

HB1271_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Rural Affairs & Agriculture.

HB19-1271 be amended as follows:

1 Amend printed bill, page 6, after line 20 insert:

2 "SECTION 2. In Colorado Revised Statutes, 37-92-305, amend
3 (8)(c) as follows:

4 **37-92-305. Standards with respect to rulings of the referee and**
5 **decisions of the water judge - definitions.** (8) (c) A plan for
6 augmentation shall be sufficient to permit the continuation of diversions
7 when curtailment would otherwise be required to meet a valid senior call
8 for water, to the extent that the applicant shall provide replacement water
9 necessary to meet the lawful requirements of a senior diverter at the time
10 and location and to the extent the senior DIVERTER would be deprived of
11 ~~his or her~~ THE SENIOR DIVERTER'S lawful entitlement by the applicant's
12 diversion. A proposed plan for augmentation that relies upon a supply of
13 augmentation water that, by contract or otherwise, is limited in duration
14 shall not be denied solely upon the ground that the supply of
15 augmentation water is limited in duration, if the terms and conditions of
16 the plan prevent injury to vested water rights. Said terms and conditions
17 shall require replacement of out-of-priority depletions that occur after any
18 groundwater diversions cease. Decrees approving plans for augmentation
19 shall require that the state engineer curtail all out-of-priority diversions,
20 the depletions from which are not so replaced as to prevent injury to
21 vested water rights. A plan for augmentation, INCLUDING A COLORADO
22 WATER CONSERVATION BOARD PLAN TO AUGMENT STREAM FLOWS UNDER
23 SECTION 37-92-102 (3), may provide procedures to allow additional or
24 alternative sources of AUGMENTATION OR replacement water, including
25 water leased on a yearly or less frequent basis, to be used in the plan after
26 the initial decree is entered if the use of said additional or alternative
27 sources is part of a substitute water supply plan approved pursuant to
28 section 37-92-308 or if such sources are decreed for such use."

29 Renumber succeeding section accordingly.

** *** ** *** **