

CHAPTER 81

**WATER AND IRRIGATION**

**HOUSE BILL 04-1073**

BY REPRESENTATIVE(S) Smith, Harvey, and Spradley;  
also SENATOR(S) Entz, Evans, Groff, Grossman, Owen, Tapia, Taylor, and Teck.

**AN ACT**

**CONCERNING SURFACE OWNER NOTIFICATIONS FILED BY AN APPLICANT FOR A WATER RIGHT.**

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

**SECTION 1.** 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) (A) Not later than the end of such month, the referee or the water clerk shall mail a copy of such resume to each person whom the referee has reason to believe would be affected, including, at a minimum, the persons listed in each application as the owner or reputed owner of the land upon which any NEW DIVERSION OR STORAGE STRUCTURE OR MODIFICATION TO ANY EXISTING DIVERSION OR STORAGE structure is or will be ~~located~~ CONSTRUCTED OR upon which water is or will be stored, ~~or upon which water is or will be placed to beneficial use~~, INCLUDING ANY MODIFICATION TO THE EXISTING STORAGE POOL, and to each person who has requested 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 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~~ REQUIREMENTS OF THIS SECTION. 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.

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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.*

(B) THE APPLICANT MAY RELY UPON THE REAL ESTATE RECORDS OF THE COUNTY ASSESSOR FOR THE COUNTY OR COUNTIES IN WHICH THE LAND IS LOCATED TO DETERMINE THE OWNER OR REPUTED OWNER OF POTENTIALLY AFFECTED LAND.

**SECTION 2. Effective date - applicability.** (1) 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 (August 4, 2004, if adjournment sine die is on May 5, 2004); 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.

(2) The provisions of this act shall apply to applications filed on or after the applicable effective date of this act.

Approved: April 5, 2004