ARTICLE XVI, SECTION 6, COLORADO CONSTITUTION LANGUAGE PROPOSED BY COLORADO RIVER WATER CONSERVATION DISTRICT BOARD OF DIRECTORS May 24, 1972

Section 6 (a) - DIVERTING UNAPPROPRIATED WATER - PRIORITY PREFERRED USES. The right to divert the unappropriated waters of this state to beneficial uses shall never be denied, provided, however, that such right of diversion shall not be exercised except in accordance with the preservation and protection of environmental and aquatic values of the natural source. Priority of appropriation shall give the better right as between those using the water for the same purpose; but when the waters of any natural source are not sufficient for the service of all those desiring the use of same, those using the water for domestic purposes shall have preference over those claiming for any other purpose, and those using the same for agricultural purposes shall have preference over those using the same for manufacturing purposes. Henceforth, with respect to any appropriation creating a water right or any change of a water right, the exportation of the waters of a natural stream originating in any one of the following river basins, Arkansas, Colorado, Dolores, Gunnison, Laramie, North Platte, Rio Grande, San Juan, South Platte, White and Yampa-Green, to any other of said basins shall be permitted only when plans for such exportation are submitted to the agency hereinafter named and said agency finds that the present and reasonable prospective uses for beneficial purposes shall not be impaired or increased in cost to the water users within the natural basin. Means and facilities to accomplish such purpose shall be incorporated in such plans.

(b) AGENCIES: After consultation with appropriate agencies, the establishment of the environmental protection regulations and requirements set out in Section 6 (a) of this Article shall be accomplished within the respective areas of the established water conservation districts by the boards of directors thereof, and outside of such areas by the Colorado Water Conservation Board or similar agency replacing such Board.
"Section 6. Appropriation and Use of Water

Subject to the provisions of this section, the right to appropriate the unappropriated waters of any natural stream for beneficial use shall never be denied. The term beneficial use means any use that is of benefit to man, including benefit to the natural environment. Water may be appropriated by any person and by any entity, public or private, including the state and any political subdivision thereof, and priority of appropriation shall give the better right. Such appropriation and use shall be in accordance with procedures established by law. Henceforth, with respect to any appropriation creating a water right or any change of a water right, the exportation of the waters of a natural stream originating in any one of the following river basins, Arkansas, Colorado, Dolores, Gunnison, Laramie, North Platte, Rio Grande, San Juan, South Platte, White and Yampa-Green, to any other of said basins shall be permitted only when approved in accordance with law and when it is established that the proposed exportation will not materially damage existing water rights or the natural environment of the basin of origin."
Section 6. DIVERTING UNAPPROPRIATED WATER - PRIORITY PREFERRED USES.

The right to divert the unappropriated waters of any natural stream to beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water for the same purpose; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes.
WHEREAS, the Eagle-Piney Water Protection Association is circulating for signature petitions for an initiated constitutional amendment to Article XVI, Section 6, of the Colorado Constitution, in the following language:

"Section 6. Appropriation and Use of Water

Subject to the provisions of this section, the right to appropriate the unappropriated waters of any natural stream for beneficial use shall never be denied. The term beneficial use means any use that is of benefit to man, including benefit to the natural environment. Water may be appropriated by any person and by any entity, public or private, including the state and any political subdivision thereof, and priority of appropriation shall give the better right. Such appropriation and use shall be in accordance with procedures established by law. Henceforth, with respect to any appropriation creating a water right or any change of a water right, the exportation of the waters of a natural stream originating in any one of the following river basins, Arkansas, Colorado, Dolores, Gunnison, Laramie, North Platte, Rio Grande, San Juan, South Platte, White and Yampa-Green, to any other of said basins shall be permitted only when approved in accordance with law and when it is established that the proposed exportation will not materially damage existing water rights or the natural environment of the basin of origin."

to be considered by the voters in the November 1972 election; and,

WHEREAS, the Executive Committee of the Board of Directors of the Colorado River Water Conservation District, at the direction of the full Board, has met and considered such proposed amendment and after extensive deliberation concludes it cannot support the passage of the proposed amendment as drafted.
NOW, THEREFORE, BE IT RESOLVED, such Executive Committee, although sympathetic to the aims of said Association in providing protection to the basins of origin, does hereby state that it can not approve the language of the proposed constitutional amendment or support its passage because it is too broad in its implication in that it could preclude other beneficial uses of water, it provides that instream uses shall be beneficial uses without definition or quantification, it does not provide that such decrees shall be obtained by responsible public agencies, nor provide for some responsible public agency to determine what is a proper transbasin diversion.

Notwithstanding this lack of approval, the Executive Committee does additionally direct the District Staff, if requested by such Association, to attempt to formulate alternate language to achieve the protection of the basins of origin.

CERTIFICATE

I, ROLAND C. FISCHER, Secretary-Engineer for the Colorado River Water Conservation District do hereby certify that the above and foregoing Resolution was adopted by the Executive Committee of the Board of Directors of the Colorado River Water Conservation District at a meeting of that committee held in Glenwood Springs, Colorado on the 3rd day of May 1972.

Roland C. Fischer, Secretary-Engineer
The Colorado River Water Conservation District
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Page 2, strike all of lines 1 through 11, and substitute the following:

"Section 6. Unappropriated water. The right to appropriate the unappropriated waters of any natural stream for beneficial use shall never be denied. The term beneficial use means any use that is of benefit to man, society, or nature. Such appropriation shall be in accordance with the provisions of this section and any procedures established by law from time to time. Henceforth, with respect to any appropriation creating a water right or application for a change of water right, the exportation of the waters of a natural stream originating in any one of the basins of the Colorado, Gunnison, San Juan, Rio Grande, White-Yampa, North Platte, South Platte, or Arkansas rivers to any other of said basins shall be permitted only when it is established that the proposed exportation will not materially damage existing water rights or the natural environment of the basin of origin. Priority of appropriation shall give the better right as among those using the water for the same purpose; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes or for the purpose of protecting natural conditions."

MESSAGE FROM REVISOR OF STATUTES

March 16, 1972

We herewith transmit the following bills, with comment:
S. B. No. 44 and without comment: S. B. Nos. 40 and 51, also H. B. No. 1012, as amended.

SIGNING OF RESOLUTION AND MEMORIAL

March 16, 1972

After the titles were publicly read the Speaker signed H. J. R. No. 1024 and H. J. M. No. 1008.

INTRODUCTION OF BILLS—FIRST READING

The following bill was read by title and referred to the committee indicated:
H. B. No. 1128, by Representatives Black and Fentress; also Senator Stockton—For an act concerning the income tax,