

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0219.01 Thomas Morris x4218

SENATE BILL 15-183

SENATE SPONSORSHIP

Hodge and Sonnenberg,

HOUSE SPONSORSHIP

(None),

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE QUANTIFICATION OF THE HISTORICAL CONSUMPTIVE**
102 **USE OF A WATER RIGHT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

When a water judge decrees a change of water right, the bill:

! Requires that a quantification of the actual historical consumptive use of the water right be based on a representative study period that:

! Includes wet years, dry years, and average years;

! Does not include years of undecreed use of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

- subject water right; and
- ! Need not include every year of the entire history of use of the subject water or periods of nonuse of the water right.
- ! Prohibits reconsideration or requantification of the historical consumptive use if the historical consumptive use has already been quantified in a previous change decree.

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

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

4 **37-92-305. Standards with respect to rulings of the referee and**
 5 **decisions of the water judge.** (3) (d) QUANTIFICATION OF THE
 6 HISTORICAL CONSUMPTIVE USE OF A WATER RIGHT MUST BE BASED ON AN
 7 ANALYSIS OF THE ACTUAL HISTORICAL USE OF THE WATER RIGHT FOR ITS
 8 DECREED PURPOSES DURING A REPRESENTATIVE STUDY PERIOD THAT
 9 INCLUDES WET YEARS, DRY YEARS, AND AVERAGE YEARS. THE
 10 REPRESENTATIVE STUDY PERIOD:

11 (I) MUST NOT INCLUDE ____ UNDECREED USE OF THE SUBJECT
 12 WATER RIGHT; AND

13 (II) NEED NOT INCLUDE EVERY YEAR OF THE ENTIRE HISTORY OF
 14 USE OF THE SUBJECT WATER OR PERIODS OF NONUSE OF THE WATER RIGHT.

15 (e) IF AN APPLICATION IS FOR A CHANGE OF THAT PORTION OF A
 16 WATER RIGHT FOR WHICH A PREVIOUS CHANGE OF WATER RIGHT HAS BEEN
 17 JUDICIALLY APPROVED AND FOR WHICH THE HISTORICAL CONSUMPTIVE
 18 USE WAS PREVIOUSLY QUANTIFIED, THE WATER JUDGE SHALL NOT
 19 RECONSIDER OR REQUANTIFY THE HISTORICAL CONSUMPTIVE USE.
 20 HOWEVER, THE WATER JUDGE MAY, WITHOUT REQUANTIFYING THE
 21 HISTORICAL CONSUMPTIVE USE, IMPOSE SUCH TERMS AND CONDITIONS ON
 22 THE FUTURE USE OF THAT PORTION OF THE WATER RIGHT THAT IS THE

1 SUBJECT OF THE CHANGE AS NEEDED TO LIMIT THE FUTURE CONSUMPTIVE
2 USE OF THAT PORTION OF THE WATER RIGHT TO THE PREVIOUSLY
3 QUANTIFIED HISTORICAL CONSUMPTIVE USE.

4 **SECTION 2. Applicability.** This act applies to applications
5 pending or filed on or after the effective date of this act.

6 **SECTION 3. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.