

An Act

HOUSE BILL 19-1082

BY REPRESENTATIVE(S) Catlin and Valdez D., Arndt, Buckner, Buentello, Cutter, Duran, Esgar, Galindo, McCluskie, McLachlan, Michaelson Jenet, Roberts, Soper, Titone, Becker, Gray, Hooton, Snyder; also SENATOR(S) Coram, Bridges, Cooke, Court, Crowder, Donovan, Gardner, Hisey, Moreno, Priola, Rankin, Scott, Sonnenberg, Tate, Woodward.

CONCERNING THE RIGHTS OF A WATER RIGHTS EASEMENT HOLDER.

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 APPURTENANT STRUCTURES, TO IMPROVE THE EFFICIENCY OF THE**

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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.



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

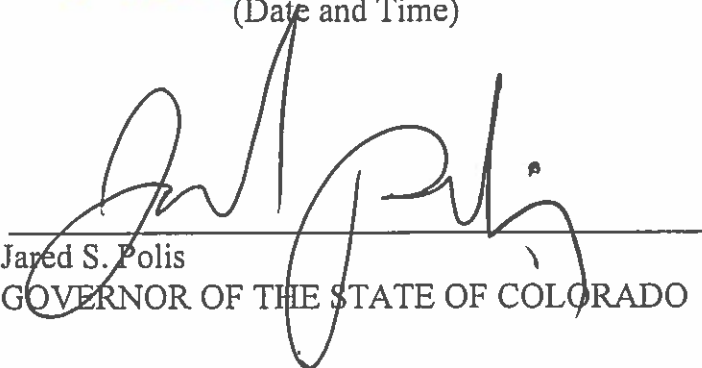


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED March 28, 2019 at 2:47 p.m.
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO