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APR 09 2010

Colorado Secretary of State

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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 RECREATIONAL USE – NATURAL STREAMS.**

(1) **Legislative declaration.** REASONABLE ACCESS TO COLORADO'S NATURAL STREAMS AND THE IMMEDIATELY ADJACENT LANDS IS AN IMPORTANT ELEMENT OF SAFE RECREATIONAL 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 ADJACENT LAND OWNERS.

(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 REASONABLE 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 AMENDMENT 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 INTENTIONALLY BROACHING 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.

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