

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0221.01 Yelana Love x2295

SENATE BILL 15-055

SENATE SPONSORSHIP

Hodge,

HOUSE SPONSORSHIP

(None),

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING STATE ENGINEER ADMINISTRATION OF TAILWATER
102 DITCHES.

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>.)

The bill permits a person to use a tail ditch to return variable amounts of water to a stream. The state engineer shall not require the delivery of a minimum amount of water to the stream, except as required by a court decree.

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, **amend** 37-84-101 as
3 follows:

4 **37-84-101. Maintenance of embankments and tail ditch.** The
5 owners of any ditch for irrigation or other purposes shall carefully
6 maintain the embankments ~~thereof~~ OF THE DITCH so that the waters of
7 ~~such~~ THE ditch may not flood or damage the premises of others, and shall
8 make a tail ditch so as to return ~~the~~ ANY water in ~~such~~ THE ditch with as
9 little waste as possible into the stream from which it was taken.

10 **SECTION 2.** In Colorado Revised Statutes, **amend** 37-84-108 as
11 follows:

12 **37-84-108. Running excess of water forbidden.** (1) During the
13 summer season ~~it shall not be lawful for any~~ A person ~~to~~ SHALL NOT run
14 through his OR HER irrigating ditch any greater quantity of water than is
15 absolutely necessary for irrigating, ~~his land and for~~ domestic, and stock
16 purposes ~~it being the intent and meaning of this section to prevent the~~
17 wasting and useless discharge and running away of water.

18 (2) A PERSON USING AN IRRIGATING DITCH OR DITCH SYSTEM MAY
19 USE A TAIL DITCH TO RETURN WATER TO THE STREAM IN VARIABLE
20 AMOUNTS AS NECESSARY TO FACILITATE EFFICIENT OPERATION OF THE
21 DITCH AND DELIVERY OF WATER TO PERSONS SERVED BY THE DITCH OR
22 DITCH SYSTEM. THE STATE ENGINEER SHALL NOT REQUIRE THE DELIVERY
23 OF ANY MINIMUM AMOUNT OF WATER, EXCEPT AS REQUIRED BY COURT
24 DECREE.

25 **SECTION 3. Act subject to petition - effective date -**
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly (August 5, 2015, if adjournment sine die is on May 6,
2 2015); except that, if a referendum petition is filed pursuant to section 1
3 (3) of article V of the state constitution against this act or an item, section,
4 or part of this act within such period, then the act, item, section, or part
5 will not take effect unless approved by the people at the general election
6 to be held in November 2016 and, in such case, will take effect on the
7 date of the official declaration of the vote thereon by the governor.

8 (2) This act applies to conduct occurring on or after the applicable
9 effective date of this act.