

**Amendment \_\_**  
**Limits on Water Diversion**

1 **Ballot Title:** Shall there be an amendment to the Colorado constitution concerning  
2 public control of water, and, in connection therewith, allowing appropriated water rights  
3 to be limited or curtailed by prohibiting any use of water that would irreparably harm  
4 the public ownership interest in water; expanding the right to appropriate water for  
5 beneficial use to all water within Colorado, including nontributary groundwater and not  
6 limited to unappropriated water, subject to the public ownership interest; requiring water  
7 users to return water unimpaired after use to the public so as to protect the natural  
8 environment and the use and enjoyment of water by the public; requiring state  
9 government to act as steward of and to protect, enforce, and implement the public  
10 ownership interest; and allowing any Colorado citizen to sue to enforce the amendment?

11 **Text of Measure:**

12 *Be it Enacted by the People of the State of Colorado:*

13 In the constitution of the state of Colorado, **amend** section 6 of article XVI as follows:

14 **Section 6. Diverting unappropriated water – ~~priority preferred uses~~ LIMITATIONS.**

15 (1) The right to divert ~~the unappropriated waters of any natural stream~~ WATER WITHIN  
16 THE STATE OF COLORADO to beneficial uses shall never be denied, BUT MAY BE LIMITED,  
17 OR CURTAILED, SO AS TO PROTECT NATURAL ELEMENTS OF THE PUBLIC'S DOMINANT  
18 WATER ESTATE BY HOLDING UNLAWFUL ANY USUFRUCT USE OF WATER CAUSING  
19 IRREPARABLE HARM TO THE PUBLIC'S ESTATE. Priority of appropriation shall give the  
20 better right as between those using the water for the same purpose; but when the waters  
21 ~~of any natural stream~~ are not sufficient for the service of all those desiring the use of the  
22 same, those using the water for domestic purposes shall have the preference over those  
23 claiming for any other purpose, and those using the water for agricultural purposes shall  
24 have preference over those using the same for manufacturing purposes.

25 (2) THE USE OF WATER IS A USUFRUCT PROPERTY RIGHT, GRANTED BY THE PUBLIC TO  
26 WATER USERS, THAT SHALL REQUIRE THE WATER USE APPROPRIATOR TO RETURN WATER  
27 UNIMPAIRED TO THE PUBLIC, AFTER USE, SO AS TO PROTECT THE NATURAL ENVIRONMENT  
28 AND THE PUBLIC'S USE AND ENJOYMENT OF WATERS.

29 (3) THE COLORADO DOCTRINE OF APPROPRIATION ACKNOWLEDGES THAT THE PUBLIC  
30 CONFERS THE PRIVILEGE, BY GRANT, FOR THE USE OF ITS WATER, AND THE DIVERSION OF  
31 THE SAME, TO ANY APPROPRIATOR FOR THE COMMON GOOD.

32 (4) ENFORCEMENT AND IMPLEMENTATION OF THIS SECTION THAT CONFERS, BY GRANT,

1 THE USE OF THE PUBLIC'S WATER TO USERS AND THAT STIPULATES THAT USES OF WATER  
2 SHALL BE PROTECTIVE OF THE PUBLIC'S RIGHTS AND INTERESTS, ARE MANDATED TO THE  
3 EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF COLORADO STATE GOVERNMENT  
4 TO ACT, AS STEWARDS, TO PROTECT THE PUBLIC'S INTERESTS IN ITS WATER ESTATE.

5 (5) ANY CITIZEN OF THE STATE OF COLORADO SHALL HAVE STANDING IN JUDICIAL  
6 ACTIONS SEEKING TO COMPEL THE STATE OF COLORADO TO ENFORCE THE PROVISIONS  
7 OF THIS SECTION.

8 (6) PROVISIONS OF THIS SECTION ARE SELF-ENACTING AND SELF-EXECUTING, BUT LAWS  
9 MAY BE ENACTED, SUPPLEMENTARY TO AND IN PURSUANCE OF, BUT NOT CONTRARY TO,  
10 PROVISIONS OF THIS SECTION.