NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 15-183

BY SENATOR(S) Hodge and Sonnenberg, Crowder, Guzman, Ulibarri, Woods;
also REPRESENTATIVE(S) Arndt and Becker J., Lebsock, Pettersen.

CONCERNING THE QUANTIFICATION OF THE HISTORICAL CONSUMPTIVE USE OF A WATER RIGHT.

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

SECTION 1. In Colorado Revised Statutes, 37-92-305, **add** (3) (d) and (3) (e) as follows:

37-92-305. Standards with respect to rulings of the referee and decisions of the water judge. (3) (d) QUANTIFICATION OF THE HISTORICAL CONSUMPTIVE USE OF A WATER RIGHT MUST BE BASED ON AN ANALYSIS OF THE ACTUAL HISTORICAL USE OF THE WATER RIGHT FOR ITS DECREED PURPOSES DURING A REPRESENTATIVE STUDY PERIOD THAT INCLUDES WET YEARS, DRY YEARS, AND AVERAGE YEARS. THE REPRESENTATIVE STUDY PERIOD:

(I) MUST NOT INCLUDE UNDECREED USE OF THE SUBJECT WATER RIGHT; AND

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(II) NEED NOT INCLUDE EVERY YEAR OF THE ENTIRE HISTORY OF THE SUBJECT WATER RIGHT.

(e) IF AN APPLICATION IS FOR A CHANGE OF THAT PORTION OF A WATER RIGHT FOR WHICH A PREVIOUS CHANGE OF WATER RIGHT HAS BEEN JUDICIALLY APPROVED AND FOR WHICH THE HISTORICAL CONSUMPTIVE USE WAS PREVIOUSLY QUANTIFIED, THE WATER JUDGE SHALL NOT RECONSIDER OR REQUANTIFY THE HISTORICAL CONSUMPTIVE USE. HOWEVER, THE WATER JUDGE MAY, WITHOUT REQUANTIFYING THE HISTORICAL CONSUMPTIVE USE, IMPOSE SUCH TERMS AND CONDITIONS ON THE FUTURE USE OF THAT PORTION OF THE WATER RIGHT THAT IS THE SUBJECT OF THE CHANGE AS NEEDED TO LIMIT THE FUTURE CONSUMPTIVE USE OF THAT PORTION OF THE WATER RIGHT TO THE PREVIOUSLY QUANTIFIED HISTORICAL CONSUMPTIVE USE.

SECTION 2. Applicability. This act applies to applications pending before the water judges or referees or filed on or after the effective date of this act.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Bill L. Cadman PRESIDENT OF THE SENATE	Dickey Lee Hullinghorst SPEAKER OF THE HOUSE OF REPRESENTATIVES
Cindi L. Markwell SECRETARY OF THE SENATE	Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES

APPROVED_____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO