

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0643.01 Thomas Morris x4218

HOUSE BILL 13-1168

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HOUSE SPONSORSHIP

Vigil,

SENATE SPONSORSHIP

(None),

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House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING AN EXPANSION IN THE ABILITY OF A DITCH TO OPERATE  
102 AS AN ACEQUIA DITCH.

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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>.)*

Current law recognizes acequia ditch corporations, but limits that status to irrigation systems that supply irrigation water to long lots that are perpendicular to the stream or ditch to maximize the number of landowners who have access to water. The bill repeals that limitation, so that a ditch corporation may be organized as an acequia ditch even if the

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.*

land served by the ditch is not divided into long lots, and also allows an unincorporated association to operate as an acequia ditch.

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

2 **SECTION 1.** In Colorado Revised Statutes, 7-42-101.5, **amend**  
3 (3) introductory portion, (3) (d), (4) introductory portion, and (4) (d); and  
4 **repeal** (1) (d) and (3) (a) as follows:

5 **7-42-101.5. Acequia ditch corporation - definition - powers.**

6 (1) For purposes of this section, "acequia" means a ditch that:

7 (d) ~~Supplies irrigation water to long lots that are perpendicular to~~  
8 ~~the stream or ditch to maximize the number of landowners who have~~  
9 ~~access to water;~~

10 (3) An acequia ditch corporation may be organized pursuant to  
11 this article, ~~and~~ a ditch corporation organized pursuant to this article may  
12 convert to an acequia ditch corporation, AN UNINCORPORATED ACEQUIA  
13 DITCH ASSOCIATION MAY BE FORMED, AND AN UNINCORPORATED DITCH  
14 ASSOCIATION MAY OPERATE AS AN UNINCORPORATED ACEQUIA DITCH  
15 ASSOCIATION, if THE DITCH MEETS THE DEFINITION OF AN ACEQUIA DITCH  
16 AND, AS APPLICABLE:

17 (a) ~~At least two-thirds of the irrigated land served by the ditch is~~  
18 ~~platted or organized into long lots, the longest axes of which are~~  
19 ~~perpendicular to the stream or ditch;~~

20 (d) EITHER:

21 (I) As required pursuant to section 7-42-101, the stockholders of  
22 the ditch file articles of incorporation, or an amendment to the articles of  
23 incorporation, that state the stockholders' intention to create or convert to  
24 an acequia ditch corporation; OR

25 (II) THE MEMBERS OF AN UNINCORPORATED DITCH ASSOCIATION

1 HAVE AGREED TO OPERATE IN ACCORDANCE WITH THIS SECTION.

2 (4) An acequia ditch corporation, if its articles of incorporation so  
3 state, OR AN UNINCORPORATED ACEQUIA DITCH ASSOCIATION, may specify  
4 in its bylaws that:

5 (d) The corporation OR ASSOCIATION has a right of first refusal  
6 regarding the sale, lease, or exchange of any surface water right that has  
7 historically been used to irrigate ~~long-lot~~ land by the acequia.

8 **SECTION 2. Act subject to petition - effective date -**  
9 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
10 the expiration of the ninety-day period after final adjournment of the  
11 general assembly (August 7, 2013, if adjournment sine die is on May 8,  
12 2013); except that, if a referendum petition is filed pursuant to section 1  
13 (3) of article V of the state constitution against this act or an item, section,  
14 or part of this act within such period, then the act, item, section, or part  
15 will not take effect unless approved by the people at the general election  
16 to be held in November 2014 and, in such case, will take effect on the  
17 date of the official declaration of the vote thereon by the governor.

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