

Colorado Water Congress
State Affairs Committee Meeting
Report prepared by Bruce Whitehead
Sponsored by the Southwestern Water Conservation District

March 2, 2015 Water Legislation Report #9 (2015 Legislative Session)

The State Affairs Committee met on Monday, March 2, 2015 to discuss water legislation introduced during the 2015 Session. Discussion occurred, or action was taken on the bills included in the summary below. All legislation considered by the Water Congress is included in this week's report, and once the State Affairs Committee has taken action on a bill it will be moved to the status sheet the following week. The next meeting of the State Affairs Committee will be on Monday, March 9, 2015.

Other legislation introduced, or requested for discussion or action, since the last meeting: **HB 1247 (State Engineer Dam Safety Review Fees)** and **HB 1249 (Recodify Water Pollution Control Fees)**.

Proposed Legislation: Work continues on the proposed *Stormwater legislation*, and the proponents are working with possible sponsors for the bill. The CWCB construction fund "*Projects Bill*" is yet to be introduced, and other possible legislation includes *rain barrel water collection* and a bill that was discussed extensively at the Monday SA meeting *regarding drains and groundwater levels* related to housing developments and foundation work. The drain bill is the result of a denial action by the Ground Water Commission in a designated basin for the Meridian subdivision proposal, but the proposed legislation could be much broader and have a statewide impact. There is another bill up for possible discussion by the SA Committee addressing "*Infrastructure Resistance and Solar Flare Legislation*". Initial concerns about the proposed bill are related to pipelines and irrigation systems being considered as "life-line infrastructure" which means it they could fall under jurisdiction of the PUC.

The format of each bill includes five columns and a following **Summary** cell. The 1st, 2nd, 4th, & 5th column each contain two information items as follows: 1st column has both the **Bill No.** and the **Short Title**. The 2nd column has both the **Sponsors** and the assigned **Committee**. The 3rd column contains only the **Concerning** statement, copied directly from the bill. The 4th column will show important **Amendments** and **Comments** provided by either me or John Porter. The 5th column shows both **When Introduced** and **CWC Action**. Once a bill no longer requires SA Comm action I will include it in a summary table, which will also show its progress. Until CWC takes action, the bill will remain in this format. I will however, **highlight in yellow** changes in any of the cells, compared to the prior report. Once CWC has acted on a bill, I will move it to the **Status table**, where its progress can be more easily monitored.

If you are aware of other entities that would like to receive these reports, please contact the Southwestern Water Conservation District office at 970-247-1302 with e-mail contact information.

Once introduced, copies of bills are available at www.leg.state.co.us. Additional info is available at the CWC web site: <http://www.cowatercongress.org/stateaffairs/>

FYI: Legislator Contact Information

Senator Ellen Roberts:	303-866-4884	ellen.roberts.senate@state.co.us
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Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
<p>SB 183</p> <p>Quantify Water Rights Historical Consumptive Use</p>	<p>S Hodge & Sonnenberg H N/A</p> <p>Ag, Nat'l Resources, & Energy</p>	<p>CONCERNING THE QUANTIFICATION OF THE HISTORICAL CONSUMPTIVE USE OF A WATER RIGHT.</p>	<p><i>Motion to support on 2/3 majority vote.</i></p>	<p>02/17/15</p> <p>SUPPORT</p>
<p>SUMMARY: When a water judge decrees a change of water right, the bill:</p> <ul style="list-style-type: none"> • Requires that a quantification of the actual historical consumptive use of the water right be based on a representative study period that: <ul style="list-style-type: none"> ○ Includes wet years, dry years, and average years; ○ Does not include years of undecreed use of the subject water right; and ○ Need not include every year of the entire history of use of the subject water or periods of nonuse of the water right. • Prohibits reconsideration or requantification of the historical consumptive use if the historical consumptive use has already been quantified in a previous change decree. 				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
<p>HB 1222</p> <p>Water Efficiency Savings Instream Use Pilot</p>	<p>H Becker S N/A</p> <p>Ag, Livestock, & Nat'l Resources</p>	<p>CONCERNING AN AUTHORIZATION OF PILOT PROJECTS FOR THE VOLUNTARY TRANSFER OF WATER EFFICIENCY SAVINGS TO THE COLORADO WATER CONSERVATION BOARD FOR INSTREAM USE PURPOSES IN WATER DIVISIONS THAT INCLUDE LANDS WEST OF THE CONTINENTAL DIVIDE.</p>	<p><i>Possible action postponed at the request of the bill sponsor; amendments forthcoming.</i></p> <p><i>Scheduled for House Ag on 3/9, possible action by SA next Monday 3/9 prior to hearing.</i></p>	<p>02/17/2015</p> <p>DISCUSSION</p>
<p>SUMMARY: The bill authorizes the Colorado water conservation board to select the sponsors of up to 12 pilot projects for the board's acquisition of water efficiency savings for instream flow use without the need for a water court-decreed change of water right. The board may approve up to 5 pilot projects in any one water division, but only in divisions 4, 5, 6, and 7. In order to be able to collect sufficient data, each project should operate for at least 10 years. The board cannot accept an application for a pilot project after July 1, 2020. Each pilot project must cease operations within 10 years after its approval and after the conclusion of any water court appeals; except that if no claim of injury due to the operation of a pilot project has been filed or if all such claims have been resolved to the satisfaction of the party who filed the claim, the board may extend the operation of the pilot project for up to an additional 15 years.</p> <p>The board will establish criteria and guidelines for the pilot projects. The bill specifies procedures for the board's consideration of pilot project applications, including ways to resolve claims of injury to other water rights through the imposition of terms and conditions to prevent injury. The amount of water efficiency savings acquired by the board cannot be more than the minimum amount necessary to preserve the natural environment to a reasonable degree. A party can appeal the board's determination with the appropriate water judge within 35 days after the board's decision has been mailed to the appropriate water clerk. A party may also file comments with the board by January 1 of the year following each year that a pilot project is operated concerning potential injury to such party's water rights due to the operation of the pilot project, in which case the original procedural safeguards must again be followed. By December 31, 2025, the board will file a report with the general assembly that evaluates and makes recommendations regarding the pilot projects' operation.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
HB 1247 State Engineer Dam Safety Review Fees	H Saine S Neville Finance	CONCERNING FEES COLLECTED BY THE STATE ENGINEER FOR REVIEW OF DAM SAFETY.		02/25/2015 DISCUSSION
<p>SUMMARY: Legislative Audit Committee. The bill increases the fee that the state engineer collects with regard to dam project design review. The fee collected for the examination and filing of each set of plans and specifications required to be filed with the state engineer for a proposed dam project is increased from \$3 for each \$1,000 of the estimated cost of the proposed project to \$6 for each \$1,000 of the estimated cost of the proposed project, with the maximum fee raised from \$3,000 to \$30,000.</p> <p>The bill adds a fee of \$2,000 per year for the annual inspection required of a dam against which the state engineer has imposed storage restrictions. The state engineer cannot impose the fee in the first year that the dam has been put under storage restrictions. The state engineer may waive the fee in any year that the state engineer determines that the owner or operator has taken reasonable steps toward curing deficiencies.</p>				
HB 1249 Recodify Water Pollution Control Fees	H Becker S Hodge Finance	CONCERNING AMENDMENTS TO THE FEES ASSOCIATED WITH WATER POLLUTION CONTROL.		02/27/2015 DISCUSSION
<p>SUMMARY: The bill amends the statutory fee schedule that the department of public health and environment charges for the discharge of pollutants into state waters. The bill recodifies the existing statutory fee structure and does not change the amounts of the existing fees, but does reorganize the existing fees into 5 new sectors. The bill introduces 3 new fees for regulated activities associated with the application of pesticides, the costs associated with reviewing requests for certifications under section 401 of the "Clean Water Act", and an application fee for new permits which will be credited toward the annual permit fee. The bill also extends the existing statutory expiration dates for permits associated with animal feeding operations.</p>				