

CHAPTER 42

WATER AND IRRIGATION

HOUSE BILL 07-1088

BY REPRESENTATIVE(S) Buescher, King, McFadyen, and Rose;
also SENATOR(S) Penry.

AN ACT

**CONCERNING THE GRAND JUNCTION DRAINAGE DISTRICT, AND, IN CONNECTION THEREWITH,
CHANGING THE NAME OF THE DISTRICT TO THE GRAND VALLEY DRAINAGE DISTRICT.**

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

SECTION 1. 37-31-102 (1), Colorado Revised Statutes, is amended to read:

37-31-102. Grand Valley drainage district created - boundaries - inclusion of land. (1) There is hereby created the Grand ~~Junction~~ VALLEY drainage district. Said district is declared to be a body corporate under the laws of Colorado and by said name may sue and defend any actions, suits, and proceedings. Said district, situate in the county of Mesa, Colorado, shall be comprised of the district now known as Grand ~~Valley~~ JUNCTION drainage district and is included within, and may expand beyond, the following boundaries: Beginning at a point bearing south twenty-nine degrees, thirty minutes west, five hundred fifty-five feet from the east quarter corner of section three, in township eleven south of range ninety-eight west of the sixth principal meridian, in Mesa county, Colorado, said point being identical with the headgate of that certain canal heretofore known and designated as canal No. 2 of the High Line Mutual Irrigation Company, as shown by the plat thereof of record in the office of the clerk and recorder of said Mesa county, Colorado, in ditch plat book three, at pages 14 and 15, said canal being now generally known and designated as the "stub ditch" of the Mesa county irrigation district, and running thence westerly along the northerly bank or line of said canal No. 2, now known as the stub ditch, to the point where the northerly line or bank of said canal intersects the west line of the northwest quarter of section five, in township one south of range one east of the Ute principal meridian; thence south along said west line to the northerly bank or line of that certain canal heretofore known and designated as canal No. 1 of the High Line Mutual Irrigation Company, said canal being now commonly known and designated as the Price ditch, of the Palisade irrigation district; thence

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

southwesterly along the northerly line or bank of said Price ditch to the intersection thereof with the "Indian Waste", in the southeast quarter of section six, in township one south of range one east of the Ute principal meridian; thence along the west side or line of said "Indian Waste" in a general southerly direction to the intersection of said west line or bank with the northerly line or bank of the Grand Valley canal in the northeast quarter of section seven in township one south of range one east of the Ute principal meridian; thence along the northerly line or bank of said Grand Valley canal of the Grand Valley Irrigation Company, including under the name "Grand Valley Canal" that part thereof sometimes known and designated as "The Grand Valley High Line" ditch or canal of the Grand Valley Irrigation Company, to the end of said Grand Valley canal, also sometimes known as "The High Line Canal" of the Grand Valley Irrigation Company, said point being the beginning of that certain ditch or canal of the Grand Valley Irrigation Company commonly known and designated as the Kiefer extension ditch or canal, in section thirty-six in township two north of range three west of the Ute principal meridian; thence along the right line or bank of said Kiefer extension ditch or canal to the end thereof, the same being at a point on the northerly bank of the Grand river, now the Colorado river, in section ten, in township one north of range three west of the Ute principal meridian; thence up and along the northerly line or bank of said Grand river, now the Colorado river, to the point of beginning; including all the territory embraced and included within the corporate limits of the town of Palisade. The boundaries of the district shall exist entirely within the boundaries of Mesa county.

SECTION 2. 37-31-103, Colorado Revised Statutes, is amended to read:

37-31-103. Successor to Grand Junction drainage district. The Grand ~~JUNCTION~~ VALLEY drainage district shall be the successor to the Grand ~~Valley~~ JUNCTION drainage district and all rights, causes of action, records, uncollected revenues, taxes, and assessments, and all other property of the said Grand ~~Valley~~ JUNCTION drainage district shall accrue to and become the property of the Grand ~~JUNCTION~~ VALLEY drainage district, and all valid indebtedness and obligations of the Grand ~~Valley~~ JUNCTION drainage district, as well as the contract obligations with the United States, shall be assumed, paid, and carried out by the Grand ~~JUNCTION~~ VALLEY drainage district.

SECTION 3. 37-31-104, Colorado Revised Statutes, is amended to read:

37-31-104. Government of district. The district shall be managed and controlled by a board of three members known as the board of directors. The district shall be divided into three divisions with the same boundaries as the three divisions of the Grand Valley drainage district. ~~are constituted:~~ The voters of each division shall elect one director from electors residing in said division. In the case of the inclusion of any tract of land within the district pursuant to section 37-31-102 (2), at least thirty days prior to the next succeeding regular election, the board of directors shall issue an order redividing such district into three divisions, as nearly equal in size as may be practicable.

SECTION 4. 37-31-109, Colorado Revised Statutes, is amended to read:

37-31-109. Regular election - directors elected. (1) The regular election in said district for the purpose of electing a board of directors shall be held on the first

Tuesday after the first Monday of ~~January~~ MAY of each year, beginning with ~~the year 1927~~ 2008, at which time one director shall be elected for a term of three years. ~~All persons residing within said district and qualified to vote at general county elections shall be entitled to vote. Each elector must vote in the precinct where he resides.~~ ANY DIRECTOR WHOSE TERM EXPIRES BEFORE MAY 2008 SHALL REMAIN IN OFFICE UNTIL THE ELECTION OF DIRECTORS IN MAY 2008. PERSONS RESIDING WITHIN EACH DIVISION AND QUALIFIED TO VOTE AT GENERAL COUNTY ELECTIONS SHALL BE ENTITLED TO VOTE FOR THE DIRECTOR REPRESENTING THAT DIVISION.

(2) SPECIAL ELECTIONS MAY BE HELD ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN FEBRUARY, MAY, OCTOBER, OR DECEMBER, EXCEPT FOR BALLOT ISSUE ELECTIONS, WHICH MAY BE HELD ONLY IN A STATE GENERAL ELECTION, THE REGULAR DISTRICT ELECTION, ON THE FIRST TUESDAY IN NOVEMBER OF ODD-NUMBERED YEARS, OR BY MAIL BALLOT.

SECTION 5. 37-31-129, Colorado Revised Statutes, is amended to read:

37-31-129. Salary and expenses of officers. Each director shall receive as per diem compensation for his or her services a sum not in excess of ~~seventy-five~~ ONE HUNDRED dollars per day, but not to exceed one thousand ~~two~~ SIX hundred dollars per annum, as fixed by the board, together with actual and necessary expenses incurred in the performance of his or her duties. No director shall receive any compensation as an officer, engineer, attorney, employee, or other agent of the district. Nothing contained in this article shall be construed as preventing the board from authorizing the reimbursement of any director for expenses incurred and appertaining to the activities of the district. The salary of the secretary shall be fixed by resolution of the board of directors.

SECTION 6. 37-31-137 (1) (a), Colorado Revised Statutes, is amended to read:

37-31-137. Property taxable and service fees chargeable by district. (1) In order to carry out the purposes of the district and the provisions of this article, the board of directors has the following powers:

(a) Within the limits of the Grand ~~Junction~~ VALLEY drainage district, to levy taxes of the same kinds and classes upon the taxable property, real, personal, or mixed, which is subject to taxation for state and county purposes in accordance with the laws of this state;

SECTION 7. 37-31-141, Colorado Revised Statutes, is amended to read:

37-31-141. Certification and levy of tax. The board of directors of the Grand ~~Junction~~ VALLEY drainage district shall, in accordance with the schedule prescribed by section 39-5-128, C.R.S., certify to the board of county commissioners a statement showing the aggregate amount which, in the judgment of said drainage board, is necessary to raise from the taxable property of said district to create a fund for any of the purposes of said district. It is the duty of the board of county commissioners to levy, at the same time that other taxes are levied, such rate as will produce the aggregate amount so certified.

SECTION 8. 37-31-143, Colorado Revised Statutes, is amended to read:

37-31-143. General tax exemptions apply. Property exempt under the constitution and laws of Colorado from the payment of taxes shall be exempt from the payment of taxes in the Grand ~~Junction~~ VALLEY drainage district.

SECTION 9. 37-31-157, Colorado Revised Statutes, is amended to read:

37-31-157. Proof of existence of district. In all actions, suits, and judicial proceedings in any court in this state, the court shall take judicial notice of the organization and existence of the district from and after the filing for record in the office of the county clerk and recorder of Mesa county, Colorado, of a certified copy of the order of the board of directors of said district made at the time of the organization of the board. A certified copy of such order shall be prima facie evidence in all actions, suits, and proceedings in any court in this state of the regular and legal formation or organization of said district, and, if the formation or organization of said district has not been questioned by proceedings in quo warranto instituted in the district court of Mesa county, Colorado, within sixty days after the date of filing of such order, it shall be conclusive evidence of its due and lawful formation and organization. The said order shall state that no sufficient remonstrance was filed as in this article provided and that the Grand ~~Junction~~ VALLEY drainage district was organized.

SECTION 10. Effective date. (1) This act shall take effect January 1, 2008.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

Approved: March 22, 2007