

## CHAPTER 114

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**WATER AND IRRIGATION**

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**HOUSE BILL 01-1254**

BY REPRESENTATIVE(S) Smith, Hoppe, and Plant;  
also SENATOR(S) Teck and Taylor.

**AN ACT**

CONCERNING A REQUIREMENT FOR NOTICE TO OWNERS OF LAND DIRECTLY AFFECTED BY WATER RIGHTS  
ADJUDICATION APPLICATIONS.

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

**SECTION 1. Legislative declaration.** The general assembly hereby finds that some water courts in the state routinely notify affected surface landowners, while other water courts do not. It is the intent of the general assembly to ensure the consistent administration of water matters by water courts throughout the state of Colorado. The general assembly further finds that consistency and proper administration by the water courts are beneficial to the adjudication of water rights. The general assembly, therefore, declares that through administrative consistency the sanctity of existing water rights may be further protected.

**SECTION 2.** 37-92-302 (3) (c) (I), Colorado Revised Statutes, is amended to read:

**37-92-302. Applications for water rights or changes of such rights - plans for augmentation.** (3) (c) (I) Not later than the end of such month, ~~a copy of such resume shall be mailed by~~ the referee or the water clerk SHALL MAIL A COPY OF SUCH RESUME to each person ~~who~~ WHOM the referee has reason to believe would be affected, ~~or~~ INCLUDING, AT A MINIMUM, THE PERSONS LISTED IN EACH APPLICATION AS THE OWNER OR REPUTED OWNER OF THE LAND UPON WHICH ANY STRUCTURE IS OR WILL BE LOCATED, UPON WHICH WATER IS OR WILL BE STORED, OR UPON WHICH WATER IS OR WILL BE PLACED TO BENEFICIAL USE, AND TO EACH PERSON who has requested ~~the same~~ A COPY OF SUCH RESUME by submitting his OR HER name and address to the water clerk. The water clerk shall maintain a mailing list of such names and addresses so submitted, and persons desiring to have their names and addresses retained on such list must resubmit the same by January 5. Persons who

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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.*

have not so resubmitted their names and addresses shall not be retained on such list, but they may submit their names and addresses at any time thereafter for inclusion on the list subject to the foregoing. In order to obtain a copy of a resume for a particular month, a person's name and address must be received not later than the fifth day of the month of publication of the resume. A fee of twelve dollars shall be payable for inclusion on the mailing list for a calendar year prorated at one dollar per month for a lesser period. A copy of the resume shall be furnished without charge to the state engineer and the appropriate division engineer.

**SECTION 3. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 9, 2001