

## CHAPTER 54

---

**WATER AND IRRIGATION**

---

SENATE BILL 15-055

BY SENATOR(S) Hodge, Sonnenberg;  
also REPRESENTATIVE(S) Arndt and Becker J., Fields, Ginal, Young.**AN ACT****CONCERNING STATE ENGINEER ADMINISTRATION OF TAILWATER DITCHES.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** In Colorado Revised Statutes, **amend** 37-84-108 as follows:

**37-84-108. Running excess of water forbidden.** (1) During the summer season ~~it shall not be lawful for any~~ A person ~~to~~ SHALL NOT run through his OR HER irrigating ditch any greater quantity of water than is absolutely necessary for irrigating, ~~his land and for~~ domestic, and stock purposes ~~it being the intent and meaning of this section to prevent the wasting and useless discharge and running away of water.~~

(2) A PERSON USING AN IRRIGATING DITCH OR DITCH SYSTEM MAY USE A TAIL DITCH TO RETURN WATER TO THE STREAM IN VARIABLE AMOUNTS AS NECESSARY TO FACILITATE EFFICIENT OPERATION OF THE DITCH AND DELIVERY OF WATER TO PERSONS SERVED BY THE DITCH OR DITCH SYSTEM. THE STATE ENGINEER SHALL NOT REQUIRE THE DELIVERY OF ANY MINIMUM AMOUNT OF SUCH WATER, EXCEPT AS REQUIRED BY COURT DECREE. NOTHING IN THIS SECTION LIMITS THE STATE ENGINEER'S AUTHORITY TO ADMINISTER WATER RIGHTS TO PREVENT WASTE.

**SECTION 2. Act subject to petition - effective date - applicability.** (1) 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 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is

---

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

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 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Approved: March 26, 2015