

CHAPTER 101

WATER AND IRRIGATION

HOUSE BILL 20-1159

BY REPRESENTATIVE(S) Roberts and Catlin, Esgar, Exum, Froelich, Garnett, Jaquez Lewis, Liston, McCluskie, McLachlan, Snyder, Titone, Valdez D., Will, Wilson, Becker;
also SENATOR(S) Donovan and Coram, Bridges, Hansen, Tate, Winter.

AN ACT

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

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

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

37-92-502. Orders as to waste, diversions, or distribution of water.

(2) (c) UPON A CLAIM MADE TO THE STATE ENGINEER FOR ADMINISTRATION PURSUANT TO SECTION 37-92-102 (3)(b), THE STATE ENGINEER SHALL CONFIRM THE EXTENT OF THE CLAIMED UNADJUDICATED USE OR EXCHANGE OF WATER BEING MADE PURSUANT TO APPROPRIATION OR PRACTICES IN EXISTENCE ON THE DATE OF APPROPRIATION OF AN INSTREAM FLOW WATER RIGHT. THE STATE ENGINEER'S CONFIRMATION IS REVIEWABLE BY THE WATER COURT ON A DE NOVO BASIS. NOTHING IN THIS SUBSECTION (2)(c) REQUIRES OR PROHIBITS A WATER USER FROM SEEKING WATER COURT CONFIRMATION OR ADJUDICATION OF THE PREEXISTING USES OR EXCHANGES.

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(2) This act applies to claims for administration made pursuant to section 37-92-102 (3)(b), Colorado Revised Statutes, occurring on or after the applicable effective date of this act.

Approved: April 1, 2020