

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0874.01 Thomas Morris x4218

HOUSE BILL 15-1278

HOUSE SPONSORSHIP

Vigil,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE USE OF AGRICULTURAL WATER RIGHTS TO
102 CULTIVATE MARIJUANA WITHOUT THE NEED FOR A CHANGE OF
103 WATER RIGHT.

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/bills summaries>.)

The bill specifies that using a water right that has been decreed for agricultural irrigation purposes for the cultivation of marijuana at a retail or medical marijuana cultivation facility is not a change of a water right if the use of the water is required for the cultivation of marijuana as contemplated or required by the facility's license.

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.

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 (5) as follows:

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

6 (5) (a) "Change of water right" means a change in the type, place,
7 or time of use, a change in the point of diversion except as specified in
8 section 37-86-111 (2), a change from a fixed point of diversion to
9 alternate or supplemental points of diversion, a change from alternate or
10 supplemental points of diversion to a fixed point of diversion, a change
11 in the means of diversion, a change in the place of storage, a change from
12 direct application to storage and subsequent application, a change from
13 storage and subsequent application to direct application, a change from
14 a fixed place of storage to alternate places of storage, a change from
15 alternate places of storage to a fixed place of storage, or any combination
16 of such changes.

17 (b) The term "change of water right":

18 (I) Includes changes of conditional water rights as well as changes
19 of water rights; AND

20 (II) (A) DOES NOT INCLUDE THE USE OF A WATER RIGHT THAT HAS
21 BEEN DECREED FOR AGRICULTURAL IRRIGATION PURPOSES FOR THE
22 CULTIVATION OF RETAIL MARIJUANA AT A RETAIL MARIJUANA
23 CULTIVATION FACILITY, AS THOSE TERMS ARE DEFINED IN SECTION
24 12-43.4-103 (15) AND (16), C.R.S., OR MEDICAL MARIJUANA, AS THAT
25 TERM IS DEFINED IN SECTION 12-43.3-104 (7), C.R.S., AT A FACILITY THAT
26 HAS AN OPTIONAL PREMISES CULTIVATION LICENSE ISSUED PURSUANT TO

1 SECTION 12-43.3-403, C.R.S., REGARDLESS OF WHETHER THE USE OF THE
2 WATER AT THE FACILITY IS INDOORS OR OUTDOORS, IN WHOLE OR PART, IF
3 THE USE OF THE WATER IS REQUIRED FOR THE CULTIVATION OF RETAIL OR
4 MEDICAL MARIJUANA AS CONTEMPLATED OR REQUIRED BY THE FACILITY'S
5 LICENSE, INCLUDING ANY APPLICABLE LIMITS OR REQUIREMENTS
6 REGARDING PLUMBING FACILITIES.

7 (B) NOTHING IN THIS SUBPARAGRAPH (II) AUTHORIZES AN
8 EXPANSION OF USE IN TIME OR AMOUNT OR AFFECTS WHETHER ANY
9 PARTICULAR USE OF WATER FOR THE CULTIVATION OF RETAIL OR MEDICAL
10 MARIJUANA AT A MARIJUANA CULTIVATION FACILITY CAUSES MATERIAL
11 INJURY OR IS SUBJECT TO A REQUIREMENT TO REPLACE OUT-OF-PRIORITY
12 DEPLETIONS.

13 **SECTION 2. Act subject to petition - effective date -**
14 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
15 the expiration of the ninety-day period after final adjournment of the
16 general assembly (August 5, 2015, if adjournment sine die is on May 6,
17 2015); except that, if a referendum petition is filed pursuant to section 1
18 (3) of article V of the state constitution against this act or an item, section,
19 or part of this act within such period, then the act, item, section, or part
20 will not take effect unless approved by the people at the general election
21 to be held in November 2016 and, in such case, will take effect on the
22 date of the official declaration of the vote thereon by the governor.

23 (2) This act applies to the use of water for the cultivation of retail
24 and medical marijuana occurring on or after the applicable effective date
25 of this act.