

## CHAPTER 198

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**WATER AND IRRIGATION**


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## HOUSE BILL 14-1005

BY REPRESENTATIVE(S) Sonnenberg and Young, DelGrosso, Foote, Saine, Singer, Becker, Buck, Fischer, Gardner, Hullinghorst, Labuda, Lebsack, Mitsch Bush, Schafer;  
 also SENATOR(S) Lundberg and Kefalas, Jones, Renfro, Aguilar, Crowder, Guzman, Heath, Herpin, Hodge, Jahn, Johnston, Lambert, Marble, Newell, Rivera, Schwartz, Todd, Zenzinger.

## AN ACT

**CONCERNING CLARIFICATION OF THE REQUIREMENTS APPLICABLE TO A CHANGE OF POINT OF WATER DIVERSION.**

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

**SECTION 1.** In Colorado Revised Statutes, **amend** 37-86-111 as follows:

**37-86-111. Head of ditch may be relocated.** (1) In case the channel of ~~any~~ A natural stream becomes so cut out, lowered, turned aside, or otherwise changed from any cause as to prevent any ditch, canal, or feeder of any reservoir from receiving the proper inflow of water to which it may be entitled from ~~such~~ THE natural stream, the owners of ~~such~~ THE ditch, canal, or feeder have the right to ~~extend~~ RELOCATE the head of ~~such~~ THE ditch, canal, or feeder to such distance ~~up~~ TO the stream ~~which~~ THAT supplies ~~the same~~ IT as may be necessary for securing a sufficient flow of water into the ~~same~~ DITCH, CANAL, OR FEEDER. For that purpose they have the same right to maintain proceedings for condemnation of A right-of-way for ~~such extension~~ THE RELOCATION as in THE case of constructing a new ditch. The priority of right to take water from ~~such~~ A stream through such ditch, canal, or feeder ~~as to any such ditch, canal, or feeder shall remain~~ REMAINS unaffected in any respect by reason of ~~such extension~~ THE RELOCATION; but ~~no such extension shall~~ THE RELOCATION MUST NOT PHYSICALLY interfere with the complete use or enjoyment of any ~~ditch, canal, or feeder~~ ABSOLUTE OR DECREED CONDITIONAL WATER RIGHT.

(2) IF AN OWNER OF A WATER RIGHT RELOCATES A SURFACE DIVERSION STRUCTURE TO A NEW SURFACE POINT OF DIVERSION IN COMPLIANCE WITH SUBSECTION (1) OF THIS SECTION, THE OWNER DOES NOT NEED TO FILE A CHANGE OF

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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.*

WATER RIGHT APPLICATION FOR THE NEW SURFACE POINT OF DIVERSION.

**SECTION 2.** In Colorado Revised Statutes, 37-92-103, **amend** (5) as follows:

**37-92-103. Definitions.** As used in this article, unless the context otherwise requires:

(5) "Change of water right" means a change in the type, place, or time of use, a change in the point of diversion EXCEPT AS SPECIFIED IN SECTION 37-86-111 (2), a change from a fixed point of diversion to alternate or supplemental points of diversion, a change from alternate or supplemental points of diversion to a fixed point of diversion, a change in the means of diversion, a change in the place of storage, a change from direct application to storage and subsequent application, a change from storage and subsequent application to direct application, a change from a fixed place of storage to alternate places of storage, a change from alternate places of storage to a fixed place of storage, or any combination of such changes. The term "change of water right" includes changes of conditional water rights as well as changes of water rights.

**SECTION 3. Applicability.** This act applies to changes in points of diversion made before, on, or after the effective date of this act.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 15, 2014