

Amended
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APR 09 2010
Colorado Secretary of State
*9-13
C.M.
M.H.*

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. Purposes and findings.** REASONABLE ACCESS TO COLORADO'S NATURAL STREAMS AND THE LANDS IMMEDIATELY ADJACENT LANDS TO THE NATURAL STREAMS 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 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 INCLUDES:

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

(Bb) 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.

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

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

(Bb) ALLOW THE DROPPING OR DRAGGING OF AN ANCHOR OR THE INTENTIONAL~~LY~~ BROACHING OF A CRAFT;

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

(Dd) 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.