

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

April 7, 2014 Report #11 Water (2014 Legislative Session)

The State Affairs Committee met on Monday April 7, 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) has been heard on floor of both the Senate and House, and the bill and amendments will be referred to a conference committee before being finalized. The next scheduled meeting of the State Affairs Committee is Monday April 14, 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: **SB 171** – (New Energy Improvement Districts to Arrange Financing for Water Conservation Fixtures), and **SB 179** (Creation Flood Debris Cleanup Grant).

Once again, there was considerable discussion around HB 1332, which would implement recommendations from the South Platte Groundwater Study (HB 1278 from 2012 session). The bill was previously tabled at the request Representative Fischer, but was scheduled for possible action by the State Affairs Committee at the April 7th meeting. Representative Fischer and the bill proponents once again requested that any action by the State Affairs be tabled until the following week, but the Committee voted to oppose the bill. There were a number of abstentions including one registered by SWCD. Legislative Updates were also provided for SB 145 (Roberts & Hodge, Incentives for Water Conservation) and SB 147 (Renfroe/Fischer, Study Impact of Well Pumping in District 2 South Platte). SB 145 will likely be PI'd (Postponed Indefinitely) at the request of Senator Roberts upon passage of SB 17 which will require further discussion of water conservation measures by the Water Resources Review (Interim) Committee this summer. Steve Harris and Bruce Whitehead of the Southwestern Water Conservation District, and Chris Treese of the Colorado River District have been invited to attend a signing ceremony by Governor Hickenlooper for SB 17 on Friday April 11, 2014.

Proposed Legislation: N/A

Note: The latest versions of the Public Trust Initiative (#103) and (#115) are scheduled for a Title Board Hearing on April 16, 2014. Initiative #89 (Local Government Regulation of the Environment introduced by Greg Diamond) had the title set on April 2nd, and is set for a Re-hearing on April 16th. These Public Trust Initiatives are being closely monitored by the Water Congress, along with a number of other initiatives that could impact Water Congress members. The Colorado Water Stewardship Project was initiated last year to prepare for the anticipated Public Trust Doctrine ballot proposals. All water interests should become educated about the adverse impacts to our current water rights system and to the Doctrine of Prior Appropriation if these ballot measures 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
Representative Mike McLachlan: 303-866-2914
Representative Don Coram: 303-866-2955

ellen.roberts.senate@state.co.us
mike.mclachlan.house@state.co.us
don.coram.house@state.co.us

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
<p>SB 171</p> <p>New Energy District Finance Water Conservation</p>	<p>S Schwartz/Jones H Tyler</p> <p>Ag, Natural Resources & Energy</p>	<p>CONCERNING THE ABILITY OF THE COLORADO NEW ENERGY IMPROVEMENT DISTRICT TO ARRANGE FINANCING FOR WATER CONSERVATION FIXTURES.</p>	<p><i>Motion to Support passed unanimously</i></p>	<p>03/27/14</p> <p>SUPPORT</p>
<p>SUMMARY: The Colorado new energy improvement district may arrange financing, secured by a lien on the affected real estate, for the installation of energy efficiency improvements in residences and commercial buildings. The bill adds water conservation fixtures to the definition of an "energy efficiency improvement".</p>				
<p>SB 179</p> <p>Flood Debris Cleanup Grants</p>	<p>S Nicholson/Renfroe H Foote/Sonnenberg</p> <p>Ag, Livestock, & Nat'l Resources</p>	<p>CONCERNING THE CREATION OF A FLOOD DEBRIS CLEANUP GRANT ACCOUNT TO FACILITATE WATERSHED CLEANUP EFFORTS IN AREAS AFFECTED BY THE SEPTEMBER 2013 FLOOD, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.</p>	<p><i>Motion to Support passed unanimously</i></p>	<p>04/01/14</p> <p>SUPPORT</p>
<p>SUMMARY: In response to the September 2013 flood, the bill creates a flood debris cleanup grant account in the flood and drought response fund for the purpose of allowing the Colorado water conservation board to make grants to help pay the costs of watershed cleanup in areas affected by the flood. The bill makes a statutory appropriation of \$5,000,000 to the board for implementation of the grant program. The appropriation and the special account are both subject to automatic repeal on July 1, 2015.</p>				

Bill No. Title	Sponsors Committee	Concerning	Amendments Comments	When Introduced CWC Action
<p>HB 1332</p> <p>South Platte River Basin Water Management</p>	<p>H Fischer S N/A</p> <p>Ag, Livestock & Nat'l Resources</p>	<p>CONCERNING WATER MANAGEMENT IN THE SOUTH PLATTE RIVER BASIN.</p>	<p><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></p> <p><i>Action tabled until 4/07/14.</i></p> <p>Motion to Oppose passed 20-3, 11 abstained.</p>	<p>03/19/14</p> <p>OPPOSE</p>
<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. 				