

CHAPTER 168

WATER AND IRRIGATION

HOUSE BILL 00-1365

BY REPRESENTATIVES Hefley, Alexander, Coleman, Decker, Gagliardi, Gordon, Hoppe, Kaufman, May, McKay, Miller, Sinclair, Spradley, Taylor, and Young;
also SENATORS Lamborn and Chlouber.

AN ACT

CONCERNING MONUMENT LAKE DAM, AND, IN CONNECTION THEREWITH, THE CLARIFICATION AND TRANSFER OF OWNERSHIP OF THE DAM STRUCTURE AND WATER STORAGE RIGHTS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 88 of title 37, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

37-88-110. Monument lake dam and reservoir - transfer of title - ownership and control. (1) UPON COMPLETION OF THE REPAIR DESCRIBED IN SUBSECTION (2) OF THIS SECTION, THE GOVERNOR IS HEREBY AUTHORIZED TO EXECUTE A DEED OF CONVEYANCE TO THE TOWN OF MONUMENT OF ALL THE RIGHT, TITLE, AND INTEREST OF THE STATE OF COLORADO IN AND TO THE STRUCTURE KNOWN AS MONUMENT LAKE DAM LOCATED IN EL PASO COUNTY.

(2) THE TRANSFER OF TITLE TO MONUMENT LAKE DAM PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL NOT OCCUR UNTIL SUCH TIME AS THE DAM IS REPAIRED TO THE SATISFACTION OF THE STATE ENGINEER'S OFFICE AND OTHER GOVERNMENTAL ENTITIES WITH APPLICABLE JURISDICTION. THE TOWN OF MONUMENT AND EL PASO COUNTY ARE JOINTLY RESPONSIBLE FOR FINANCING THE REPAIR OF MONUMENT LAKE DAM AND ARE AUTHORIZED TO APPLY FOR FINANCIAL ASSISTANCE FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY ESTABLISHED IN ARTICLE 95 OF THIS TITLE, THE COLORADO WATER CONSERVATION BOARD ESTABLISHED IN ARTICLE 60 OF THIS TITLE, AND FROM ANY OTHER APPROPRIATE STATE, FEDERAL, OR PRIVATE SOURCE.

(3) AS THERE ARE NO ADJUDICATED WATER RIGHTS TO MONUMENT LAKE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

RESERVOIR, UPON THE TRANSFER OF TITLE TO MONUMENT LAKE DAM PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE TOWN OF MONUMENT MAY ACQUIRE AND ASSUME THE DUTIES AND RESPONSIBILITIES RELATING TO THE STORAGE OF WATER IN MONUMENT LAKE RESERVOIR.

(4) UPON THE TRANSFER OF TITLE TO MONUMENT LAKE DAM PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE TOWN OF MONUMENT SHALL ASSUME ALL LIABILITY AND RESPONSIBILITY RELATING TO THE CONTROL, MANAGEMENT, AND MAINTENANCE OF MONUMENT LAKE DAM AND RESERVOIR, AND AT SUCH TIME THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY SHALL BE RELIEVED FROM ALL RESPONSIBILITIES RELATING TO MONUMENT LAKE RESERVOIR PURSUANT TO SECTION 37-88-109.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 2000