

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 14-0244.01 Thomas Morris x4218

HOUSE BILL 14-1028

HOUSE SPONSORSHIP

Sonnenberg, Coram, Mitsch Bush

SENATE SPONSORSHIP

Roberts, Brophy

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A LIMITATION ON THE UNITED STATES' ABILITY TO**
102 **IMPOSE CONDITIONS ON A WATER RIGHT OWNER IN EXCHANGE**
103 **FOR PERMISSION TO USE LAND.**

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://www.leg.state.co.us/billsummaries>.)

Water Resources Review Committee. The bill specifies that if the United States obtains a water right as a result of a transfer or conveyance required as a condition to a special use permit or other authorization to enter upon or use federally owned land, the water right

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

HOUSE
3rd Reading Unamended
February 25, 2014

HOUSE
Amended 2nd Reading
February 24, 2014

was originally appropriated by a person other than the United States, and the water right is not a federal reserved water right, the water right is presumed to be held by the United States for speculative purposes. Such a water right is not automatically abandoned but is forfeited by the United States and reverts to the prior owner for continued use under its original priority.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-92-103, **amend**
3 (3) (a) (II) as follows:

4 **37-92-103. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (3) (a) "Appropriation" means the application of a specified
7 portion of the waters of the state to a beneficial use pursuant to the
8 procedures prescribed by law; but no appropriation of water, either
9 absolute or conditional, shall be held to occur when the proposed
10 appropriation is based upon the speculative sale or transfer of the
11 appropriative rights to persons not parties to the proposed appropriation,
12 as evidenced by either of the following:

13 (II) (A) The purported appropriator of record does not have a
14 specific plan and intent to divert, store, or otherwise capture, possess, and
15 control a specific quantity of water for specific beneficial uses.

16 (B) THE WATER RIGHT WAS OBTAINED BY THE UNITED STATES AS
17 A RESULT OF A TRANSFER OR CONVEYANCE REQUIRED AS A CONDITION TO
18 A SPECIAL USE PERMIT OR OTHER AUTHORIZATION TO ENTER UPON OR USE
19 FEDERALLY OWNED LAND, WAS ORIGINALLY APPROPRIATED BY A PERSON
20 OTHER THAN THE UNITED STATES, AND IS NOT PART OF THE RESERVED
21 WATER RIGHTS OBTAINED BY THE UNITED STATES. SUCH A WATER RIGHT
22 IS **REBUTTABLY** PRESUMED TO BE HELD BY THE UNITED STATES FOR

1 SPECULATIVE PURPOSES. A WATER RIGHT HELD BY THE UNITED STATES
2 FOR SPECULATIVE PURPOSES PURSUANT TO THIS SUB-SUBPARAGRAPH (B)
3 IS NOT AUTOMATICALLY ABANDONED BUT IS FORFEITED BY THE UNITED
4 STATES AND REVERTS TO THE PRIOR OWNER, OR THE PRIOR OWNER'S
5 SUCCESSORS AND ASSIGNS, FOR CONTINUED USE UNDER ITS ORIGINAL
6 PRIORITY. NOTHING IN THIS SUB-SUBPARAGRAPH (B) INHIBITS, GRANTS,
7 EXPANDS, OR CONTRACTS ANY LEGAL AUTHORITY THE UNITED STATES
8 MAY HAVE TO IMPOSE BYPASS FLOW REQUIREMENTS IN CONNECTION WITH
9 ANY SPECIAL USE PERMIT OR OTHER AUTHORIZATION.

10 **SECTION 2. Act subject to petition - effective date.** (1) This
11 act takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2014 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.

20 (2) This act applies to acts occurring on or after the applicable
21 effective date of this act.