



COLORADO
WATER CONGRESS
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HB20-1172

SHORT TITLE: No Abandonment of Water Rights for Efficiencies

LONG TITLE: Concerning protecting the water rights of persons who implement efficiencies that reduce their water usage.

SPONSORS: Rep. Arndt

COMMITTEES: House Rural Affairs & Agriculture Committee

PROPOSERS: Trout Unlimited

POTENTIAL STAKEHOLDERS: Irrigators, recreation users, wildlife advocates, municipal water providers.

BACKGROUND: Current law provides that a period of nonuse of a portion of a water right is tolled, and no intent to discontinue permanent use is found for purposes of determining an abandonment of a water right, for the duration that the nonuse of the water right by its owner is a result of any of certain conditions. Refer to Water Institute document #25.

How does the bill change current law? The bill adds a condition that applies when the nonuse of a portion of a water right is a result of the implementation of efficiency improvement projects or methods that result in a reduction of the amount of water diverted for the decreed beneficial use.

How is the bill implemented? For the period of nonuse to be tolled the owner of the water right must submit written notice of the efficiency improvement project or method to the division engineer, on a form prescribed by the division engineer, within one year of the date that the efficiency improvement project or method is first implemented; and

The nonuse of the portion of the water right is tolled for a maximum of 20 years.

Does the bill affect prior appropriation? Maybe. If the water not used due to efficiency is not needed for the beneficial use originally decreed is it being wasted when returned to the original user? Does this become “saved water” and how does the law view it? Not intended to cover change in use.

Practical considerations: What happens to other users who have depended on the water during the period of tolling? Is this intended to create an efficiency program? (State Engineer says no). How does this deal with return flows not previously provided?

Fiscal impact: There is no fiscal note.