



COLORADO
WATER CONGRESS
INFORM | CONNECT | TRAIN | ACT

HB20-1097

SHORT TITLE: Connected Municipal Use No Change if Already Quantified

LONG TITLE: Concerning the ability to use water that has been adjudicated for municipal use in an interconnected treated municipal water supply system if the historical consumptive use of the water right has already been quantified in a previous change of the water right.

SPONSORS: Reps. Young and Arndt

COMMITTEES: House Rural Affairs & Agriculture Committee

PURPOSE OF THE BILL: To allow water that has been quantified as to historical consumptive use in a change case and adjudicated for use in a municipal system to be used in another part of the interconnected supply system.

PROponents OF THE BILL: City of Greeley

POTENTIAL STAKEHOLDERS: Downstream municipalities, agricultural users, recreational users, although we understand that the water involved may be used to extinction; therefore, claim to the unused water may not be depended upon.

BACKGROUND: The concept for the bill was discussed briefly in 2019 but was pulled back for further work. Current law limits the place of use of water subject to a changed water right that has been decreed for use in a treated domestic or municipal water supply system to only that system.

Is the bill necessary this year? No apparent deadline for action.

How does the bill change current law? This bill allows it to be used in another part of the interconnected system subject to certain conditions: The water must be attributable to a water right for which the historical consumptive use has previously been quantified, diverted from a point of diversion that has already been decreed for that water right, and delivered from the decreed treated system to the interconnected treated system without the water being returned to the natural stream.

How is the bill implemented?

- 1) The owner of the water right must give written notice to the division engineer that identifies the proposed accounting for the use of the water right and the division engineer must review and approve the accounting.
- 2) The applicant must give notice to persons on the substitute water supply notification list.
- 3) Comments received are reviewed by the division engineer and the engineer's determination may be appealed to the water judge for the division.
- 4) Claim to return flows must be approved by the water judge.

Does the bill affect prior appropriation? Arguably not, as long as the historical consumptive use has been quantified and the amount to be used in the interconnected system does not impair return flows.

Practical considerations

Fiscal Impact: No fiscal note has been issued.