

TOWN OF PONCHA SPRINGS
RESOLUTION #2014-4

RESOLUTION IN OPPOSITION TO INITIATIVE 73

WHEREAS:

Water frequently does not naturally exist where and when it is needed in sufficient quantities to sustain human settlement and enterprise in Colorado;

As a scarce natural resource, water in Colorado requires a system of allocation and enforcement to meet the needs of Colorado's citizens and the natural environment;

The Town of Poncha Springs supports Colorado's system of prior appropriation as a fair and orderly system for allocating Colorado's scarce water resources;

Colorado's prior appropriation system has proven itself both successful and flexible in addressing the public's changing demands, beneficial uses, and values regarding Colorado water resources (e.g., instream flow and recreational in-channel diversion water rights);

Initiative 73, filed in 2014, would amend the Colorado Constitution to impose a public trust doctrine on Colorado water;

Initiative 73 is vague, and the amorphous public trust doctrine is contrary to Colorado's historical reliance on the prior appropriation doctrine for water allocation;

The adoption of Initiative 73 may result in the taking without just compensation of private and public water rights that Coloradans rely on for beneficial uses for health and human safety as well as economic benefit;

The adoption of Initiative 73 would threaten to embroil water users and water providers, such as the Town of Poncha Springs, in unnecessary and frivolous litigation, which would result in a dramatic reallocation of public and private, human and financial resources from constructive development and allocation of Colorado's water resources to Colorado's courts and legal system;
AND

Justice Hobbs stated in his dissenting opinion *in In re Title, Ballot Title and Submission Clause for 2011-12 #3* that the public trust doctrine "would drop what amounts to a nuclear bomb on Colorado water rights and land rights," and "would strip members of the public, cities, farms and families throughout this state of their most valuable economic interests."

NOW THEREFORE BE IT RESOLVED THAT:

The Board of Trustees of the Town of Poncha Springs opposes Initiative 73 as unwise, unnecessary, and disruptive to the fair and responsible allocation and stewardship of Colorado's scarce water resources.

Adopted at the regular meeting of the Board of Trustees held Tuesday, February 25, 2014.

TOWN OF PONCHA SPRINGS

BY: _____
Richard Furton, Mayor

ATTEST: _____
Diana K. Heeney, Town Clerk