



1 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
 WATER CONSERVATION AND IRRIGATION DISTRICTS
 ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY*C.R.S. 37-50-101 (2011)*

37-50-101. Legislative declaration

The conservation of the water of the Republican river, its tributaries, and that portion of the Ogallala aquifer underlying the district for compliance with the Republican river compact are of vital importance to the growth and development of the entire area and the welfare of all its inhabitants. To promote the health and general welfare of this state, an appropriate agency should be established for the conservation, use, and development of the water resources of the Republican river, its tributaries, and that portion of the Ogallala aquifer underlying the district to cooperate with and assist this state to carry out the state's duty to comply with the limitations and duties imposed upon the state by the Republican river compact and given such powers as may be necessary to safeguard for Colorado all waters to which the state is equitably entitled.

HISTORY: Source: L. 2004: Entire article added, p. 1905, § 1, effective August 4.

Cross references: For water rights generally, see § § 5 to 8 of art. XVI, *Colo. Const.*



2 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

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 ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY*C.R.S. 37-50-102 (2011)*

37-50-102. Definitions

As used in this article, unless the context otherwise requires:

(1) "Board" means the board of directors of the Republican river water conservation district created pursuant to *section 37-50-104*.

(2) "District" means the Republican river water conservation district created pursuant to this article.

(3) "Person" means a person, firm, partnership, association, or corporation.

(4) "Property", as used in *sections 37-50-109* and *37-50-111*, includes both real and personal property. In other parts of this article relating to special assessments, unless otherwise specified, "property" means real estate as defined in *section 2-4-401 (5)*, C.R.S., and includes 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) "Republican river basin" means that area shown upon the map titled: "Boundaries of the Republican River Basin and Republican River Water Conservation District". The map shall be kept on file in the office of the state engineer, the Colorado ground water commission, and the district and shall be available for public inspection.

(6) "Republican river compact" means the compact entered into between the states of Colorado, Kansas, and Nebraska and approved by the United States congress as codified in article 67 of this title and as further defined by the final settlement stipulation dated December 15, 2002, and filed in *Kansas v. Colorado and Nebraska*, No. 126 Original.

HISTORY: Source: L. 2004: Entire article added, p. 1905, § 1, effective August 4.



3 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
 WATER CONSERVATION AND IRRIGATION DISTRICTS
 ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-103 (2011)

37-50-103. Creation and name of district

(1) There is hereby created a water conservation district to be known and designated as the "Republican river water conservation district". The district is hereby declared to be a body corporate under the laws of Colorado. The district shall comprise the following area and territory of the state of Colorado: Phillips and Yuma counties and those portions of Kit Carson, Lincoln, Logan, Sedgwick, and Washington counties within the Republican river basin.

(2) The creation of the Republican river water conservation district shall not affect the existence or powers of public irrigation districts created pursuant to articles 41 to 43 of this title or ground water management districts created pursuant to article 90 of this title before August 4, 2004.

HISTORY: Source: L. 2004: Entire article added, p. 1906, § 1, effective August 4.



4 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-104 (2011)

37-50-104. Board of directors

(1) The district shall be managed and controlled by a board of fifteen directors. The members of the board shall hold their offices for terms of three years and until their successors are appointed and qualified. A director may serve one or more terms. The boards of county commissioners of the counties of Yuma, Phillips, Kit Carson, Washington, Sedgwick, Lincoln, and Logan shall each appoint one director, who shall be a resident of the respective county. One member of the board shall be appointed by each of the boards of the Marks Butte, Frenchman, W-Y, Sand Hills, Central Yuma, Arikaree, and Plains ground water management districts. One member of the board shall be appointed by the Colorado ground water commission and shall be a member of the Colorado ground water commission. Each director shall be, at the time of the director's appointment, a resident and owner of real property within the county or ground water management district from which he or she is appointed or, if only a part of the county or ground water management district is included within the boundaries of the district, a resident and owner of real property within such included part. The director appointed by the Colorado ground water commission shall, at the time of appointment, reside within the district. Each director shall be appointed by either the board of county commissioners of the county in which the director resides or by the ground water management district in which the director resides. The director may be a member of the board of county commissioners of such county or the board of directors of such ground water management district. Such appointments shall be made at the first meeting of the board of county commissioners, ground water management district, or Colorado ground water commission after the establishment of the district. The members of the board shall annually 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 a successor is duly selected.

(2) The office of a director shall become vacant when the director ceases to reside in the county or ground water management district from which he or she was appointed, or in the case of the director appointed by the Colorado ground water commission when the director ceases to reside in the district or is no longer a member of the Colorado ground water commission, or when declared vacant by a majority vote of all of the members of the board when a director has failed to attend two consecutive regular meetings without having been excused from attendance by the president. If a vacancy occurs in the office by reason of death, resignation, removal, or otherwise, it shall be filled for the remainder of the unexpired term by the board of county commissioners of the county, or the ground water management district from which the director was originally appointed. Before entering upon the discharge of his or her duties, each director shall take an oath to support and defend the constitutions of the United States and of this state and to impartially, without fear or favor, discharge the duties of a director of the district.

(3) (a) Upon creation of the district, the directors shall be appointed by the respective boards of county commissioners or ground water management districts as provided in this section for the following terms of office:

(I) The directors from the counties of Phillips and Kit Carson and from the Marks Butte and Arikaree ground water management districts, whose terms of office shall expire on the date of the regular quarterly meeting of the board to be held in October 2005, or as soon thereafter as their respective successors are appointed and qualified;

(II) The directors from the counties of Washington, Sedgwick, and Lincoln and from the W-Y, Central Yuma, and Plains ground water management districts, whose terms of office shall expire on the date of the regular quarterly meeting to be held in October 2006, or as soon thereafter as their respective successors are appointed and qualified; and

(III) The directors from the counties of Yuma and Logan, the directors from the Frenchman and Sand Hills ground water management districts, and the director appointed by the ground water commission, whose terms of office shall expire on the date of the regular quarterly meeting to be held in October 2007, or as soon thereafter as their respective successors are appointed and qualified.

(b) Thereafter, each director shall be appointed for a term of three years, and the term shall expire on the date of the regular quarterly meeting to be held in October of the year that commences during the third year of the director's term, or as soon thereafter as a successor is duly appointed and qualified. For the purpose of determining such expiration date, the term of the director shall be taken as having begun on the date of the first regular October quarterly meeting at which the term of a predecessor would have expired had the director then been duly appointed and qualified.

HISTORY: Source: L. 2004: Entire article added, p. 1906, § 1, effective August 4.



5 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-105 (2011)

37-50-105. Compensation of directors

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

HISTORY: Source: L. 2004: Entire article added, p. 1908, § 1, effective August 4. L. 2007: Entire section amended, p. 358, § 4, effective April 2.



6 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY*C.R.S. 37-50-106 (2011)*

37-50-106. Employees

The board shall appoint a secretary and a treasurer. The same individual may, at the election of the board, hold both 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 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 a corporate surety in such amount as the board may fix and that it deems sufficient to protect the funds in the hands of the treasurer or under the treasurer's control. Such bond is subject to the approval of the board.

HISTORY: Source: L. 2004: Entire article added, p. 1908, § 1, effective August 4.



7 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY*C.R.S. 37-50-107 (2011)*

37-50-107. General powers

(1) The district is formed for the purpose of cooperating with and assisting this state to carry out its duty to comply with the limitations and duties imposed upon the state by the Republican river compact, and, in furtherance of that purpose and in its corporate capacity, the district shall have power to:

(a) Sue and be sued in the name of the Republican river water conservation district and otherwise to participate in litigation;

(b) 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 sell and convey such property or its products as provided in this article or when the property is no longer needed for the purposes of the district;

(c) Borrow money and incur indebtedness and issue bonds or other evidence of such indebtedness;

(d) Accept gifts, grants, or donations of personal or real property or moneys;

(e) Make surveys and conduct investigations to determine the best manner of utilizing stream flows within the district and the amount of such stream flow or other water supply, including ground water; locate ditches, irrigation works, wells, pipelines, and reservoirs to store or utilize water for compact compliance purposes; make filings upon such water; initiate appropriations for compact compliance purposes; and do and perform all acts and things necessary or advisable to protect existing beneficial uses of water within the district through compliance with the Republican river compact;

(f) Make contracts with respect to the relative rights of the district under its claims and filings and the rights of any other person seeking to divert water from any of the streams within the district;

(g) Contract with any agencies, officers, bureaus, and departments of this state and the United States, including the department of corrections, to obtain services or labor for the initiation or construction of irrigation works, canals, reservoirs, wells, pipelines, or retaining ponds within the district;

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

(i) Enter into contracts, agreements, or other arrangements with the United States government or any department thereof; with persons, railroads, or other entities; with public corporations; with the state government or a political subdivision of this or other states; with irrigation, drainage, conservation, conservancy, or other improvement districts in this or other states; with ground water management districts; or with the ground water commission for cooperation or assistance in constructing, maintaining, using, and operating the works of the district, for making surveys and investigations or related reports, or for any other purpose authorized by this article. The district may purchase, lease, or acquire land or other property in adjoining states in order to secure outlets or for other purposes of the district and may enter into contracts and spend money for securing such outlets or other works in adjoining states.

(j) Have and exercise the power of eminent domain to acquire ditches, reservoirs, or other works, lands, or rights-of-way therefor that the district may need to carry out the plans of the district and in general to exercise any and all rights and powers of eminent domain conferred upon other agencies, as provided in articles 1 to 7 of title 38, C.R.S.;

(k) Establish a water enterprise pursuant to article 45.1 of this title;

(l) Make loans or grants to any public entity, nonprofit corporation, not-for-profit corporation, carrier ditch company, mutual ditch or reservoir company, unincorporated ditch or reservoir company, or cooperative association within the boundaries of the district to carry out the purposes of the district;

(m) Impose a use fee on the diversion of water within the district or establish an annual levy for the use of water;

(n) Establish a nonprofit or charitable land trust;

(o) Purchase, rent, lease, and accept donations of, or cooperate in the creation of, conservation easements;

(p) Cooperate in the creation of conservation reserve programs and other similar programs;

(q) 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 as set forth in this article.

(2) The district, in its own name, may issue revenue bonds to finance, in whole or in part, the construction of works, reservoirs, wells, pipelines, or other improvements for the beneficial use of water for the purposes for which it has been or may be appropriated and to further the purposes of the district, whether or not the interest on such bonds may be subject to taxation. Such revenue bonds shall be issued in such denominations and with such maximum net effective interest rate as may be fixed by the board and shall bear interest such that the net effective interest rate of the bonds does not exceed the maximum net effective interest rate authorized. The board shall pledge only rental proceeds, service charges, and other income, or any combination thereof, from such works or other improvements, and the district shall not be otherwise obligated for the payment thereof. At the time such revenue bonds are issued, the board shall make and enter in

the minutes of the proceeding a resolution in which are set forth the due dates of such revenue bonds, the rates of interest thereon, the general provisions of the bonds, and a statement that the same are payable only out of rental proceeds, service charges, and other income, or any combination thereof. In addition, the board shall require the payment of rental charges, service charges, or other charges by the political subdivisions or persons who are to use or derive benefits from the water or other services furnished by such works or improvements. Such charges shall be sufficient to pay operation and maintenance expenses thereof, to meet the bond payments, and to accumulate and maintain reserve and replacement accounts pertaining thereto as set forth in such resolution. Such resolution shall be irrevocable during the time that any of the revenue bonds are outstanding and unpaid. The revenue bonds shall be signed "Republican River Water Conservation District, By, president. Attest, secretary", and they shall be countersigned by the treasurer.

(3) The district is authorized and required to prepare and adopt as the official plan for the district a comprehensive, detailed plan showing the nature of the improvements or works, including all canals, reservoirs, ditches, wells, and pipelines, whether within or without the district, and the estimated cost of each principal part of such system or works.

(4) The board has full authority to devise, prepare for, execute, maintain, and operate all works or improvements necessary or desirable to complete, maintain, operate, and protect the works provided for by the official plan, and to that end may employ and secure persons and equipment under the supervision of the chief engineer or other agents or may enter into contracts for such works, either as a whole or in parts.

HISTORY: Source: L. 2004: Entire article added, p. 1908, § 1, effective August 4.



8 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
 WATER CONSERVATION AND IRRIGATION DISTRICTS
 ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-108 (2011)

37-50-108. Principal office - meetings

The board 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 the board shall be held at the office on the second Thursday in the months of January, April, July, and October. The board may hold such special meetings as may be required for the proper transaction of business. All special meetings of the board shall be held at locations that are within the boundaries of the district or that are within the boundaries of any county in which the district is located, in whole or in part, or in any county if the meeting location is within Colorado and does not exceed twenty miles from the district boundaries. The provisions of this section governing the location of meetings may be waived only if the proposed change of location of a meeting of the board appears on the agenda of a regular or special meeting of the board and if a resolution is adopted by the board stating the reason for which a meeting of the board is to be held in a location other than under the provisions of this section and further stating the date, time, and place of such meeting. Special meetings may be called by the president of the board or by any four directors. Meetings of the board shall be public, and proper minutes of the pro-

ceedings of the board shall be preserved and shall be open to inspection by any elector of the district during business hours.

HISTORY: Source: L. 2004: Entire article added, p. 1911, § 1, effective August 4.



9 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-109 (2011)

37-50-109. Authority of the board to levy taxes

(1) In addition to other means of providing revenue for the district, the board has the power to fix the amount of an assessment upon the property within the district, 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 for, the per diem allowed to directors and their expenses, for expenses that may be incurred in the administration of the affairs of the district, and for all other lawful purposes of the district including capital construction.

(2) The amount of assessment on each dollar of valuation for assessment shall, in accordance with the schedule prescribed by *section 39-5-128*, C.R.S., 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 modified in this article, shall be applicable to the levy and collection of the amount certified by the board as provided in this section, 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 district on or before the tenth day of the next succeeding calendar month. Items of expense that have already been paid in whole or in part from any other sources by the district may be repaid from receipts of such levy. Such levy may be made regardless of whether 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 assist this state to carry out its duty to comply with limitations and duties imposed upon the state by the Republican river compact, is hereby declared to be a matter of general benefit to the public welfare, such that a tax for such purposes may be properly imposed.

HISTORY: Source: L. 2004: Entire article added, p. 1911, § 1, effective August 4.



10 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-110 (2011)

37-50-110. Levy and collection of uniform sales and use tax

(1) (a) In addition to other means of providing revenue for the district, the board, in the name of the district, has the power to levy and collect a uniform sales and use tax throughout the entire geographical area of the district, notwithstanding any provision of article 2 of title 29, C.R.S., to the contrary, and upon the approval of the eligible electors in the district at an election held in accordance with *section 20 of article X of the state constitution* and articles 1 to 13 of title 1, C.R.S.

(b) Such uniform sales tax rate shall not exceed one percent upon every transaction or other incident with respect to which a sales and use tax is levied by the state pursuant to the provisions of article 26 of title 39, C.R.S.

(c) The sales and use tax imposed pursuant to paragraph (a) of this subsection (1) shall not be levied on:

(I) The sale of tangible personal property delivered by a retailer, by a retailer's agent, or to a common carrier for delivery to a destination outside the district; or

(II) The sale of tangible personal property on which a specific ownership tax has been paid or is payable when such sale meets the following conditions:

(A) The purchaser does not reside in the district or the purchaser's principal place of business is outside the district; and

(B) The personal property is registered or required to be registered outside the geographical boundaries of the district under the laws of this state.

(d) The sales and use tax imposed pursuant to paragraph (a) of this subsection (1) is in addition to any other sales and use tax imposed pursuant to law.

(2) (a) The collection, administration, and enforcement of the sales and use tax shall be performed by the executive director of the department of revenue in the same manner as that for the collection, administration, and enforcement of the state sales and use tax imposed pursuant to article 26 of title 39, C.R.S., including, without limitation, the retention by a vendor of the percentage of the amount remitted to cover the vendor's expense in the collection and remittance of the sales tax as provided in *section 39-26-105, C.R.S.* The executive director shall make monthly distributions of sales tax collections to the district. The district shall pay the net incremental cost incurred by the department in the administration and collection of the sales and use tax.

(b) (I) A qualified purchaser may provide a direct payment permit number issued pursuant to *section 39-26-103.5, C.R.S.*, to any vendor or retailer that is liable and responsible for collecting and remitting any sales tax levied on any sale made to the qualified purchaser pursuant to the provisions of this section. A vendor or retailer that has received a direct payment permit number in good faith from a qualified purchaser shall not be liable or responsible for collection and remittance of any sales tax imposed on the sale that is paid for directly from the qualified purchaser's funds and not the personal funds of any individual.

(II) A qualified purchaser that provides a direct payment permit number to a vendor or retailer shall be liable and responsible for the amount of sales tax levied on any sale made to the qualified purchaser pursuant to this section in the same manner as liability would be imposed on a qualified purchaser for state sales tax pursuant to *section 39-26-105 (3)*, C.R.S.

(c) (I) The board shall designate a financial officer who shall coordinate with the department of revenue regarding the collection of a sales and use tax. This coordination shall include, but not be limited to, the financial officer identifying those businesses eligible to collect the sales and use tax and any other administrative details identified by the department.

(II) Any sales and use tax authorized pursuant to this article shall become effective on July 1 following the electors' approval of the tax.

(3) The district shall use the revenues generated from the sales and use tax imposed pursuant to this article to assure compliance with the Republican river compact.

HISTORY: Source: . L. 2004: Entire article added, p. 1912, § 1, effective August 4.L. 2008: (1)(d) amended, p. 992, § 15, effective August 5.



11 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
 WATER CONSERVATION AND IRRIGATION DISTRICTS
 ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-111 (2011)

37-50-111. Limitations on power to levy and contract

(1) The district has no power of taxation or right to levy or assess taxes pursuant to *section 37-50-109*, except an annual levy. The district has no power to contract or incur any obligation or indebtedness except as expressly provided in this article.

(2) All property taxes and assessments under this article shall be collected by the county treasurers of the respective counties in which real estate is situated at the same time and in the same manner as is provided by law for the collection of taxes for county and state purposes, and, if the assessments are not paid, the real estate shall be sold at regular tax sales for the payment of the assessments, interest, and penalties in the manner provided by the laws of this state for selling property for the payment of general taxes. If there are no bids at the tax sales for the property so offered, the tax certificates shall be issued in the name of the district; and the board has the same power with reference to the sale of the tax certificates as is now vested in county commissioners and county treasurers when a tax certificate is issued in the name of a county.

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

HISTORY: Source: L. 2004: Entire article added, p. 1914, § 1, effective August 4.



12 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-112 (2011)

37-50-112. Investment of unexpended revenues

The board may invest any unexpended revenues of the district, including any amounts in the construction fund not needed for immediate use, to pay the cost of construction of any project, or to pay bonds or coupons or to meet current expenses, in securities meeting the investment requirements established in part 6 of article 75 of title 24, C.R.S. The board may require any revenues of the district to be deposited with such depository or bank as may be designated by the board and likewise has authority to require the treasurer of the district to take from such depository a bond with corporate surety to ensure payment of any such deposit, or to require such depository to ensure 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 ensure payment of any such deposit.

HISTORY: Source: L. 2004: Entire article added, p. 1914, § 1, effective August 4.



13 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-113 (2011)

37-50-113. Appointment and compensation of appraisers

(1) As soon as the official plan has been prepared and adopted pursuant to *section 37-50-107 (3)* and is on file in the office of the district, upon petition of the district, the board may, if the official plan includes the utilization of special improvement bonds paid by special assessments upon the property benefitted within the district, appoint a board of appraisers consisting of three members. The qualifications of the 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 this state as set forth in article 4 of this title.

(2) Appraisers appointed under this section shall receive compensation set by the board for the performance of their duties.

HISTORY: Source: L. 2004: Entire article added, p. 1914, § 1, effective August 4.



14 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
 WATER CONSERVATION AND IRRIGATION DISTRICTS
 ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-114 (2011)

37-50-114. Assessments - procedure in making

(1) If the board provides for the financing of the construction or acquisition of the works or other improvements proposed and of the other steps necessary to the development and implementation of the district's official plan by special assessments to be levied against the appraised benefits to property within the district, then the board may make assessments from time to time, as required, and, in making the assessments, the board shall be guided by the procedure for the levy of similar assessments under the conservancy law of this state, articles 1 to 8 of this title, and particularly *sections 37-5-104 to 37-5-106*.

(2) From time to time, as the affairs of the district may demand, the board may levy on all property upon which benefits have been appraised an assessment of such portion of benefits as may be found necessary by the board to pay the cost of the appraisal, the preparation and execution of the official plan for the district, and the superintendence of construction and administration during the period of construction, plus ten percent of the 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 the district in proportion to the benefits appraised and not in excess thereof, and in case bonds are issued, then the amount of interest that will accrue on such bonds as estimated by the board shall be included in and added to the assessment; except that the interest to accrue on account of the issuance of bonds shall not be construed as a part of the cost of construction in determining whether the expenses and cost of making the improvement are equal to or in excess of the benefits appraised.

(3) As soon as the assessment is levied, the secretary of the district, at the expense thereof, shall prepare in duplicate an assessment of the district. The assessment shall be in the form of a well-bound book endorsed and named "Construction Fund Assessment Record of the Republican River Water Conservation District". The record shall be in the form of similar records for conservancy districts under the laws of this state, particularly *section 37-5-104*. Assessments may be paid in the manner provided in *section 37-5-105* relating to conservancy districts under the laws of this state. All proceedings provided in such sections with respect to conservancy districts shall apply to the assessments, the records thereof, and the manner of payment of assessments of the district.

HISTORY: Source: L. 2004: Entire article added, p. 1915, § 1, effective August 4.



15 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-115 (2011)

37-50-115. Collection by civil action

In addition to all other remedies for collection of assessments provided by this article, the district may, at any time after three years after the issuance of any certificate of purchase held by the district, bring civil action to foreclose the lien for assessments represented by all certificates of purchase held by the district with respect to the same land and for other relief with respect to such land as provided by the Colorado rules of civil procedure then in effect for the foreclosure of liens on real property. No statute of limitations shall be applicable to the rights of the district arising from any assessment. No decree, or sale of lands thereunder, shall be made except one subject to the lien of future unpaid installments of assessments. The county treasurer shall be made a party to any action of the district authorized by this section.

HISTORY: Source: L. 2004: Entire article added, p. 1915, § 1, effective August 4.



16 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION

WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-116 (2011)

37-50-116. 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 the cost of collecting the same, from the date of the filing of the construction fund and the assessment record in the office of the treasurer of the county in which the lands and property are situated, shall constitute a perpetual lien in an amount not in excess of the benefits severally appraised upon the land and other property against which assessments have been levied and such benefits appraised. No sale of the property to enforce any general state, county, city, town, or school tax or other lien shall extinguish the perpetual lien of the assessment. At any time, a landowner may pay the full amount of the assessment, and thereafter the property of the landowner shall be clear and free from 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.

HISTORY: Source: L. 2004: Entire article added, p. 1916, § 1, effective August 4.



17 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-117 (2011)

37-50-117. Directors to remedy defects in assessments

If any assessment made under the provisions of this article proves invalid, the board, 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.

HISTORY: Source: L. 2004: Entire article added, p. 1916, § 1, effective August 4.



18 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-118 (2011)

37-50-118. 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 contained in the record.

HISTORY: Source: L. 2004: Entire article added, p. 1916, § 1, effective August 4.



19 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-119 (2011)

37-50-119. Defects in notice perfected

Whenever in this article notice is provided for, if the court finds that due notice was not given, jurisdiction shall not be lost nor the proceedings abated or held void, but the court shall continue the hearing until proper notice has been given and then shall proceed as though proper notice had been given in the first instance. If any appraisal, assessment, levy, or other proceeding relating to the district is held defective, then the board may file a motion in the cause in which the district was organized to perfect any such defect, and the court shall set a time to hear the motion. If the original notice as a whole is held to be sufficient, but faulty only with reference to publication as to certain particular lands or as to service as to certain 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 the notice is thereby corrected without invalidating the original notice as to other lands or persons.

HISTORY: Source: L. 2004: Entire article added, p. 1916, § 1, effective August 4.



20 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY*C.R.S. 37-50-120 (2011)*

37-50-120. Issuance of general obligation bonds

(1) In the name of the district, the district may issue general obligations or bonds that shall constitute a lien against the real property in the district. Obligations shall bear interest at a rate such that the net effective interest rate of the issue does not exceed the maximum net effective interest rate authorized. Interest shall be payable semiannually, and obligations may be made payable in series becoming due not less than five years and not more than fifty years after the date of issue. The bonds may be sold in one or more series at par, or below or above par, at public or private sale, in such manner and for such price as the district, in its discretion, shall determine. As an incidental expense of the issuance, the district may employ financial and legal consultants in regard to the financing of the official plan. The district may exchange all or a part of its bonds for all or an equivalent part of property or services included in the official plan for which the bonds are issued, if the exchange is preceded by determination of the fair value of the property or services exchanged for the bonds. Such determination shall be by resolution of the board and shall be conclusive.

(2) Such bonds are to be paid from assessments levied from time to time, as the bonds and interest thereon become due, against the taxable property in the district and not otherwise. Such levies shall not be limited as to rate or amount; except that they shall not exceed a rate reasonably required to yield revenues needed to pay bonds and interest as they mature, plus any other amounts required for debt service, less the amount of any other revenues available to the district for payment of bonds and debt service. The board shall certify, to the boards of county commissioners of the several counties in which the district or any part thereof is located, the amount of the levy necessary to be made upon the taxable property in the district to yield the required revenues becoming due on all outstanding bonds at the same time that certifications of the district's mill levy assessment for general district purposes are made. The procedure for the assessment and collection of ad valorem taxes of the county is, except as may be otherwise provided in this article, made applicable and is to be followed in the levy of assessments for payment of taxes and collection of principal and debt service on such general obligations or bonds.

HISTORY: Source: L. 2004: Entire article added, p. 1917, § 1, effective August 4.



21 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-121 (2011)

37-50-121. Costs - board of directors to concur

To the extent that the costs of the proceedings for the issuance of revenue bonds are not paid by the proceeds of the bonds, they shall be budgeted and paid out from district revenues or from the separate district mill levy.

HISTORY: Source: L. 2004: Entire article added, p. 1917, § 1, effective August 4.



22 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-122 (2011)

37-50-122. Sinking fund

The district may provide for a sinking fund for the ultimate payment of any of the obligations of the district. The sinking fund may be invested as provided in *section 37-50-112*.

HISTORY: Source: L. 2004: Entire article added, p. 1917, § 1, effective August 4.



23 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-123 (2011)

37-50-123. Court confirmation

(1) (a) The board, on behalf and in the name of the district, may file a petition at any time, in the district court in and for the county in which the district's principal office is maintained, for a judicial examination and determination of any power conferred or of any taxes or rates or other charges levied, or of any act, proceeding, or contract of the district, whether or not the contract has been executed, including, without limitation, proposed contracts for the acquisition, improvement, equipment, maintenance, operation, or disposal of any properties or facilities for the benefit of the district, and so including a proposed issue of revenue warrants, revenue bonds, special assessment bonds, or general obligation bonds, issued or to be issued on behalf of any such entity. The petition shall set forth the facts on which the validity of such power, tax, assessment, charge, act, proceeding, or contract is founded and shall be verified by the president of the board.

(b) An action taken pursuant to paragraph (a) of this subsection (1) shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication, mail, and posting, as provided in this article. Notice of the filing of the petition shall be given by the clerk of the court, under the seal of the court, stating in brief outline the contents of the petition and also stating where a full copy of any contract mentioned in the petition may be examined. The notice shall be served by publication at least once a week for five consecutive weeks in a daily or a weekly newspaper of general circulation published in the county in which the principal office of the district is located by mailing copies of the notice by registered or certified mail, return receipt requested, to the boards of county commissioners of the several counties in which the parties in interest in such action are located, wholly or in part, and by posting the notice in the office of the district at least thirty days before the date fixed in the notice for the hearing on the petition. Jurisdiction shall be complete after such publication, mailing, and posting.

(c) Any owner of property in the district filing a petition pursuant to this subsection (1) or any person interested in the petition, contract, or proposed contract may appear and move to dismiss or answer the petition at any time before the date fixed for the hearing or within such further time as may be allowed by the court. All persons who fail to appear shall be deemed to have consented to the petition.

(2) The petition and notice shall be sufficient to give the court jurisdiction. Upon hearing the petition, the court shall examine and determine all matters and things affecting the question submitted and shall make such findings and render such judgment and decree as the case warrants. Costs may be divided or apportioned among any 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 shall 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 Colorado rules of civil procedure shall govern in matters of pleading and practice where not otherwise specified in this article. The court shall disregard any error, irregularity, or omission that does not affect the substantial rights of the parties.

HISTORY: Source: L. 2004: Entire article added, p. 1917, § 1, effective August 4.



COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
 WATER CONSERVATION AND IRRIGATION DISTRICTS
 ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-124 (2011)

37-50-124. Election to authorize debt

Except for the issuance of refunding bonds or other funding or refunding of obligations that does not increase the net indebtedness of the district, no indebtedness shall be incurred by the issuance of general obligation bonds of the district or by any contract by which the district agrees to repay as general obligations or other obligations constituting a "general obligation debt by loan in any form", as such term is used in *section 6 of article XI of the state constitution*, of the district to the federal government, the state, a political subdivision, or a person over a term not limited to the then current fiscal year any project costs advanced thereby under any contract for the acquisition or improvement of the facilities or any interest in the facilities, or for any project, advanced by the issuance of securities of such a political subdivision or person to defray any cost of the project or of the facilities or an interest in the project or facilities acquired and becoming a part of the facilities of the district, or otherwise advanced, unless a proposal for issuing the district's general obligation bonds or of incurring an indebtedness by the district by making such a contract is submitted to the electors of the district and is approved by a majority of such electors voting on the proposal at an election held for that purpose in accordance with this article.

HISTORY: Source: L. 2004: Entire article added, p. 1918, § 1, effective August 4.



25 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
 WATER CONSERVATION AND IRRIGATION DISTRICTS
 ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-125 (2011)

37-50-125. Definition of elector

(1) An "elector" or "elector of the district", or any term of similar import, means a person who:

- (a) At the time of the election, is qualified to vote in general elections in this state; and
- (b) Either:
 - (I) Has been a resident of the district for not less than thirty-two days at the time of the election; or
 - (II) Owns or whose spouse owns taxable real or personal property within the district.
- (2) Registration pursuant to the laws concerning general elections or any other laws shall not be required.

HISTORY: Source: L. 2004: Entire article added, p. 1919, § 1, effective August 4.



26 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-126 (2011)

37-50-126. Elections

Whenever in this article an election of the electors of the district is permitted or required, the election may be held separately at a special election or may be held concurrently with any primary, general, or other election held under the laws of this state.

HISTORY: Source: L. 2004: Entire article added, p. 1919, § 1, effective August 4.



27 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-127 (2011)

37-50-127. Election resolution

(1) The board shall call any election by resolution adopted at least thirty days before the election.

(2) The resolution shall state the objects and purposes of the election, the date upon which such election shall be held, and the form of the ballot.

(3) In the case of an election not to be held concurrently with a primary or general election, the board shall provide in the election resolution or by supplemental resolution for the appointment of sufficient judges and clerks of the election, who shall be electors of the district holding the debt election, and shall set their compensation. The election resolution or a supplemental resolution shall designate the precincts and polling places, but a supplemental resolution may modify the description of precincts and polling places without repeating the description in full. The description of precincts may be made by reference to any order of the governing body of any county, municipality, or other political subdivision in which the district or any part thereof is situated, by reference to any previous order or other instrument of the governing body, by detailed description of the precincts, or by other sufficient description.

(4) Precincts established by the governing body may be consolidated in the election resolution by the board in a sufficient number that it deems expedient for the convenience of the electors for any election not to be held concurrently with a primary or general election.

(5) If the election is held concurrently with a primary or general election held under the laws of this state, the judges of election for the primary or general election shall be designated as the judges of the election for the election held pursuant to this article, and they shall receive such additional compensation, if any, as the board shall set by the election resolution.

(6) If there is a direct conflict between this section and the provisions governing elections in *section 20 of article X of the state constitution*, *section 20 of article X of the state constitution* shall prevail.

HISTORY: Source: L. 2004: Entire article added, p. 1919, § 1, effective August 4.



28 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
 WATER CONSERVATION AND IRRIGATION DISTRICTS
 ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-128 (2011)

37-50-128. Conduct of election

(1) Except as otherwise provided in this article, an election held pursuant to this article shall be opened and conducted in the manner then provided by the laws of this state for the conduct of general elections.

(2) If an election is held concurrently with a primary or general election, the county clerk and recorder of each county in which the district holding the election is located shall perform for the district election the acts provided by law to be performed by such officials. If an election is not held concurrently with a primary or general election, such acts shall be performed by the secretary of the district with the assistance of the county clerk and recorders. The board and county clerk and recorders are authorized to agree among themselves upon the division of such acts and the determination of persons to perform them.

(3) An elector of the district may vote in an election by absent voter's ballot under such terms and conditions, and in substantially the same manner insofar as is practicable, as prescribed in article 8 of title 1, C.R.S., of the "Uniform Election Code of 1992", for general elections, except as specifically modified in this article.

(4) All acts required or permitted to be performed by a county clerk and recorder shall be performed by each one respectively in the event of a primary or general election and by the secretary or assistant secretary of the board in the event of any other election, unless the services of the county clerk and recorder in each such county are contracted for, but no oath shall be administered by the secretary or assistant secretary unless he or she is also an officer authorized to administer oaths.

(5) Application may be made for an absent voter's ballot not more than twenty days and not less than four days before the election.

(6) No consideration shall be given nor distinction made with reference to any person's affiliation or the lack thereof.

(7) The return envelope for the absent voter's ballot shall have printed on its face an affidavit substantially in the following form:

State of Colorado, county of, I,, being first duly sworn according to law, depose and say that the address of my residence is; that I am a person qualified to vote in general elections in the state of Colorado and am a resident of the Republican river water conservation district at the time of this election.

.....
Signature of voter

Subscribed and sworn to before me this ... day of, 20.....(Signature of notary public, county clerk and recorder, or other officer authorized to administer oaths)(SEAL)..... Title of office

(8) In any such election at which voting machines are used, the board shall provide paper ballots for absent voters containing the same question as will be submitted to the electors by the voting machines, subject to subsection (9) of this section.

(9) The district may provide for mail-in voters to cast their mail-in voters' ballots on voting machines expressly provided for that purpose, if each mail-in voter indicates by affidavit that he or she is qualified to vote at the election and will be a mail-in voter, pursuant to *section 1-8-102*, C.R.S.

(10) If there is a direct conflict between this section and the provisions governing elections in *section 20 of article X of the state constitution*, *section 20 of article X of the state constitution* shall prevail.

HISTORY: Source: L. 2004: Entire article added, p. 1920, § 1, effective August 4. L. 2008: (9) amended, p. 1913, § 127, effective August 5. L. 2009: (9) amended, (HB 09-1216), ch. 165, p. 731, § 12, effective August 5.



*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-129 (2011)

37-50-129. Notice of election

Notice of an election held pursuant to this article shall be given by publication by three consecutive weekly insertions in at least one newspaper of general circulation in each county wholly or partially within the district, as determined by the board. No other notice of an election held under this article need be given, unless otherwise provided by the board. A supplemental notice may be given by publication at such times and places as the board may determine to be necessary or convenient for correcting or otherwise modifying the original notice of election or for any other purpose.

HISTORY: Source: L. 2004: Entire article added, p. 1921, § 1, effective August 4.



30 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-130 (2011)

37-50-130. Polling places

(1) All polling places designated by resolution for an election shall be within the territorial limits of the district; except that, if an election of the district is held concurrently with a primary or general election, the polling place for each precinct located wholly or partially within the district shall be the polling place for such precinct for the district election, regardless of whether such polling place is within the district.

(2) If the election of the district is not held concurrently with a primary or general election held under the laws of this state, there shall be one polling place in each of the election precincts that are used in the primary and general elections or in each of the consolidated precincts fixed by the board, as the case may be.

HISTORY: Source: L. 2004: Entire article added, p. 1922, § 1, effective August 4.



31 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-131 (2011)

37-50-131. Election supplies

(1) The secretary of the district shall provide at each polling place ballots or ballot labels, or both, ballot boxes or voting machines, or both, instructions, electors' affidavits, and other materials and supplies required for an election by any law; and the secretary may provide ballots and marking devices suitable for voting and for the votes on the ballots to be counted on electronic vote-tabulating devices.

(2) Election officials may require the execution of an affidavit by any person desiring to vote at any election of the district to evidence such person's qualifications to vote. The affidavit shall be prima facie evidence of the facts it states.

HISTORY: Source: L. 2004: Entire article added, p. 1922, § 1, effective August 4.



32 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-132 (2011)

37-50-132. Election returns

(1) In the case of any election held under this article that is not held concurrently with a primary or general election, the election officials shall make their returns directly to the secretary of the district for the board.

(2) In the case of an election held under this article that is consolidated with any primary or general election, the returns 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. The canvassing body shall certify promptly and shall transmit to the secretary of the district for the board a statement of the result of the vote upon any proposition submitted under this article.

(3) Upon receipt by the board of election returns from election officials or upon receipt of such certificate from each such canvassing body, the board shall tabulate and declare the results of the election at any regular or special meeting held not earlier than five days following the date of the election.

(4) The board shall cause the results of the election to be published at least one time in at least one newspaper having general circulation in the district.

HISTORY: Source: L. 2004: Entire article added, p. 1922, § 1, effective August 4.



33 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
 WATER CONSERVATION AND IRRIGATION DISTRICTS
 ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-133 (2011)

37-50-133. Debt and tax levy election contests

(1) An election declared to have approved an authorization to levy any tax or issue any bonds, by approval of the tax levy or bond question, or otherwise to incur an indebtedness may be contested by any elector of the district by suit against it as contestee and defendant in any district court of any county in which the district is wholly or partially situate:

(a) When illegal votes have been received or legal votes rejected at the polls in sufficient numbers to change the results;

(b) For any error or mistake on the part of any of the judges of election, any county clerk and recorder, the secretary of the district, or their respective officers and employees in counting or declaring the result of the election, if the error or mistake is sufficient to change the result;

(c) For misconduct, fraud, or corruption on the part of any of the judges of election, any county clerk and recorder, the secretary of the district, or their respective officers and employees, if the misconduct, fraud, or corruption is sufficient to change the result;

(d) When the tax levy or bonds or other indebtedness is authorized to be issued for an invalid purpose; or

(e) For any other cause that shows that the tax levy or bonds or other indebtedness is not validly authorized at the election.

(2) The style and form of process, the manner of service of process and papers, the fees of officers, and judgment for costs and execution of the judgment shall be according to the rules and practices of the court.

(3) Before the court takes jurisdiction of the contest, the contestor shall file with the clerk of the court a bond, with sureties, to be approved by the judge, running to the district as contestee and conditioned to pay all costs in case of failure of the contestor to maintain the contest.

(4) When the validity of any tax levy or bond or other indebtedness election is contested, the plaintiff or plaintiffs, within thirty days after the returns of the election are canvassed and the results declared and published, or last published, as the case may be, shall file with the clerk of the court a verified written complaint setting forth specifically:

(a) The name of the party contesting the election and a statement that the plaintiff or each plaintiff is an elector of the district;

(b) The proposition or propositions voted on at the election that are contested, the name of the district as defendant and contestee, and the date of the election; and

(c) The particular grounds of the contest.

(5) No such contest shall be maintained and no election shall be set aside or held invalid unless such a complaint is filed within the period prescribed in subsection (4) of this section.

(6) Except as otherwise provided in this article, the election laws pertaining to contested election cases of municipal offices as provided in part 13 of article 10 of title 31, C.R.S., of the "Colorado Municipal Election Code of 1965", shall apply to tax levy or bond or other indebtedness elections; except that any such contest shall be regarded as one contesting the outcome of the vote on the proposition authorizing the tax levy or issuance of securities or otherwise incurring the indebtedness, rather than election to office, and the district as contestee, rather than a person declared to have been elected to office, shall be regarded as the defendant.

(7) If the board declares the proposition authorizing the tax levy or issuance of bonds or otherwise incurring the indebtedness to have carried and no contest is duly filed or if such a contest is filed after it is favorably terminated, the board may issue the bonds or otherwise incur the tax levy or indebtedness authorized at the election at one time or from time to time.

HISTORY: Source: L. 2004: Entire article added, p. 1923, § 1, effective August 4.



34 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
 WATER CONSERVATION AND IRRIGATION DISTRICTS
 ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-134 (2011)

37-50-134. Covenants and other provisions in bonds

(1) A resolution providing for the issuance of bonds under this article, payable from pledged revenues and an indenture or other related instrument or proceedings, may at the discretion of the board contain covenants or other provisions, notwithstanding that such covenants and provisions may limit the exercise of powers conferred by this article, in order to secure the payment of such bonds, in agreement with the holders of such bonds, including, without limitation, covenants or other provisions as to any one or more of the following:

(a) The pledged revenues and, in the case of general obligations, the taxes to be fixed, charged, or levied and their collection, use, and disposition, including, without limitation, the foreclosure of liens for delinquencies; the discontinuance of services, facilities, or use of any properties or facilities; prohibition against free service; the collection of penalties and collection costs; and the use and disposition of any moneys of the district, derived or to be derived, from any source designated;

(b) The acquisition, improvement, or equipment of all or any part of properties pertaining to any project or any facilities;

(c) The creation and maintenance of reserves or sinking funds to secure the payment of the principal and interest on any bonds or of the operation and maintenance expenses of any facilities, or part thereof, and the source, custody, security, regulation, use, and disposition of any such reserves or funds, including, without limitation, the related powers and duties of any trustee;

(d) Limitations on the powers of the district to acquire or operate, or permit the acquisition or operation of, structures, facilities, or properties that may compete or tend to compete with any facilities;

(e) The vesting in a corporate or other trustee or trustees of such property, rights, powers, and duties in trust as the board may determine, which may include any or all of the rights, powers, and duties of the trustee appointed by the holders of bonds, and limiting or abrogating the rights of such holders to appoint a trustee, or limiting the rights, duties, and powers of such trustee;

(f) Events of default, rights, and liabilities arising from events of default and the rights, liabilities, powers, and duties arising upon the breach by the district of any covenants, conditions, or obligations;

(g) The terms and conditions upon which the holders of the bonds or of a specified portion, percentage, or amount of the bonds, or any trustee for the holders, shall be entitled to the appointment of a receiver, which receiver may enter, take possession of, operate, and maintain any facilities or service; prescribe fees, rates, and other charges; and collect, receive, and apply all resulting revenues in the same manner as the district itself might do;

(h) A procedure by which the terms of any resolution authorizing bonds or any other contract with any holders of district bonds, including, without limitation, an indenture of trust or similar instrument, may be amended or abrogated, and as to the proportion, percentage, or amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

(i) The terms and conditions upon which any or all of the bonds shall become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived; and

(j) All such acts and things as may be necessary, convenient, or desirable in order to secure the bonds or, in the discretion of the board, tend to make the bonds more marketable, notwithstanding that such covenant, act, or thing may not be enumerated in this article, it being the intention of this article to give to the board power to do in the name and on behalf of the district all things in the issuance of district bonds and for their security, except as expressly limited in this article.

HISTORY: Source: L. 2004: Entire article added, p. 1924, § 1, effective August 4.



*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-135 (2011)

37-50-135. Liens on pledged revenues

(1) Revenues pledged for the payment of bonds, as received by or otherwise credited to the district under this article, shall immediately be subject to the lien of each such pledge without any physical delivery, filing, or further act.

(2) The lien of each such pledge and the obligation to perform the contractual provisions made in the authorizing resolution or other related instrument shall have priority over all other obligations or liabilities of the district, except as may be otherwise provided in this article or in the resolution or other instrument, and subject to any prior pledges and liens previously created.

(3) The lien of each such pledge shall be valid and binding as against all persons having claims of any kind in tort, in contract, or otherwise against the district, irrespective of whether such persons have notice of the lien.

HISTORY: Source: L. 2004: Entire article added, p. 1925, § 1, effective August 4.



36 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-136 (2011)

37-50-136. Rights - powers of holders of bonds - trustees

(1) Subject to any contractual limitations binding upon the holders of any issue or series of bonds of the district issuing bonds under this article, or the holders' trustee, including, without limitation, the restriction of the exercise of any remedy to a specified proportion, percentage, or number of such holders, and subject to any prior or superior rights of others, a holder of bonds, or the holder's trustee, shall have the right and power, for the equal benefit and protection of all holders of bonds similarly situated:

(a) By mandamus or other suit, action, or proceeding at law or in equity, to enforce the holder's rights against the district, board, or any combination, or the officers, agents, and employees of the district to compel the district, board, or such officers, agents, or employees to perform their respective duties, obligations, or other commitments under this article and their respective covenants and agreements with the holder of a bond;

(b) By action or suit in equity, to require the district to account as if it were the trustee of an express trust;

(c) By action or suit in equity, to have a receiver appointed, which receiver may enter and take possession of facilities and pledged revenues for the payment of the bonds; prescribe sufficient fees, rates, and other charges derived from the facilities; and collect, receive, and apply all pledged revenues or other moneys pledged for the payment of the bonds in the same manner as the district itself might do in accordance with the obligations of the district; and

(d) By action or suit in equity, to enjoin any acts or things that may be unlawful or in violation of the rights of the holder of any bonds.

HISTORY: Source: L. 2004: Entire article added, p. 1926, § 1, effective August 4.



37 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
WATER CONSERVATION AND IRRIGATION DISTRICTS
ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-137 (2011)

37-50-137. Investments and securities

(1) The board, subject to contractual limitations from time to time imposed upon the district by a resolution authorizing the issuance of the outstanding bonds of the district, a trust indenture, or other related proceedings, may invest and reinvest proceeds of taxes, pledged revenues, and proceeds of bonds issued under this article in securities meeting the investment requirements established in part 6 of article 75 of title 24, C.R.S., and may deposit such proceeds in any trust bank, secured in such manner and subject to such terms and conditions as the board may determine, with or without the payment of any interest on such deposit, including, without limitation, time deposits evidenced by certificates of deposit.

(2) Such securities and certificates of deposit thus held may, from time to time, be sold and the proceeds may be so reinvested or redeposited as provided in this section.

(3) Sales and redemptions of such securities and certificates of deposit thus held shall, from time to time, be made so that the proceeds may be applied to the purposes for which the money with which such securities and certificates of deposit were originally acquired.

(4) Gains from such investments or reinvestments may be credited to any fund or account pledged for the payment of district bonds issued under this article, including any applicable reserve, any other fund or account pertaining to a project or facility, or the district's general fund, subject to contractual limitations in a proceeding pertaining to outstanding district bonds.

(5) It is lawful for a commercial bank incorporated under the laws of this state that may act as depository of the proceeds of bonds issued under this article, securities owned by the district, proceeds of taxes, pledged revenues, and moneys otherwise pertaining to a project, facilities, or any combination, to furnish such indemnifying bonds and to pledge such securities as may be required by the board.

HISTORY: Source: L. 2004: Entire article added, p. 1926, § 1, effective August 4.



38 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
 WATER CONSERVATION AND IRRIGATION DISTRICTS
 ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-138 (2011)

37-50-138. Rents and charges

(1) (a) The district and any political subdivision of the state of Colorado contracting with the district and fixing and collecting annual rentals, service charges, other charges, or any combination thereof are authorized to fix and collect rents, rates, fees, tolls, and other charges, in this article sometimes referred to as "service charges", for direct or indirect connection with, or the use or services of, a water system, joint system, or other facilities, including, without limitation, connection charges, minimum charges, and charges for the availability of service.

(b) Such service charges may be charged to and collected in advance or otherwise by a district from a political subdivision or person and by a political subdivision from a person contracting for such connection, use, or services or from the owner, occupant, or any combination, of real property that directly or indirectly is, has been, or will be connected with such facilities. The political subdivision, owner, or occupant of such real property shall be liable for and shall pay such service charges to the district or political subdivision fixing the service charges at the time and place such service charges are due and payable.

(c) Service charges of the district may accrue from a date on which the board reasonably estimates, in a resolution authorizing the issuance of securities, other related instruments, or in a contract with any political subdivision or person, that facilities or projects being acquired or improved and equipped will be available for service or use.

(2) (a) Such rents, rates, fees, tolls, and other charges, being in the nature of use or service charges, shall, as nearly as the district shall deem practicable and equitable, be reasonable, and such service charges shall be uniform throughout the district for the same type, class, and amount of use or service of the facilities and may be based or computed either on:

(I) Measurements of water or flow devices that are duly provided and maintained by the district or any user as approved by the district;

(II) The consumption of water in, on, or in connection with the political subdivision, person, or real property, making due allowance for commercial use of water, infiltration of ground water, and discharge of surface runoff to the facilities;

(III) The number and kind of water fixtures or facilities on or in connection with the political subdivision, person, or real property;

(IV) The water facilities in, on, or in connection with the political subdivision, person, or real property;

(V) The number of persons residing or working in, on, or otherwise connected or identified with the political subdivision, person, or real property;

(VI) The capacity of the improvements in, on, or connected with the political subdivision, person, or real property;

(VII) The availability of service or readiness to serve by the facilities;

(VIII) Any other factors determining the type, class, and amount of use or service of the facilities; or

(IX) Any combination of any such factors.

(b) Reasonable penalties may be fixed for delinquencies, including, without limitation, interest on delinquent service charges from the due date at a rate not exceeding one percent per month or monthly fraction, reasonable attorney fees, and other costs of collection.

(3) The district shall prescribe and, from time to time when necessary, revise a schedule of such service charges, which shall comply with the terms of any contract of the district or political subdivision fixing the service charges.

(4) The general assembly has determined and declared that the obligations, arising from time to time, of the district, any political subdivision, or any person to pay service charges fixed in connection with any facilities shall constitute general obligations of the district, political subdivision, or person charged with their payment; except that, as such obligations accrue for current services and benefits from, and the use of, such facilities, the obligations shall not constitute an indebtedness of the district or any political subdivision within the meaning of constitutional, charter, or statutory limitation or other provision restricting the incurrence of debt.

(5) No board, agency, bureau, commission, or official, other than the board of directors of the district, has authority to fix, prescribe, levy, modify, supervise, or regulate the making of service charges or to prescribe, supervise, or regulate the performance of services pertaining to the district's facilities, as authorized by this article; except that this subsection (5) shall not be construed to be a limitation on the contracting powers of the board.

HISTORY: Source: L. 2004: Entire article added, p. 1927, § 1, effective August 4.



39 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
 WATER CONSERVATION AND IRRIGATION DISTRICTS
 ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-139 (2011)

37-50-139. Miscellaneous powers

(1) The district shall also have the following powers:

(a) To pay or otherwise defray and to contract to pay or defray, for a term not exceeding seventy-five years, without an election, except as otherwise provided in this article, the principal of, prior redemption premiums due in connection with, interest on, and other charges pertaining to securities or other obligations of the federal government, the district, a political subdivision, or a person that were incurred in connection with related property subsequently acquired by the district and relating to the district's facilities;

(b) To establish, operate, and maintain facilities within the district or elsewhere, across or along any public street, highway, bridge, or viaduct or other public right-of-way or in, upon, under, or over any vacant public lands, which public lands now are, or may become, the property of a political subdivision of this state, without first obtaining a franchise from the political subdivision having jurisdiction over the lands; except that the district shall cooperate with any political subdivision having such jurisdiction; shall promptly restore any such public street, highway, bridge, viaduct, or other public right-of-way to its former state of usefulness as nearly as may be; and shall not permanently impair completely or materially the usefulness of the right-of-way;

(c) To adopt, amend, repeal, enforce, and otherwise administer such reasonable resolutions, rules, regulations, and orders as the district shall deem necessary or convenient for the conduct of its business, including, but not limited to, the operation, maintenance, management, government, and use of the facilities of the district and any other facilities under its control, whether situated within, without, or both within and without the territorial limits of the district.

HISTORY: Source: L. 2004: Entire article added, p. 1929, § 1, effective August 4.



40 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
 WATER CONSERVATION AND IRRIGATION DISTRICTS
 ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-140 (2011)

37-50-140. Joint action entity

(1) The district and another cooperating entity or entities relating to a project or facilities in which the district is a party in interest may create a joint action entity, which shall be a separate body corporate, for the planning, construction, lease, other acquisition, improvement, equipment, operation, maintenance, disposal, and financing of any enterprise or properties relating to such project or facilities.

(2) A joint action entity may exercise the powers granted to the district by this article, other than the levy or fixing and collection of taxes, assessments, and service charges and the making and revising of rules and regulations under the police power.

HISTORY: Source: L. 2004: Entire article added, p. 1929, § 1, effective August 4.



41 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
 WATER CONSERVATION AND IRRIGATION DISTRICTS
 ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-141 (2011)

37-50-141. Refunding

(1) Any revenue bonds issued under this article and at any time outstanding may, at any time and from time to time, be refunded by the district by the issuance of its refunding bonds in such amount as the board may deem necessary to refund the principal of the bonds to be refunded, unpaid interest, premiums, and necessary incidental expenses.

(2) Any such refunding may be effected, whether the bonds to be refunded have matured or shall mature later, either by sale of the refunding bonds and the application of the proceeds, directly or indirectly, to the payment of the bonds to be refunded or by exchange of the refunding bonds for the bonds to be refunded, but the holders of bonds to be so refunded shall not be compelled, without their consent, to surrender their bonds for payment or exchange before the date on which they are payable by maturity date, option to redeem, or otherwise or if they are called for redemption before the date on which they are, by their terms, subject to redemption by option or otherwise. Except to the extent expressly or by implication inconsistent with the terms of this article, article 54 of title 11, C.R.S., shall govern the issuance of such refunding bonds and the establishment of any related escrow.

(3) Refunding bonds issued under authority of this article shall be payable solely from revenues out of which bonds to be refunded are payable or from revenues out of which bonds of the same character may be made payable under this article or other law in effect at the time of the refunding.

HISTORY: Source: L. 2004: Entire article added, p. 1930, § 1, effective August 4.



42 of 42 DOCUMENTS

COLORADO REVISED STATUTES

*** THIS DOCUMENT REFLECTS CHANGES CURRENT THROUGH ALL LAWS PASSED AT THE FIRST REGULAR SESSION OF THE 68TH GENERAL ASSEMBLY OF THE STATE OF COLORADO ***

TITLE 37. WATER AND IRRIGATION
 WATER CONSERVATION AND IRRIGATION DISTRICTS
 ARTICLE 50. REPUBLICAN RIVER WATER CONSERVATION DISTRICT

GO TO COLORADO STATUTES ARCHIVE DIRECTORY

C.R.S. 37-50-142 (2011)

37-50-142. Severability

If any provision of this article or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the article that can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

HISTORY: Source: L. 2004: Entire article added, p. 1930, § 1, effective August 4.