

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

March 24, 2014 Report #10 Water (2014 Legislative Session)

The State Affairs Committee met on Monday March 24, 2014 to discuss water legislation introduced during the 2014 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 Long Bill (State Budget) will be the primary focus of the legislature in the next two weeks, so there will not be a State Affairs meeting next week. The next scheduled meeting of the State Affairs Committee is Monday April 7, 2014.

There are a number of water related bills that have been introduced during this session. Many of the bills have passed out of Committee and have had debate and votes on the floor of the House or the Senate. There are a few bills that have been signed into law by Governor Hickenlooper. Legislation introduced, and requested for discussion or action since the last State Affairs meeting include: **HB 1320** – (Increase Time Period for Water Court Diligence Filings), **HB 1332** - (South Platte Water Management) – previously discussed as draft LLS 14-0829, and **HB 1333** - (CWCB Projects Bill). Once again, there was considerable discussion around HB 1332, which would implement recommendations from the South Platte Groundwater Study (HB 1278 from 2012 session). Representative Fischer requested that the State Affairs Committee consider tabling action on the bill, until further meetings can be held to discuss the legislation with water users in the South Platte Basin. The Committee voted to delay any action on the bill, which will be scheduled for possible action at the next State Affairs meeting in two weeks.

Proposed Legislation: N/A

Note: The latest version of the Public Trust Initiative (**#103**) is scheduled for hearing before the Title Board next week. Another separate version of the Public Trust was introduced by Greg Diamond as Initiative #89, and then withdrawn and reintroduced as Initiative **#115**. Both of these Public Trust Initiatives are being closely monitored by the Water Congress. The Colorado Water Stewardship Project was initiated last year to prepare for the anticipated Public Trust Doctrine ballot proposal. All water interests should become educated about the adverse impacts to our current water rights system and to the Doctrine of Prior Appropriation if this ballot measure were to be successful. Learn more at <http://cowaterstewardship.com/>

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
Representative Mike McLachlan:	303-866-2914	mike.mclachlan.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
HB 1320 Increase Water Right Diligence From 6 To 10 Years	H Vigil S N/A Ag, Livestock, & Nat'l Resources	CONCERNING AN INCREASE IN THE MINIMUM TIME PERIOD BETWEEN FILINGS FOR A FINDING OF REASONABLE DILIGENCE REGARDING THE ADJUDICATION OF A CONDITIONAL WATER RIGHT.	<i>Motion to support failed, requires a 2/3 majority vote. No position by CWC.</i>	03/14/14 NO POSITION

SUMMARY: Current law requires the owner of a conditional water right to file for a finding of reasonable diligence with the water judge every 6 years until the water right has been decreed absolutely or abandoned. The bill **increases** the diligence period to 10 years.

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
HB 1332 South Platte River Basin Water Management	H Fischer S N/A Ag, Livestock & Nat'l Resources	CONCERNING WATER MANAGEMENT IN THE SOUTH PLATTE RIVER BASIN.	<i>Bill to be introduced week of 3/17/14. Motion and 2nd to create sub-committee of SA to work with proponents failed. Could be reconsidered after introduction.</i> Action tabled until 4/07/14.	03/19/14 DISCUSSION (TABLED)
<p>SUMMARY: In 2012, the Colorado water conservation board (board), in consultation with the state engineer and the Colorado water institute, conducted a study of historical hydrologic data and water administration in the South Platte river basin.</p> <p>Section 1 of the bill implements recommendations set forth in the final report on the study by: 3.12.14</p> <ul style="list-style-type: none"> - Implementation of a study of the movement of water in the South Platte alluvial aquifer; - Investigation into: <ul style="list-style-type: none"> - A reduction in the use of the administrative call on the South Platte river; - Use of upstream, out-of-priority water storage; - The development of aquifer management zones; and - The feasibility of creating a basin-wide management entity and basin-wide management protocols; - Coordination of the installation of a real-time monitoring well network; - The production of detailed hydrogeological maps of the alluvial aquifer by funding and implementing a helicopter electromagnetic and magnetic survey; - Oversight of the ongoing development and implementation of the South Platte decision support system; - The development of plans for multiple benefit storage options; and - The implementation of a South Platte aquifer management plan pilot program to test management strategies intended to mitigate damaging high groundwater levels. <p>To further implement the recommendations set forth in the final report:</p> <ul style="list-style-type: none"> - Section 2 requires the state engineer and division engineer to review a water rights application or change in use application that requests approval of an alluvial aquifer recharge facility to determine the viability of the proposed location of the recharge facility and the likelihood that the proposed recharge activity will contribute to, or create, damaging high groundwater levels; and - Section 3 requires the state engineer to promulgate rules for division 1 to establish a framework for the voluntary movement of excess water supplies available for augmentation plan users and establish uniform and transparent reporting standards for augmentation plan accounting practices. 				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
HB 1333 Water Conservation Bd Construction Fund Projects	H Fischer/Coram S Schwartz/Harvey Ag, Livestock, & Nat'l Resources	CONCERNING THE FUNDING OF COLORADO WATER CONSERVATION BOARD PROJECTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.		03/20/14 SUPPORT
<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); - \$175,000 for continuation of the weather modification program (section 2); - \$500,000 for continuation of the Colorado floodplain map modernization program (section 3); - \$500,000 for continuation of the watershed restoration program (section 4); - \$200,000 for the operation and maintenance of the statewide decision support system (section 6); - \$500,000 for the operation and maintenance of the Arkansas river decision support system (section 7); - \$500,000 for South Platte basin groundwater level data collection and analysis (section 8); - \$250,000 for Gunnison basin irrigation system planning and optimization (section 9); - \$100,000 for the implementation of drought mitigation strategies (section 10); - \$750,000 for continuation of the alternative agriculture water transfer sustainability grant program (section 11); - \$1,575,000 for the board to participate in the construction of Long Hollow reservoir (section 13); - \$87,769,000 for loans to special water districts to enable them to purchase storage space in the Chatfield reallocation project (section 14); and - \$43,430,000 to allow certain special water districts to participate in and construct the water infrastructure supply efficiency (WISE) project (section 15). <p>The bill also directs the state treasurer to transfer moneys on July1, 2014, 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 5); and - \$1,200,000 for the litigation fund (section 12). <p>Section 16:</p> <ul style="list-style-type: none"> - Authorizes CWCB to receive and expend proceeds from its water allocation in the Animas-La Plata project, and section 17 authorizes CWCB to receive and expend proceeds from its partial storage ownership in the Chatfield reallocation project; - Extends the CWCB's spending authority for the Windy Gap from July 1, 2014, to July 1, 2016; and - Transfers \$1,575,000 from the severance tax perpetual base fund to the CWCB construction fund for the board to participate in the construction of Long Hollow reservoir as specified in section 13. 				