



Legislative Council Staff

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Memorandum

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TO: Interested Persons

FROM: Alexa Kelly, Research Analyst, 303-866-3469

SUBJECT: Irrigation Districts in Colorado

Summary

This memorandum provides information about irrigation districts in Colorado. Specifically, it discusses the current irrigation districts, the powers and duties of irrigation districts, and how those powers and duties compare to those of special districts.

Irrigation Districts in Colorado

Colorado currently has 16 irrigation districts. Irrigation districts are public, fee-collecting entities controlled by local landowners. The districts are generally created to raise money for large irrigation and drainage projects. A district may lease its excess water for use inside or out of the district for any beneficial use permitted by decree or applicable law. The Colorado Department of Local Affairs (DOLA) keeps a record of all registered irrigation districts in Colorado, which are listed in Table 1.

Table 1
Irrigation Districts Currently Registered in Colorado

District Name	County/Counties
Bijou Irrigation District	Morgan and Weld Counties
Henrylyn Irrigation District	Weld County
Hillrose Irrigation District	Morgan and Washington Counties
Iloff Irrigation District	Logan County
Julesburg Irrigation District	Sedgwick County
Logan Irrigation District	Logan County
Maybell Irrigation District	Moffat County
Mesa County Irrigation District	Mesa County
North Sterling Irrigation District	Logan County
Orchard City Irrigation District	Delta County

Table 1 (Cont.)
Irrigation Districts Currently Registered in Colorado

District Name	County/Counties
Orchard Mesa Irrigation District	Mesa County
Palisade Irrigation District	Mesa County
Pine River Irrigation District	Archuleta and La Plata Counties
Pioneer Irrigation District	Yuma County
Riverside Irrigation District	Morgan and Weld Counties
San Luis Valley Irrigation District	Alamosa, Rio Grande, and Saguache Counties

Source: Department of Local Affairs.

Powers and Duties of Special Districts and Irrigation Districts

Special districts and irrigation districts are governed by separate sections of Colorado law. The following sections summarize the primary laws governing the two different types of districts. Table 2 compares the powers and duties of each.

Special districts. The Special District Act¹ comprises the legal framework for many different types of special districts. The act:

- specifies the services that may be provided;
- outlines the procedures to form a district and district funding sources; and
- defines the composition of special district governing bodies.

Special districts created under the Special District Act are different from other types of improvement districts formed by municipalities and counties to provide certain amenities, like sidewalks. Unlike improvement districts, special districts have political autonomy and may exist indefinitely, while improvement districts are typically dissolved once the improvement is complete and any debt incurred is paid in full. For example, special improvement districts (formed by municipalities) and local improvement districts (formed by counties) provide a particular amenity in a localized area, and the costs of the improvements are assessed directly against the benefitting property owners. A board of county commissioners or the city council serves as the governing body of an improvement district, and the improvement district typically dissolves as soon as any debt incurred by the county or municipality on behalf of the district is paid.

Irrigation districts. Irrigation districts are primarily governed by the Irrigation Law of 1905 (Article 41 of Title 37, C.R.S.) or the Irrigation Law of 1921 (Article 42 of Title 37, C.R.S), not the Special District Act. The organization date primarily determines whether a district is governed by the Article 41 or 42. However, the landowners in any district operating under Article 41 may petition the board of directors to call a special election to vote on whether to operate under Article 42. If two-thirds of the landowners in the irrigation district vote in favor of coming under Article 42, the district is thereafter governed by Article 42.²

¹Article 1 of Title 32, *et seq.*, C.R.S.

²Section 37-42-140, C.R.S.

Table 2
Powers and Duties of Special Districts Versus Irrigation Districts

Special Districts	Irrigation Districts
Statutory authority from the Special District Act, Article 1 of Title 32, C.R.S.	Statutory authority from Articles 41, 42, and 43 of Title 37, C.R.S.
Initially formed by petition to the appropriate district court	Formed by petition from landowners to the board of county commissioners
Governed by an elected board of directors and the local government	Governed by landowners elected to a board of directors and are considered public corporations
Final approval by a board of county commissioners or local governing body of a municipality	Petition approved by a board of county commissioners
Proposed special districts must submit a service plan to the approving body	New irrigation districts must file a map of the district with the county commissioners and State Engineer
Meetings must be open to the public	Meetings must be open to the public
Board members are term-limited	Board members serve 3 year terms
Must submit a budget to DOLA annually	Statute does not exempt irrigation districts from the requirement
Must file a report about the implementation of the approved service plan every year for the first five years	<i>Not applicable</i>
Must complete and submit an annual audit of financial affairs to the Office of the State Auditor	Statute does not exempt irrigation districts from the requirement
Must file a map of its boundaries annually with the applicable county clerks and recorders	Must file a map of its boundaries with the applicable county clerks and recorders
<i>Not applicable</i>	All contracts with the United States shall be recorded with the applicable county clerks
<i>Not applicable</i>	May enter into contract with the United States under federal reclamation laws for irrigation purposes
May levy special improvement taxes	May levy special improvement taxes
Board of directors levy taxes to fund the business of the district	Board of directors determines the annual levy rate on landowners to meet expenses of the district
<i>Not applicable</i>	District is dissolved if it does not conduct business for five successive years
Retains specified powers of eminent domain	Retains specified powers of eminent domain

Source: *Colorado Revised Statutes & LCS Local Government Handbook.*