



**COLORADO**

**Colorado Water  
Conservation Board**

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**TO:** Colorado Water Conservation Board Members

**FROM:** Greg Johnson  
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**DATE:** January 23-24, 2017

**AGENDA ITEM:** 17. House Bill 16-1228 Criteria & Guidelines Update

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**This is an informational item only. No Board action is required.**

**Background:**

Per the statutory requirements of House Bill 16-1228, CWCB staff have initiated the development of draft Criteria and Guidelines for the establishment of an Agricultural Water Protection Program in Water Division 1 or 2 for the implementation of an Agricultural Water Protection Water Right. This effort has been conducted in concert with the development of the Rules Governing the Review of a Substitute Water Supply Plan for the Lease, Loan, or Trade of a Decreed Agricultural Water Protection Water Right, which are being developed by the Division of Water Resources per the statute. To date, preliminary drafts of both the Criteria and Guidelines, and the Rules, have been created with the input of an advisory planning committee involving staff from the CWCB, DWR, and the Attorney General's office, along with a collection of stakeholders that were involved in the creation of the bill.

Under House Bill (HB) 16-1228, codified at section 37-92-305(4)(c), C.R.S., the owner of an absolute decreed irrigation water right used for agricultural purposes may file an application to the water court to change the right to an "agricultural water protection water right" (AWPWR), which is defined in section 37-92-305(19) C.R.S. The AWPWR is created to simultaneously preserve ongoing irrigation of a water right and provide the flexibility to lease a portion of the water right to accommodate potentially unknown future uses. The delivery of the AWPWR to the new point of diversion, for the new use, must be done in accordance with a substitute water supply plan (SWSP) approved pursuant to 37-92-308(12) and rules promulgated pursuant to section 37-80-123 C.R.S. This statutory allowance is applicable to Water Divisions 1 and 2 only.

Further background will be provided in the draft Criteria and Guidelines distributed at the meeting.

**Discussion:**

Due to the evolving nature of the draft Criteria and Guidelines the most current draft will be distributed to the Board at the meeting.



CWCB staff will briefly discuss:

- An update of the process for development for the Criteria and Guidelines
- A summary of the current draft document, including the Board approval process for establishing Agricultural Water Protection Programs
- An outline of the forthcoming process for the statutorily required stakeholder public meetings in Water Division 1 and 2
- A update on the process for board review and approval of the draft document

