

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 13, 2017  
Date

Committee on Agriculture, Livestock, & Natural Resources.

After consideration on the merits, the Committee recommends the following:

HB17-1190 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, strike lines 11 and 12 and substitute "COURT
- 2 CLAIM WAS PENDING, AS OF JULY 15, 2015. RIGHTS WHICH WOULD BE
- 3 SUBJECT TO THE COLORADO SUPREME COURT'S INTERPRETATION OF
- 4 SECTION 37-92-103 (4) IN THE *ST. JUDE'S CO.* CASE BUT FOR THIS
- 5 SUBSECTION (20)(a) ARE VALID AND SHALL BE GIVEN FULL FORCE AND
- 6 EFFECT, AND ANY SUCH PENDING CLAIMS MAY BE ADJUDICATED IN
- 7 ACCORDANCE WITH OTHERWISE APPLICABLE COLORADO LAW. SUCH".
  
- 8 Page 2, strike lines 16 through 20 and substitute "ACCORDANCE WITH
- 9 COLORADO LAW. CHANGES OF SUCH RIGHTS MUST BE LIMITED TO
- 10 CHANGES IN POINTS OF DIVERSION MADE IN ACCORDANCE WITH THE
- 11 PROVISIONS OF THIS SECTION."
  
- 12 Page 3, line 1, after "TO" insert "CLAIMS FOR".
  
- 13 Page 3, line 2, strike "MADE" and substitute "FILED".
  
- 14 Page 3, strike lines 3 and 4 and substitute "FROM A SURFACE STREAM OR
- 15 TRIBUTARY GROUNDWATER BY A PRIVATE ENTITY FOR PRIVATE
- 16 AESTHETIC, RECREATIONAL, AND PISCATORIAL PURPOSES."
  
- 17 Page 3, after line 4 insert:
  
- 18 "(c) NOTHING IN THIS SUBSECTION (20) IS INTENDED, NOR SHALL

1 BE INTERPRETED, AS CREATING ANY NEW TYPE OF WATER RIGHTS OR  
2 BENEFICIAL USES FOR PUBLIC OR PRIVATE ENTITIES UNDER COLORADO  
3 LAW."

4 Reletter succeeding paragraph accordingly.

5 Page 3, strike line 9 and substitute "37-92-103, OR THE APPROPRIATION OF  
6 WATER RIGHTS FOR PARKS AND WILDLIFE PURPOSES PURSUANT TO  
7 SECTIONS 33-1-101, 33-1-105, 33-10-101, AND 33-10-107."

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