

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1279.01 Jennifer Berman x3286

SENATE BILL 16-214

SENATE SPONSORSHIP

Marble and Hodge,

HOUSE SPONSORSHIP

Saine and Danielson,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING A STUDY OF OTHER WESTERN STATES' USE OF REAL-TIME
102 WATER MANAGEMENT STRATEGIES.

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/billsummaries>.)

The bill requires the Colorado water conservation board (board) to enter into a contract with the American Ground Water Trust (trust) to conduct a study of other western states' use of real-time water management strategies for groundwater and surface water. The contract must require the trust to complete the study within 3 months and to compile its research and findings for the board. Thereafter, the board and

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.

the trust will report on the study on or before January 15, 2017, to the committees of reference in the house of representatives and the senate with jurisdiction over natural resources and, if the study has been completed in time, to the water resources review committee during the 2016 interim. The board may use up to \$30,000 from the emergency dewatering grant account in the Colorado water conservation board construction fund to pay for the study. The bill is repealed, effective September 1, 2017.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-60-115, **add** (11)
3 as follows:

4 **37-60-115. Water studies - rules - repeal.** (11) (a) **Real-time**
5 **water management strategies study.** THE BOARD SHALL ENTER INTO A
6 CONTRACT WITH THE AMERICAN GROUND WATER TRUST, REFERRED TO
7 IN THIS SUBSECTION (11) AS THE "TRUST", TO CONDUCT A STUDY OF THE
8 REAL-TIME WATER MANAGEMENT STRATEGIES USED BY OTHER WESTERN
9 STATES THAT USE THE PRIOR APPROPRIATION SYSTEM FOR GROUNDWATER
10 AND SURFACE WATER. THE PURPOSES OF THE STUDY ARE TO DETERMINE
11 FOR EACH WESTERN STATE USING REAL-TIME WATER MANAGEMENT
12 STRATEGIES:

13 (I) WHETHER THE STATE'S USE OF A WATER MANAGEMENT
14 STRATEGY THAT IS BASED ON ACTUAL HYDROLOGICAL CONDITIONS:

15 (A) MORE EFFECTIVELY MAXIMIZES BENEFICIAL USE OF WATER
16 THAN THE WATER MANAGEMENT STRATEGIES BEING USED IN COLORADO;
17 AND

18 (B) ALLOWS FOR INCREASES IN GROUNDWATER PUMPING WITHOUT
19 CAUSING INJURY TO DOWNSTREAM WATER USERS;

20 (II) THE COST THAT THE STATE HAS INCURRED IN TRANSITIONING
21 TO A REAL-TIME WATER MANAGEMENT STRATEGY AND THE MEANS BY

1 WHICH THE TRANSITION WAS FUNDED; AND

2 (III) WHETHER THE STATE'S USE OF A REAL-TIME WATER
3 MANAGEMENT STRATEGY HAS CHANGED ANY OF THE FOLLOWING
4 CONDITIONS WITHIN THE STATE:

5 (A) THE LEVEL OF THE WATER TABLE;

6 (B) THE AMOUNT OF RIPARIAN PHREATOPHYTE TRANSPIRATION;

7 (C) THE AMOUNT OF EVAPORATION FROM SOIL AND PLANTS; OR

8 (D) THE AMOUNT OF SALINIZATION OF IRRIGATED LANDS.

9 (b) **Reporting.** (I) THE BOARD SHALL ENTER INTO A CONTRACT TO
10 COMMISSION THE STUDY AS SOON AS PRACTICABLE, AND THE CONTRACT
11 MUST REQUIRE THE TRUST TO COMPLETE THE STUDY WITHIN THREE
12 MONTHS AFTER THE STUDY HAS BEEN COMMISSIONED AND TO COMPILE
13 THE RESEARCH AND FINDINGS FROM THE STUDY FOR THE BOARD WITHIN
14 ONE MONTH AFTER ITS COMPLETION OF THE STUDY.

15 (II) ON OR BEFORE JANUARY 15, 2017, THE BOARD AND THE TRUST
16 SHALL REPORT ON THE STUDY TO THE COMMITTEES OF REFERENCE IN THE
17 HOUSE OF REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION
18 OVER NATURAL RESOURCES. IF THE BOARD RECEIVES THE TRUST'S
19 RESEARCH AND FINDINGS BEFORE THE FINAL MEETING OF THE WATER
20 RESOURCES REVIEW COMMITTEE DURING THE 2016 INTERIM, THE BOARD
21 AND THE TRUST SHALL ALSO REPORT ON THE STUDY TO THE WATER
22 RESOURCES REVIEW COMMITTEE.

23 (c) THE BOARD MAY EXPEND UP TO THIRTY THOUSAND DOLLARS
24 FROM THE EMERGENCY DEWATERING GRANT ACCOUNT OF THE COLORADO
25 WATER CONSERVATION BOARD CONSTRUCTION FUND CREATED IN SECTION
26 37-60-121 (10) (b) TO PAY FOR THE STUDY AUTHORIZED IN THIS
27 SUBSECTION (11).

1 (d) **Repeal.** THIS SUBSECTION (11) IS REPEALED, EFFECTIVE
2 SEPTEMBER 1, 2017.

3 **SECTION 2. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.