



## Legislative Council Staff

### Research Note

Version: Senate

Agriculture

Committee

Date: 4/24/2017

#### Bill Number

**House Bill 17-1289**

#### Sponsors

***Representatives Valdez &  
Hansen  
Senators Coram & Crowder***

#### Short Title

***State Engineer Rules Historical  
Consumptive Use***

#### Research Analyst

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#### Status

The bill is currently pending before the Senate Agriculture, Natural Resources, and Energy Committee. This research note reflects the reengrossed bill.

#### Background

Under Colorado water law, a water right is created by applying unappropriated water to a legally recognized beneficial use, such as irrigation. Most beneficial water uses are consumptive. For example, agricultural beneficial use consumes a portion of the water that is diverted from a stream through plant uptake, evaporation, and other mechanisms. In general, water diversions that are not consumed through beneficial use must be allowed to return to the stream system for use by others. The amount of water consumed over a certain time period, called historical consumptive use, is the measure and limit of a water right. Historical consumptive use determines the amount of a water right that may be sold or transferred to another user through a water rights change case.

#### House Action

***House Agriculture, Livestock, and Natural Resources Committee (April 10 and 17, 2017).*** At the hearing, representatives from the Division of Water Resources, the Lower Arkansas Valley Water Conservancy District, the Nature Conservancy, and Diamond A Farms spoke in support of the bill. A representative of the Water Rights Association of the South Platte testified in opposition

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to the bill. The committee referred the bill, without amendment, to the House Committee of the Whole.

***House second reading (April 20, 2017).*** The House passed the bill on second reading, as amended.

***House third reading (April 21, 2017).*** The House passed the bill on third reading with no amendments.

## Relevant Research

Legislative Council Staff, *State Water Policy — A Legislator's Guide to Colorado Water Issues*, October 2013.

**Senate Action**

**Relevant Research**