

**UPDATED SUMMARY
HOUSE BILL 15-1038**

First Regular Session - Seventieth Colorado General Assembly

This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.

Currently, water court proceedings governing an application to change the beneficial use of an irrigation water right require the applicant to designate a specific alternative beneficial use identified at the time of the application. The bill creates a more flexible change-in-use system by allowing an applicant who seeks to implement fallowing, regulated deficit irrigation, reduced consumptive use cropping, or other alternatives to the permanent dry-up of irrigated lands to apply for a change in use to any beneficial use, without designating the specific beneficial use to which the water will be applied.

Section 1 of the bill defines "flex use" to mean an application of the fully consumptive portion of a water right to any beneficial use if the water right has been decreed for irrigation purposes ~~that~~ and has been ~~subject to~~ quantified for the first time by a water right court change-in-use proceeding or quantified by a substitute water supply plan approval. ~~to any beneficial use.~~ It also redefines "appropriation" to exclude flex use from the anti-speculation doctrine.

Section 2 describes the procedures for obtaining a flex use change-in-use decree *and limits the number of flex use change-in-use decrees that may be authorized to 10 per water division*, and **section 3** describes the procedures for obtaining a flex use substitute water supply plan *and limits the number of flex use substitute water supply plans that may be approved to 10 per water division*.

The bill is repealed, effective July 1, 2026.