

SENATE COMMITTEE OF REFERENCE REPORT

May 3, 2017

Chairman of Committee

Date

Committee on Agriculture, Natural Resources, & Energy.

After consideration on the merits, the Committee recommends the following:

HB17-1289 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend reengrossed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1.** (1) During the 2017 interim, the water resources
4 review committee created in section 37-98-102, C.R.S., shall study the
5 issue of whether the state engineer should be given statutory authority to
6 promulgate rules that would:

7 (a) Adopt a nonbinding, streamlined methodology for determining
8 factors and using other assumptions for calculating the historical
9 consumptive use of a water right;

10 (b) Provide guidance for all components of an historical
11 consumptive use analysis for a change of water right using geographically
12 specific considerations; and

13 (c) Ensure that the calculation of the historical consumptive use
14 complies with section 37-92-305 (3), C.R.S.

15 (2) The goal of the study is to investigate the feasibility, costs, and
16 impacts of providing a nonbinding alternative to other methods of
17 calculating historical consumptive use of a water right that may reduce
18 transaction costs and the time necessary to obtain approval of loans and
19 temporary and permanent changes of water rights while ensuring that no
20 injury results from the approval.

21 (3) The committee shall consider:

22 (a) Whether the rules, if authorized, should apply in only

1 particularly identified water divisions and how the rules ought to take into
2 account division-specific factors;

3 (b) The potential cost of promulgating the rules; and
4 (c) How the rules should be paid for.

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

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