

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 4, 2013
Date

Committee on Agriculture, Livestock, & Natural Resources.

After consideration on the merits, the Committee recommends the following:

SB13-074 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, page 2, line 10, strike "ADMINISTRATION AND".
- 2 Page 2, line 11, strike "CONSUMPTIVE".
- 3 Page 2, line 16, after "IRRIGATED" insert "IN COMPLIANCE WITH THE
- 4 EXPRESS PROVISIONS OF THE DECREE".
- 5 Page 2, line 17, strike "AN" and substitute "A".
- 6 Page 2, line 18, strike "ORDER" and substitute "FINAL JUDGMENT".
- 7 Page 2, after line 21 insert:
 - 8 "SECTION 2. In Colorado Revised Statutes, 37-92-503, **add** (9)
 - 9 as follows:
 - 10 **37-92-503. Enforcement - injunction.** (9) IN THE CASE OF AN
 - 11 ACTION INITIATED BY THE STATE ENGINEER OR ANOTHER PERSON
 - 12 ALLEGING EXPANDED OR UNLAWFUL USE OF A WATER RIGHT DECREED FOR
 - 13 IRRIGATION, THE LAWFUL MAXIMUM AMOUNT OF IRRIGATED ACREAGE FOR
 - 14 A DECREE ENTERED BEFORE JANUARY 1, 1937, THAT ESTABLISHES AN
 - 15 IRRIGATION WATER RIGHT AND DOES NOT EXPRESSLY LIMIT THE NUMBER
 - 16 OF ACRES THAT THE APPROPRIATOR MAY IRRIGATE UNDER THE WATER
 - 17 RIGHT EQUALS THE MAXIMUM AMOUNT OF ACREAGE IRRIGATED IN
 - 18 COMPLIANCE WITH THE EXPRESS PROVISIONS OF THE DECREE DURING THE

1 FIRST FIFTY YEARS AFTER THE ENTRY OF THE ORIGINAL DECREE, UNLESS
2 A COURT OF COMPETENT JURISDICTION HAS ENTERED A FINAL JUDGMENT
3 TO THE CONTRARY."

4 Renumber succeeding section accordingly.

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