# 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**

#### **Senate Committees**

Agriculture, Livestock, & Natural Resources

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 <a href="http://leg.colorado.gov">http://leg.colorado.gov</a>.)

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

SENATE rd Reading Unamended

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	<b>SECTION 1.</b> (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

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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.

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