HOUSE BILL 19-1082

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
37-86-103 as follows:

37-86-103. **Extent of right-of-way.** Such right-of-way shall extend only to a ditch, dike, cutting, pipeline, or other structure sufficient for the purpose required. **UNLESS** __ INCONSISTENT WITH THE TERMS UPON WHICH THE RIGHT-OF-WAY WAS CREATED, AND NOT TO BE CONSTRUED AS A LIMIT ON ANY OTHER RIGHTS IN A DITCH OR DITCH RIGHT-OF-WAY THAT HAVE BEEN CREATED OR ARISEN BY LAW, A DITCH RIGHT-OF-WAY INCLUDES THE RIGHT TO CONSTRUCT, OPERATE, CLEAN, MAINTAIN, REPAIR, AND REPLACE THE DITCH AND APPURTEINANT STRUCTURES, TO IMPROVE THE EFFICIENCY OF THE DITCH, INCLUDING BY LINING OR PIPING THE DITCH, AND TO ENTER ONTO THE BURDENED PROPERTY FOR SUCH PURPOSES, WITH ACCESS TO THE DITCH AND DITCH BANKS, AS THE EXIGENCIES THEN EXISTING MAY REQUIRE, FOR ALL REASONABLE AND NECESSARY PURPOSES RELATED TO THE DITCH.

**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.