessed valuation:
  - First reported assessment (1941): \$3,905,405.
  - Current assessment (1967): 7,734,155.
4. Principal water development project: Paonia Project.  
Completed in 1962. Total project cost \$7,842,000.
5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Royden G. Girling	President	Lazear 81420
E. J. Dammon	Vice-President	Paonia 81428
Charles R. Neill	Exec. Vice- President	Hotchkiss 81419
John R. Neill	Secretary- Treasurer	Hotchkiss 81419

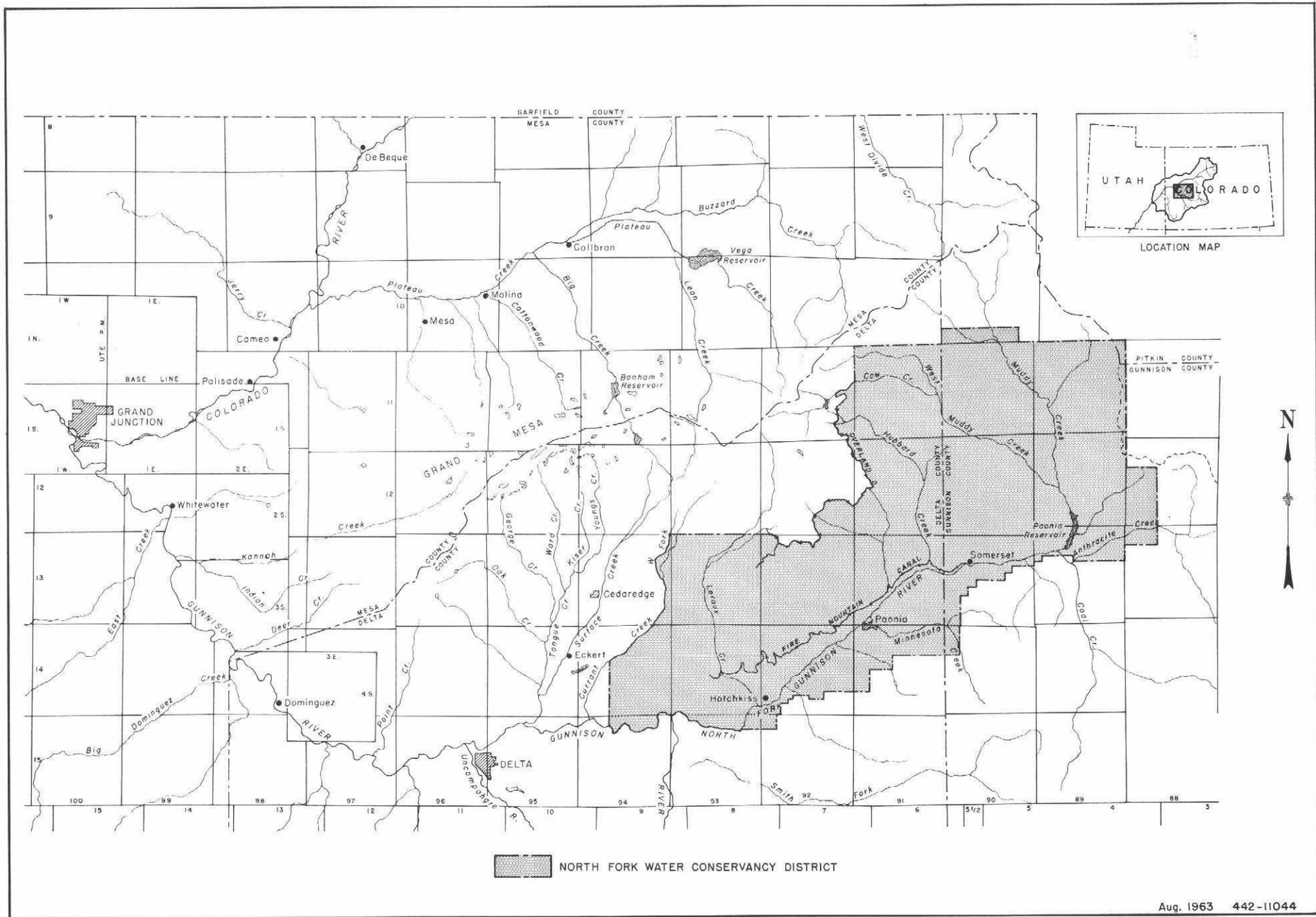
6. Board Members:

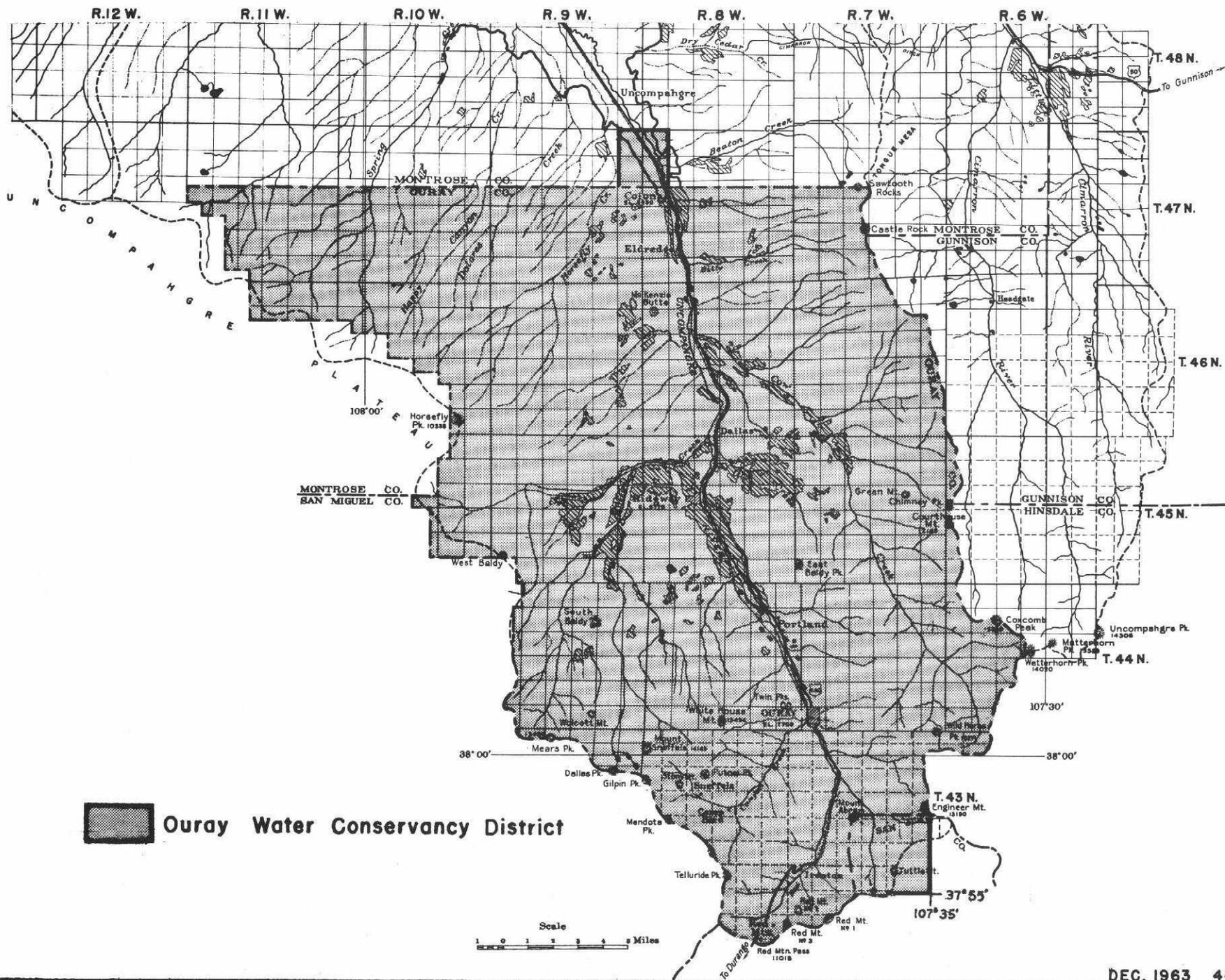
<u>Name</u>	<u>Address</u>
Royden G. Girling	Lazear 81420
John W. Hawkins	Hotchkiss 81419
Charles R. Neill	Hotchkiss 81419
Henry R. Swanson	Paonia 81428
E. J. Dammon	Paonia 81428
Raymond White	Hotchkiss 81419
George Volk	Somerset 81434

7. Full time staff: None.

8. Consultants:

Willett and Carroll	Attorneys	P. O. Box 42 Delta 81416
Alan McDermith	Engineer	Paonia 81428





OURAY WATER CONSERVANCY DISTRICT  
Montrose, Colorado

1. Date of organization: July 25, 1957.
2. Counties or portions of counties included: Montrose and Ouray.
3. Assessed valuation:
  - First reported assessment (1958): \$3,823,599.
  - Last reported assessment (1966): 3,991,506
  - No tax reported in 1967.
4. Principal water development project: Undetermined.
5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Reuben Tinkler	President	Rt.2, Montrose 81401
Warren H. Gibbs	Vice-President	Box 0, Ouray 81427
Theodore L. Brooks	Secretary	Box 179, Montrose 81401
Clair Ashing	Treasurer	Ridgway 81432

6. Board Members:

<u>Name</u>	<u>Address</u>
Warren H. Gibbs	Box 0 Ouray 81427
William W. Jutten	Rt. 2 Montrose 81401
Clair Ashing	Ridgway 81432
Reuben Tinkler	Rt. 2 Montrose 81401

7. Full time staff: None.
8. Consultants:

Brooks and Miller	Attorneys	Box 179 Montrose 81401
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POT HOOK WATER CONSERVANCY DISTRICT  
Slater, Colorado

1. Date of organization: June 23, 1960.
2. Counties or portions of counties included: Moffat.
3. Assessed valuation:  
     First reported assessment (1961): \$247,920.  
     Current assessment (1967): 435,400.
4. Principal water development project: Savery-Pot Hook Project. Authorized for construction. Total project cost estimated at \$15,527,000.
5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Darwin L. Dunn	President	Baggs, Wyo. 82321
O. Marion Jones	Vice-President	Craig 81625
Margaret Hancock	Secretary	Slater 81653

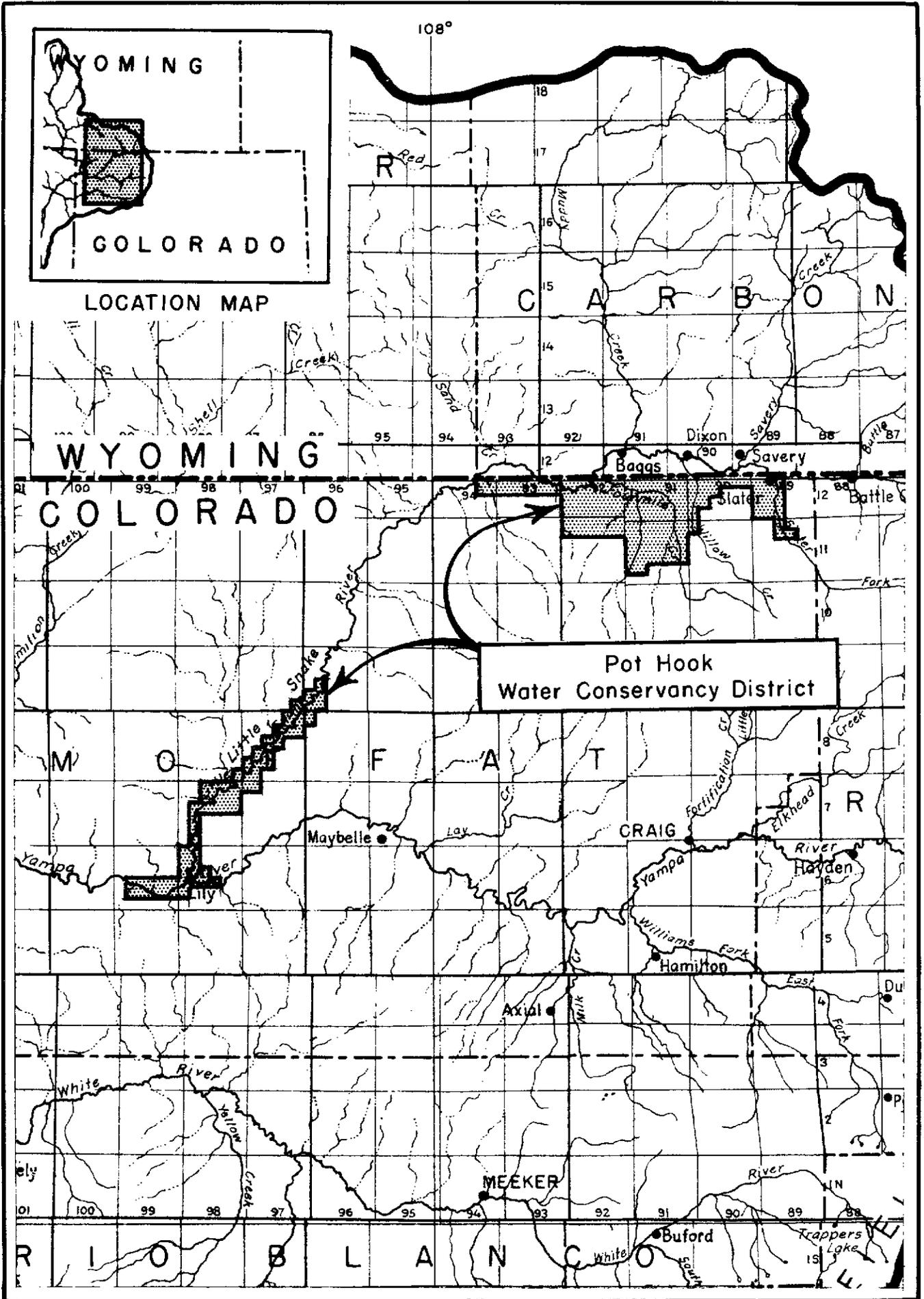
6. Board Members:

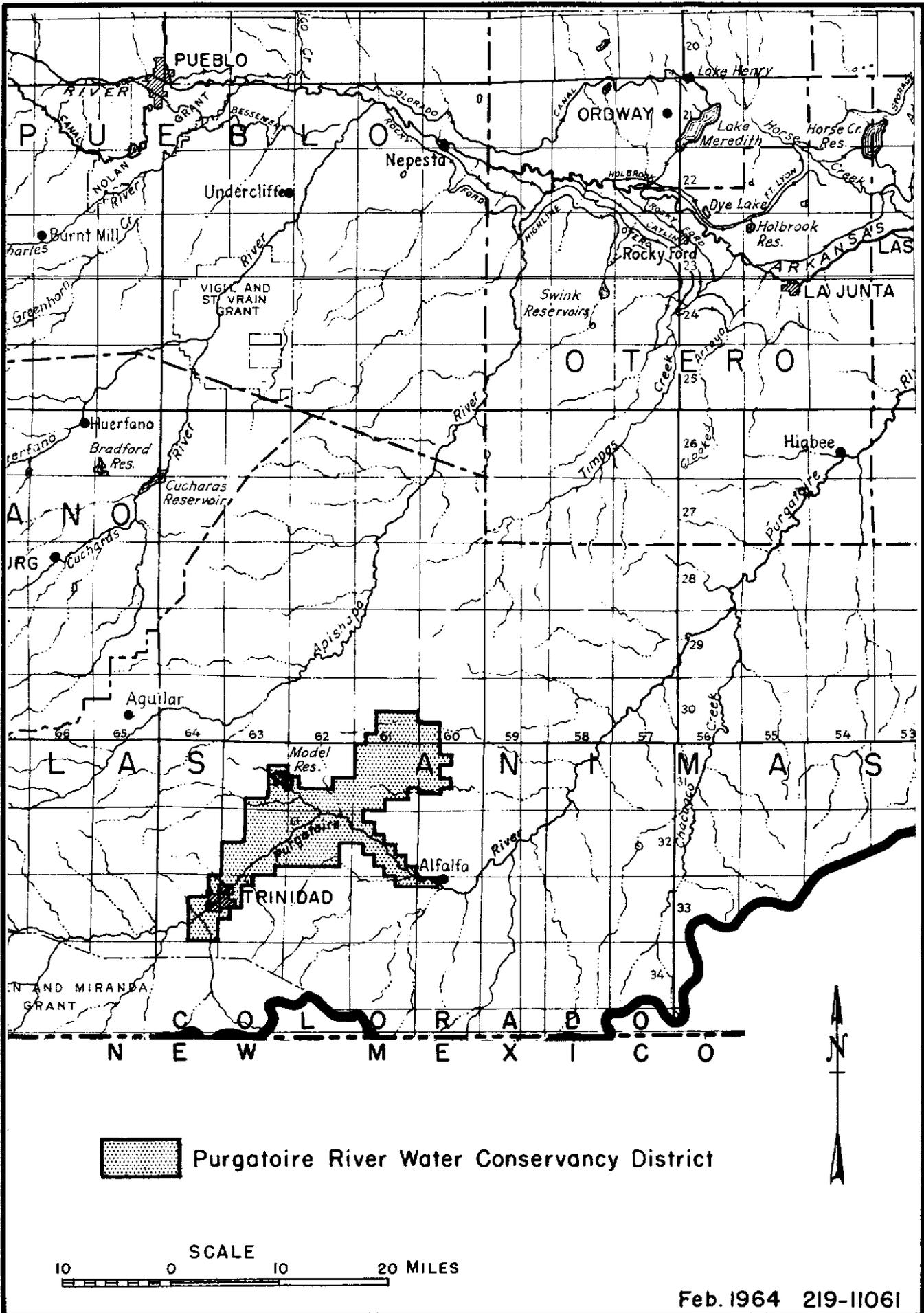
<u>Name</u>	<u>Address</u>
Darwin L. Dunn	Baggs, Wyo. 82321
O. Marion Jones	Craig 81625
John R. Winder	Craig 81625
Forrest Russell	Dixon, Wyo. 82323
Margaret Hancock	Slater 81653

7. Full time staff: None.

8. Consultants:

None.





 Purgatoire River Water Conservancy District

SCALE  
10 0 10 20 MILES

PURGATOIRE RIVER WATER CONSERVANCY DISTRICT  
Trinidad, Colorado

1. Date of organization: December 2, 1960.
2. Counties or portions of counties included: Las Animas.
3. Assessed valuation:  
     First reported assessment (1962): \$10,758,130.  
     Current assessment (1967): 10,909,180.
4. Principal water development project: Trinidad Project.  
     Under construction. Total project cost estimated  
     at \$21,000,000.
5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Dr. James E. Donnelly	Chairman	901 Park St., Trinidad 81082
A. T. McCarty	Vice-Chairman	720 Prospect St., Trinidad 81082
Max Torres	Secretary- Treasurer	1108 E. Main St., Trinidad 81082

6. Board Members:

<u>Name</u>	<u>Address</u>
Dr. James E. Donnelly	901 Park Street Trinidad 81082
A. T. McCarty	720 Prospect St. Trinidad 81082
Max Torres	1108 E. Main St. Trinidad 81082
Arthur G. Winter	928 Tascosa Trinidad 81082
John Myers	Hoehne 81046
Chester Corzine	Model 81059
Charles Cappellucci	Rt. 1, Box 88 Trinidad 81082
John Monteleone	Jansen 81048
Clyde Dawn	909 Park St. Trinidad 81082

7. Full time staff: None.
8. Consultants:

Saunders, Dickson, Snyder & Ross, P.C.	Attorneys	802 Capitol Life Center 225 East 16th Ave. Denver 80203
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SAN LUIS VALLEY WATER CONSERVANCY DISTRICT  
Alamosa, Colorado

1. Date of organization: November 14, 1949.
2. Counties or portions of counties included: Alamosa, Rio Grande and Saguache.
3. Assessed valuation:  
     First reported assessment (1950): \$ 4,921,926.\*  
     Last reported assessment (1965): 26,572,285.
4. Principal water development project: Wagon Wheel Gap Dam. Total estimated project cost in 1950, \$21,000,000.
5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Gerald Worley	President	Center 81125
Sid L. Klecker, Jr.	Vice-President	Monte Vista 81144
Virgil Stahl	Treasurer	Mosca 81146
Floyd W. Skelton	Secretary	Alamosa 81101

6. Board Members:

<u>Name</u>	<u>Address</u>
Gerald Worley	Center 81125
Virgil Stahl	Mosca 81146
Ray F. Holland	Hooper 81136
Sid L. Klecker, Jr.	Monte Vista 81144
Floyd W. Skelton	Alamosa 81101
Earl Drake	Monte Vista 81144
Robert Myers	Center 81125

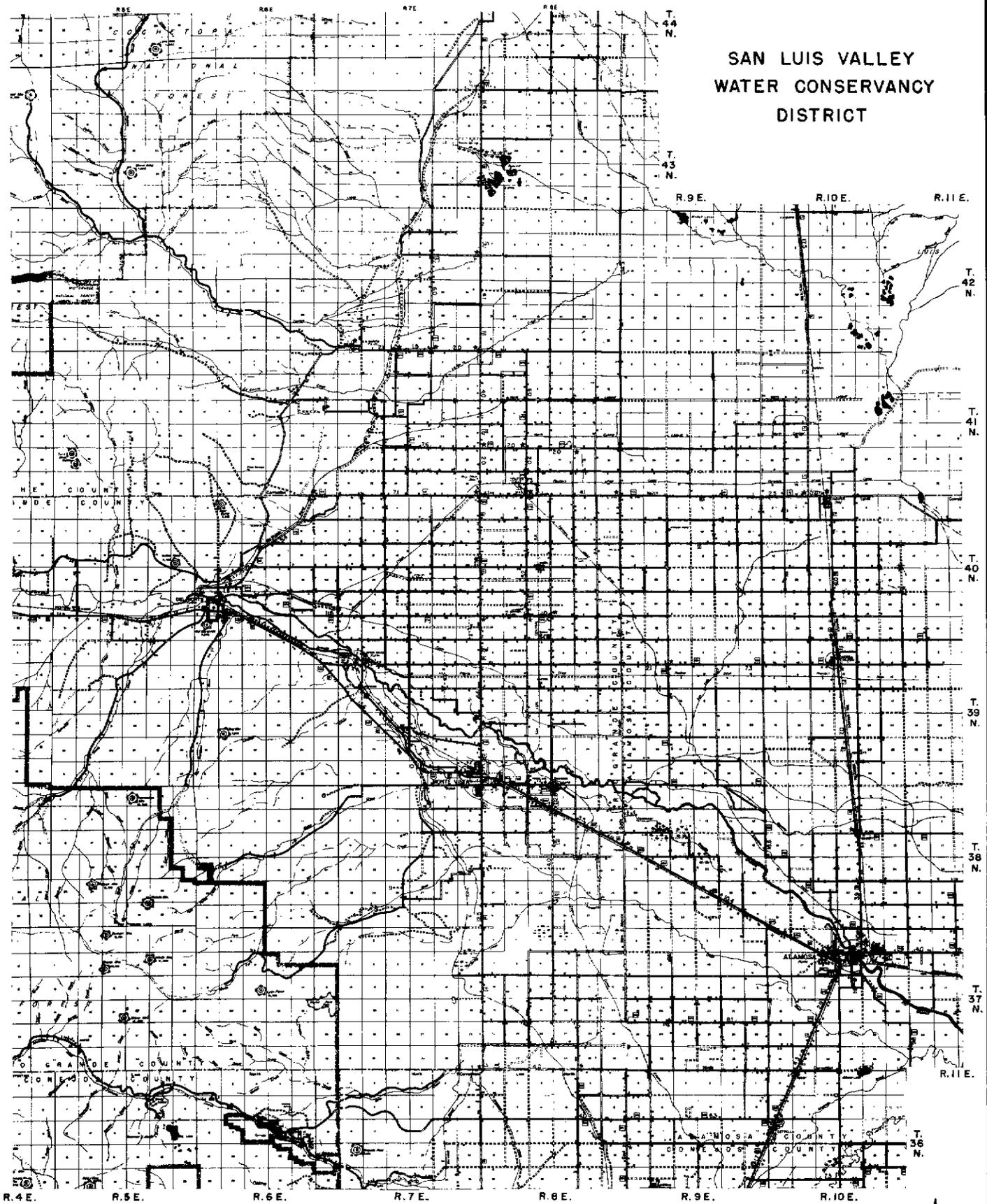
7. Full time staff: None.

8. Consultants:

Wm. O. DeSouchet	Attorney	Box 779, Alamosa 81101
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\*Rio Grande and Saguache Counties added to the District at a later date.

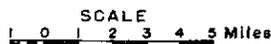
# SAN LUIS VALLEY WATER CONSERVANCY DISTRICT

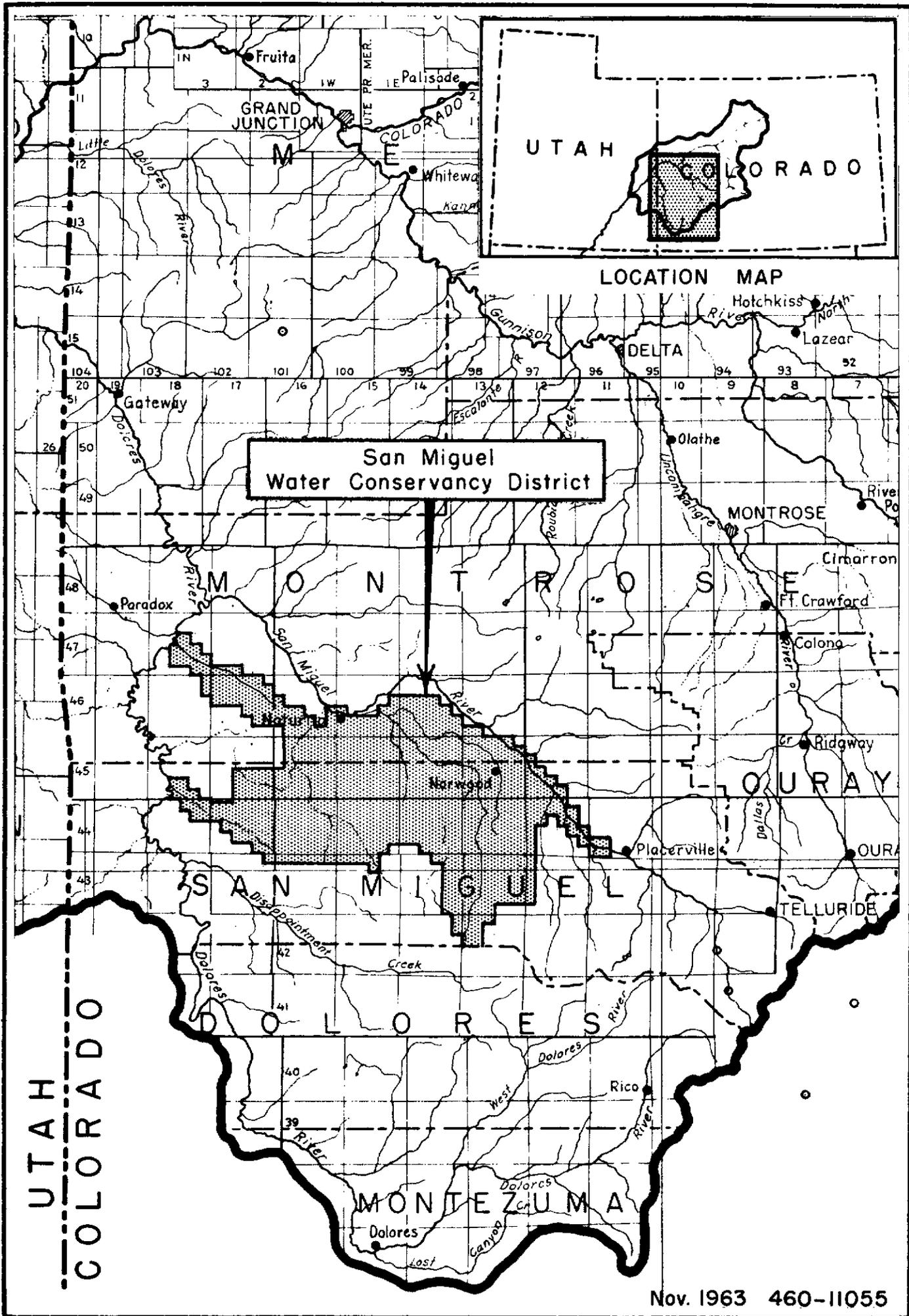


### CITIES & TOWNS INCLUDED IN DISTRICT

- Alamosa
- Hooper
- Monte Vista
- Del Norte
- Block 58, Town of Loma Center

### LAND INCLUDED IN DISTRICT





San Miguel  
Water Conservancy District

SAN MIGUEL WATER CONSERVANCY DISTRICT  
Norwood, Colorado

1. Date of organization: September, 1957.
2. Counties or portions of counties included: San Miguel and west portion of Montrose.
3. Assessed valuation:  
First reported assessment (1958): \$2,253,320.  
Current assessment (1967): 2,968,720.
4. Principal water development project: San Miguel Project. Congressional authorization pending. Total estimated project cost \$67,815,000.

5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
George Mike Young	President	Redvale 81431 ✓
R. Tillman Reed	Vice-President	Norwood 81423 ✓
Dan D. Noble	Treasurer	Norwood 81423 ✓
William L. Raley	Secretary	Norwood 81423 ✓

6. Board Members:

<u>Name</u>	<u>Address</u>
George Mike Young	Redvale 81431
R. Tillman Reed	Norwood 81423
Dan D. Noble	Norwood 81423
Carlos W. Cornforth	Norwood 81423
William E. Bray	Redvale 81431
William L. Raley	Norwood 81423

7. Full time staff: None.

8. Consultants:

Frank E. Maynes	Attorney	P. O. Box 1157 Durango 81301
Clifford H. Jex	Engineer	P. O. Box 1946 Grd.Junction 81501

SILT WATER CONSERVANCY DISTRICT  
Silt, Colorado

1. Date of organization: October 7, 1957.
2. Counties or portions of counties included: Garfield.
3. Assessed valuation:  
First reported assessment (1958): \$5,284,675.  
Current assessment (1967): 6,337,230.
4. Principal water development project: Silt Project.  
Completed in 1967. Total project cost to date  
\$7,281,000.

## 5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Marvin D. Ryden	President	RFD, Rifle 81650
Jake Haas	Vice-President	RFD, Rifle 81650
Elsa Pyles	Secretary- Treasurer	Silt 81652

## 6. Board Members:

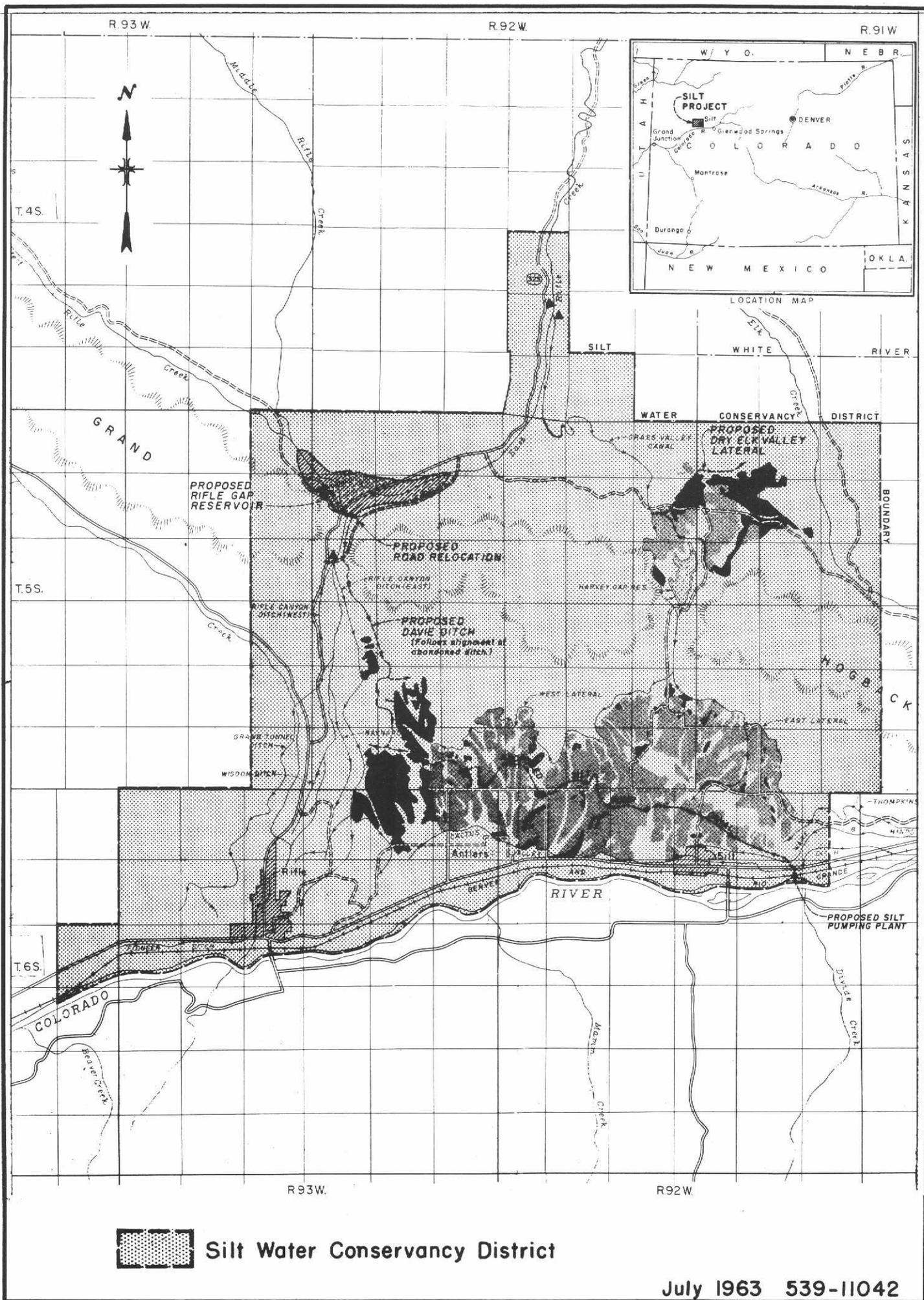
<u>Name</u>	<u>Address</u>
Ralph Dodo	New Castle 81647
William Brinkman	RFD Silt 81652
F. J. Pretti	New Castle 81647
Marvin D. Ryden	RFD Rifle 81650
Jake Haas	RFD Rifle 81650
H. M. Boydstun	Silt 81652
Leslie Jewell	Rifle 81650
William D. Scott	Rifle 81650
Milton Nichols	Rifle 81650

## 7. Full time staff:

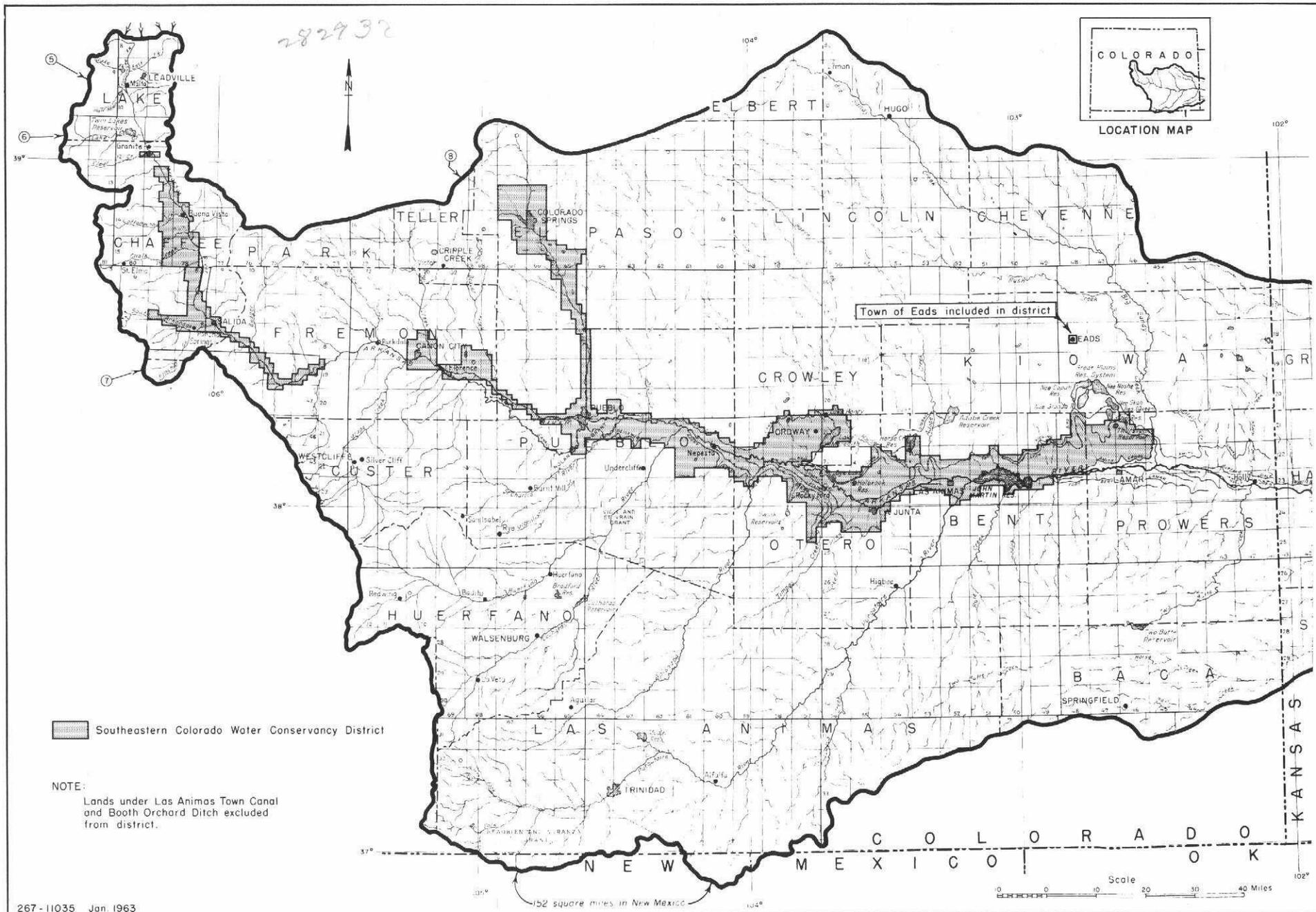
William Ruggero	Project Manager	New Castle 81647
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## 8. Consultants:

Frank Delaney	Attorney	P. O. Box 356 Glenwood Spgs. 81601
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SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT  
Pueblo, Colorado

1. Date of organization: April 29, 1958.
2. Counties or portions of counties included: Chaffee, Fremont, El Paso, Pueblo, Otero, Bent, Kiowa, Prowers and Crowley.
3. Assessed valuation:  
First reported assessment (1958): \$396,400,863.  
Current assessment (1967): 565,650,611.
4. Principal water development project: Fryingpan-Arkansas Project. Under construction. Total project cost estimated at \$203,587,000.
5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
J. Sid Nichols	President	P. O. Box 1103 Colo. Spgs. 80901
Roy D. Cooper	1st Vice- President	Rt. 2, Box 181 Las Animas 81054
Tom McCurdy	Secretary	Rt. 1, Box 165 Olney Spgs. 81062
James Shoun	Treasurer	P. O. Box 1040 Canon City 81212

6. Board Members:

<u>Name</u>	<u>Address</u>
William Bauserman, Jr.	Manzanola 81058
Harold Christy	511 Polk St. Pueblo 81005
Dave Ciruli	P. O. Box 398 Pueblo 81002
Roy Cooper	Rt. 2, Box 181 Las Animas 81054
Frank Dilley	Garden Park Canon City 81212
George Everett	Box 344 Salida 81201
Dr. W. F. Hutchinson	Rainbow Blvd. Salida 81201
Tom McCurdy	Rt. 1, Box 165 Olney Spgs. 81062
Frank Milenski	R.R. 1 La Junta 81050
J. Sid Nichols	P. O. Box 1103 Colo. Spgs. 80901
Joe Purvis	Rt. 1, Box 3H Las Animas 81054
Herbert Schroder	Ordway 81063
James Shoun	P. O. Box 1040 Canon City 81212

SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT  
Pueblo, Colorado  
(Continued)

## 6. Board Members: (Continued)

<u>Name</u>	<u>Address</u>
James E. Wagner	No. 1 Cedar Hills Lamar 81052
J. Selby Young	2915 Marilyn Rd. Colo. Spgs. 80909

## 7. Full time staff:

Charles L. Thomson	General Manager	905 Hiway 50 W. Pueblo 81002
Mollie Brown	Office Manager	905 Hiway 50 W. Pueblo 81002
Jean Perko	Receptionist- Secretary	905 Hiway 50 W. Pueblo 81002

## 8. Consultants:

Charles J. Beise	Attorney	1536 First Nat'l. Bank Building Denver 80201
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TRI-COUNTY WATER CONSERVANCY DISTRICT  
Montrose, Colorado

1. Date of organization: September 20, 1957.
2. Counties or portions of counties included: Delta, Montrose and Ouray.
3. Assessed valuation:  
First reported assessment (1958): \$22,311,079.  
Current assessment (1967): 33,012,575.
4. Principal water development project: Dallas Creek Project. Congressional authorization pending. Total project cost is estimated at \$27,687,000. Secondary water development project: the Tri-County Domestic Water System providing domestic water to rural and suburban areas without adequate domestic water service throughout the Uncompahgre Valley. Project cost estimated at \$3,000,000. Initial estimated service 1500 taps.

5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Robert K. Lewis	President	Rt. 2, Box 303 Montrose 81401
C. E. Williams	1st Vice- President	Box 968 Montrose 81401
Floyd Beach	2nd Vice- President	Rt. 2 Delta 81416
William J. Hofmann	Secretary- Treasurer	Box 786 Montrose 81401
Robert W. Field	Asst. Secretary- Treasurer	Box 716 Montrose 81401

6. Board Members:

<u>Name</u>	<u>Address</u>
Robert K. Lewis	Rt. 2, Box 303 Montrose 81401
C. E. Williams	Box 968 Montrose 81401
David Wood, Jr.	Box 638 Montrose 81401
Howard Noble	Ridgway 81432
Lester Israel	Ridgway 81432
Edgar Hotchkiss	Rt. 2 Montrose 81401
C. M. Voss	Box 987 Montrose 81401

TRI-COUNTY WATER CONSERVANCY DISTRICT  
Montrose, Colorado  
(Continued)

## 6. Board Members: (Continued)

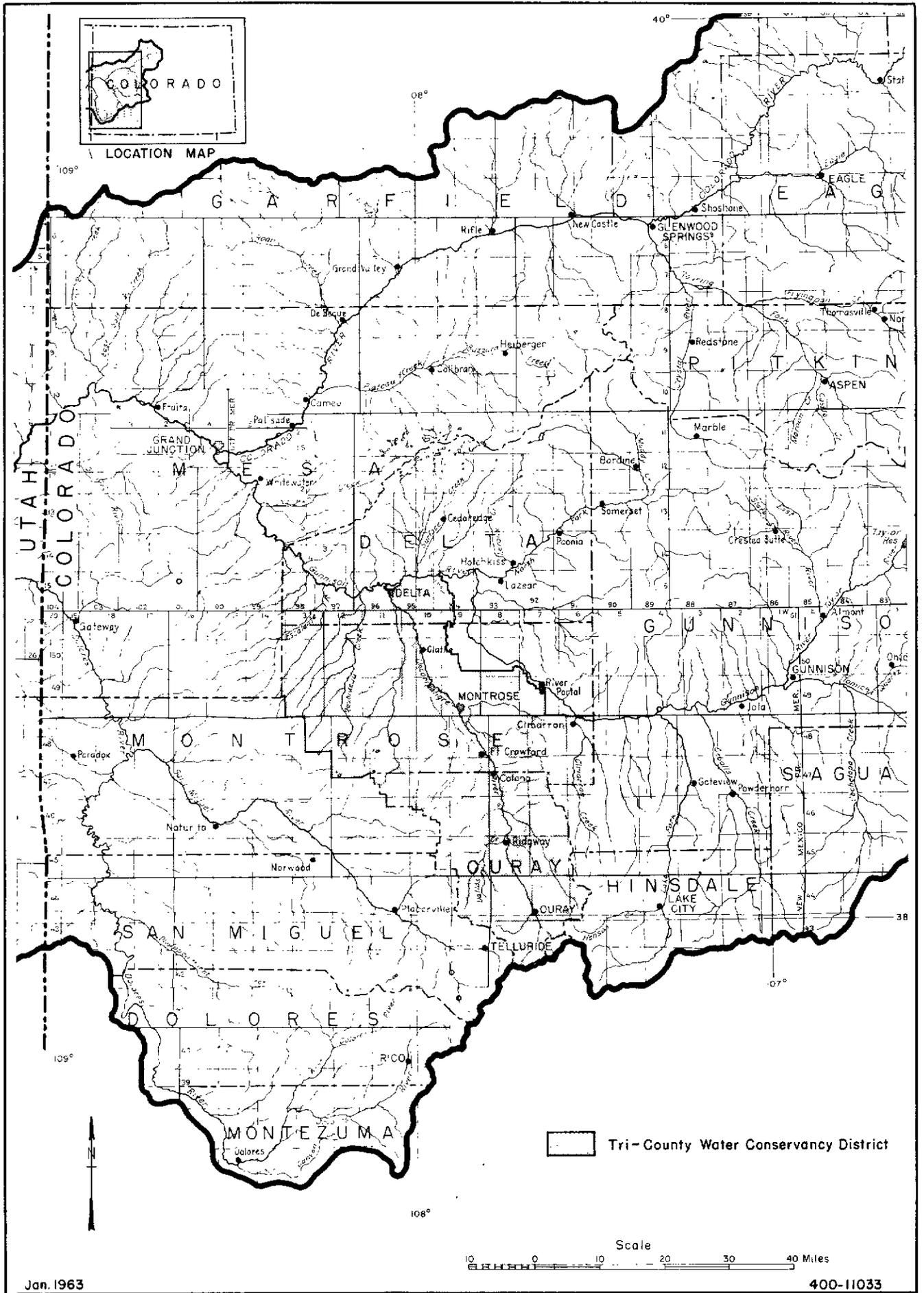
<u>Name</u>		<u>Address</u>
Harold Westesen		Olathe 81425
L. R. Cooper	Rt. 3	Montrose 81401
William J. Hofmann	Box 786	Montrose 81401
Floyd Beach	Rt. 2	Delta 81416
F. M. Peterson	Box 59	Delta 81416
C. T. VanBenthusen	Rt. 2, Box 204	Delta 81416
Garner McKnight	Box 119	Delta 81416
William J. Dodd	906 Hastings St.	Delta 81416

## 7. Full time staff:

Robert Field	Manager	Box 716, Montrose 81401
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## 8. Consultants:

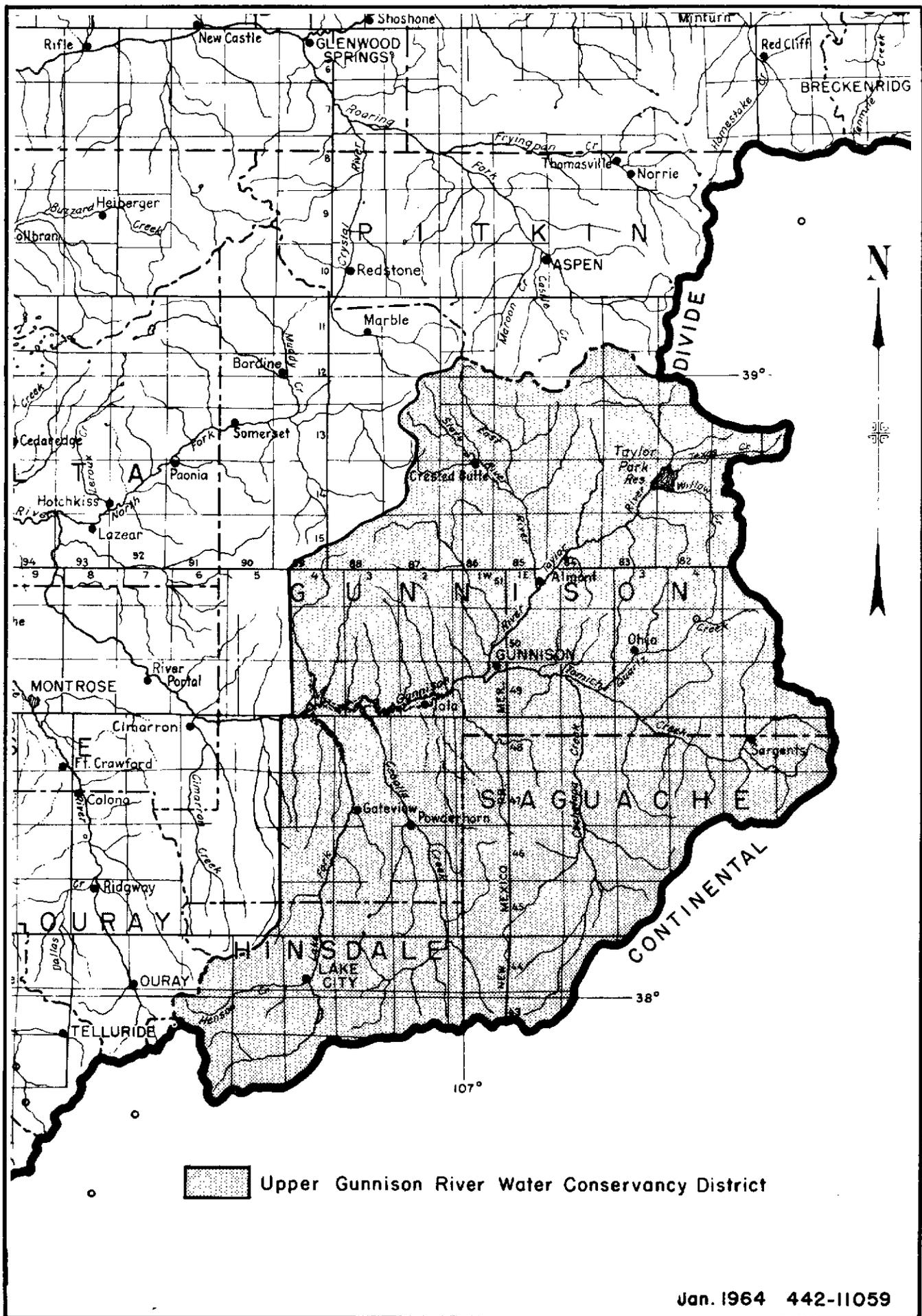
J. A. Hughes	Attorney	Box 119, Montrose 81401
Morcan Engineer- ing Company	Engineers	Delta 81416



LOCATION MAP

Tri-County Water Conservancy District

Scale 0 10 20 30 40 Miles



Upper Gunnison River Water Conservancy District

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT  
Gunnison, Colorado

1. Date of organization: July 9, 1959.
2. Counties or portions of counties included: Gunnison, Saguache and Hinsdale.
3. Assessed valuation:  
First reported assessment (1959): \$11,186,750.  
Current assessment (1967): 14,343,854.
4. Principal water development project: Upper Gunnison River Project. Feasibility investigation in progress. Total project cost estimated at \$41,025,000.

5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Rial R. Lake	President	Gunnison 81230
Purvis Vickers	Vice-President	Lake City 81235
Robert G. Porter	Secretary-Treasurer	Gunnison 81230

6. Board Members:

<u>Name</u>	<u>Address</u>
Purvis C. Vickers	Lake City 81235
W. P. McDonough	Gunnison 81230
George E. Means, Jr.	Sargents 81248
Forrest Cranor	Almont 81210
Sam Little	Gunnison 81230
Craig A. Goodwin	Gunnison 81230
Harvey S. Lobdell	Gunnison 81230
Robert G. Porter	Gunnison 81230
George T. Eastman	Gunnison 81230
Rial Lake	Gunnison 81230
Norman McDermott	Gunnison 81230

7. Full time staff: None.

8. Consultants:

L. Richard Bratton	Attorney	Gunnison 81230
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UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT  
Fairplay, Colorado

1. Date of organization: October 17, 1955.
2. Counties or portions of counties included: Park, Teller, Douglas, Jefferson and Clear Creek.
3. Assessed valuation:  
     First reported assessment (1956): \$ 9,448,805.  
     Current assessment (1967): 14,002,413.
4. Principal water development project: Undetermined.

## 5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
James L. Settele	President	Fairplay 80440
Albert Wahl	Vice-President	Jefferson 80456
Walter J. Coil	Secretary- Treasurer	Fairplay 80440

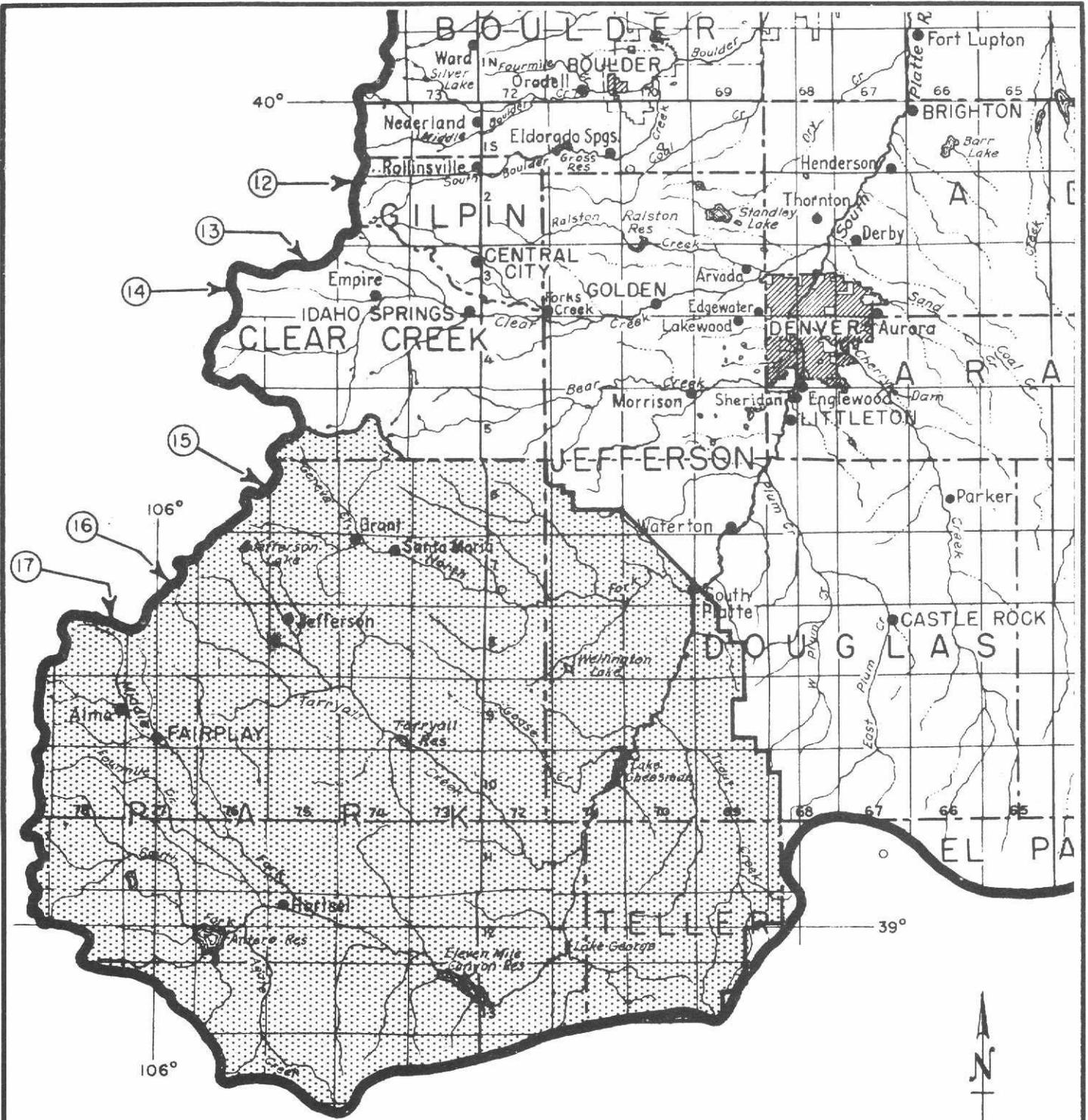
## 6. Board Members:

<u>Name</u>	<u>Address</u>
James L. Settele	Fairplay 80440
Albert Wahl	Jefferson 80456
Walter J. Coil	Fairplay 80440
Ray Landis	Lake George 80827
J. B. Fitzsimmons	Shawnee 80475

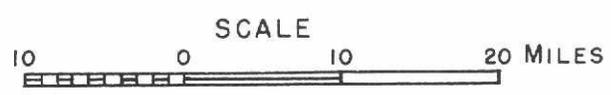
## 7. Full time staff: None.

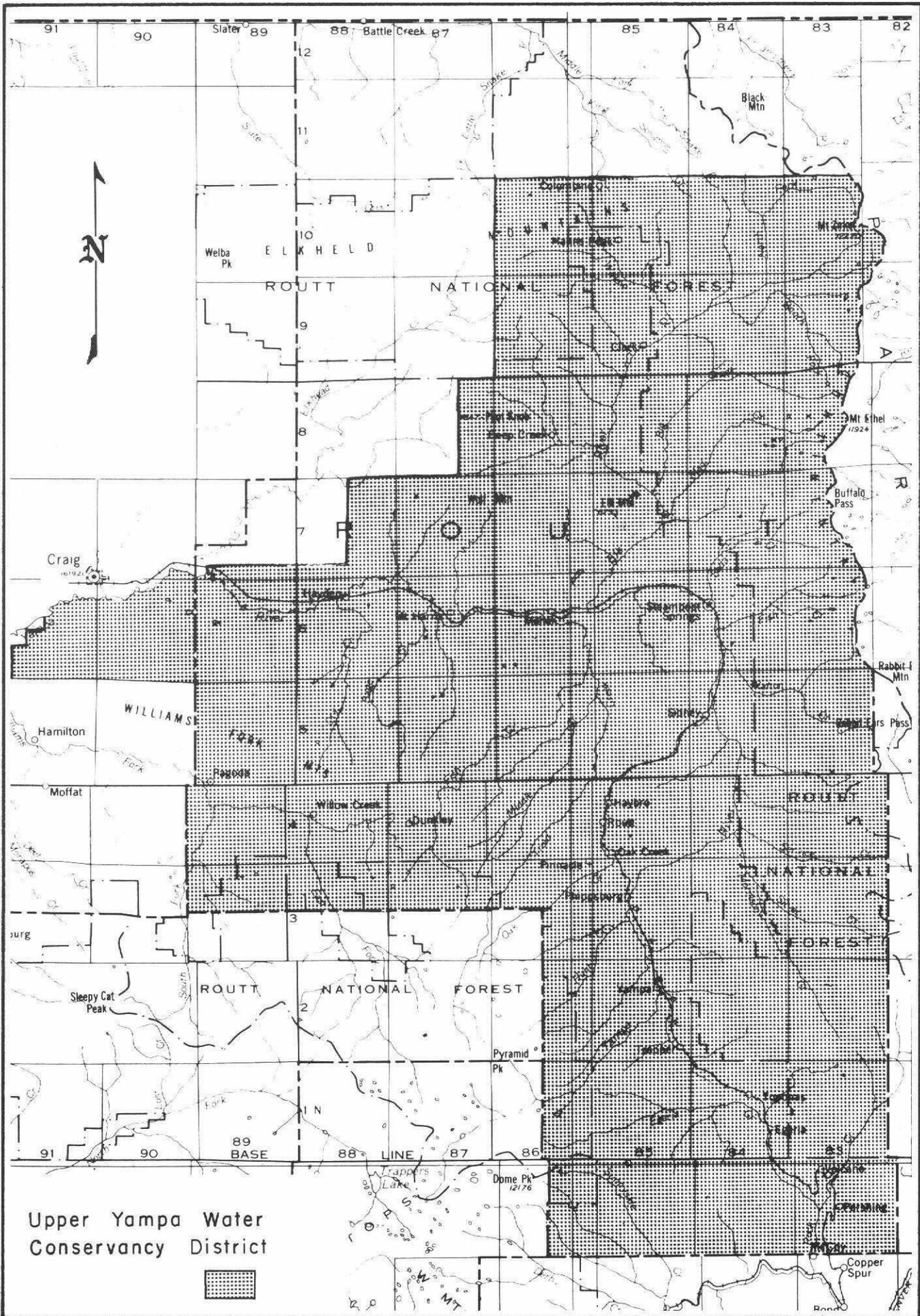
## 8. Consultants:

Shivers and Banta	Attorneys	3470 South Sherman St., Englewood 80110
Charles C. Fisk	Engineer	2701 Alcott St., Denver 80211



 Upper South Platte Water Conservancy District





Upper Yampa Water  
 Conservancy District



UPPER YAMPA WATER CONSERVANCY DISTRICT  
Steamboat Springs, Colorado

1. Date of organization: March, 1966.
2. Counties or portions of counties included: Routt and Moffat.
3. Assessed valuation:  
First reported assessment (1966): \$25,257,690.  
Current assessment (1967): 25,989,045.
4. Principal water development project: Upper Yampa Project. Feasibility investigation not yet started.  
Total project cost estimated at \$21,928,000.

5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Loy Ardrey	President	Steamboat Spgs.80477
James D. Funk	Vice-President	Hayden 81639
John Fetcher	Secretary- Treasurer	Steamboat Spgs.80477

6. Board Members:

<u>Name</u>	<u>Address</u>
R. L. Lyons	Craig 81625
Sumner Hockett	Hayden 81639
J. P. Fox	Steamboat Spgs.80477
Charles Gregory	Oak Creek 80467
Elvis Starbuck	Yampa 80483
Kelly Klumker	Toponas 80479
Loy Ardrey	Steamboat Spgs.80477
James D. Funk	Hayden 81639
John Fetcher	Steamboat Spgs.80477

7. Full time staff: None.

8. Consultants:

Nicholas Magill	Attorney	Steamboat Spgs.80477
Wesley Signs	Division Engr.	Hayden 81639

UTE WATER CONSERVANCY DISTRICT  
Grand Junction, Colorado

1. Date of organization: April 4, 1956.
2. Counties or portions of counties included: Mesa.
3. Assessed valuation:  
First reported assessment (1956): \$11,940,700.  
Current assessment (1967): 38,703,390.
4. Principal water development project: Domestic water system. Total project cost \$9,275,157.

## 5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Fred J. Simpson	President	2549 F Rd., Grd.Junction 81501
W. J. Baker	Vice-President	Loma 81524
Levi P. Morse	Secretary	3177 B Rd., Grd.Junction 81501
Bobby J. White	Treasurer	Box 186 Grd.Junction 81501

## 6. Board Members:

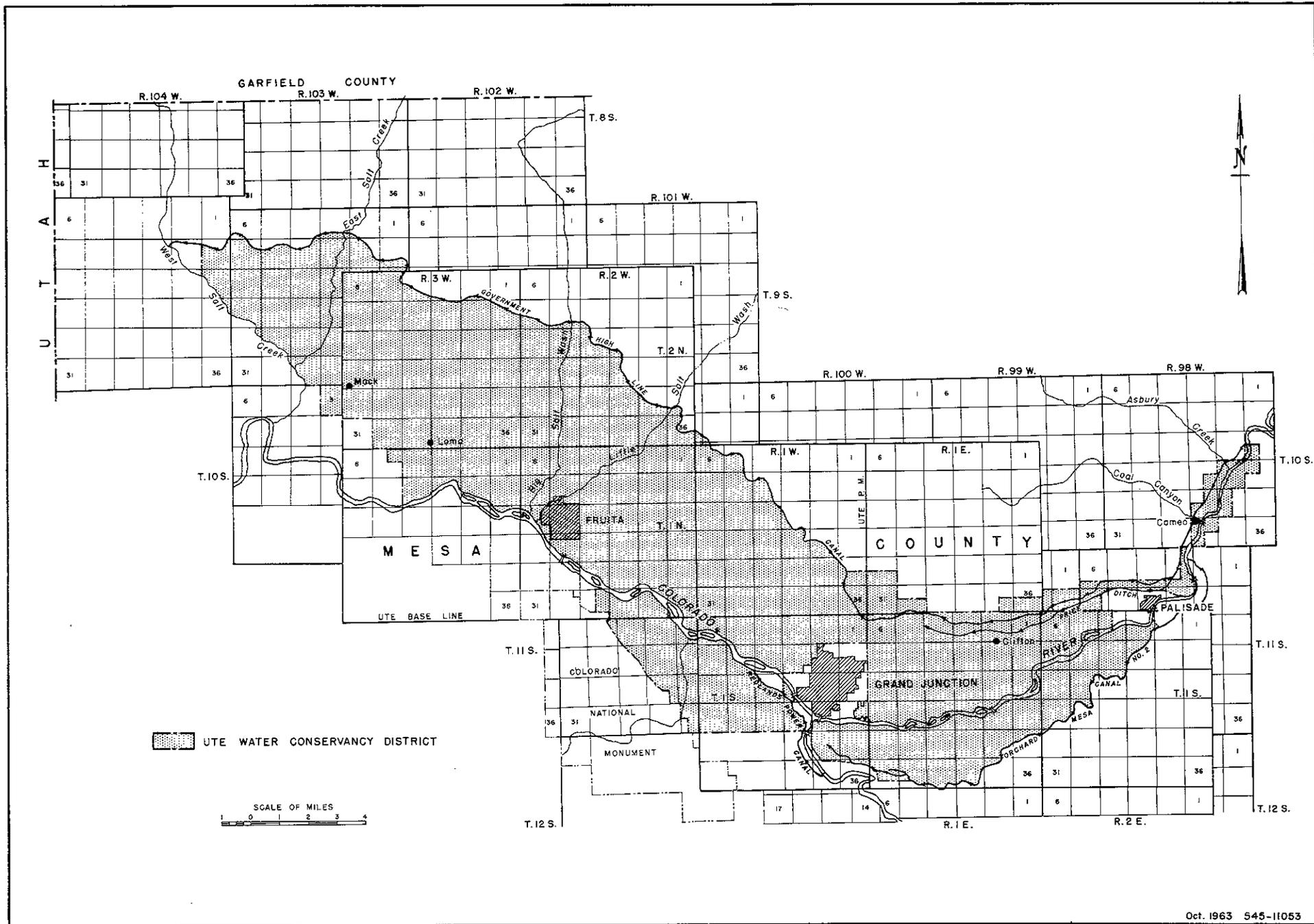
<u>Name</u>	<u>Address</u>
John Brophy	283 W.Parkview Dr. Grd.Junction 81501
Fred Hulburt	Palisade 81526
Levi P. Morse	3177 B Rd. Grd.Junction 81501
Merle Motz	Palisade 81526
K. M. Matchett	2844 F Rd. Grd.Junction 81501
Fred J. Simpson	2549 F Rd. Grd.Junction 81501
R. R. Weimer	North 12th St. Grd.Junction 81501
W. J. Baker	Loma 81524
Frank Beede	Loma 81524
Harold Mogensen	Fruita 81521
Lawrence Aubert	211 C. C. Park Grd.Junction 81501
L. O. Halvorson	2370 Broadway Grd.Junction 81501
Bobby J. White	Box 186 Grd.Junction 81501

## 7. Full time staff:

Riney F. Wilbert	Mgr.-Engineer	P. O. Box 460 Grd.Junction 81501
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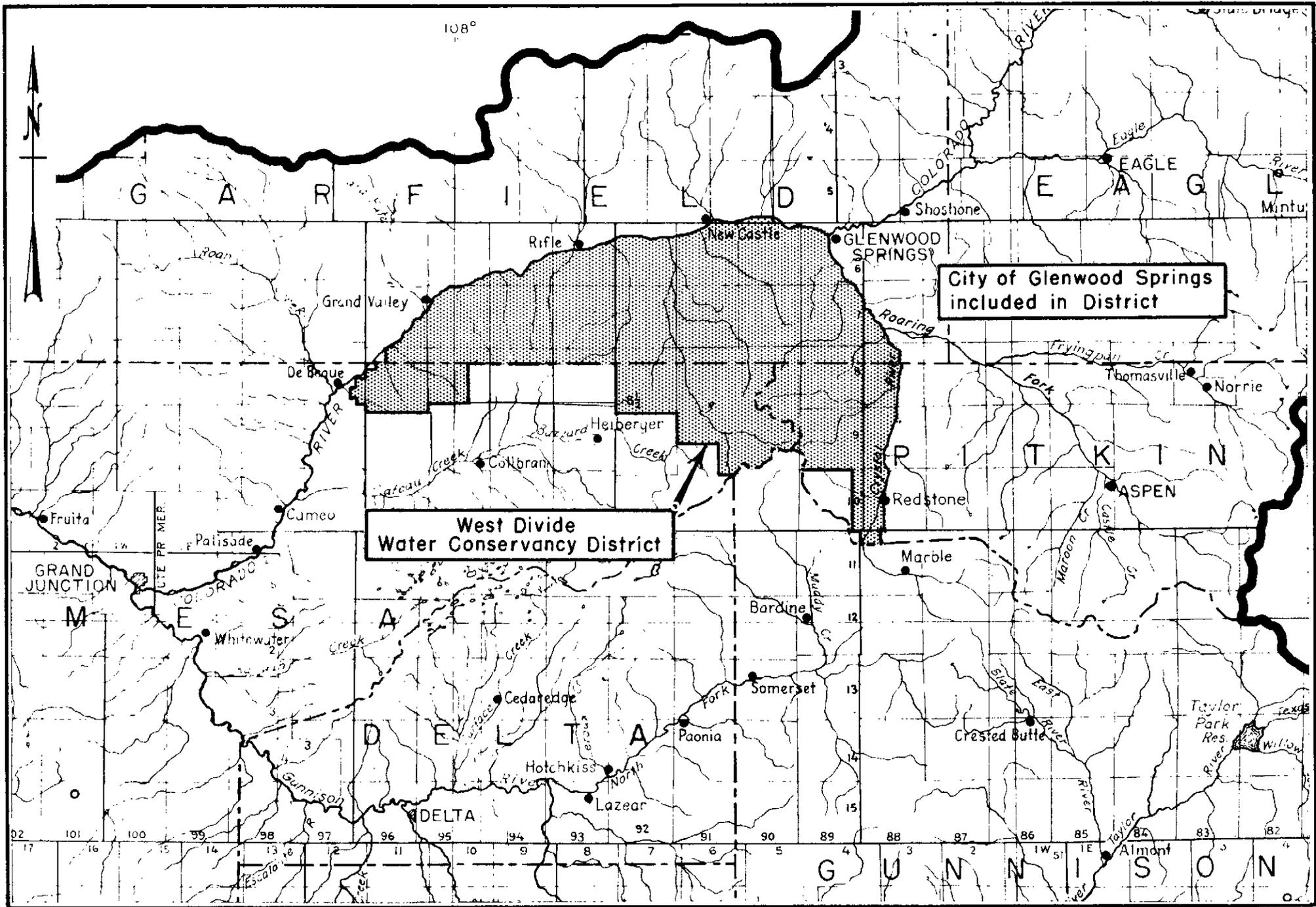
## 8. Consultants:

Albin Anderson, Jr.	Attorney	201 N. 5th St., Grd.Junction 81501
Western Engineers, Inc.	Engineer	Box 571, Grd.Junction 81501




 UTE WATER CONSERVANCY DISTRICT

SCALE OF MILES  
 0 1 2 3 4



WEST DIVIDE WATER CONSERVANCY DISTRICT  
Glenwood Springs, Colorado

1. Date of organization: April 22, 1964.
2. Counties or portions of counties included: Garfield, Pitkin and Mesa.
3. Assessed valuation:  
First reported assessment (1964): \$11,983,170.  
Current assessment (1967): 15,934,640.
4. Principal water development project: West Divide Project. Congressional authorization pending. Total project cost estimated at \$99,800,000.

5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
William B. Jackson	President	R. R. 1, Box 350 Glenwood Spgs.81601
Harold C. Carmack	Vice-President	Star Route New Castle 81647
Frieda H. Jackson	Secretary- Treasurer	R. R. 1, Box 350 Glenwood Spgs.81601

6. Board Members:

<u>Name</u>	<u>Address</u>
William B. Jackson	R. R. 1, Box 350 Glenwood Spgs.81601
K. W. Geib	R. R. 1, Box 329 Glenwood Spgs.81601
Harold C. Carmack	Star Route New Castle 81647
Carl H. Bernklau	R. R. 1 Rifle 81650
Paul D. Pitman	Box 591 Rifle 81650
Ralph L. Antonides	Redstone via Carbondale 81623

7. Full time staff: None.

8. Consultants:

Frank Delaney	Attorney	P. O. Box 356 Glenwood Spgs.81601
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YELLOW JACKET WATER CONSERVANCY DISTRICT  
Meeker, Colorado

1. Date of organization: September 29, 1959.
2. Counties or portions of counties included: Rio Blanco, Moffat and Garfield.
3. Assessed valuation:  
     First reported assessment (1959): \$4,165,145.  
     Current assessment (1967): 7,029,575.
4. Principal water development project: Yellow Jacket Project. Feasibility investigation in progress.  
     Total project cost estimated at \$46,800,000.

5. Officers:

<u>Name</u>	<u>Title</u>	<u>Address</u>
Bill Gossard	President	Craig 81625
Malvin Crawford	Vice-President	Meeker 81641
W. J. Jones	Secretary	Meeker 81641
C. J. Wilson	Treasurer	Meeker 81641

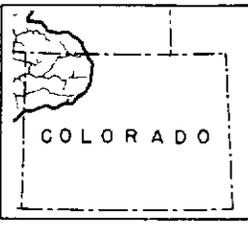
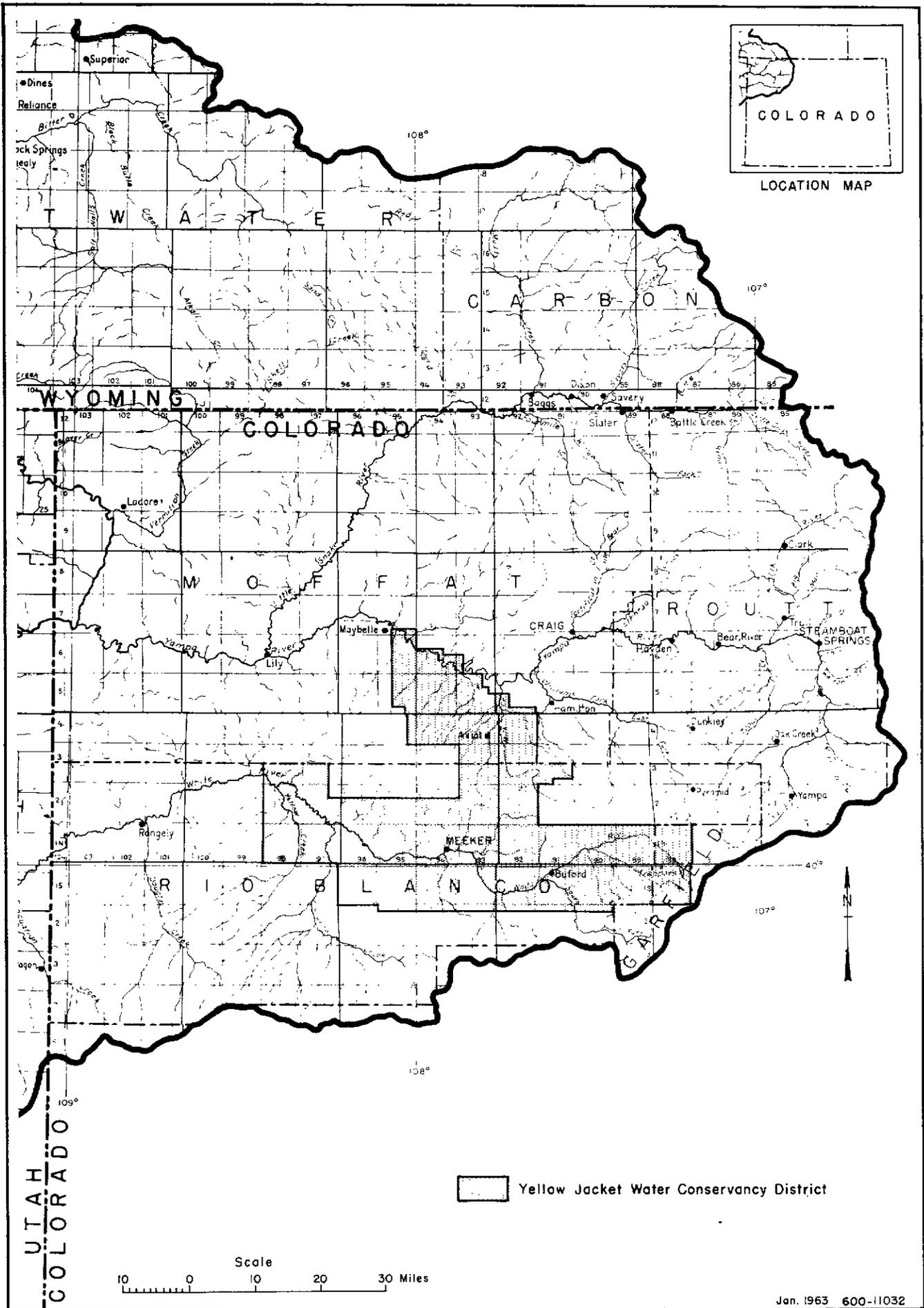
6. Board Members:

Bill Gossard	Craig 81625
Malvin Crawford	Meeker 81641
Robert Raley	Meeker 81641
Harry S. Coleman	Meeker 81641
C. J. Wilson	Meeker 81641
Wilbur Whalin	Meeker 81641
Sherman Taylor	Meeker 81641
Henry Sweeney	Lay 81625
John R. Barney	Meeker 81641

7. Full time staff: None.

8. Consultants:

W. J. Jones	Attorney	Meeker 81641
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LOCATION MAP

Yellow Jacket Water Conservancy District

Scale 10 0 10 20 30 Miles