SENATE BILL NO. 410

STATE OF COLORADO
AGRICULTURE,
NATURAL RESOURCES & ENERGY

BY SENATORS McCormick and Anderson.

A BILL FOR AN ACT

CONCERNING THE APPROPRIATION OF WATER.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Specifies acts which are not to be considered appropriations of water, involving cases of speculative sale or transfer of rights to third parties having no connection with the appropriation, and cases in which a purported appropriator has no lawful interest in properties to be served by such appropriation nor does he have any governmental or other agency relationship with the proposed beneficiaries of such appropriation.

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

SECTION 1. 37-92-103 (3), Colorado Revised Statutes 1973, is amended to read:

37-92-103. Definitions. (3) "Appropriation" means the application of a certain portion of the waters of the state, WHETHER SURFACE OR UNDERGROUND, to a beneficial use; EXCEPT THAT NO APPROPRIATION OF WATER, EITHER ABSOLUTE OR CONDITIONAL, SHALL BE HELD TO OCCUR EITHER WHEN THE PURPORTED APPROPRIATION IS BASED UPON THE SPECULATIVE SALE OR TRANSFER OF THE APPROPRIATIVE RIGHTS TO PERSONS NOT PARTIES TO THE PURPORTED APPROPRIATION OR WHEN THE
PURPORTED APPROPRIATOR OF RECORD DOES NOT HAVE EITHER A LEGALLY
VESTED INTEREST IN THE LANDS OR FACILITIES TO BE SERVED BY SUCH
APPROPRIATION OR IS NOT A GOVERNMENTAL AGENCY OR AN AGENT IN FACT
FOR THE PERSONS PROPOSED TO BE BENEFITED BY SUCH APPROPRIATION.

SECTION 2. Safety clause. The general assembly hereby
finds, determines, and declares that this act is necessary for
the immediate preservation of the public peace, health, and
safety.