

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 15-0221.01 Yelana Love x2295

**SENATE BILL 15-055**

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**SENATE SPONSORSHIP**

**Hodge,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**

Agriculture, Natural Resources, & Energy

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING STATE ENGINEER ADMINISTRATION OF TAILWATER**  
102      **DITCHES.**

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**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.

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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:*

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3 **SECTION 1.** In Colorado Revised Statutes, **amend** 37-84-108 as  
4 follows:

5 **37-84-108. Running excess of water forbidden.** (1) During the  
6 summer season ~~it shall not be lawful for any~~ A person to SHALL NOT run  
7 through his OR HER irrigating ditch any greater quantity of water than is  
8 absolutely necessary for irrigating, ~~his land and for~~ domestic, and stock  
9 purposes ~~it being the intent and meaning of this section~~ to prevent the  
10 wasting and useless discharge and running away of water.

11 (2) A PERSON USING AN IRRIGATING DITCH OR DITCH SYSTEM MAY  
12 USE A TAIL DITCH TO RETURN WATER TO THE STREAM IN VARIABLE  
13 AMOUNTS AS NECESSARY TO FACILITATE EFFICIENT OPERATION OF THE  
14 DITCH AND DELIVERY OF WATER TO PERSONS SERVED BY THE DITCH OR  
15 DITCH SYSTEM. THE STATE ENGINEER SHALL NOT REQUIRE THE DELIVERY  
16 OF ANY MINIMUM AMOUNT OF SUCH WATER, EXCEPT AS REQUIRED BY  
17 COURT DECREE. NOTHING IN THIS SECTION LIMITS THE STATE ENGINEER'S  
18 AUTHORITY TO ADMINISTER WATER RIGHTS TO PREVENT WASTE.

19 **SECTION 2. Act subject to petition - effective date -**  
20 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
21 the expiration of the ninety-day period after final adjournment of the  
22 general assembly (August 5, 2015, if adjournment sine die is on May 6,  
23 2015); except that, if a referendum petition is filed pursuant to section 1  
24 (3) of article V of the state constitution against this act or an item, section,  
25 or part of this act within such period, then the act, item, section, or part  
26 will not take effect unless approved by the people at the general election  
27 to be held in November 2016 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 conduct occurring on or after the applicable
- 3 effective date of this act.