

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

March 23, 2015 Water Legislation Report #12 (2015 Legislative Session)

The State Affairs Committee met on Monday, March 23, 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 30, 2015.

Other legislation introduced, or requested for discussion or action, since the last meeting: **SB 224 (Building Foundation Well Permit Exemption)**. Even though the draft of this legislation has been discussed at the last two meetings, it was decided to table this bill for action until next week since the bill was recently introduced and assigned a bill number. It has not been set for a Committee Hearing. Additional discussion of SB 212 (Stormwater Detention Facilities) also occurred, but no action was taken since there are additional amendments to the bill that are being proposed.

Proposed Legislation: The CWCB construction fund "*Projects Bill*" is yet to be introduced

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, it will be moved 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 and provide your e-mail.

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
Representative J. Paul Brown:	303-866-2914	jpaul.brown.house@state.co.us
Representative Don Coram:	303-866-2955	don.coram.house@state.co.us

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
<p>SB 212</p> <p>Storm Water Facilities Not Injure Water Rights</p>	<p>S Sonnenberg H Winter</p> <p>Ag, Nat'l Resources, & Energy</p>	<p>CONCERNING A DETERMINATION THAT WATER DETENTION FACILITIES DESIGNED TO MITIGATE THE ADVERSE EFFECTS OF STORM WATER RUNOFF DO NOT MATERIALLY INJURE WATER RIGHTS.</p>	<p><i>No action taken on 3/23, since additional amendments are proposed. Has not been set for a Committee Hearing.</i></p>	<p>03/12/15</p> <p>DISCUSSION</p>
<p>SUMMARY: Under current administrative practice, facilities that are designed to detain storm water for environmental and public safety purposes may be required to release water to avoid injury to water rights. The bill specifies that storm water detention and infiltration facilities and post-wildland fire facilities do not injure water rights. Water from these facilities cannot be put to beneficial use or form the basis for any claim to or for the use of water.</p> <p>A "storm water detention and infiltration facility" is defined as a facility that is owned or operated by a governmental entity or is subject to oversight by a governmental entity, designed and operated to continuously release or infiltrate at least 97% of all of the water from rainfall events that are equal to or less than a 5-year storm within 72 hours after the end of the rainfall event, and continuously release or infiltrate the water from rainfall events greater than a 5-year storm as quickly as practicable, but in no event over a period in excess of 120 hours. The facility must operate passively and cannot actively treat the storm water.</p> <p>A "post-wildland fire facility" means a facility that is not permanent; is located on, in, or adjacent to a nonperennial stream; is designed and operated solely for the mitigation of the impacts of wildland fire events; and is designed and operated to minimize the quantity of water detained and the duration of the detention of water to the levels necessitated by public safety and welfare. The person who installed or operated a post-wildland fire facility has to ensure that the facility is removed or rendered inoperable after the emergency conditions created by the wildfire no longer exist.</p>				
<p>SB 224</p> <p>Building Foundation Well Permit Exemption</p>	<p>S Sonnenberg H N/A</p> <p>Ag, Nat'l Resources, & Energy</p>	<p>CONCERNING A PERMITTING EXEMPTION FOR SYSTEMS THAT REMOVE GROUNDWATER FROM SOILS THAT ARE ADJACENT TO FOUNDATIONS.</p>	<p><i>No action on 3/23, and not scheduled for a Committee Hearing.</i></p>	<p>03/20/15</p> <p>DISCUSSION</p>
<p>SUMMARY: Current law requires a permit to drill a water well. Section 1 of the bill specifies that neither a permit nor a replacement plan is needed for a system in a designated groundwater basin that collects and removes groundwater for the purpose of facilitating the use of land that would otherwise be adversely affected due to the presence of groundwater if the system does not penetrate a confining layer, and the farthest point of the collection system is no more than 10 feet from a building's foundation, the removed groundwater is not used for purposes other than collecting and removing groundwater from soils that are adjacent to a building's foundation, and the removed groundwater is returned directly into the aquifer. Section 2 makes an analogous exemption for areas of the state outside of designated groundwater basins.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
<p>HB 1277</p> <p>Species Conservation Trust Fund Projects</p>	<p>H Vigil S Sonnenberg</p> <p>Ag, Livestock, & Nat'l Resources</p>	<p>CONCERNING MEASURES TO EFFECTUATE THE CONSERVATION OF NATIVE SPECIES IN COLORADO, AND, IN CONNECTION THEREWITH, MAKING APPROPRIATIONS FROM THE SPECIES CONSERVATION TRUST FUND FOR PURPOSES RECOMMENDED BY THE DEPARTMENT OF NATURAL RESOURCES.</p>	<p><i>May encounter some controversy in Committee Hearing due to position of Federal Government on Gunnison Sage Grouse.</i></p>	<p>03/09/2015</p> <p>SUPPORT</p>
<p>SUMMARY: The bill appropriates money from the species conservation trust fund for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that have been listed as threatened or endangered under state or federal law or that are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service.</p>				
<p>HB 1278</p> <p>Use Ag Water Rights To Cultivate Marijuana</p>	<p>H Vigil S N/A</p> <p>Ag, Livestock, & Nat'l Resources</p>	<p>CONCERNING THE USE OF AGRICULTURAL WATER RIGHTS TO CULTIVATE MARIJUANA WITHOUT THE NEED FOR A CHANGE OF WATER RIGHT.</p>	<p><i>No action 3/23. Need for legislation still being discussed. Scheduled for Committee Hearing 3/30.</i></p>	<p>03/09/2015</p> <p>DISCUSSION</p>
<p>SUMMARY: The bill specifies that using a water right that has been decreed for agricultural irrigation purposes for the cultivation of marijuana at a retail or medical marijuana cultivation facility is not a change of a water right if the use of the water is required for the cultivation of marijuana as contemplated or required by the facility's license.</p>				