

Second Regular Session  
Sixty-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0075.01 Thomas Morris

HOUSE BILL 06-1352

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**HOUSE SPONSORSHIP**

**McFadyen**, Buescher, Butcher, Curry, Gallegos, and Massey

**SENATE SPONSORSHIP**

(None),

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**House Committees**

Agriculture, Livestock, & Natural Resources

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

When a water judge issues a decree for a change of type of use of water rights that transfers more than 1,000 acre-feet of water per year, allows the water judge to include a term or condition that addresses decreases in water quality caused by the change if the change would cause an exceedance of water quality standards established by the water quality control commission that are in effect at the time of the decree.

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.*

Directs the water judge to take into account all sources of pollutant contribution. Specifies that if an affected stream segment exceeds a water quality standard at the time of the application, the applicant is responsible for only that portion of the exceedance attributable to the proposed change of type of use.

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

2 **SECTION 1.** 37-92-305 (4), Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

7 (e) A TERM OR CONDITION THAT ADDRESSES DECREASES IN WATER  
8 QUALITY CAUSED BY A CHANGE OF TYPE OF USE THAT IS A SIGNIFICANT  
9 WATER DEVELOPMENT ACTIVITY, TAKING INTO ACCOUNT ALL SOURCES OF  
10 POLLUTANT CONTRIBUTIONS, IF THE CHANGE WOULD CAUSE AN  
11 EXCEEDANCE OF WATER QUALITY STANDARDS ESTABLISHED BY THE  
12 WATER QUALITY CONTROL COMMISSION THAT ARE IN EFFECT AT THE TIME  
13 OF THE DECREE. IF AN AFFECTED STREAM SEGMENT EXCEEDS A WATER  
14 QUALITY STANDARD AT THE TIME OF THE APPLICATION, THE APPLICANT  
15 SHALL BE RESPONSIBLE FOR ONLY THAT PORTION OF THE EXCEEDANCE  
16 ATTRIBUTABLE TO THE PROPOSED CHANGE OF TYPE OF USE.

17 **SECTION 2. Applicability.** This act shall apply to water rights  
18 applications that are filed on or after the effective date of this act.

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