

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

January 23, 2020

Committee on Rural Affairs & Agriculture.

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

HB20-1037 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, line 12, strike "THE" and substitute "TO
2 OBTAIN A DECREED PLAN FOR AUGMENTATION, THE".

3 Page 2, line 15, strike "MAY" and substitute "MUST".

4 Page 3, strike lines 5 through 8 and substitute:

5 "(III) A PLAN FILED UNDER THIS SUBSECTION (4.5) MUST USE, FOR
6 AUGMENTATION ONLY, WATER RIGHTS:

7 (A) FOR WHICH THE HISTORICAL CONSUMPTIVE USE".

8 Renumber succeeding sub-subparagraph accordingly.

9 Page 3, strike lines 18 through 22 and substitute:

10 "(VI) ADDITIONAL TERMS AND CONDITIONS MUST BE IMPOSED ON
11 THE USE OF WATER AS PART OF A PLAN FOR AUGMENTATION TO AUGMENT
12 STREAM FLOWS AS NECESSARY TO PREVENT INJURY TO THE OWNERS OF
13 VESTED WATER RIGHTS OR DECREED CONDITIONAL WATER RIGHTS. THE
14 TERMS AND CONDITIONS MUST INCLUDE TERMS AND CONDITIONS TO
15 PREVENT INJURY TO OTHER WATER RIGHTS THAT RESULT FROM ANY
16 CHANGE IN THE TIME, PLACE, OR AMOUNT OF WATER AVAILABLE FOR
17 DIVERSION OR EXCHANGE TO THE EXTENT THAT OTHER APPROPRIATORS
18 HAVE RELIED UPON THE STREAM CONDITIONS THAT RESULTED FROM THE

1 HISTORICAL USE OF THE AUGMENTATION WATER RIGHTS DESCRIBED IN
2 SUBSECTION (4.5)(b)(III) OF THIS SECTION OR ADDED PURSUANT TO
3 SECTION 37-92-305 (8)(c) BEFORE THEIR USE IN THE PLAN FOR
4 AUGMENTATION OF STREAM FLOWS. A JUNIOR APPROPRIATOR IS ENTITLED
5 TO THE CONTINUATION OF STREAM CONDITIONS AS THE CONDITIONS
6 EXISTED AT THE TIME OF THE JUNIOR APPROPRIATOR'S APPROPRIATION."

7 Page 4, line 14, after "MUST" insert "HAVE CONSENT FROM THE OWNER OF
8 THE EXISTING STRUCTURE AND".

9 Page 6, line 5, strike "augmentation," and substitute "augmentation
10 PURSUANT TO SECTION 37-92-102,".

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