

**Summary of Statutory Changes Recommended by the State Engineer  
Water Resources Review Committee  
August 2, 2017**

**25-11-103. Radiation control agency - powers and duties**

This statute designates the department of health and environment as the radiation control agency of the state. It directs the department to implement rules to, among other things, establish by lease or license the allowable location of radiation facilities. The statute qualifies this authority by stating “no lease or license shall be authorized except with the prior approval of the state engineer.” We do not believe the state engineer has any special knowledge regarding the location of radiation facilities that would enable him or her to provide such approval. As a result, this requirement seems unnecessary and, therefore, both ineffective and inefficient.

**30-5-152. Ouray and San Miguel - boundary**

**30-6-110. Boundaries - survey - action to settle**

**30-6-111. State engineer - reimbursement for expenses**

Title 30 addresses the subject of county government. Articles 5 & 6 concern county boundaries. In 1917, Article 5 directed the state engineer to establish the boundary between Ouray and San Miguel counties. We propose updating the statute to the settled boundary description and deleting the now historical direction to the state engineer.

Article 6, Section 110 and 111 were written in 1887, when the state engineer represented more or less the whole of Colorado’s technical capability. It appointed the state engineer as the arbiter of ongoing disputes between counties regarding boundaries. Given the advancement of other technical disciplines in the state, such as the Professional Land Surveyor, and establishment of district courts, we would recommend changing the statute to direct disputes to the district court.

**36-3-109. Application to state engineer - maps**

**36-3-110. Examination of proposal - report**

**36-3-111. Board to consider proposal**

**36-3-119. Disposition of funds**

Article 3 of Title 36 addresses the governance of “desert lands” by the state board of land commissioners. The statute requires persons wanting to participate in the rehabilitation of desert lands to apply to the state engineer for the right to use water, which is now the jurisdiction of the water court, not the state engineer. We are recommending changes to the statute to reflect that change in jurisdiction.