

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0722.03 Thomas Morris x4218

HOUSE BILL 20-1327

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HOUSE SPONSORSHIP

Valdez D. and Will,

SENATE SPONSORSHIP

Coram,

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House Committees  
Rural Affairs & Agriculture

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING ADDITIONAL REQUIREMENTS APPLICABLE TO DIVERSIONS  
102 OF WATER FROM WATER DIVISION 3.

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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>.)*

The bill prohibits each state agency or instrumentality from approving or assisting any project that diverts water from water division 3, which consists of the Rio Grande river basin, for export to another basin in Colorado or export to any portion of another state unless the state engineer determines, after due consideration of all findings provided by the Colorado water conservation board, that the project will not:

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.

- ! Increase the costs or negatively affect operation of the federal closed basin project;
- ! Adversely affect the purposes of any national wildlife refuge or federal wildlife habitat area withdrawal located in water division 3;
- ! Adversely affect the purposes of the Great Sand Dunes national park and Great Sand Dunes national preserve; or
- ! Increase the costs or negatively affect operation of any state parks, state wildlife areas, or lands administered by the state board of land commissioners located in water division 3.

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

2           **SECTION 1.** In Colorado Revised Statutes, 37-92-502, **add** (8)  
3 as follows:

4           **37-92-502. Orders as to waste, diversions, and distribution of**  
5 **water.** (8) (a) AN AGENCY OR INSTRUMENTALITY OF THIS STATE SHALL  
6 NOT ISSUE ANY PERMIT, LICENSE, RIGHT-OF-WAY, GRANT, LOAN, OR OTHER  
7 AUTHORIZATION OR ASSISTANCE FOR ANY PROJECT OR FEATURE OF ANY  
8 PROJECT THAT DIVERTS WATER FROM WATER DIVISION 3 FOR EXPORT TO  
9 ANOTHER BASIN IN COLORADO OR EXPORT TO ANY PORTION OF ANOTHER  
10 STATE UNLESS THE STATE ENGINEER DETERMINES, AFTER DUE  
11 CONSIDERATION OF ALL FINDINGS PROVIDED BY THE COLORADO WATER  
12 CONSERVATION BOARD, THAT THE PROJECT WILL NOT:

13           (I) INCREASE THE COSTS OR NEGATIVELY AFFECT OPERATION OF  
14 THE FEDERAL CLOSED BASIN PROJECT;

15           (II) ADVERSELY AFFECT THE PURPOSES OF ANY NATIONAL  
16 WILDLIFE REFUGE OR FEDERAL WILDLIFE HABITAT AREA WITHDRAWAL  
17 LOCATED IN WATER DIVISION 3;

18           (III) ADVERSELY AFFECT THE PURPOSES OF THE GREAT SAND  
19 DUNES NATIONAL PARK AND GREAT SAND DUNES NATIONAL PRESERVE;

1 OR

2 (IV) INCREASE THE COSTS OR NEGATIVELY AFFECT OPERATION OF  
3 ANY STATE PARKS, STATE WILDLIFE AREAS, OR LANDS ADMINISTERED BY  
4 THE STATE BOARD OF LAND COMMISSIONERS LOCATED IN WATER DIVISION  
5 3.

6 (b) NOTHING IN THIS SUBSECTION (8) ALTERS, AMENDS, OR LIMITS  
7 ANY PROVISION OF FEDERAL OR STATE LAW THAT APPLIES TO ANY PROJECT  
8 OR FEATURE OF A PROJECT TO WITHDRAW WATER FROM WATER DIVISION  
9 3 FOR EXPORT TO ANOTHER BASIN IN COLORADO OR ANOTHER STATE,  
10 WHICH PROJECT OR FEATURE OF A PROJECT IS ALREADY OPERATING ON THE  
11 EFFECTIVE DATE OF THIS SUBSECTION (8). NOTHING IN THIS SUBSECTION  
12 (8) LIMITS AN AGENCY'S OR INSTRUMENTALITY'S AUTHORITY OR  
13 RESPONSIBILITY TO REJECT, LIMIT, OR CONDITION ANY SUCH PROJECT ON  
14 ANY BASIS INDEPENDENT OF THE REQUIREMENTS OF THIS SUBSECTION (8).

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 applications for approvals of water  
26 diversions occurring on or after the applicable effective date of this act.