

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 22-12

A RESOLUTION OPPOSING INITIATIVES 3 AND 45

RECITALS.

Initiated ballot measures 3 and 45 propose to amend the Colorado Constitution to repudiate Colorado's historic reliance on the prior appropriation doctrine for the allocation of water/water rights in Colorado.

The measures put forward, instead of the prior appropriation doctrine, an undefined doctrine of certain public mandates, control and trust. Colorado's prior appropriation structure has proven itself to be successful; it is flexible and reliable in meeting the needs of the users and protecting the water resources and the values attached to those resources. Prior appropriation has been a fair and systematic means of allocating our water resources since 1876.

The passage of either or both of the initiatives would undermine the constitutional foundation of the prior appropriation system and result in a taking of private and public water rights that currently serve the agricultural, municipal, industrial and commercial needs of the State.


The passage of either or both of the initiatives would create great uncertainty among the users and providers of water and would create conflict over what is in the public's interest. That uncertainty and the resulting conflict would inevitably become a matter of time consuming and expensive litigation. That litigation would be unnecessary if the prior appropriation doctrine remains unchanged.

The preeminent jurist and Colorado water legal scholar Justice Gregory Hobbs stated in his dissenting opinion in *In re title, Ballot Title and Submission Clause for 2011-12 #3* that the measure's provisions "*propose to drop what amounts to a nuclear bomb on Colorado water rights and land rights.*"

Justice Hobbs also stated in his dissenting opinion in *In re title, Ballot Title and Submission Clause for 2011-12 #45* that "*masquerading as a measure to protect the public's control of water, it would prevent farmers, cities, families and businesses from making beneficial use of water rights that have vested in them over the past 150 years under Colorado's statutes and constitution.*"

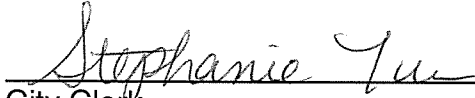
NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Grand Junction does hereby oppose Initiative 3 and Initiative 45 as an unnecessary, unwise and needless intervention into Colorado's fair and responsible administration of our precious water resources and urges the defeat of such measure for the reasons stated.

Dated this 6th day of June, 2012.



Mayor Pro Tem

ATTEST:



City Clerk