A BILL FOR AN ACT

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.

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

SECTION 1. In Colorado Revised Statutes, amend 37-86-102 as
follows:

37-86-102. Right-of-way through other lands. Any A person owning a water right or conditional water right shall be entitled to a right-of-way FOR THE CONSTRUCTION, MAINTENANCE, REPAIR, AND IMPROVEMENT, INCLUDING LINING OR PIPING, OF A DITCH, through the lands which lie between the point of diversion and point of use or proposed use for the purpose of transporting water for THE DECREED beneficial use in accordance with said THE water right or conditional water right.

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 2, 2019, if adjournment sine die is on May 3, 2019); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.