



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Brent Newman, Interstate, Federal, and Water Information
Section
Greg Johnson, Water Supply Planning Section

DATE: January 22-23, 2018 Board Meeting

AGENDA ITEM: 27. Lease Following Pilot Program (HB 13-1248)

This item is informational only. No action is required at this time.

Introduction

House Bill (HB) 13-1248, signed into law by the Governor on May 13, 2013, authorizes the Colorado Water Conservation Board to administer a pilot program to test the efficacy of fallowing-leasing as an alternative to permanent agricultural dryup. The pilot program may consist of the selection of up to ten separate pilot projects, each lasting up to ten years in duration, to test the practice of fallowing irrigated agricultural land and leasing the associated water rights for temporary municipal use.

Senate Bill (SB) 15-198, signed into law by the Governor on May 1, 2015 amends the provisions of HB13-1248 by expanding the allowed uses for the leased water to include agricultural, environmental, industrial, and recreational uses. SB15-198 further amends the comment period provided in the law to better match the time periods between Board meetings. House Bill 17-1219 extended the Program through 2023.

HB13-1248 charges the Board, in consultation with the State Engineer, to establish criteria and guidelines for the application, selection, and approval process for pilot projects. The "Criteria and Guidelines" document was developed through the cooperation and collaboration of the CWCB, the State Engineer's Office, and the public in accordance with that legislative directive and was originally approved on November 19, 2013. The Criteria and Guidelines were amended and approved by the Board on January 25, 2016. The amended document incorporates the provisions of SB15-198 and also amends technical guidance based on an evolving understanding of the operation of pilot projects.

The Board approved the Catlin Canal Fallowing-Leasing Pilot Project in January of 2015. In 2016, over 400 acre-feet of water was supplied to three participating municipalities through the implementation of this project.

Peter Nichols, special counsel for the Lower Arkansas Valley Water Conservancy District, will discuss potential expansion of the Lease Following Pilot Program.

