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Colorado Secretary of State

*4.13.2010
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Be it Enacted by the People of the State of Colorado:

Article XVI of the Constitution of the State of Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

SECTION 9. RIGHTS OF USE – NATURAL STREAMS.

(1) **Purposes and findings.** REASONABLE ACCESS TO COLORADO'S NATURAL STREAMS AND THE LANDS IMMEDIATELY ADJACENT TO THE NATURAL STREAMS IS AN IMPORTANT ELEMENT OF SAFE USE OF STATE WATERS. THE PEOPLE OF COLORADO CONFIRM AND CLARIFY THAT SPECIFIC RIGHTS ARE ASSOCIATED WITH THIS ACCESS AND FURTHER ACKNOWLEDGE THAT THE PUBLIC'S EXERCISE OF SUCH RIGHTS DOES NOT ADVERSELY AFFECT PROPERTY INTERESTS OF LANDOWNERS WHOSE PROPERTIES ARE ADJACENT TO NATURAL STREAMS.

(2) **Rights of use.** THE RIGHT TO USE THE WATER OF EVERY NATURAL STREAM WITHIN THE STATE OF COLORADO HISTORICALLY INCLUDED AND SHALL CONTINUE TO INCLUDE:

(a) THE RIGHT TO FLOAT ANY CRAFT UPON ANY NATURAL STREAM THAT IS CAPABLE OF SUCH USE;

(b) THE RIGHT, AS A NECESSARY INCIDENT TO THAT USE, TO MAKE SUCH CONTACT WITH THE BED OR BANKS OF THE NATURAL STREAM BELOW THE HIGH WATER MARK THAT IS THE MINIMUM POSSIBLE FOR THE FULL AND SAFE ENJOYMENT OF THE PUBLIC'S EASEMENT TO FLOAT; AND

(c) THE RIGHT TO FISH WHILE FLOATING.

(3) **Limitations on rights of use.** NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

(a) ALLOW ACCESS TO A NATURAL STREAM BY CROSSING PRIVATE LAND WITHOUT PERMISSION;

(b) ALLOW THE DROPPING OR DRAGGING OF AN ANCHOR OR THE INTENTIONAL BROACHING OF A CRAFT;

(c) CREATE A WATER RIGHT, AFFECT ANY EXISTING WATER RIGHT, OR IMPAIR THE RIGHT TO APPROPRIATE WATER; OR

(d) AFFECT TITLE TO THE BED OR BANKS OF ANY NATURAL STREAM.

(4) **Definition.** "HIGH WATER MARK" OF A NATURAL STREAM MEANS MEANS THE VISIBLE CHANNEL OF A NATURAL WATERCOURSE WITHIN WHICH WATER FLOWS WITH SUFFICIENT

FREQUENCY SO AS TO PRECLUDE THE ERECTION OR MAINTENANCE OF MAN-MADE IMPROVEMENTS WITHOUT SPECIAL PROVISION FOR PROTECTION AGAINST FLOWS OF WATER IN SUCH CHANNEL OR THE CHANNEL DEFINED BY THE MEAN ANNUAL FLOOD, WHICHEVER IS GREATER.

April 9, 2010

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Colorado Secretary of State

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9:13am
MH*

Ms. Cesiah Gomez
Office of the Colorado Secretary of State
1700 Broadway, Suite 200
Denver, CO 80202

Re: Initiative 2009-2010 #87

Dear Ms. Gomez:

Attached please find the original, amended, and final versions of Initiative 2009-2010 #87 for consideration by the Title Setting Board, submitted on behalf of the proponents by their counsel:

Robert Hamel
P.O. Box 337
Cotopaxi, CO 81223

Jay P.K. Kenney
910 Gaylord St
Denver, CO 80206

Sincerely,



Mark G. Grueskin

MGG/aak