

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

LLS NO. 18-0784.01 Thomas Morris x4218

**HOUSE BILL 18-1151**

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**HOUSE SPONSORSHIP**

**Arndt and Catlin,**

**SENATE SPONSORSHIP**

**Crowder,**

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**House Committees**

Agriculture, Livestock, & Natural Resources

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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  
3rd Reading Unamended  
March 6, 2018

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.

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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.