

1 Be it enacted by the people of the state of Colorado:

2 **SECTION 1.** Article XVI of the constitution of the state of Colorado is amended BY
3 THE ADDITION OF A NEW SECTION to read:

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5 **Section 9. Colorado water conservation act.** (1) COUNTY ELECTORS MAY ELECT TO
6 LIMIT THE ANNUAL GROWTH IN THE AMOUNT OF WATER AVAILABLE FOR NEW PRIVATELY
7 OWNED RESIDENTIAL HOUSING UNITS UNIFORMLY IN EVERY CITY, TOWN, CITY AND
8 COUNTY, AND COUNTY, AND ANY PART OF SUCH, WHETHER STATUTORY OR HOME RULE,
9 WITHIN SUCH COUNTY AND IN ANY CITY AND COUNTY BY INITIATIVE AND REFERENDUM.

10 (2) THE GENERAL ASSEMBLY SHALL FUND A WATER FIELD STUDY TO ASSESS THE WATER
11 AVAILABLE STATEWIDE FOR NEWLY CONSTRUCTED PRIVATELY OWNED RESIDENTIAL
12 HOUSING UNITS OVER AND ABOVE THE AMOUNT CURRENTLY BEING USED BUT SHALL
13 EXCLUDE WATER: 1.) DEEDED OR ADJUDICATED FOR OTHER USES, 2.) PRODUCED BY WATER
14 PROJECTS NOT COMPLETED, 3.) CURRENTLY BEING LITIGATED, 4.) EXCLUDING A TWENTY
15 PERCENT RESERVE FOR FUTURE USE, 5.) THAT WHICH MAY BE NEEDED TO PROMOTE MORE
16 AGRICULTURE AND INDUSTRY AS DETERMINED BY PUBLIC HEARINGS. SUCH WATER
17 DEEMED AVAILABLE TO NEW PRIVATELY OWNED RESIDENTIAL CONSTRUCTION SHALL BE
18 ALLOCATED OVER A ONE HUNDRED YEAR PERIOD BEGINNING 2010 TO EACH COUNTY OR
19 CITY AND COUNTY BASED ON BOTH THE EXISTING AND PROJECTED NUMBER OF PRIVATELY
20 OWNED RESIDENTIAL HOUSING UNITS IN SUCH ENTITY UPDATING ANNUALLY AS NEEDED.
21 EACH COUNTY SHALL ALLOT CONTAINED LOCAL GOVERNMENTS OR ANY PART OF SUCH A
22 MAXIMUM NUMBER OF WATER TAPS AVAILABLE ANNUALLY FOR NEWLY CONSTRUCTED
23 PRIVATELY OWNED RESIDENTIAL HOUSING UNITS BASED ON EXISTING OCCUPIED
24 RESIDENTIAL DWELLING UNITS. WATER TAPS SHALL NOT BE BANKED FROM DIFFERENT
25 YEARS BUT MAY BE BORROWED, BOUGHT, OR TRADED BETWEEN LOCAL GOVERNMENTS
26 THROUGHOUT THE STATE SUBJECT TO LOCAL OR COUNTY WIDE INITIATIVE AND
27 REFERENDUM REGULATING SUCH.

28 (3) THE ANNUAL AMOUNT OF WATER TAPS OR WELLS ALLOTTED IN 2009 FOR NEWLY
29 CONSTRUCTED PRIVATELY OWNED RESIDENTIAL HOUSING UNITS IN THE COUNTIES OR CITY
30 AND COUNTIES OF ADAMS, ARAPAHOE, BOULDER, BROOMFIELD, DENVER, DOUGLAS, EL
31 PASO, JEFFERSON, LARIMER, PUEBLO, AND WELD OR ANY CITY AND COUNTY CREATED
32 THEREIN SHALL NOT EXCEED ONE PERCENT OF THE TOTAL AMOUNT EXISTING IN 2008 FOR
33 PRIVATELY OWNED RESIDENTIAL HOUSING UNITS WITHIN SUCH ENTITIES. NO RESIDENTIAL
34 WATER TAPS OR WELL PERMITS SHALL BE ISSUED UNTIL JANUARY 1, 2009.

35 (4) WATER ALLOCATED FOR AGRICULTURAL IRRIGATION, FARM ANDS RANCH,
36 INDUSTRIAL, OR ANY OTHER NON RESIDENTIAL USE INCLUDING, BUT NOT LIMITED TO,
37 INSTREAM FLOWS FOR ENVIRONMENTAL PURPOSES AND RECREATIONAL IN CHANNEL
38 DIVERSIONS, SHALL NOT BE SOLD OR TRANSFERRED TO DOMESTIC OR MUNICIPAL USE OR
39 DEFERRED TO SUCH USE WITHOUT DEED OR ADJUDICATION OF RECORD MADE BEFORE
40 EFFECTIVE DATE OF THIS SECTION WITHOUT A LEGISLATIVE BILL FOR EACH TRANSFER OR
41 SALE. SUCH BILL SHALL BE SUBJECT TO AN INITIATIVE OR REFERENDUM IN THE COUNTIES
42 OR CITY AND COUNTIES OF SUCH SALE. DURING A DECLARED DROUGHT YEAR QUANTITIES
43 OF WATER MAY BE SOLD FOR ADDITIONAL USES BUT NOT FOR NEW PRIVATELY OWNED
44 RESIDENTIAL HOUSING CONSTRUCTION. A DROUGHT YEAR SHALL BE DECLARED BY THE
45 GENERAL ASSEMBLY STATEWIDE WITH NO MORE THAN THREE DECLARED IN A TEN YEAR
46 PERIOD.

47 (5) PRIVATELY OWNED DOMESTIC OR IRRIGATION WELLS NOW USED AND FOR AT LEAST
48 TEN YEARS SHALL BE GRANTED PERMANENT ADJUDICATION REGARDLESS OF ANY ORDER
49 OR RESTRICTION BY A STATE OR LOCAL GOVERNMENT.

50 (6) PUBLICLY FUNDED WATER PROJECTS IN THEIR ENTIRETY AS COMPLETED, INCLUDING
51 BUT NOT LIMITED TO STORAGE, DIVERSION, TRANSPORTATION, AND PURIFICATION OF
52 WATER, ESTIMATED TO COST MORE THAN FIVE MILLION DOLLARS IN A LOCAL
53 GOVERNMENT OR TWENTY-FIVE MILLION DOLLARS AT THE STATE LEVEL SHALL REQUIRE
54 APPROVAL BY VOTERS OF SUCH LOCAL GOVERNMENT OR STATEWIDE RESPECTIVELY AT A
55 GENERAL ELECTION. COST ESTIMATES OF SUCH PROJECTS SHALL BE OPEN TO THE PUBLIC
56 AND TOTAL PROJECT EXPENDITURES SHALL BE LIMITED TO THAT APPROVED BY VOTERS.

1 (7) ALL NEW LAWNS AND GREENWAYS PLANTED ON STATE AND LOCAL GOVERNMENT
2 PROPERTY AND ALL PRIVATE PROPERTY SHALL BE DRY LAND OR WATER-CONSERVING
3 GRASS VARIETIES OR LANDSCAPING TECHNIQUES THAT USE LITTLE OR NO FILTERED,
4 TREATED, AND POTABLE WATER SUPPLIES. ALL LAWNS, PARKS AND GREENWAYS OWNED
5 BY STATE OR LOCAL GOVERNMENTS NOT CONFORMING WITH THIS SECTION SHALL BE
6 REPLACED OR MODIFIED TO CONFORM WITHIN FIVE YEARS. WATER DISTRICTS ARE
7 AUTHORIZED AND ENCOURAGED TO OFFER CREDITS OR REDUCED WATER CHARGES TO
8 RESIDENTS CONFORMING WITH SUCH CHANGES.

9 (8) LEGISLATION MAY BE ENACTED TO FACILITATE THE OPERATION OF THIS SECTION, BUT
10 IN NO WAY SHALL SUCH LEGISLATION LIMIT OR RESTRICT THE PROVISIONS OF THIS
11 SECTION OR THE POWERS HEREIN GRANTED.

12 (9) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

13 (a) "ANNUAL GROWTH" MEANS THAT WHICH OCCURS IN A PARTICULAR CALENDAR YEAR
14 ABOVE THAT FOR THE PREVIOUS YEAR.

15 (b) "FARMS AND RANCHES" MEANS FACILITIES USED FOR CULTIVATION, FEEDING, AND
16 RAISING FOOD PRODUCTS, AND INCLUDE NEEDED BUILDINGS AND HOUSING LOCATED ON A
17 PARTICULAR COMMONLY OWNED AGRICULTURAL LAND PARCEL OR PARCELS.

18 (c) "LOCAL GOVERNMENT" MEANS A CITY, TOWN, CITY AND COUNTY, OR COUNTY,
19 WHETHER STATUTORY OR HOME RULE.

20 (d) "PRIVATELY OWNED RESIDENTIAL HOUSING" MEANS A SUMMATION OF DWELLING
21 UNITS WHICH ARE RESIDENTIALLY ZONED OR OTHERWISE INTENDED FOR PRIVATE
22 RESIDENTIAL USE. THOSE OWNED BY A FEDERAL, STATE, OR LOCAL GOVERNMENT ENTITY
23 OR AN EDUCATIONAL OR MEDICAL FACILITY ARE EXCLUDED.

24 (e) "RESIDENTIAL DWELLING UNIT" MEANS A BUILDING OR ANY PORTION OF A BUILDING
25 DESIGNED FOR OCCUPANCY AS COMPLETE, INDEPENDENT LIVING QUARTERS FOR ONE OR
26 MORE PERSONS, HAVING DIRECT ACCESS FROM THE OUTSIDE OF THE BUILDING OR
27 THROUGH A COMMON HALL AND HAVING LIVING, SLEEPING, KITCHEN AND SANITARY
28 FACILITIES FOR THE EXCLUSIVE USE OF THE OCCUPANTS.

29 **SECTION 2.** THIS SECTION SHALL TAKE EFFECT AT THE TIME WHEN THE SECRETARY OF
30 STATE CANVASSES THE VOTES, CERTIFIES THE RESULTS, AND DECLARES THIS SECTION
31 APPROVED.

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