

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 18-0784.01 Thomas Morris x4218

HOUSE BILL 18-1151

HOUSE SPONSORSHIP

Arndt and Catlin,

SENATE SPONSORSHIP

Crowder,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORIZATION OF DEFICIT IRRIGATION PILOT**
102 **PROJECTS APPROVED BY THE COLORADO WATER**
103 **CONSERVATION BOARD.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law allows the Colorado water conservation board to approve up to 15 pilot projects for agricultural water leasing or fallowing projects. The bill expands the types of projects that may be approved to include deficit irrigation projects, which use less than the optimal amount of water on a particular crop. The bill also excludes from the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
March 5, 2018

determination of historical consumptive use decreases in use resulting from deficit irrigation projects to conserve or lease water.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-60-115, **amend**
3 (8)(a), (8)(b)(I), (8)(b)(IV), (8)(c)(I), and (8)(c)(II) as follows:

4 **37-60-115. Water studies - rules - repeal. (8) Agricultural**
5 **water leasing pilot projects.** (a) After a period of notice and comment,
6 the board may, in consultation with the state engineer and upon
7 consideration of any comments submitted, select the sponsors of up to
8 fifteen pilot projects pursuant to the approval process set forth in
9 subsection (8)(f) of this section. The board shall not itself sponsor a pilot
10 project, but the board may provide financial, technical, or other assistance
11 to a pilot project pursuant to the board's other activities and programs. No
12 more than five pilot projects may be located in any one of the major river
13 basins, namely: The South Platte river basin; the Arkansas river basin; the
14 Rio Grande river basin; and the Colorado river basin. Each project may
15 last up to ten years in duration and must demonstrate the practice of:

16 (I) Fallowing OR, IN WATER DIVISIONS 2 AND 3 AND WITHIN THE
17 BOUNDARIES OF THE UPPER GUNNISON WATER CONSERVANCY DISTRICT,
18 DEFICIT IRRIGATION OF IRRIGATED agricultural ~~irrigation~~ land; and

19 (II) Leasing the associated water rights for temporary municipal,
20 agricultural, environmental, industrial, or recreational use, INCLUDING
21 SPLIT SEASON LEASING.

22 (b) The purpose of the pilot program is to:

23 (I) In fallowing OR, IN WATER DIVISIONS 2 AND 3 AND WITHIN THE
24 BOUNDARIES OF THE UPPER GUNNISON WATER CONSERVANCY DISTRICT,
25 DEFICIT IRRIGATION OF irrigated agricultural land for leasing water for

1 temporary municipal, agricultural, environmental, industrial, or
2 recreational use, demonstrate cooperation among different types of water
3 users, including cooperation among shareholders, ditch companies, water
4 user associations, irrigation districts, water conservancy districts, water
5 conservation districts, and municipalities;

6 (IV) Demonstrate how to operate, administer, and account for the
7 practice of fallowing OR, IN WATER DIVISIONS 2 AND 3 AND WITHIN THE
8 BOUNDARIES OF THE UPPER GUNNISON WATER CONSERVANCY DISTRICT,
9 DEFICIT IRRIGATION OF irrigated agricultural land for leasing water for
10 temporary municipal, agricultural, environmental, industrial, or
11 recreational use without causing material injury to other vested water
12 rights, decreed conditional water rights, or contract rights to water.

13 (c) The board shall not select a pilot project that involves:

14 (I) The fallowing OR, IN WATER DIVISIONS 2 AND 3 AND WITHIN
15 THE BOUNDARIES OF THE UPPER GUNNISON WATER CONSERVANCY
16 DISTRICT, DEFICIT IRRIGATION of the same land for more than three years
17 in a ten-year period;

18 (II) The fallowing OR, IN WATER DIVISIONS 2 AND 3 AND WITHIN
19 THE BOUNDARIES OF THE UPPER GUNNISON WATER CONSERVANCY
20 DISTRICT, DEFICIT IRRIGATION of more than thirty percent of a single
21 irrigated farm for more than ten consecutive years;

22 **SECTION 2.** In Colorado Revised Statutes, 37-92-305, **amend**
23 (3)(c)(II)(C) as follows:

24 **37-92-305. Standards with respect to rulings of the referee and**
25 **decisions of the water judge - definitions.** (3) (c) In determining the
26 amount of historical consumptive use for a water right in division 1, 2, 3,
27 4, 5, or 6, the water judge shall not consider any decrease in use resulting

1 from the following:

2 (II) The nonuse or decrease in use of the water from the water
3 right by its owner for a maximum of five years in any consecutive
4 ten-year period as a result of participation in:

5 (C) An approved land fallowing program OR, IN WATER DIVISIONS
6 2 AND 3 AND WITHIN THE BOUNDARIES OF THE UPPER GUNNISON WATER
7 CONSERVANCY DISTRICT, DEFICIT IRRIGATION PROGRAM as provided by
8 law in order to conserve water, LEASE WATER, or to provide water for
9 compact compliance; or

10 **SECTION 3. Act subject to petition - effective date -**
11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
12 the expiration of the ninety-day period after final adjournment of the
13 general assembly (August 8, 2018, if adjournment sine die is on May 9,
14 2018); except that, if a referendum petition is filed pursuant to section 1
15 (3) of article V of the state constitution against this act or an item, section,
16 or part of this act within such period, then the act, item, section, or part
17 will not take effect unless approved by the people at the general election
18 to be held in November 2018 and, in such case, will take effect on the
19 date of the official declaration of the vote thereon by the governor.

20 (2) This act applies to deficit irrigation pilot projects proposed or
21 conducted on or after the applicable effective date of this act.