

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0493.01 Pierce Lively x2059

HOUSE BILL 19-1082

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A BILL FOR AN ACT

101 **CONCERNING THE RIGHTS OF A WATER RIGHTS EASEMENT HOLDER.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill clarifies that water rights easement holders may maintain, repair, and improve their easement.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend**

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
February 20, 2019

HOUSE
3rd Reading Unamended
January 31, 2019

HOUSE
Amended 2nd Reading
January 30, 2019

1 37-86-103 as follows:

2 **37-86-103. Extent of right-of-way.** Such right-of-way shall
3 extend only to a ditch, dike, cutting, pipeline, or other structure sufficient
4 for the purpose required. UNLESS INCONSISTENT WITH THE TERMS UPON
5 WHICH THE RIGHT-OF-WAY WAS CREATED, AND NOT TO BE CONSTRUED AS
6 A LIMIT ON ANY OTHER RIGHTS IN A DITCH OR DITCH RIGHT-OF-WAY THAT
7 HAVE BEEN CREATED OR ARISEN BY LAW, A DITCH RIGHT-OF-WAY
8 INCLUDES THE RIGHT TO CONSTRUCT, OPERATE, CLEAN, MAINTAIN, REPAIR,
9 AND REPLACE THE DITCH AND APPURTENANT STRUCTURES, TO IMPROVE
10 THE EFFICIENCY OF THE DITCH, INCLUDING BY LINING OR PIPING THE DITCH,
11 AND TO ENTER ONTO THE BURDENED PROPERTY FOR SUCH PURPOSES, WITH
12 ACCESS TO THE DITCH AND DITCH BANKS, AS THE EXIGENCIES THEN
13 EXISTING MAY REQUIRE, FOR ALL REASONABLE AND NECESSARY PURPOSES
14 RELATED TO THE DITCH.

15 **SECTION 2. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2020 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.