

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

March 17, 2014 Report #9 Water (2014 Legislative Session)

The State Affairs Committee met on Monday March 17, 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 next scheduled meeting of the State Affairs Committee is Monday March 24, 2014.

There are a number of water related bills that have been introduced during this session. Many of the bills have now been passed out of Committees 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), and a draft House Bill, **LLS 14-0829** that will be introduced this week (South Platte Water Management). There was considerable discussion around LLS 14-0829, and a motion to form a sub-committee of the State Affairs to work with the bill proponents (Central Colorado Water Conservancy District) failed. The bill would implement some of the recommendations from the South Platte Groundwater Study (HB 1278) from the 2012 session. After the bill is formally introduced and discussed by the State Affairs Committee, there may be more discussion about the possibility of a sub-committee being established.

Proposed Legislation: It is anticipated that the Colorado Water Conservation Board (CWCB) will introduce their annual project and funding bill later this week.

Please Note: The latest version of the Public Trust Initiative has now been submitted by Phil Doe and Barbara Mill-Bria as **Initiative 103**. The previous versions were *withdrawn* prior to the Review and Comment Hearings. The Colorado Water Congress launched the Colorado Water Stewardship Project last year to prepare for the anticipated Public Trust Doctrine ballot proposal. All water interests in Colorado 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://cwaterstewardship.com/>

Other Ballot Initiatives have been introduced, withdrawn, and refiled include; **Right to Local Self Government** (Initiative 63 to 70 to 72 to **75**), **Recall of State and Local Officers** (Initiatives 69 to 71 to **76**), and Initiative **79** that would require a **2/3 vote** rather than a simple majority to **retain judges**. All of these Ballot Initiatives will continue to be monitored and discussed by the State Affairs Committee.

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

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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.		03/14/14 DISCUSSION

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 (LLS 14-0829) 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>	N/A DISCUSSION
<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. 				