

Thank you Colorado General Assembly 2016.

April 4, 2016

Good Afternoon. My name is Roni Bell Sylvester, and I am in full support of HB16-1314

Many legislatures have enacted legislation to correct judicial overreach and misinterpretation of legislative intent.

I believe HB16-1314 is a first necessary step in correcting at least one major judicial overreach that resulted in denied use of water rights; denied use constitutes takings without just compensation. More specifically, the WAS case (Well Augmentation Subdistrict of the Central Colorado Water Conservancy District and South Platte Well Users Association); signed October 18, 2007 by Judge Roger A. Klein Water Judge Water Division No. 1

It is my understanding that you've reviewed many water studies, including HB12-78 which Dr. Reagan Waskom completed December 2013.

What you haven't been given, is a layout of adjudication dates as they go with the flow of the S. Platte River.

In listening to many water presentations over the years, I was struck by the fact that I had no idea as to whose water rights – property – were being discussed.

One should always know whose property is included in any discussion, in order that the property owner be a part of any decision regarding their property.

Dr. Reagan Waskom made my request a student assignment, and that is how you now have the most important tool of all – knowing whose property is included in this discussion.

Please know that in our State of Colorado Constitution, it states "Water." Colorado constitution does not differentiate between ground or surface. It simply says "Water."

Think on this: All water is connected.

There is no separation of water, for water is inseparable to be put to "beneficial use."

As you look at the illustration, note that the "Dates of appropriation go with the flow."

In other words, you must have "water" in order to "put it to beneficial use," and secure your date and allotment quantity.

Prior appropriation is the law of the land under the state constitution

The WAS case is – in my observation, one rogue activist judge imposed his own will in contravention of the rights of prior appropriators and the state constitution. Courts do not make law. Only Congress – and in case of state, the General Assembly can make law.

It is in fact the sacred duty and obligation of the legislature to correct the misinterpretations of the law by such judicial activists.

Dr. Angus McIntosh states:

Legislatures frequently issue a "finding of fact" in the preamble of their legislation. Such as:

"Whereas, the Legislature finds that court ordered augmentation plans are without basis in the constitution or laws of Colorado, and"

"Whereas, such court ordered plans have proven to be of no benefit to the State or its Citizens, and"

"Whereas, such plans have caused immeasurable economic harm to the Citizens, without returning any valuable benefits..." Respective of the S. Platte River, I urge you to hereon ask these 2 questions to each person who testifies before you:

- 1) Do you own a water right?
- 2) If yes, please show us on this illustration, your: a) Date of appropriation. B) Allotment Quantity.

Thank you.