

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0493.01 Pierce Lively x2059

HOUSE BILL 19-1082

HOUSE SPONSORSHIP

Catlin and Valdez D.,

SENATE SPONSORSHIP

Coram,

House Committees
Rural Affairs & Agriculture

Senate Committees

A BILL FOR AN ACT

101 **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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend**

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 37-86-103 as follows:

2 **37-86-103. Extent of right-of-way.** Such right-of-way shall
3 extend only to a ditch, dike, cutting, pipeline, or other structure sufficient
4 for the purpose required. UNLESS EXPRESSLY INCONSISTENT WITH THE
5 TERMS UPON WHICH THE RIGHT-OF-WAY WAS CREATED, A DITCH
6 RIGHT-OF-WAY INCLUDES THE RIGHT TO CONSTRUCT, OPERATE, CLEAN,
7 MAINTAIN, REPAIR, AND REPLACE THE DITCH, TO IMPROVE THE EFFICIENCY
8 OF THE DITCH, INCLUDING BY LINING OR PIPING THE DITCH, AND TO ENTER
9 ONTO THE BURDENED PROPERTY FOR SUCH PURPOSES, WITH ACCESS TO
10 THE DITCH BANKS, AS THE EXIGENCIES THEN EXISTING MAY REQUIRE, FOR
11 ALL REASONABLE AND NECESSARY PURPOSES RELATED TO THE DITCH.

12 **SECTION 2. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2020 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.