

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 14, 2016  
Date

Committee on Agriculture, Livestock, & Natural Resources.

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

HB16-1228 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:  
3  
4       **"SECTION 1.** In Colorado Revised Statutes, **add** 37-60-133 as  
5 follows:  
6       **37-60-133. Minimum criteria and guidelines for agricultural**  
7 **water protection programs.** (1) (a) THE BOARD SHALL DEVELOP  
8 MINIMUM CRITERIA AND GUIDELINES FOR THE ESTABLISHMENT OF AN  
9 AGRICULTURAL WATER PROTECTION PROGRAM PURSUANT TO SECTION  
10 37-92-305 (19) (b) (IV) (B) TO ASSURE SUFFICIENT PROTECTION AND  
11 MONITORING OF AGRICULTURAL WATER PROTECTION WATER RIGHTS  
12 PURSUANT TO SECTION 37-92-305 (19) (b) (III).  
13       (b) THE BOARD MAY PROMULGATE SEPARATE MINIMUM CRITERIA  
14 AND GUIDELINES FOR EACH WATER DIVISION.  
15       (c) (I) UNTIL FINALIZATION OF THE CRITERIA AND GUIDELINES, THE  
16 BOARD SHALL POST AND PERIODICALLY UPDATE DRAFT CRITERIA AND  
17 GUIDELINES ON ITS WEBSITE.  
18       (II) THE BOARD SHALL CONSIDER ANY COMMENTS IT RECEIVES ON  
19 THE DRAFT CRITERIA AND GUIDELINES AND, UPON THE REQUEST OF AN  
20 ELIGIBLE ENTITY, AS DEFINED IN SECTION 37-92-305 (19) (c), THE BOARD  
21 SHALL HOLD A MEETING WITH THE ELIGIBLE ENTITY TO RECEIVE THE  
22 ELIGIBLE ENTITY'S COMMENTS.  
23       (III) THE BOARD SHALL HOLD AT LEAST ONE PUBLIC MEETING IN

1 EACH WATER DIVISION TO PRESENT THE DRAFT CRITERIA AND GUIDELINES  
2 AND RECEIVE COMMENTS ON THEM.

3 (2) THE BOARD SHALL FINALIZE THE CRITERIA AND GUIDELINES  
4 WITHIN ONE YEAR AFTER INITIATING THE PROCESS TO DEVELOP CRITERIA  
5 AND GUIDELINES.

6 (3) AS USED IN THIS SECTION, "AGRICULTURAL WATER PROTECTION  
7 WATER RIGHT" HAS THE SAME MEANING AS IN SECTION 37-92-305 (19) (a).

8 **SECTION 2.** In Colorado Revised Statutes, **add** 37-80-123 as  
9 follows:

10 **37-80-123. Lease, loan, or trade of agricultural water**  
11 **protection water right - rules - definition.** (1) (a) AS SOON AS  
12 PRACTICABLE, THE STATE ENGINEER SHALL INITIATE THE PROMULGATION  
13 OF RULES GOVERNING THE REVIEW OF A SUBSTITUTE WATER SUPPLY PLAN  
14 PURSUANT TO SECTION 37-92-308 (12). IN PROMULGATING THE RULES, THE  
15 STATE ENGINEER SHALL FOLLOW THE STATE ENGINEER'S OWN  
16 RULE-MAKING PROCEDURES.

17 (b) THE RULES MUST INCLUDE:

18 (I) TERMS AND CONDITIONS THAT THE STATE ENGINEER MAY  
19 IMPOSE THROUGH AN APPROVED SUBSTITUTE WATER SUPPLY PLAN  
20 PURSUANT TO SECTION 37-92-308 (12);

21 (II) CRITERIA THAT THE STATE ENGINEER SHOULD CONSIDER IN  
22 REVIEWING A SUBSTITUTE WATER SUPPLY PLAN APPLICATION FILED  
23 PURSUANT TO SECTION 37-92-308 (12);

24 (III) PROCEDURES BY WHICH THE STATE ENGINEER MAY  
25 RECONSIDER A DECISION; AND

26 (IV) PROCEDURES FOR CREATING A DATABASE THAT TRACKS AND  
27 INVENTORIES SUBSTITUTE WATER SUPPLY PLANS APPROVED UNDER  
28 SECTION 37-92-308 (12) AND FOR MAKING THE FOLLOWING INFORMATION  
29 FROM THE DATABASE ACCESSIBLE TO THE PUBLIC:

30 (A) THE AMOUNT OF WATER SUBJECT TO EACH APPROVED PLAN;

31 (B) THE LOCATION OF USE OF WATER UNDER EACH APPROVED  
32 PLAN; AND

33 (C) THE DECREED BENEFICIAL USE OF WATER LEASED, LOANED, OR  
34 TRADED IN CONNECTION WITH EACH APPROVED PLAN.

35 (c) THE WATER JUDGE FOR WATER DIVISION 1 SHALL REVIEW THE  
36 RULES PROMULGATED UNDER THIS SECTION IN ACCORDANCE WITH THE  
37 PROCEDURES SET FORTH IN SECTIONS 37-92-501 (2) (g), (3) (a), AND (3)  
38 (b).

39 (2) AS USED IN THIS SECTION, "AGRICULTURAL WATER PROTECTION  
40 WATER RIGHT" HAS THE SAME MEANING AS IN SECTION 37-92-305 (19) (a).

1           **SECTION 3.** In Colorado Revised Statutes, 37-92-305, **add** (4)  
2 (c) and (19) as follows:

3           **37-92-305. Standards with respect to rulings of the referee and**  
4 **decisions of the water judge - definitions.** (4) (c) WITH RESPECT TO A  
5 CHANGE-IN-USE APPLICATION THAT SEEKS APPROVAL TO CHANGE AN  
6 ABSOLUTE DECREED IRRIGATION WATER RIGHT USED FOR AGRICULTURAL  
7 PURPOSES TO AN AGRICULTURAL WATER PROTECTION WATER RIGHT, AS  
8 DESCRIBED IN SUBSECTION (19) OF THIS SECTION, THE DECREE MUST:

9           (I) QUANTIFY THE HISTORICAL DIVERSIONS AND HISTORICAL  
10 CONSUMPTIVE USE OF THE ABSOLUTE DECREED IRRIGATION WATER RIGHT  
11 USED FOR AGRICULTURAL PURPOSES PURSUANT TO SUBSECTION (3) OF THIS  
12 SECTION;

13           (II) QUANTIFY THE RETURN FLOWS ASSOCIATED WITH THE  
14 HISTORICAL USE OF THE WATER RIGHT IN TIME, PLACE, AND AMOUNT;

15           (III) PROVIDE TERMS AND CONDITIONS, PURSUANT TO PARAGRAPH  
16 (a) OF THIS SUBSECTION (4), FOR A CHANGE IN THE USE OF THE  
17 AGRICULTURAL WATER PROTECTION WATER RIGHT PURSUANT TO A  
18 SUBSTITUTE WATER SUPPLY PLAN, APPROVED IN ACCORDANCE WITH  
19 SECTIONS 37-92-308 (12) AND 37-80-123, INCLUDING THE RETURN FLOW  
20 OBLIGATIONS IN TIME, PLACE, AND AMOUNT THAT PREVENT MATERIAL  
21 INJURY TO OTHER VESTED WATER RIGHTS AND DECREED CONDITIONAL  
22 WATER RIGHTS;

23           (IV) IN ACCORDANCE WITH SUBPARAGRAPH (II) OF PARAGRAPH (b)  
24 OF SUBSECTION (19) OF THIS SECTION, ALLOW AN AMOUNT OF THE  
25 QUANTIFIED HISTORICAL CONSUMPTIVE PORTION OF WATER SUBJECT TO  
26 THE CHANGED AGRICULTURAL WATER PROTECTION WATER RIGHT TO BE  
27 DELIVERED TO A POINT OF DIVERSION OR DECREED INSTREAM FLOW WITHIN  
28 THE WATER DIVISION OF HISTORICAL USE WITHOUT DESIGNATING THE  
29 BENEFICIAL USE TO WHICH THE WATER WILL BE APPLIED. DELIVERY MUST  
30 BE TO A POINT OF DIVERSION OR DECREED INSTREAM FLOW THAT IS  
31 APPROVED BY THE STATE ENGINEER IN ACCORDANCE WITH CONDITIONS:

32           (A) SET FORTH IN SECTION 37-92-308 (12); AND

33           (B) DEVELOPED BY THE STATE ENGINEER PURSUANT TO SECTION  
34 37-80-123; AND

35           (V) FOR A PERIOD THAT THE WATER JUDGE DEEMS NECESSARY AND  
36 DESIRABLE TO REMEDY OR PRECLUDE INJURY AND PURSUANT TO SECTION  
37 37-92-304 (6), BE SUBJECT TO RETAINED JURISDICTION BY THE WATER  
38 JUDGE ON THE QUESTION OF INJURY TO OTHER VESTED WATER RIGHTS.

39           (19) **Agricultural water protection - definitions.** (a) (I) AFTER  
40 THE STATE ENGINEER'S PROPOSED RULES PROMULGATED UNDER SECTION

1 37-80-123 ARE REVIEWED AND FINALIZED PURSUANT TO SECTION  
2 37-80-123 (1) (c) AND AFTER THE COLORADO WATER CONSERVATION  
3 BOARD HAS FINALIZED THE CRITERIA AND GUIDELINES DEVELOPED  
4 PURSUANT TO SECTION 37-60-133, THE OWNER OF AN ABSOLUTE DECREED  
5 IRRIGATION WATER RIGHT USED FOR AGRICULTURAL PURPOSES MAY APPLY  
6 IN WATER COURT TO CHANGE THE USE OF THE WATER RIGHT TO AN  
7 AGRICULTURAL WATER PROTECTION WATER RIGHT. AS USED IN THIS  
8 SECTION, AN "AGRICULTURAL WATER PROTECTION WATER RIGHT" MEANS  
9 A WATER RIGHT DECREED TO ALLOW THE LEASE, LOAN, OR TRADE OF UP TO  
10 FIFTY PERCENT OF THE WATER SUBJECT TO THE WATER RIGHT.

11 (II) AFTER A PERSON HAS OBTAINED A DECREED AGRICULTURAL  
12 WATER PROTECTION WATER RIGHT, THE PERSON MAY APPLY FOR  
13 SUBSTITUTE WATER SUPPLY PLAN APPROVAL PURSUANT TO SECTION  
14 37-92-308 (12).

15 (b) IF THE OWNER OF A DECREED AGRICULTURAL WATER  
16 PROTECTION WATER RIGHT OBTAINS A SUBSTITUTE WATER SUPPLY PLAN  
17 PURSUANT TO SECTION 37-92-308 (12), THE AGRICULTURAL WATER  
18 PROTECTION WATER RIGHT IS SUBJECT TO THE FOLLOWING CONDITIONS:

19 (I) THE OWNER OF A DECREED AGRICULTURAL WATER PROTECTION  
20 WATER RIGHT MUST COMPLY WITH THE TERMS OF THE DECREE GOVERNING  
21 THE POINT OF DIVERSION OR INSTREAM FLOW WHERE THE LEASED,  
22 LOANED, OR TRADED WATER IS BEING DELIVERED;

23 (II) THE OWNER MAY LEASE, LOAN, OR TRADE UP TO FIFTY  
24 PERCENT OF THE QUANTIFIED HISTORICAL CONSUMPTIVE USE PORTION OF  
25 THE AGRICULTURAL WATER PROTECTION WATER RIGHT;

26 (III) ANY AMOUNT OF WATER NOT BEING LEASED, LOANED, OR  
27 TRADED MUST CONTINUE TO BE USED FOR AGRICULTURAL PURPOSES:

28 (A) ON THE PROPERTY HISTORICALLY DECREED TO BE SERVED BY  
29 THE ORIGINAL ABSOLUTE DECREED IRRIGATION WATER RIGHT; OR

30 (B) FOR AS LONG AS THE OTHER PORTION OF WATER IS BEING  
31 LEASED, LOANED, OR EXCHANGED, ON ANOTHER PROPERTY SERVED BY  
32 THE SAME DITCH SYSTEM;

33 (IV) THE OWNER OF THE AGRICULTURAL WATER PROTECTION  
34 WATER RIGHT IS REQUIRED TO PARTICIPATE IN ONE OR MORE OF THE  
35 FOLLOWING PROGRAMS:

36 (A) AS ESTABLISHED BY THE FEDERAL GOVERNMENT, THE STATE,  
37 A SUBDIVISION OF THE STATE, OR A NONPROFIT ORGANIZATION,  
38 CONSERVATION PROGRAMS THAT CONSERVE THE LAND HISTORICALLY  
39 SERVED BY THE IRRIGATION WATER RIGHT, WHICH PROGRAMS INCLUDE  
40 COLORADO'S CONSERVATION EASEMENT PROGRAM ESTABLISHED IN

1 ARTICLE 30.5 OF TITLE 38, C.R.S., THE UNITED STATES FISH AND WILDLIFE  
2 SERVICE EASEMENT PROGRAM, THE NATURAL RESOURCES CONSERVATION  
3 SERVICES EASEMENT PROGRAM, THE COLORADO DIVISION OF PARKS AND  
4 WILDLIFE EASEMENT PROGRAM, AND A COUNTY OPEN SPACE EASEMENT  
5 PROGRAM; OR

6 (B) AN AGRICULTURAL WATER PROTECTION PROGRAM DESIGNED  
7 TO ASSURE COMPLIANCE WITH THE TERMS OF SUBPARAGRAPH (III) OF THIS  
8 PARAGRAPH (b). THE PROGRAM MUST BE SPONSORED AND OPERATED BY  
9 AN ELIGIBLE ENTITY THROUGH A FORMAL ACTION OR ORDINANCE AND IN  
10 COMPLIANCE WITH MINIMUM CRITERIA AND GUIDELINES ESTABLISHED BY  
11 THE COLORADO WATER CONSERVATION BOARD PURSUANT TO SECTION  
12 37-60-133. AN ELIGIBLE ENTITY MAY ENROLL AGRICULTURAL WATER  
13 PROTECTION WATER RIGHTS ONLY FROM A WATER RIGHT HISTORICALLY  
14 DECREED WITHIN THE ENTITY'S GEOGRAPHIC BOUNDARY.

15 (V) IF THE OWNER'S PARTICIPATION IN A CONSERVATION PROGRAM  
16 PURSUANT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH (b) CEASES, THE  
17 OWNER'S ELIGIBILITY TO TRANSFER WATER SUBJECT TO THE  
18 AGRICULTURAL WATER PROTECTION WATER RIGHT BY LEASE, LOAN, OR  
19 TRADE OR TO OBTAIN A SUBSTITUTE WATER SUPPLY PLAN PURSUANT TO  
20 SECTION 37-92-308 (12) IS SUSPENDED, AND THE WATER MUST BE USED  
21 ONLY FOR AGRICULTURAL IRRIGATION PURPOSES ON THE PROPERTY  
22 HISTORICALLY DECREED TO BE SERVED BY THE ORIGINAL ABSOLUTE  
23 DECREED IRRIGATION WATER RIGHT UNTIL THE OWNER PARTICIPATES IN  
24 ONE OF THE CONSERVATION PROGRAMS AGAIN; AND

25 (VI) THE OWNER SHALL NOT LEASE, LOAN, OR TRADE WATER  
26 SUBJECT TO THE AGRICULTURAL WATER PROTECTION WATER RIGHT  
27 OUTSIDE OF THE WATER DIVISION WHERE THE HISTORICAL CONSUMPTIVE  
28 USE WAS LOCATED.

29 (c) AS USED IN THIS SUBSECTION (19), AN "ELIGIBLE ENTITY"  
30 MEANS AN ENTITY THAT:

31 (I) HAS GEOGRAPHIC BOUNDARIES THAT ARE LOCATED ENTIRELY  
32 WITHIN THE WATER DIVISION OF THE WATER RIGHT'S HISTORICAL PLACE OF  
33 USE AND ARE DEFINED IN AN ORIGINAL OR AMENDED DOCUMENT  
34 GOVERNING THE ENTITY; AND

35 (II) IS A WATER CONSERVATION DISTRICT, WATER CONSERVANCY  
36 DISTRICT, IRRIGATION DISTRICT, DITCH OR RESERVOIR COMPANY,  
37 NONPROFIT WATER PROVIDER, OR A MUNICIPALITY.

38 **SECTION 4.** In Colorado Revised Statutes, 37-92-308, **add** (12)  
39 as follows:

40 **37-92-308. Substitute water supply plans - special procedures**

1 **for review - water adjudication cash fund - legislative declaration -**  
2 **repeal. (12) Agricultural water protection. (a)** AFTER A PERSON HAS  
3 OBTAINED A DECREED AGRICULTURAL WATER PROTECTION WATER RIGHT  
4 PURSUANT TO SECTION 37-92-305 (19), THE PERSON MAY APPLY FOR A  
5 SUBSTITUTE WATER SUPPLY PLAN PURSUANT TO THIS SUBSECTION (12).  
6 (b) (I) THE STATE ENGINEER MAY APPROVE THE LEASE, LOAN, OR  
7 TRADE OF WATER UNDER A SUBSTITUTE WATER SUPPLY PLAN PURSUANT  
8 TO THIS SUBSECTION (12) IF THE APPLICANT HAS:  
9 (A) PROVIDED WRITTEN NOTICE OF THE REQUEST FOR APPROVAL  
10 OF THE SUBSTITUTE WATER SUPPLY PLAN BY ELECTRONIC MAIL OR  
11 FIRST-CLASS MAIL TO ALL PARTIES WHO HAVE SUBSCRIBED TO THE  
12 SUBSTITUTE WATER SUPPLY PLAN NOTIFICATION LIST FOR THE WATER  
13 DIVISION IN WHICH THE PROPOSED PLAN IS LOCATED; AND  
14 (B) FILED PROOF OF THE NOTICE WITH THE STATE ENGINEER.  
15 (II) A PERSON WHO RECEIVES WRITTEN NOTICE OF THE REQUEST  
16 FOR APPROVAL OF A SUBSTITUTE WATER SUPPLY PLAN PURSUANT TO  
17 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) HAS THIRTY-FIVE DAYS AFTER  
18 THE DATE THAT THE NOTICE WAS MAILED TO FILE COMMENTS WITH THE  
19 STATE ENGINEER ON THE SUBSTITUTE WATER SUPPLY PLAN APPLICATION.  
20 A PARTY FILING A COMMENT WITH THE STATE ENGINEER MUST INCLUDE  
21 THE FOLLOWING IN THE COMMENT:  
22 (A) ANY CLAIM OF INJURY;  
23 (B) ANY TERMS AND CONDITIONS THAT THE PARTY BELIEVES  
24 SHOULD BE IMPOSED ON THE PLAN TO PREVENT INJURY TO A PARTY'S  
25 WATER RIGHTS OR DECREED CONDITIONAL WATER RIGHTS; AND  
26 (C) ANY OTHER INFORMATION THE PARTY WISHES THE STATE  
27 ENGINEER TO CONSIDER IN REVIEWING THE SUBSTITUTE WATER SUPPLY  
28 PLAN REQUEST.  
29 (c) IF, AFTER CONSIDERATION OF THE APPLICATION AND ANY  
30 COMMENTS RECEIVED ON THE APPLICATION, THE STATE ENGINEER  
31 APPROVES A SUBSTITUTE WATER SUPPLY PLAN PURSUANT TO THIS  
32 SUBSECTION (12), THE APPROVAL MUST:  
33 (I) COMPLY WITH CONDITIONS:  
34 (A) SET FORTH IN SECTION 37-92-305 (19); AND  
35 (B) DEVELOPED BY THE STATE ENGINEER PURSUANT TO SECTION  
36 37-80-123;  
37 (II) COMPLY WITH THE TERMS AND CONDITIONS OF THE  
38 APPLICANT'S DECREED AGRICULTURAL WATER PROTECTION WATER RIGHT,  
39 AS RECOGNIZED BY THE CASE NUMBER OF THE DECREE;  
40 (III) IDENTIFY THE ASSOCIATED WATER RIGHT AS AN

1 AGRICULTURAL WATER PROTECTION WATER RIGHT;  
2 (IV) QUANTIFY THE PORTION OF THE HISTORICAL CONSUMPTIVE  
3 USE OF THE WATER RIGHT TO BE LEASED, LOANED, OR TRADED;  
4 (V) QUANTIFY THE PORTION OF THE RETURN FLOWS ASSOCIATED  
5 WITH THE HISTORICAL USE OF THE WATER TO BE LEASED, LOANED, OR  
6 TRADED IN TIME, PLACE, AND AMOUNT;  
7 (VI) PROVIDE TERMS AND CONDITIONS FOR THE USE OF THE WATER  
8 RIGHT, INCLUDING THE RETURN FLOW OBLIGATIONS IN TIME, PLACE, AND  
9 AMOUNT, THAT PREVENT MATERIAL INJURY TO OTHER VESTED WATER  
10 RIGHTS AND DECREED CONDITIONAL WATER RIGHTS; AND  
11 (VII) IN ACCORDANCE WITH SECTION 37-92-305 (19) (b) (I),  
12 ALLOW DELIVERY OF AN AMOUNT OF THE QUANTIFIED HISTORICAL  
13 CONSUMPTIVE PORTION OF THE AGRICULTURAL WATER PROTECTION  
14 WATER RIGHT. DELIVERY MUST BE TO A POINT OF DIVERSION THAT IS  
15 SUBJECT TO AN EXISTING WATER COURT DECREE OR A DECREED INSTREAM  
16 FLOW.  
17 (d) A SUBSTITUTE WATER SUPPLY PLAN APPROVED PURSUANT TO  
18 THIS SUBSECTION (12) IS VALID FOR ONE YEAR. IF THE TERMS AND  
19 CONDITIONS OF THE PLAN REMAIN UNCHANGED, THE HOLDER OF THE PLAN  
20 MAY RENEW THE PLAN TWO TIMES WITHOUT REAPPLYING BY NOTIFYING  
21 THE STATE ENGINEER BY ELECTRONIC MAIL OR FIRST-CLASS MAIL THAT  
22 THE TERMS AND CONDITIONS REMAIN UNCHANGED. TO MAINTAIN THE  
23 SUBSTITUTE WATER SUPPLY PLAN, THE HOLDER OF THE PLAN MUST FILE A  
24 NEW APPLICATION EVERY THREE YEARS. ANY CHANGE IN THE TERMS AND  
25 CONDITIONS IMMEDIATELY NULLIFIES THE SUBSTITUTE WATER SUPPLY  
26 PLAN, AND A NEW APPLICATION MUST BE APPLIED FOR AND APPROVED BY  
27 THE STATE ENGINEER PURSUANT TO THIS SUBSECTION (12).  
28 (e) WHEN THE STATE ENGINEER APPROVES OR DENIES A  
29 SUBSTITUTE WATER SUPPLY PLAN, THE STATE ENGINEER SHALL SERVE A  
30 COPY OF THE DECISION ON ALL PARTIES TO THE APPLICATION AND THE  
31 WATER COURT APPLICATION BY FIRST-CLASS MAIL OR, IF A PARTY HAS SO  
32 ELECTED, BY ELECTRONIC MAIL.  
33 (f) THE STATE ENGINEER MUST PROVIDE A DETAILED STATEMENT  
34 OF THE BASIS AND RATIONALE FOR THE DECISION. FOR A DECISION  
35 APPROVING THE APPLICATION, THE STATEMENT OF THE BASIS AND  
36 RATIONALE MUST INCLUDE A COMPLETE EXPLANATION OF THE TERMS AND  
37 CONDITIONS IMPOSED TO PREVENT INJURY TO OTHER WATER RIGHTS AND  
38 WHY THEY ARE IMPOSED. THE DECISION MUST INCLUDE A DESCRIPTION OF  
39 THE CONSIDERATION GIVEN TO ANY WRITTEN COMMENTS THAT WERE  
40 FILED BY OTHER PARTIES.

1           (g) NEITHER THE STATE ENGINEER'S APPROVAL NOR DENIAL OF AN  
2 APPLICATION CREATES ANY PRESUMPTIONS, SHIFTS THE BURDEN OF PROOF,  
3 OR SERVES AS A DEFENSE IN ANY LEGAL ACTION THAT MAY BE INITIATED  
4 CONCERNING THE SUBSTITUTE WATER SUPPLY PLAN.  
5           (h) ANY APPEAL OF A DECISION MADE BY THE STATE ENGINEER  
6 CONCERNING A SUBSTITUTE WATER SUPPLY PLAN APPROVED OR DENIED  
7 PURSUANT TO THIS SUBSECTION (12) MUST BE MADE WITHIN THIRTY-FIVE  
8 DAYS AFTER THE DATE OF SERVICE OF THE DECISION. ANY APPEAL MUST  
9 BE FILED UNDER THE SAME CASE NUMBER AS THE DECREED AGRICULTURAL  
10 WATER PROTECTION WATER RIGHT AND SHALL BE HEARD USING THE  
11 PROCEDURES AND STANDARDS SET FORTH IN SECTIONS 37-92-304 AND  
12 37-92-305 FOR DETERMINATION OF THE MATTERS REFERRED TO THE  
13 WATER JUDGE BY THE REFEREE. THE WATER JUDGE SHALL HEAR AND  
14 DETERMINE ANY APPEAL ON AN EXPEDITED BASIS.  
15           **SECTION 5. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, and safety."

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