

1 Be it Enacted by the People of the State of Colorado:

2 **SECTION 1.** Article XVI of the constitution of the state of Colorado is amended BY  
3 THE ADDITION OF A NEW SECTION to read:

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5 **Section 9. Agriculture water priorities and protection act** (1) WATER FOR  
6 AGRICULTURAL PURPOSES, INCLUDING ADJUDICATED WATER WELLS AND WATER  
7 DIVERSION RIGHTS, SHALL BE PRIORITIZED BY THE DATE SUCH WELL OR DIVERSION RIGHT  
8 WAS PLACED INTO SERVICE, AS SHALL BE DEMONSTRATED BEYOND A REASONABLE DOUBT,  
9 AND NOT NECESSARILY WHEN SUCH ADJUDICATION WAS MADE OR REQUIRED. IRRIGATION  
10 WELLS FOR AN AGRICULTURAL PURPOSE SHALL NOT BE WASTEFUL BUT OTHERWISE SHALL  
11 BE UNREGULATED OR, WHEN REGULATION BECOMES NECESSARY, USING THE IRRIGATION  
12 GUIDELINES STIPULATED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE OR  
13 SUBSEQUENT AGENCY WITH REGARDS TO CRITERIA INCLUDING, BUT NOT LIMITED TO, CROP  
14 TYPE AND SOIL CONDITIONS IN ORDER TO FULLY OPERATE SUCH FOOD PRODUCTION.

15 (3) WHEN THE WATERS OF ANY NATURAL STREAM ARE NOT SUFFICIENT TO SUPPLY ALL  
16 APPROPRIATORS, THE ISSUANCE OF BUILDING PERMITS FOR THE CONSTRUCTION OF NEW  
17 PRIVATELY OWNED RESIDENTIAL HOUSING UNITS SHALL BE LIMITED OR CEASED UNTIL  
18 SUCH INSUFFICIENCY ABATES.

19 (4) LEGISLATION MAY BE ENACTED TO FACILITATE THE OPERATION OF THIS SECTION,  
20 BUT IN NO WAY SHALL SUCH LEGISLATION LIMIT OR RESTRICT THE PROVISIONS OF THIS  
21 SECTION OR THE POWERS HEREIN GRANTED.

22 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

23 (a) "AGRICULTURAL PURPOSE" MEANS SUCH USE IS FOR THE CULTIVATION, FEEDING,  
24 OR RAISING FOOD PRODUCTS LOCATED ON AN AGRICULTURAL LAND PARCEL OR PARCELS.

25 (b) "HOUSING UNIT" MEANS A BUILDING OR ANY PORTION OF A BUILDING DESIGNED  
26 FOR OCCUPANCY AS COMPLETE, INDEPENDENT LIVING QUARTERS FOR ONE OR MORE  
27 PERSONS, HAVING DIRECT ACCESS FROM THE OUTSIDE OF THE BUILDING OR THROUGH A  
28 COMMON HALL AND HAVING LIVING, SLEEPING, KITCHEN, AND SANITARY FACILITIES FOR  
29 THE EXCLUSIVE USE OF THE OCCUPANTS.

30 (c) "PRIVATELY OWNED RESIDENTIAL HOUSING" MEANS A SUMMATION OF HOUSING  
31 UNITS THAT ARE RESIDENTIALLY ZONED OR OTHERWISE INTENDED FOR PRIVATE  
32 RESIDENTIAL USE. THOSE OWNED BY A FEDERAL, STATE, OR LOCAL GOVERNMENT ENTITY  
33 OR AN EDUCATIONAL OR MEDICAL FACILITY SHALL NOT BE DEEMED PRIVATELY OWNED.

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