

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

**January 6, 2014 Report #1 Water (2014 Legislative Session)**

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The State Affairs Committee met on Monday January 6th to prepare for the 2014 Session. The Second Regular Session of the Sixty-ninth General Assembly will convene on January 8, 2014. The State Affairs Committee discussed the bills that will be introduced as Interim Committee Bills submitted by the Water Resources Review Committee. The bills will be introduced as drafted by the Interim Committee, but it anticipated that there may be some revisions made by early amendments to at least two of the bills including; **HB A** concerning Hydro-electric Energy Systems and **HB B** concerning Flexible Water Markets. The Water Committee considered 11 draft bills and 1 Resolution over the summer and fall, but voted to move forward with these 5 bills and 1 Resolution during the 2014 session. The State Affairs Committee will wait until the bills are introduced during the session to further discuss and possibly take a position on these bills. The next regular meeting of the State Affairs Committee will be held on January 13, 2014. The summary provided below is for informational purposes in preparation of the legislative session, with no formal position taken by the State Affairs Committee to date.

The bills to be introduced are (**HB's A, B, E; SB's C, D; and Resolution A**). These bills are yet to be introduced, so bill numbers or committee assignments have not been made at this point.

Proposed Legislation: Other Bills that were under consideration by the Water Resources Review Committee, but will not be introduced as Interim Bills include: **Bill 4** (Create Forest Watershed Roundtables) **Bill 5** (Modify Cluster Development) **Bill 6** (Legislator Water Education Fund) **Bill 7** (Designated Ground Water District Enforcement) **Bill 8** (Allow Surface Water Replace Well Depletions) and **Bill 9** (Simplified Water Court Procedures). It is possible that these bills could be introduced during the session by individual legislators.

Senator Roberts has worked on water conservation legislation with staff from the Colorado River District and Southwestern Water Conservation District. The bill has bi-partisan support in the House and the Senate from both the East slope and West slope, but will likely face some opposition from entities that intend to use agriculture dry-up as a source of supply in the future. Senator Hodge will be the co-prime sponsor of the bill in the Senate with Senator Roberts, and Representatives Coram and Vigil will co-sponsor the bill in the House. This bill was submitted as a "pre-file" bill, which means that the bill will be introduced early in the session. The draft legislation was discussed extensively at the State Affairs meeting on Monday, where many agreed that it may be

time to have the discussion about water conservation, but acknowledged that some members may have concerns about the limitations being proposed in the bill. The draft legislation will apply state-wide (contrary to what some media sources have reported) and is intended to reduce the demand for agricultural dry-up by limiting the amount of **lawn irrigation for residential lots to 15% of the aggregate lot** size for developments utilizing agricultural dry-up as their water supply. This bill will likely generate a lot of interest in the early weeks of the legislative session. It is also anticipated that Denver Water will be working with legislators to introduce a separate water conservation bill regarding water efficient “fixtures” for faucets, showerheads, tank-type toilets, and flushing urinals. The Southwest Basins Roundtable (SWBRT) passed a Resolution at their November meeting supporting the concept of both conservation bills, and the Colorado River Roundtable has also expressed support for the concepts of both bills. The Southwestern Water Conservation District has also supported the proposed concepts, and has endorsed the Resolution passed by the SWBRT.

The format of each bill includes five columns and a following **Summary** cell. The 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, & 5<sup>th</sup> column each contain two information items as follows: 1<sup>st</sup> column has both the **Bill No.** and the **Short Title**. The 2<sup>nd</sup> column has both the **Sponsors** and the assigned **Committee**. The 3<sup>rd</sup> column contains only the **Concerning** statement, copied directly from the bill. The 4<sup>th</sup> column will show important **Amendments** and **Comments** provided by either me or John Porter. The 5<sup>th</sup> 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](http://www.leg.state.co.us). Additional info is available at the CWC web site: <http://www.cwatercongress.org/stateaffairs/>

FYI: Legislator Contact Information

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Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
<p><b>HB A</b></p> <p><b>Hydroelectric Generation Incentives</b></p>	<p><b>H Coram/Mitsch-Bush</b>  <b>S Schwartz/Roberts</b></p> <p>N/A</p>	<p>CONCERNING THE ESTABLISHMENT OF INCENTIVES FOR THE DEVELOPMENT OF HYDROELECTRIC ENERGY SYSTEMS.</p>	<p><i>Water Resources Review Committee.</i></p>	<p>N/A</p> <p><b>DISCUSSION (No Position as IWRRC bill)</b></p>
<p><b>SUMMARY: Water Resources Review Committee.</b> In order to promote the construction and operation of hydroelectric energy facilities in Colorado, the bill provides the following incentives:</p> <ul style="list-style-type: none"> <li>- <b>Section 1</b> of the bill <b>requires</b> the state electrical board to approve the installation of a motor as a generator for a hydroelectric energy facility if the installation would be approved but for the fact that the motor is not being used in a manner commensurate with its nameplate;</li> <li>- <b>Section 2</b> <b>authorizes</b> the department of natural resources to serve as the coordinating state agency for obtaining and compiling state agency comments about an application license or license exemption from the federal energy regulatory commission; and</li> <li>- <b>Section 3</b> <b>incorporates</b> community hydroelectric energy facilities into the community solar garden statute, so that a group of community members may jointly subscribe to and receive electricity from a small hydroelectric energy facility located in or near the community.</li> </ul>				
<p><b>HB B</b></p> <p><b>Water Flexible Markets</b></p>	<p><b>H Fischer</b>  <b>S Schwartz</b></p> <p>N/A</p>	<p>CONCERNING THE AUTHORIZATION OF FLEXIBLE WATER MARKETS.</p>	<p><i>Water Resources Review Committee.</i></p>	<p>N/A</p> <p><b>DISCUSSION (Support as IWRRC bill)</b></p>
<p><b>SUMMARY: Water Resources Review Committee.</b> Under the anti-speculation doctrine, current water court proceedings governing an application to change the beneficial use of an irrigation water right require the applicant to designate a specific alternative beneficial use identified at the time of the application. The bill <b>creates</b> a more flexible change-in-use system by allowing an applicant who seeks to implement fallowing, regulated deficit irrigation, reduced consumptive use cropping, or other alternatives to the permanent dry-up of irrigated lands to apply for a change in use to any beneficial use, without designating the specific beneficial use to which the water will be applied.</p> <p><b>Section 1</b> of the bill <b>defines</b> "flex use" to mean an application of the fully consumptive portion of water that has been subject to a water right change-in-use proceeding to any beneficial use. It also redefines "appropriation" to exclude flex use from the anti-speculation doctrine.</p> <p><b>Sections 2 and 3</b> describe the procedures for obtaining a flex use change-in-use decree and a flex use substitute water supply plan.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
<p>SB C</p> <p>Wastewater Treatment Small Communities Grants</p>	<p>S Hodge H Fischer</p> <p>N/A</p>	<p>CONCERNING GRANTS FOR DOMESTIC WASTEWATER TREATMENT WORKS FOR SMALL COMMUNITIES.</p>	<p><i>Water Resources Review Committee.</i></p>	<p>N/A</p> <p>DISCUSSION (No Position as IWRRC)</p>
<p><b>SUMMARY: Water Resources Review Committee.</b> Sections 1 and 2 of the bill <b>clarify</b> that severance tax dollars credited to the small communities water and wastewater grant fund may be used for domestic wastewater treatment works. <b>Section 3 repeals</b> a statute that separately governs the funding, through grant-making, of domestic wastewater treatment works for small municipalities and that substantially duplicates the provisions added and amended by sections 1 and 2.</p>				
<p>SB D</p> <p>Div Water Resources Remove Printing Requirements</p>	<p>S Hodge H Vigil</p> <p>N/A</p>	<p>CONCERNING THE REMOVAL OF CERTAIN STATUTORY PRINTING REQUIREMENTS FOR INFORMATION PROVIDED BY THE DIVISION OF WATER RESOURCES.</p>	<p><i>Water Resources Review Committee.</i></p>	<p>N/A</p> <p>DISCUSSION (Support as IWRRC)</p>
<p><b>SUMMARY: Water Resources Review Committee.</b> The state engineer and the division engineers throughout the state are required to make a number of reports, tabulations, and other written materials available to the public by printing them out and mailing them to interested parties. With electronic mail and the internet, these written materials can be disseminated without printing copies. The bill <b>updates</b> statutes to remove printing requirements for the following written materials:</p> <ul style="list-style-type: none"> <li>- The state engineer's annual report to the general assembly, as reflected in <b>section 1</b>;</li> <li>- Division engineers' tabulations of decreed and conditional water rights, as reflected in <b>section 2</b>; and</li> <li>- Decisions concerning substitute water supply plans, as reflected in <b>section 3</b> of the bill.</li> </ul>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
<p><b>HB E</b></p> <p><b>Oppose Federal Special Use Permit Water Right Term</b></p>	<p><b>H Sonnenberg</b> <b>S Roberts</b></p> <p>N/A</p>	<p>CONCERNING A LIMITATION ON THE UNITED STATES' ABILITY TO IMPOSE CONDITIONS ON A WATER RIGHT OWNER IN EXCHANGE FOR PERMISSION TO USE LAND.</p>	<p><i>Water Resources Review Committee.</i></p>	<p>N/A</p> <p><b>DISCUSSION</b> <b>(Support as IWRRC bill)</b></p>
<p><b>SUMMARY: Water Resources Review Committee.</b> The bill specifies that if the United States obtains a water right as a result of a transfer or conveyance required as a condition to a special use permit or other authorization to enter upon or use federally owned land, the water right was originally appropriated by a person other than the United States, and the water right is not a federal reserved water right, the water right is presumed to be held by the United States for speculative purposes. Such a water right is not automatically abandoned but is forfeited by the United States and reverts to the prior owner for continued use under its original priority.</p>				
<p><b>Resolution A</b></p> <p><b>Forest Products Transport Interstate Weight Limit</b></p>	<p><b>H Coram</b> <b>S Schwartz</b></p> <p>N/A</p>	<p>CONCERNING A SPECIAL EXEMPTION FROM INTERSTATE HIGHWAY WEIGHT LIMITS FOR DIVISIBLE TRUCK LOADS CARRYING FOREST PRODUCTS.</p>	<p><i>Water Resources Review Committee.</i></p>	<p>N/A</p> <p><b>DISCUSSION</b> <b>(No Position as IWRRC bill)</b></p>
<p><b>SUMMARY: Be It Resolved by the House of Representatives of the Sixty-ninth General Assembly of the State of Colorado, the Senate concurring herein:</b> That we, the members of the Colorado General Assembly, urge Congress to pass legislation creating a special exemption from the federal maximum weight limit on interstate highways for forest product industries.  <i>Be It Further Resolved,</i> That copies of this Joint Resolution be sent to members of Colorado's, Arizona's, New Mexico's, Oregon's, Utah's, and Wyoming's congressional delegations.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
<b>SB (Pre-file)</b>  Limit Use Of Ag Water For Lawn Irrigation	S Roberts/Hodge H Coram/Vigil  N/A	CONCERNING A LIMITATION ON THE APPROVAL OF REAL ESTATE DEVELOPMENTS THAT USE WATER RIGHTS DECREED FOR AGRICULTURAL PURPOSES TO IRRIGATE LAWN GRASS.	<i>Pre-file bill Senator Roberts</i>	N/A  Preliminary DISCUSSION
<p><b>SUMMARY:</b> The bill <b>prohibits</b> a local government from approving an application for a development permit unless the local government has adopted an enforceable resolution or ordinance that limits, as a prerequisite for approval of the development permit, the amount of irrigated grass on residential lots in the development to no more than 15% of the total aggregate area of all residential lots in the development. "Irrigated" means supplied with water for lawn grass and does not include the use of raw water for irrigation. The 15% limit applies only if any part of the water supply for the development is changed from agricultural irrigation purposes to municipal or domestic use on or after January 1, 2016.</p>				