

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 17-0995.01 Thomas Morris x4218

HOUSE BILL 17-1289

HOUSE SPONSORSHIP

Valdez and Hansen,

SENATE SPONSORSHIP

Coram and Crowder,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

Agriculture, Natural Resources, & Energy

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE STATE ENGINEER**
102 **PROMULGATE RULES THAT ESTABLISH AN OPTIONAL**
103 **STREAMLINED APPROACH TO CALCULATE THE HISTORICAL**
104 **CONSUMPTIVE USE OF A WATER RIGHT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

When a water right owner wishes to change a water right—whether a temporary loan or change approved by the state engineer or a permanent change approved by a water judge—the determination of the amount of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
May 8, 2017

SENATE
Amended 2nd Reading
May 5, 2017

HOUSE
3rd Reading Unamended
April 21, 2017

HOUSE
2nd Reading Unamended
April 20, 2017

water that can be loaned or changed relies on a calculation of the historical consumptive use of the water right. The bill directs the state engineer to promulgate rules that take into account local conditions that an applicant can use to calculate historical consumptive use. The results of the calculation carry no presumptive weight before the state engineer, water referee, or water judge.

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

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

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

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

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

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

20 (3) The committee shall consider:

21 (a) Whether the rules, if authorized, should apply in only
22 particularly identified water divisions and how the rules ought to take into

1 account division-specific factors;

2 (b) The potential cost of promulgating the rules; and

3 (c) How the rules should be paid for.

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