

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

March 30, 2015 Water Legislation Report #13 (2015 Legislative Session)

The State Affairs Committee met on Monday, March 30, 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, April 6, 2015.

Other legislation introduced, or requested for discussion or action, since the last meeting: **SB 253 (CO Water Conservation Board Construction Fund Project)** and **SB 255 (Deposit Severance Tax Revenues In General Fund)**.

Proposed Legislation: **None.**

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

Representative J. Paul Brown: 303-866-2914

Representative Don Coram: 303-866-2955

ellen.roberts.senate@state.co.us

jpaul.brown.house@state.co.us

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>Support as amended.</i></p>	<p>03/12/15</p> <p>SUPPORT</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>Tabled until SA meeting on 4/6. Calendared in Senate Ag on 4/8. Sponsor working on amendments.</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>SB 253</p> <p>CO Water Conservation Board Construction Fund Project</p>	<p>S Sonnenberg H Vigil</p> <p>Ag, Nat'l Resources, & Energy</p>	<p>CONCERNING THE FUNDING OF COLORADO WATER CONSERVATION BOARD PROJECTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.</p>		<p>03/27/15</p> <p>DISCUSSION</p>
<p>SUMMARY: The bill appropriates the following amounts from the Colorado water conservation board (CWCB) construction fund for the following projects:</p> <ul style="list-style-type: none"> • \$330,000 for continuation of the satellite monitoring system maintenance (section 1 of the bill); • \$500,000 for continuation of the Colorado floodplain map modernization program (section 2); • \$1,500,000 for continuation of the watershed restoration program (section 3); • \$1,000,000 for the operation and maintenance of the Arkansas river decision support system (section 6); • \$500,000 for technical assistance for the USDA regional conservation partnership program (section 7); • \$100,000 for water conservation planning and data tracking tools (section 8); • \$150,000 for support of the Colorado Mesonet project (section 9); • \$1,200,000 for participation in the development of modern tools and methods for determining large rain events for regulating and designing dam spillways (section 10); • \$175,000 for continuation of the weather modification program (section 11); and • \$125,000 for South Platte river basin groundwater level data collection, analysis, and remediation (section 12). <p>The bill also directs the state treasurer to transfer moneys on July 1, 2015, from the CWCB construction fund to restore the unencumbered balance in the following funds to the following amounts:</p> <ul style="list-style-type: none"> • \$500,000 for the flood and drought response fund (section 4); and • \$200,000 for the litigation fund (section 5). <p>Additionally, section 13 transfers the following amounts from the severance tax operational fund to the CWCB construction fund for the following purposes:</p> <ul style="list-style-type: none"> • \$1,000,000 for the CWCB to continue the watershed restoration program as specified in section 3; and • \$1,200,000 for the CWCB to participate in the development of modern tools and methods for determining large rain events for regulating and designing dam spillways as specified in section 10. <p>Section 14 transfers \$500,000 from the severance tax perpetual base fund to the CWCB construction fund for the CWCB to continue the watershed restoration program as specified in section 3;</p> <p>Section 15 extends the stream restoration grant account in the flood and drought response fund to remain effective until July 1, 2017; and</p> <p>Finally, section 16 accounts for variation in the amount of money loaned for the Chatfield reallocation project in 2014 by acknowledging ordinary fluctuations in cost based on distribution of project ownership.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
<p>SB 255</p> <p>Deposit Severance Tax Revenues In General Fund</p>	<p>S Lambert H Hammer</p> <p>Appropriations</p>	<p>CONCERNING THE DEPOSIT OF TWENTY MILLION DOLLARS OF STATE SEVERANCE TAX REVENUES IN THE GENERAL FUND.</p>	<p><i>Bill was not scheduled for action by SA, but due to calendar in Appropriations was requested for action, which was approved by unanimous consent. Position of Opposition due to adverse impacts on Water Projects funding.</i></p>	<p>03/27/15</p> <p>OPPOSE</p>
<p>SUMMARY: After a transfer at the beginning of the fiscal year, state severance tax receipts are split equally between the state severance tax trust fund and the local government severance tax fund. The bill requires \$20 million of the state severance tax receipts received from the effective date of the bill until the end of the current fiscal year to be deposited in the general fund.</p>				
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<p>HB 1278</p> <p>Use Ag Water Rights To Cultivate Marijuana</p>	<p>H Vigil S Baumgardner</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>Now scheduled in House Ag on 4/13. SA tabled action to discuss State Engineer letter and "Written Intention/Order" regarding irrigation of marijuana as a crop with bill proponents.</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>				
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