

CHAPTER 17

WATER AND IRRIGATION

HOUSE BILL 07-1012

BY REPRESENTATIVE(S) McNulty, Curry, Fischer, Gardner C., Gibbs, Hodge, Kefalas, Looper, Buescher, Casso, Gallegos, Jahn, Kerr J., King, Labuda, Lambert, Levy, Liston, Marostica, Massey, May M., Merrifield, Mitchell V., Roberts, Rose, Sonnenberg, Stafford, Todd, Vaad, and Witwer;
also SENATOR(S) Schwartz, Isgar, Taylor, and Williams.

AN ACT

CONCERNING THE PROTECTION OF WATER RIGHTS LOANED TO THE COLORADO WATER CONSERVATION BOARD FOR INSTREAM FLOW PURPOSES, AND, IN CONNECTION THEREWITH, MODIFYING THE STANDARDS APPLIED IN CHANGE OF WATER RIGHTS AND ABANDONMENT PROCEEDINGS.

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

SECTION 1. 37-83-105 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

37-83-105. Owner may loan agricultural water right - loans to Colorado water conservation board for instream flows. (2) (c) ALL PERIODS OF TIME DURING WHICH A LOANED WATER RIGHT IS USED BY THE BOARD FOR INSTREAM FLOW PURPOSES SHALL BE EXCLUDED FROM ANY HISTORIC CONSUMPTIVE USE ANALYSIS OF THE LOANED WATER RIGHT REQUIRED UNDER ANY WATER COURT PROCEEDING.

SECTION 2. 37-92-103 (2) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

37-92-103. Definitions. As used in this article, unless the context otherwise requires:

(2) "Abandonment of a water right" means the termination of a water right in whole or in part as a result of the intent of the owner thereof to discontinue permanently the use of all or part of the water available thereunder. Any period of nonuse of any portion of a water right shall be tolled, and no intent to discontinue permanent use shall be found for purposes of determining an abandonment of a

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

water right for the duration that:

(b) The nonuse of a water right is a result of participation in:

(V) A LOAN OF WATER TO THE COLORADO WATER CONSERVATION BOARD FOR INSTREAM FLOW USE UNDER SECTION 37-83-105 (2).

SECTION 3. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to water court determinations of historic consumptive use and abandonment occurring on or after the applicable effective date of this act.

Approved: March 14, 2007