

## CHAPTER 114

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**WATER AND IRRIGATION**


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**HOUSE BILL 93-1240**

BY REPRESENTATIVES Blue, Eisenach, Shoemaker, and Williams;  
also SENATORS L. Powers, Ament, Bishop, Cassidy, Mares, Mendez, and Pastore.

**AN ACT**

**CONCERNING THE FREQUENCY WITH WHICH DIVISION ENGINEERS IN THE DIVISION OF WATER RESOURCES ARE REQUIRED TO PERFORM TABULATIONS OF WATER RIGHTS.**

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

**SECTION 1.** 37-92-401 (1) (a), (1) (a.5), (2) (a), (3), and (4), Colorado Revised Statutes, 1990 Repl. Vol., are amended to read:

**37-92-401. Biennial tabulations of priorities and decennial abandonment lists.** (1) (a) No later than July 1, 1988, and each fourth anniversary thereafter, the division engineer of each division with the approval of the state engineer shall prepare a quadrennial tabulation in order of seniority of all decreed water rights and conditional water rights in his division; EXCEPT THAT A TABULATION SHALL BE PREPARED NO LATER THAN JULY 1, 1994, AND JULY 1 OF EVERY SECOND YEAR THEREAFTER. Such ~~quadrennial~~ BIENNIAL tabulations shall describe each water right and conditional water right by some appropriate means and shall set forth the priority and amount thereof as established by court decrees. In making such ~~quadrennial~~ BIENNIAL tabulations, the division engineer may use such system of numbering and listing water rights and conditional water rights in order of seniority as is suited to the administrative needs of the particular division or portion thereof. He shall prepare separate priority lists so that only those water rights and conditional water rights which take or will take water from the same source and are in a position to affect one another will be on the same priority list. He shall also prepare decennially, no later than July 1, 1990, and each tenth anniversary thereafter, a separate abandonment list comprising all absolute water rights which he has determined to have been abandoned in whole or in part and which previously have not been adjudged to have been abandoned.

(a.5) The ~~quadrennial~~ BIENNIAL tabulations required by this section shall reflect

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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.*

judgments and decrees determining, changing, or otherwise affecting water rights and conditional water rights, which judgments and decrees have been entered subsequent to those reflected in the immediately preceding tabulation authorized, as the case may be, by this section or by section 37-92-402. The ~~quadrennial~~ BIENNIAL tabulations shall also reflect, as appropriate, any changes in earlier abandonment lists as have been ordered by the water judge or by the supreme court. Except as specified in this paragraph (a.5), the ~~quadrennial~~ BIENNIAL tabulations shall make no changes in the listings from those reflected in the respective immediately preceding tabulation authorized, as the case may be, by this section or by section 37-92-402, other than changes to correct clerical errors.

(2) (a) No later than August 31, 1988, and every ~~fourth~~ SECOND anniversary thereafter, the water clerk, in cooperation with the division engineer, shall cause notice of the availability of the ~~quadrennial~~ BIENNIAL tabulation to be included in the resume described in section 37-92-302 (3) of cases filed in the respective water divisions during the month of July. In addition, the water clerk shall cause such publication of the notice as is necessary to obtain general circulation once in each county or portion thereof in the division. A copy of such ~~quadrennial~~ BIENNIAL tabulation shall be available for inspection in the offices of the state and respective division engineers and the respective water commissioners and water clerks at any time during regular office hours and shall be available for purchase from the office of the state engineer and respective division engineer by any person specifically requesting same upon the payment of a fee of ten dollars.

(3) Not later than July 1, 1989, and every ~~fourth~~ SECOND anniversary thereafter, any person wishing to object to the manner in which a water right or conditional water right is listed in the ~~quadrennial~~ BIENNIAL tabulation or to the omission of a water right or conditional water right from such ~~quadrennial~~ BIENNIAL tabulation, and not later than July 1, 1991, and every tenth anniversary thereafter, any person wishing to object to the inclusion of any absolute water right or portion thereof in the decennial abandonment list shall file a statement of objection in writing with the division engineer. A fee of ten dollars shall be paid with such filing; except that no fee shall be required for any such filing to correct any clerical error.

(4) (a) ~~Not later than December 31, 1989, and every fourth anniversary thereafter, the division engineer shall make such revisions, if any, as he deems proper in the respective quadrennial tabulation, and~~ Not later than December 31, 1991, and every tenth anniversary thereafter, the division engineer shall make such revisions, if any, as he deems proper to the decennial abandonment list. In considering the matters raised by statements of objection, the division engineer may consult with any interested persons. The division engineer shall consult with the state engineer and shall make any revisions in the ~~quadrennial tabulation and~~ decennial abandonment list determined by the state engineer to be necessary or advisable.

(b) Repealed, L. 83, p. 1440, § 8, effective June 1, 1983.

(c) The ~~quadrennial tabulation and~~ decennial abandonment list, together with any revisions, signed by the division engineer and the state engineer or his duly authorized deputy, shall be filed with the water clerk as promptly as possible, but not later than ~~December 31, 1989, and every fourth anniversary thereafter, as to the quadrennial tabulation, and not later than~~ December 31, 1991, and every tenth anniversary

thereafter. ~~as to the decennial abandonment list.~~ A copy of such ~~quadrennial tabulation and~~ decennial abandonment list, together with any revisions, shall be available in the office of each respective division engineer and the offices of each water commissioner, the state engineer, and the respective water clerk for inspection at any time during regular office hours, and the division engineer shall furnish or mail a copy to anyone requesting same upon payment of a fee of ten dollars.

(d) If ~~either the quadrennial tabulation or~~ decennial abandonment list is revised, the water clerk, in cooperation with the division engineer, not later than ~~January 31, 1990, and every fourth anniversary thereafter, as to the quadrennial tabulation, and~~ not later than January 31, 1992, and every tenth anniversary thereafter, ~~as to the decennial abandonment list,~~ shall cause notice of the availability of such revision to be included in the resume described in section 37-92-302 (3) of cases filed in the respective water divisions during said month of December stating that the revision may be inspected or a copy thereof obtained as specified in paragraph (c) of this subsection (4). In addition, the water clerk shall cause such publication of the notice as is necessary to obtain general circulation once in each county or portion thereof which is in the division.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 19, 1993