

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0572.02 Thomas Morris

HOUSE BILL 08-1141

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HOUSE SPONSORSHIP

Curry,

SENATE SPONSORSHIP

Bacon,

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House Committees  
Local Government

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING SUFFICIENT WATER SUPPLIES FOR LAND USE APPROVAL.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Requires a local government to make a determination as to whether an applicant for a real estate development permit for a development in excess of 50 units or single-family equivalents has demonstrated that the proposed water supply is sufficient and sustainable to serve the peak daily, monthly, and yearly water supply requirements of the proposed development. Requires the applicant to submit a report prepared by a registered professional engineer regarding the proposed development's water demand. Specifies the criteria pursuant to which the local government must determine whether the applicant has demonstrated

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.*

a sufficient and sustainable water supply, including:

- A letter from the state engineer commenting on the report by the professional engineer and determining whether the proposed water supply is sufficient and sustainable; and
- A letter from the development's water supplier summarizing the supplier's water portfolio.

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

2 **SECTION 1.** 29-20-103 (1), Colorado Revised Statutes, is  
3 amended to read:

4 **29-20-103. Definitions.** As used in this article, unless the context  
5 otherwise requires:

6 (1) "Development permit" means any preliminary or final  
7 approval of an application for rezoning, planned unit development,  
8 conditional or special use permit, subdivision, development or site plan,  
9 or similar application for new construction; EXCEPT THAT, FOR PURPOSES  
10 OF PART 3 OF THIS ARTICLE, "DEVELOPMENT PERMIT" IS LIMITED TO SUCH  
11 AN APPLICATION THAT INCLUDES MORE THAN FIFTY UNITS OR  
12 SINGLE-FAMILY EQUIVALENTS.

13 **SECTION 2.** Article 20 of title 29, Colorado Revised Statutes, is  
14 amended BY THE ADDITION OF A NEW PART to read:

15 **PART 3**

16 **SUFFICIENT AND SUSTAINABLE WATER SUPPLY**

17 **29-20-301. Legislative declaration.** THE GENERAL ASSEMBLY  
18 FINDS AND DECLARES THAT A SUFFICIENT AND SUSTAINABLE SUPPLY OF  
19 WATER TO SERVE LAND DEVELOPMENT IS A MATTER OF STATEWIDE  
20 CONCERN AND NECESSARY FOR THE PRESERVATION OF PUBLIC HEALTH,  
21 SAFETY, AND WELFARE AND THE ENVIRONMENT OF COLORADO.

22 **29-20-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

2 (1) "SUFFICIENT AND SUSTAINABLE" MEANS CAPABLE OF  
3 PROVIDING THE ESTIMATED PEAK DAILY, MONTHLY, AND YEARLY WATER  
4 SUPPLY REQUIREMENTS FOR A PROPOSED DEVELOPMENT, AS IDENTIFIED  
5 PURSUANT TO SECTION 29-20-304.

6 (2) "WATER SUPPLY ENTITY" MEANS A MUNICIPALITY, COUNTY,  
7 SPECIAL DISTRICT, WATER CONSERVANCY DISTRICT, WATER  
8 CONSERVATION DISTRICT, OR OTHER PUBLIC OR PRIVATE WATER SUPPLY  
9 COMPANY WITH THE LEGAL AUTHORITY TO SUPPLY, DISTRIBUTE, OR  
10 OTHERWISE PROVIDE WATER AT RETAIL TO DOMESTIC, COMMERCIAL,  
11 INDUSTRIAL, IRRIGATION, OR PUBLIC FACILITY CUSTOMERS.

12 **29-20-303. Sufficient and sustainable water supply for**  
13 **development.** A LOCAL GOVERNMENT SHALL NOT APPROVE AN  
14 APPLICATION FOR A DEVELOPMENT PERMIT UNLESS IT DETERMINES, AFTER  
15 CONSIDERING THE APPLICATION AND ALL OF THE EVIDENCE ON THE  
16 RECORD, THAT THE APPLICANT HAS DEMONSTRATED THAT THE PROPOSED  
17 WATER SUPPLY IS SUFFICIENT AND SUSTAINABLE TO SERVE THE PEAK  
18 DAILY, MONTHLY, AND YEARLY WATER SUPPLY REQUIREMENTS OF THE  
19 DEVELOPMENT PROPOSED IN THE APPLICATION.

20 **29-20-304. Water supply requirements.** AN APPLICANT FOR A  
21 DEVELOPMENT PERMIT SHALL SUBMIT ESTIMATED PEAK DAILY, MONTHLY,  
22 AND YEARLY WATER SUPPLY REQUIREMENTS FOR THE PROPOSED  
23 DEVELOPMENT IN A REPORT PREPARED BY A REGISTERED PROFESSIONAL  
24 ENGINEER. THE REPORT SHALL IDENTIFY ALL WATER NEEDS FOR THE  
25 PROPOSED DEVELOPMENT THROUGH BUILD-OUT CONDITIONS. THE REPORT  
26 MAY INCLUDE IMPLEMENTATION OF REASONABLE CONSERVATION  
27 MEASURES AND DRY-YEAR WATER DEMAND MANAGEMENT MEASURES.

1           **29-20-305. Determination of sufficient and sustainable water**  
2 **supply.** (1) THE LOCAL GOVERNMENT'S DETERMINATION AS TO WHETHER  
3 AN APPLICANT HAS DEMONSTRATED THAT A WATER SUPPLY IS SUFFICIENT  
4 AND SUSTAINABLE TO MEET THE WATER SUPPLY REQUIREMENTS OF A  
5 PROPOSED DEVELOPMENT SHALL BE BASED ON CONSIDERATION OF THE  
6 FOLLOWING EVIDENCE:

7           (a) THE PROPOSED PHYSICAL SOURCES OF THE WATER SUPPLY;

8           (b) A REPORT PREPARED BY A PROFESSIONAL ENGINEER STATING  
9 THAT THE PROPOSED WATER SUPPLY IS PHYSICALLY AVAILABLE TO THE  
10 PROPOSED DEVELOPMENT AND IS SUFFICIENT AND SUSTAINABLE TO MEET  
11 THE DAILY, MONTHLY, AND YEARLY WATER SUPPLY REQUIREMENTS OF  
12 THE DEVELOPMENT, AS SUCH REQUIREMENTS ARE IDENTIFIED PURSUANT  
13 TO SECTION 29-20-304;

14           (c) A LETTER FROM THE STATE ENGINEER:

15           (I) COMMENTING ON THE REPORT BY THE PROFESSIONAL ENGINEER  
16 REQUIRED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1); AND

17           (II) DETERMINING WHETHER THE PROPOSED WATER SUPPLY IS  
18 SUFFICIENT AND SUSTAINABLE TO SERVE THE PEAK DAILY, MONTHLY, AND  
19 YEARLY WATER SUPPLY REQUIREMENTS OF THE DEVELOPMENT PROPOSED  
20 IN THE APPLICATION, AS SUCH REQUIREMENTS ARE IDENTIFIED IN SECTION  
21 29-20-304;

22           (d) IF WATER IS TO BE PROVIDED BY A WATER SUPPLY ENTITY, A  
23 LETTER FROM THE WATER SUPPLY ENTITY STATING THE WATER SUPPLY  
24 ENTITY'S COMMITMENT AND ABILITY TO SATISFY THE WATER SUPPLY  
25 REQUIREMENTS OF THE PROPOSED DEVELOPMENT. THE LETTER SHALL  
26 INCLUDE A DESCRIPTION OF THE PHYSICAL SOURCE OF SUPPLY THAT WILL  
27 BE USED TO SERVE THE PROPOSED DEVELOPMENT, THE PRESENT WATER

1 DEMAND ON THE WATER SUPPLY ENTITY, THE PROJECTED WATER DEMAND  
2 ON THE WATER SUPPLY ENTITY BASED ON COMMITMENTS FOR SERVICE  
3 THAT ARE NOT YET SUPPLIED, AND THE AMOUNT OF UNCOMMITTED FIRM  
4 SUPPLY THE WATER SUPPLY ENTITY HAS AVAILABLE FOR FUTURE  
5 COMMITMENTS; AND

6 (e) ANY OTHER EVIDENCE DEEMED RELEVANT BY THE LOCAL  
7 GOVERNMENT TO DETERMINING WHETHER THE WATER SUPPLY FOR THE  
8 PROPOSED DEVELOPMENT IS SUFFICIENT AND SUSTAINABLE, INCLUDING,  
9 WITHOUT LIMITATION, ANY INFORMATION REQUIRED TO BE SUBMITTED BY  
10 THE APPLICANT PURSUANT TO APPLICABLE LOCAL GOVERNMENT LAND USE  
11 REGULATIONS OR STATE STATUTES.

12 **SECTION 3. Applicability.** This act shall apply to applications  
13 for development permits submitted on or after the effective date of this  
14 act.

15 **SECTION 4. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, and safety.