

## CHAPTER 266

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**WATER AND IRRIGATION**

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## HOUSE BILL 17-1190

BY REPRESENTATIVE(S) Becker K., Arndt, Esgar, Hamner, Hansen, Lebsack, Mitsch Bush, Young, McKean;  
also SENATOR(S) Sonnenberg, Baumgardner, Cooke, Crowder, Scott, Grantham.

## AN ACT

CONCERNING THE LIMITED APPLICABILITY OF THE COLORADO SUPREME COURT'S DECISION IN *St. Jude's Co. v. ROARING FORK CLUB, LLC*, 351 P.3d 442 (COLO. 2015).

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

**SECTION 1.** In Colorado Revised Statutes, 37-92-305, **add** (20) as follows:

**37-92-305. Standards with respect to rulings of the referee and decisions of the water judge - definitions. (20) Limited applicability of *St. Jude's Co.* case - legislative declaration.** THE PROVISIONS IN THE COLORADO SUPREME COURT'S DECISION IN *St. JUDE'S CO. v. ROARING FORK CLUB, LLC*, 351 P.3d 442 (COLO. 2015), INTERPRETING SECTION 37-92-103 (4), DO NOT APPLY TO ABSOLUTE AND CONDITIONAL WATER RIGHTS FOR WHICH A DECREE WAS ENTERED AS OF JULY 15, 2015. RIGHTS WHICH WOULD BE SUBJECT TO THE COLORADO SUPREME COURT'S INTERPRETATION OF SECTION 37-92-103 (4) IN THE *St. JUDE'S CO.* CASE BUT FOR THIS SUBSECTION (20) ARE VALID AND SHALL BE GIVEN FULL FORCE AND EFFECT. SUCH RIGHTS MAY BE MAINTAINED THROUGH FINDINGS OF REASONABLE DILIGENCE AND MADE ABSOLUTE, AND AUGMENTATION PLANS RELATED TO SUCH RIGHTS MAY BE APPROVED, IN ACCORDANCE WITH COLORADO LAW. CHANGES OF SUCH RIGHTS MUST BE LIMITED TO CHANGES IN POINTS OF DIVERSION MADE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 25, 2017