



COLORADO
WATER CONGRESS
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HB20-1037

SHORT TITLE: Augmentation of Instream Flows

LONG TITLE: Concerning the Colorado water conservation board's authority to augment stream flows with acquired water rights that have been previously decreed for augmentation use.

SPONSORS: Rep. Arndt/Sen. Coram

COMMITTEES: House Rural Affairs & Agriculture Committee

PURPOSE OF THE BILL: To allow the Colorado Water Conservation Board to augment stream flows to preserve or improve the natural environment to a reasonable degree by use of an acquired water right that has been previously quantified and changed to include augmentation use without further change of the water right required. This is intended to be prospective only (no retroactive application).

PROPONENTS OF THE BILL: CWCB, Colorado Water Trust

POTENTIAL STAKEHOLDERS: Other water rights owners, anglers, owners of property adjacent to streams, environmental organizations, CPW.

Is the bill necessary this year: No deadline to meet?

BACKGROUND: This bill was introduced in 2019 but defeated in the second chamber. It has been revised to address concerns. Proponents state that it has been drafted conservatively to not permit an expansion of rights and language has been modeled after the Northern Water “release” bill from 2018.

How does the bill change current law? The bill sets out a process by which the CWCB may use an acquired water right for augmentation without additional application to Water Court.

Does the bill affect prior appropriation? No.

How is the bill implemented? The CWCB, either alone or with the owner of a water rights that has been previously approved for augmentation with quantified historic consumptive use, apply to the water court for an augmentation plan to augment a stream or stream segment. The applicant must prove that the augmentation will not cause injury. The bill contains numerous conditions that must be met for the plan to be approved.

Practical considerations:

Fiscal impact: No fiscal impact statement issued.