

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0955.01 Thomas Morris x4218

HOUSE BILL 14-1320

HOUSE SPONSORSHIP

Vigil,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN INCREASE IN THE MINIMUM TIME PERIOD BETWEEN**
102 **FILINGS FOR A FINDING OF REASONABLE DILIGENCE REGARDING**
103 **THE ADJUDICATION OF A CONDITIONAL WATER RIGHT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law requires the owner of a conditional water right to file for a finding of reasonable diligence with the water judge every 6 years until the water right has been decreed absolutely or abandoned. The bill increases the diligence period to 10 years.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-92-301, **amend**
3 (4) (a) (I) and (4) (a) (III) as follows:

4 **37-92-301. Administration and distribution of waters.**

5 (4) (a) (I) In every ~~sixth~~ **EIGHTH** calendar year after the calendar year in
6 which a water right is conditionally decreed, or in which a finding of
7 reasonable diligence has been decreed, the owner or user ~~thereof~~ OF THE
8 RIGHT, if ~~such~~ THE owner or user desires to maintain the ~~same~~ RIGHT,
9 shall file an application for a finding of reasonable diligence, or ~~said~~ THE
10 conditional water right shall be considered abandoned.

11 (III) The judgment and decree of the court shall specify the month
12 and calendar year in which a subsequent application for a finding of
13 reasonable diligence ~~shall~~ MUST be filed with the water clerk pursuant to
14 section 37-92-302 (1). A subsequent application ~~shall~~ MUST be filed
15 during the same month as the previous decree was entered every ~~six~~
16 **EIGHT** years after ~~such~~ THE entry of the decree until the right is made
17 absolute or otherwise disposed of.

18 **SECTION 2. Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
20 the expiration of the ninety-day period after final adjournment of the
21 general assembly (August 6, 2014, if adjournment sine die is on May 7,
22 2014); except that, if a referendum petition is filed pursuant to section 1
23 (3) of article V of the state constitution against this act or an item, section,
24 or part of this act within such period, then the act, item, section, or part
25 will not take effect unless approved by the people at the general election
26 to be held in November 2014 and, in such case, will take effect on the

- 1 date of the official declaration of the vote thereon by the governor.
- 2 (2) This act applies to diligence findings made by the water judge
- 3 on or after the applicable effective date of this act.