

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 17-1233

BY REPRESENTATIVE(S) Arndt, Becker K., Esgar, Exum, Garnett, Ginal, Hamner, Hansen, Herod, Hooton, Kraft-Tharp, Lontine, McLachlan, Mitsch Bush, Pabon, Saine, Salazar, Valdez, Young, Duran, Gray, Weissman;
also SENATOR(S) Crowder, Donovan, Guzman, Jones, Kagan, Merrifield, Todd, Williams A.

CONCERNING PROTECTION OF THE HISTORICAL CONSUMPTIVE USE ANALYSIS
OF A WATER RIGHT INVOLVED IN A WATER CONSERVATION PROGRAM.

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

SECTION 1. In Colorado Revised Statutes, 37-92-305, **amend** (3)(c) as follows:

37-92-305. Standards with respect to rulings of the referee and decisions of the water judge - definitions. (3) (c) In determining the amount of historical consumptive use for a water right in division ~~4, 5, or 6~~ 1, 2, 3, 4, 5, OR 6, the water judge shall not consider any decrease in use resulting from the following:

(I) The land on which the water from the water right has been historically applied is enrolled under a federal land conservation program;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

or

(II) The nonuse or decrease in use of the water from the water right by its owner for a maximum of five years in any consecutive ten-year period as a result of participation in:

(A) A water conservation program, INCLUDING A PILOT PROGRAM, approved IN ADVANCE by a ~~state agency~~, water conservation district, water district, water authority, or water conservancy district for lands that are within the entity's jurisdictional boundaries OR BY A STATE AGENCY WITH EXPLICIT STATUTORY JURISDICTION OVER WATER CONSERVATION OR WATER RIGHTS;

(B) A water conservation program, INCLUDING A PILOT PROGRAM, established through formal written action or ordinance by a water district, water authority, or municipality or its municipal water supplier for lands that are within the entity's jurisdictional boundaries;

(C) An approved land fallowing program as provided by law in order to conserve water or to provide water for compact compliance; or

(D) A water banking program as provided by law.

SECTION 2. Applicability. This act applies to decreases in water use occurring on or after the effective date of this act.

SECTION 3. 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.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO