

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

PREAMENDED

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

LLS NO. 13-0643.01 Thomas Morris x4218

HOUSE BILL 13-1168

HOUSE SPONSORSHIP

Vigil,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

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

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.

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.** In Colorado Revised Statutes, 7-30-101, **amend** (2)
9 as follows:

10 **7-30-101. Definitions.** In this article:

11 (2) "Nonprofit association" means an unincorporated organization
12 consisting of two or more members joined by mutual consent for a
13 common, lawful, nonprofit purpose. However, joint tenancy or tenancy
14 in common does not by itself establish a nonprofit association, even if the
15 co-owners share use of the property for a nonprofit purpose. "NONPROFIT
16 ASSOCIATION" INCLUDES AN ACEQUIA DITCH ASSOCIATION, WHETHER OR
17 NOT THE ACEQUIA DITCH ASSOCIATION IS FORMED AS AN ACEQUIA DITCH
18 ASSOCIATION AS CONTEMPLATED BY SECTION 7-42-101.5 (3) OR IS A DITCH
19 ASSOCIATION OPERATING AS AN ACEQUIA DITCH ASSOCIATION AS
20 CONTEMPLATED BY SECTION 7-42-101.5 (3).

21 **SECTION 3. Act subject to petition - effective date -**
22 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
23 the expiration of the ninety-day period after final adjournment of the
24 general assembly (August 7, 2013, if adjournment sine die is on May 8,
25 2013); except that, if a referendum petition is filed pursuant to section 1
26 (3) of article V of the state constitution against this act or an item, section,
27 or part of this act within such period, then the act, item, section, or part

1 will not take effect unless approved by the people at the general election
2 to be held in November 2014 and, in such case, will take effect on the
3 date of the official declaration of the vote thereon by the governor.

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