

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 20-0777.01 Thomas Morris x4218

HOUSE BILL 20-1159

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A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF THE STATE ENGINEER TO CONFIRM**
102 **THE EXTENT OF USES OF WATER IN EXISTENCE ON THE DATE OF**
103 **AN INSTREAM FLOW APPROPRIATION.**

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://leg.colorado.gov>.)

Current law specifies that the Colorado water conservation board's appropriation of water for instream flow purposes is subject to existing uses and exchanges of water. The bill directs the state engineer, in administering current law, to confirm a claim of an existing use or exchange if the use or exchange has not previously been confirmed by

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 4, 2020

SENATE
2nd Reading Unamended
March 3, 2020

HOUSE
3rd Reading Unamended
February 18, 2020

HOUSE
2nd Reading Unamended
February 14, 2020

court order or decree. The person making the claim may also seek confirmation by the water judge.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-92-502, **add**
3 (2)(c) as follows:

4 **37-92-502. Orders as to waste, diversions, or distribution of**
5 **water.** (2) (c) UPON A CLAIM MADE TO THE STATE ENGINEER FOR
6 ADMINISTRATION PURSUANT TO SECTION 37-92-102 (3)(b), THE STATE
7 ENGINEER SHALL CONFIRM THE EXTENT OF THE CLAIMED UNADJUDICATED
8 USE OR EXCHANGE OF WATER BEING MADE PURSUANT TO APPROPRIATION
9 OR PRACTICES IN EXISTENCE ON THE DATE OF APPROPRIATION OF AN
10 INSTREAM FLOW WATER RIGHT. THE STATE ENGINEER'S CONFIRMATION IS
11 REVIEWABLE BY THE WATER COURT ON A DE NOVO BASIS. NOTHING IN THIS
12 SUBSECTION (2)(c) REQUIRES OR PROHIBITS A WATER USER FROM SEEKING
13 WATER COURT CONFIRMATION OR ADJUDICATION OF THE PREEXISTING
14 USES OR EXCHANGES.

15 **SECTION 2. Act subject to petition - effective date -**
16 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
17 the expiration of the ninety-day period after final adjournment of the
18 general assembly (August 5, 2020, if adjournment sine die is on May 6,
19 2020); except that, if a referendum petition is filed pursuant to section 1
20 (3) of article V of the state constitution against this act or an item, section,
21 or part of this act within such period, then the act, item, section, or part
22 will not take effect unless approved by the people at the general election
23 to be held in November 2020 and, in such case, will take effect on the
24 date of the official declaration of the vote thereon by the governor.

25 (2) This act applies to claims for administration made pursuant to

- 1 section 37-92-102 (3)(b), Colorado Revised Statutes, occurring on or after
- 2 the applicable effective date of this act.