

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0299.01 Richard Sweetman x4333

HOUSE BILL 20-1172

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HOUSE SPONSORSHIP

Arndt,

SENATE SPONSORSHIP

(None),

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**House Committees**  
Rural Affairs & Agriculture

**Senate Committees**

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A BILL FOR AN ACT

101 CONCERNING PROTECTING THE WATER RIGHTS OF PERSONS WHO  
102 IMPLEMENT EFFICIENCIES THAT REDUCE THEIR WATER USAGE.

**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 provides that a period of nonuse of a portion of a water right is tolled, and no intent to discontinue permanent use is found for purposes of determining an abandonment of a water right, for the duration that the nonuse of the water right by its owner is a result of any of certain conditions. The bill adds a condition that applies when the nonuse of a portion of a water right is a result of the implementation of

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.

efficiency improvement projects or methods that result in a reduction of the amount of water diverted for the decreed beneficial use. In such case:

- ! For the period of nonuse to be tolled, the owner of the water right must submit written notice of the efficiency improvement project or method to the division engineer, on a form prescribed by the division engineer, within one year of the date that the efficiency improvement project or method is first implemented; and
- ! The nonuse of the portion of the water right is tolled for a maximum of 20 years.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-92-103, **amend**  
3 (2) introductory portion and (2)(b) as follows:

4 **37-92-103. Definitions.** As used in this article 92, unless the  
5 context otherwise requires:

6 (2) "Abandonment of a water right" means the termination of a  
7 water right in whole or in part as a result of the intent of the owner  
8 ~~thereof~~ OF THE WATER RIGHT to discontinue permanently the use of all or  
9 part of the water available ~~thereunder~~ UNDER THE WATER RIGHT. Any  
10 period of nonuse of any portion of a water right shall be tolled, and no  
11 intent to discontinue permanent use shall be found for purposes of  
12 determining an abandonment of a water right for the duration that:

13 (b) The nonuse of a water right by its owner is a result of:  
14 ~~participation in:~~

15 (I) PARTICIPATION IN a water conservation program approved by  
16 a state agency, a water conservation district, or a water conservancy  
17 district;

18 (II) PARTICIPATION IN a water conservation program established  
19 through formal written action or ordinance by a municipality or its  
20 municipal water supplier;

1 (III) PARTICIPATION IN an approved land following program as  
2 provided by law in order to conserve water;

3 (IV) PARTICIPATION IN a water banking program as provided by  
4 law;

5 (V) PARTICIPATION IN a loan of water to the Colorado water  
6 conservation board for instream flow use under section 37-83-105 (2); ~~or~~

7 (VI) PARTICIPATION IN any contract or agreement with the  
8 Colorado water conservation board that allows the board to use all or a  
9 part of a water right to preserve or improve the natural environment to a  
10 reasonable degree under section 37-92-102 (3); OR

11 (VII) THE IMPLEMENTATION OF EFFICIENCY IMPROVEMENT  
12 PROJECTS OR METHODS THAT RESULT IN A REDUCTION OF THE AMOUNT OF  
13 WATER DIVERTED FOR THE DECREED BENEFICIAL USE; EXCEPT THAT:

14 (A) FOR THE PERIOD OF NONUSE TO BE TOLLED, THE OWNER OF THE  
15 WATER RIGHT MUST SUBMIT WRITTEN NOTICE OF THE EFFICIENCY  
16 IMPROVEMENT PROJECT OR METHOD TO THE DIVISION ENGINEER, ON A  
17 FORM PRESCRIBED BY THE DIVISION ENGINEER, WITHIN ONE YEAR OF THE  
18 DATE THAT THE EFFICIENCY IMPROVEMENT PROJECT OR METHOD IS FIRST  
19 IMPLEMENTED;

20 (B) THE NONUSE OF ANY PORTION OF A WATER RIGHT RESULTING  
21 FROM THE IMPLEMENTATION OF SUCH EFFICIENCIES IS TOLLED FOR A  
22 MAXIMUM OF TWENTY YEARS; AND

23 (C) NOTHING IN THIS SUBSECTION (2)(b)(VII) MAY BE CONSTRUED  
24 TO ALLOW FOR INCREASED OR EXPANDED CONSUMPTIVE USE UNDER A  
25 WATER RIGHT.

26 **SECTION 2. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the  
28 ninety-day period after final adjournment of the general assembly (August

1 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
2 referendum petition is filed pursuant to section 1 (3) of article V of the  
3 state constitution against this act or an item, section, or part of this act  
4 within such period, then the act, item, section, or part will not take effect  
5 unless approved by the people at the general election to be held in  
6 November 2020 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.