

SENATE COMMITTEE OF REFERENCE REPORT

	March 7, 2013
Chairman of Committee	Date

Committee on Agriculture, Natural Resources, & Energy.

After consideration on the merits, the Committee recommends the following:

SB13-019 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. Legislative declaration. (1) The general  
4 assembly hereby:

5 (a) Finds that some water appropriators may wish to reduce their  
6 water consumption, in part to ameliorate the effects of drought on low  
7 stream flows, but there is a disincentive in current law that penalizes  
8 appropriators who decrease their consumptive use of water;

9 (b) Determines that, at a time when Colorado can expect drought  
10 conditions to increase in frequency and severity, the general assembly  
11 should give appropriators a safe harbor when they decrease their  
12 consumptive use of water by participating in a variety of  
13 government-sponsored water conservation programs; and

14 (c) Declares that this act promotes the maximum utilization of  
15 Colorado's water resources, can help alleviate the effects of drought on  
16 river flows, and is in the public interest.

17 SECTION 2. In Colorado Revised Statutes, 37-92-305, add (3)  
18 (c) as follows:

19 37-92-305. Standards with respect to rulings of the referee and  
20 decisions of the water judge. (3) (c) IN DETERMINING THE AMOUNT OF  
21 HISTORICAL CONSUMPTIVE USE FOR A WATER RIGHT IN DIVISION 4, 5, OR  
22 6, THE WATER JUDGE SHALL NOT CONSIDER ANY DECREASE IN USE FOR THE  
23 DURATION OF, AND RESULTING FROM, THE FOLLOWING:

1           (I) THE LAND ON WHICH THE WATER FROM THE WATER RIGHT HAS  
2 BEEN HISTORICALLY APPLIED IS ENROLLED UNDER A FEDERAL LAND  
3 CONSERVATION PROGRAM; OR  
4           (II) THE NONUSE OR DECREASE IN USE OF THE WATER FROM THE  
5 WATER RIGHT BY ITS OWNER IS A RESULT OF PARTICIPATION IN:  
6           (A) A WATER CONSERVATION PROGRAM APPROVED BY A STATE  
7 AGENCY, WATER CONSERVATION DISTRICT, WATER DISTRICT, WATER  
8 AUTHORITY, OR WATER CONSERVANCY DISTRICT FOR LANDS THAT ARE  
9 WITHIN THE ENTITY'S JURISDICTIONAL BOUNDARIES;  
10          (B) A WATER CONSERVATION PROGRAM ESTABLISHED THROUGH  
11 FORMAL WRITTEN ACTION OR ORDINANCE BY A WATER DISTRICT, WATER  
12 AUTHORITY, OR MUNICIPALITY OR ITS MUNICIPAL WATER SUPPLIER FOR  
13 LANDS THAT ARE WITHIN THE ENTITY'S JURISDICTIONAL BOUNDARIES;  
14          (C) AN APPROVED LAND FALLOWING PROGRAM AS PROVIDED BY  
15 LAW IN ORDER TO CONSERVE WATER OR TO PROVIDE WATER FOR COMPACT  
16 COMPLIANCE; OR  
17          (D) A WATER BANKING PROGRAM AS PROVIDED BY LAW.  
18       **SECTION 3. Applicability.** This act applies to historical  
19 consumptive use determinations made on or after the effective date of this  
20 act.  
21       **SECTION 4. Safety clause.** The general assembly hereby finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, and safety."

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