

## CHAPTER 228

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**WATER AND IRRIGATION**


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**HOUSE BILL 17-1289**

BY REPRESENTATIVE(S) Valdez and Hansen, Becker K., Bridges, Buckner, Kraft-Tharp, Lontine, Mitsch Bush, Salazar, Young, Duran, Arndt;  
also SENATOR(S) Coram and Crowder, Baumgardner, Cooke, Garcia, Jones, Martinez Humenik, Scott, Smallwood, Sonnenberg, Tate.

**AN ACT**

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

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

**SECTION 1. Water resources review committee - historical consumptive use rules - study.** (1) During the 2017 interim, the water resources review committee created in section 37-98-102, Colorado Revised Statutes, shall study the issue of whether the state engineer should be given statutory authority to promulgate rules that would:

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

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

(c) Ensure that the calculation of the historical consumptive use complies with section 37-92-305 (3), Colorado Revised Statutes.

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

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

(3) The committee shall consider:

(a) Whether the rules, if authorized, should apply in only particularly identified water divisions and how the rules ought to take into account division-specific factors;

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

(c) How the rules should be paid for.

**SECTION 2. 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.

Approved: May 22, 2017