

## CHAPTER 15

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**WATER AND IRRIGATION**


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**HOUSE BILL 07-1132**

BY REPRESENTATIVE(S) McFadyen, Curry, Gallegos, McKinley, Butcher, Buescher, Gibbs, Massey, White, Borodkin, Fischer, Frangas, Kefalas, King, Levy, Madden, McGihon, Merrifield, Romanoff, Rose, Solano, Todd, and Witwer;  
also SENATOR(S) Schwartz, Romer, Gordon, Isgar, Kester, Penry, Tapia, Taylor, and Williams.

**AN ACT**

**CONCERNING AN EXPANSION OF WATER JUDGES' JURISDICTION TO ADDRESS THE EFFECTS OF A WATER RIGHT ADJUDICATION ON WATER QUALITY.**

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

**SECTION 1.** 37-92-305 (4) (a) (V), Colorado Revised Statutes, is amended, and the said 37-92-305 (4) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

**37-92-305. Standards with respect to rulings of the referee and decisions of the water judge.** (4) (a) Terms and conditions to prevent injury as specified in subsection (3) of this section may include:

(V) ~~Such other conditions as may be necessary to protect the vested rights of others.~~ A TERM OR CONDITION THAT ADDRESSES DECREASES IN WATER QUALITY CAUSED BY A CHANGE IN THE TYPE OF USE AND PERMANENT REMOVAL FROM IRRIGATION OF MORE THAN ONE THOUSAND ACRE-FEET OF CONSUMPTIVE USE PER YEAR THAT INCLUDES A CHANGE IN THE POINT OF DIVERSION, IF THE CHANGE WOULD CAUSE AN EXCEEDANCE OR CONTRIBUTE TO AN EXISTING EXCEEDANCE OF WATER QUALITY STANDARDS ESTABLISHED BY THE WATER QUALITY CONTROL COMMISSION PURSUANT TO SECTION 25-8-204, C.R.S., IN EFFECT AT THE TIME OF THE APPLICATION, OR, IF ORDERED BY THE COURT, SUBSEQUENTLY ADOPTED BY THE COMMISSION PRIOR TO THE ENTRY OF THE DECREE, FOR THE STREAM SEGMENT AT THE ORIGINAL POINT OF DIVERSION. UNDER ANY SUCH TERM OR CONDITION, THE APPLICANT SHALL BE RESPONSIBLE FOR ONLY THAT PORTION OF THE EXCEEDANCE ATTRIBUTABLE TO THE PROPOSED CHANGE. ANY SUCH TERM OR CONDITION AND ANY ACTIVITY TO BE TAKEN IN FULFILLMENT THEREOF SHALL NOT BE INCONSISTENT WITH THE "COLORADO WATER QUALITY CONTROL ACT", ARTICLE 8 OF TITLE 25,

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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.*

C.R.S., AND RULES PROMULGATED PURSUANT TO SAID ACT, AND IMPLEMENTATION OF SECTION 303 (d) OF THE FEDERAL "WATER POLLUTION CONTROL ACT" BY THE WATER QUALITY CONTROL DIVISION. THIS SUBPARAGRAPH (V) SHALL NOT BE INTERPRETED TO CONFER STANDING ON ANY PERSON TO ASSERT INJURY WHO WOULD NOT OTHERWISE HAVE SUCH STANDING.

(VI) SUCH OTHER CONDITIONS AS MAY BE NECESSARY TO PROTECT THE VESTED RIGHTS OF OTHERS.

**SECTION 2. Applicability.** This act shall apply to water rights applications that are filed on or after the effective date of this act and shall not apply to water rights applications that were filed before the effective date of this act.

**SECTION 3. 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: March 12, 2007