

# Colorado River District

April 24, 2017

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## [HB17-1008](#)

### Graywater Regulation Exemption For Scientific Research

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**Position:** Monitor

**Short Title:** Graywater Regulation Exemption For Scientific Research

**Sponsors:** J. Arndt / J. Sonnenberg

**Summary:** To facilitate scientific research related to graywater uses the bill creates an exemption from the commission's graywater control regulations for scientific research involving human subjects whereby a person may collect and use graywater for purposes of scientific research involving human subjects if the person: " Seeks to conduct the scientific research on behalf of an institution of higher education; " Utilizes a graywater treatment works system that incorporates a secondary water supply to provide an alternative source of water if any portion of the system does not function properly; and " Collects and uses graywater in accordance with the terms and conditions of the decrees, contracts, and well permits applicable to the use of the source water rights or source water and any return flows. This is an Interim Committee bill.

**Status:** 4/12/2017 Senate Third Reading Passed - No Amendments

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## [HB17-1030](#)

### Update 1921 Irrigation District Law

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**Position:** Support

**Short Title:** Update 1921 Irrigation District Law

**Sponsors:** J. Arndt | J. Becker / J. Sonnenberg | R. Baumgardner

**Summary:** This bill amends the 1921 Irrigation District Act to: " Remove inconsistencies and update antiquated provisions; " Clarify the definition of landowners entitled to receive water, vote in district elections, and serve on the board of directors; " Update dollar figures and, in subsequent years, adjust for inflation; " Define 'agricultural land'; " Update election procedures; " Clarify how irrigation district assessments are collected and held; and " Modernize procedures for selling surplus property. The bill also clarifies that water acquired in excess of an irrigation district's own needs can be leased for all beneficial purposes, rather than only for domestic, agricultural, and power and mechanical purposes, and that the provisions of the 1921 irrigation district law are in addition to powers conferred on irrigation districts in other statutes. This is an Interim Committee bill.

**Status:** 3/8/2017 Governor Signed

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## [HB17-1033](#)

### Colorado Water Conservation Board Grants Loans Dredge South Platte Basin Reservoirs

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**Position:** Monitor

**Short Title:** Colorado Water Conservation Board Grants Loans Dredge South Platte Basin Reservoirs

**Sponsors:** J. Becker / J. Sonnenberg

**Summary:** Concerning an authorization for the Colorado water conservation board to finance South Platte river basin reservoir dredging projects. This is an Interim Committee bill.

**Status:** 3/13/2017 House Committee on Agriculture, Livestock, & Natural Resources Postpone Indefinitely

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[HB17-1076](#)**Artificial Recharge Nontributary Aquifer Rules**

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**Position:** Monitor

**Short Title:** Artificial Recharge Nontributary Aquifer Rules

**Sponsors:** J. Arndt / S. Fenberg | D. Coram

**Summary:** Currently, the state engineer must promulgate rules for the permitting and use of waters artificially recharged into 4 named aquifers. The bill adds the requirement that the state engineer also promulgate rules for the permitting and use of waters artificially recharged into nontributary groundwater aquifers. The rules must be promulgated on or before July 1, 2018.

**Status:** 3/30/2017 Governor Signed

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[HB17-1190](#)**Limited Applicability Of St. Jude's Co. Water Case**

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**Position:** Support

**Short Title:** Limited Applicability Of St. Jude's Co. Water Case

**Sponsors:** K. Becker / J. Sonnenberg

**Summary:** In the case of *St. Jude's Co. v. Roaring Fork Club, LLC*, 351 P.3d 442 (Colo. 2015) (*St. Jude's Co.*), the Colorado supreme court held that direct diversions of water from a river to a private ditch for aesthetic, recreational, and piscatorial purposes on private property, without impoundment, are not beneficial uses of water under Colorado water law.

The bill provides that the decision in the *St. Jude's Co.* case interpreting section 37-92-103 (4) does not apply to previously decreed absolute and conditional water rights or claims pending as of July 15, 2015. The interpretation of section 37-92-103 (4) in *St. Jude's Co.* applies only to direct-flow appropriations, without storage, filed after July 15, 2015, for water diverted from a surface stream or tributary groundwater by a private entity for private aesthetic, recreational, and piscatorial purposes. *(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)*

**Status:** 4/20/2017 Senate Committee on Agriculture, Natural Resources, & Energy Refer Amended to Senate Committee of the Whole

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[HB17-1219](#)

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**Extend Colorado Water Conservation Board Following And Leasing Pilot Program**

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**Position:** Support

**Short Title:** Extend Colorado Water Conservation Board Following And Leasing Pilot Program

**Sponsors:** J. Arndt | B. McLachlan / K. Donovan | L. Crowder

**Summary:** The Colorado water conservation board (board) administers a pilot program to demonstrate the practice of fallowing agricultural irrigation land and leasing the associated water rights for temporary municipal, agricultural, environmental, industrial, or recreational use. Under the current pilot program, the board, in consultation with the state engineer, may authorize up to 10 pilot projects, each of a duration up to 10 years. Of the 10 pilot projects that the board may authorize, no more than 3 pilot projects may be located in any one of the following major river basins: The South Platte river basin; the Arkansas river basin; the Rio Grande river basin; and the Colorado river basin. An applicant must apply on or before December 31, 2018, to sponsor a pilot project. The pilot program is scheduled to be completed in 2029, at which time the board, in consultation with the state engineer, is required to provide a final report to the water resources review committee, or its successor committee, on the results of the pilot projects authorized.

The bill extends the pilot program as follows:

- The board, in consultation with the state engineer, may authorize up to 15 pilot projects;
- No more than 5 pilot projects may be located in any one of the 4 major river basins listed above;
- An applicant must apply on or before December 31, 2023, to sponsor a pilot project; and
- The pilot program would be completed in 2034, at which time the board, in consultation with the state engineer, would provide a final report to the water resources review committee or its successor committee.

*(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)*

**Status:** 4/12/2017 Senate Third Reading Passed - No Amendments

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[HB17-1233](#)

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**Protect Water Historical Consumptive Use Analysis**

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**Position:** Support

**Short Title:** Protect Water Historical Consumptive Use Analysis

**Sponsors:** J. Arndt / L. Crowder

**Summary:** When a water right owner wishes to change a water right, the amount of water that can be changed is limited to the historical consumptive use of the water right. Current law provides that the reduced water usage that results from participation in a government-sponsored water conservation program will not be considered in analyzing the historical consumptive use of the water right, but only in water divisions 4, 5, or 6. The bill applies this rule statewide, includes water conservation pilot programs, and limits state agencies that can approve a water conservation program to only those that have explicit statutory jurisdiction over water conservation or water rights.

*(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)*

**Status:** 4/17/2017 House Considered Senate Amendments - Result was to Concur - Repass

**Position:** Support

**Short Title:** Colorado Water Conservation Board Construction Fund Project

**Sponsors:** J. Arndt / J. Sonnenberg

**Summary:** The bill appropriates the following amounts from the Colorado water conservation board (CWCB) construction fund (fund) to the CWCB or the division of water resources for the following projects:

\$380,000 for continuation of the satellite monitoring system maintenance ( **section 1** );  
\$500,000 for continuation of the Colorado floodplain map modernization program ( **section 2** );  
\$200,000 for continuation of the Colorado decision support system operation and maintenance  
\$175,000 for continuation of the weather modification program ( **section 4** );  
\$154,000 for the support of the Colorado Mesonet, a spatially coherent network of weather stations reporting in near real-time via major data portals ( **section 5** );  
\$800,000 for continuation of the water forecasting partnership project ( **section 6** );  
\$1,000,000 for continuation of the alternative agricultural transfer methods grant program ( **section 7** );  
\$500,000 for continuation of technical assistance for the federal irrigation improvement cost-sharing prgm  
\$1,100,000 for implementation of the Colorado water loss control initiative ( **section 9** );  
\$10,000,000 for continuation of the Rio Grande cooperative project ( **section 12** );  
\$5,000,000 for continuation of the watershed restoration program ( **section 13** ); and  
\$10,000,000 for implementation of the Colorado water plan ( **section 14** ).

**Section 10** appropriates \$260,000 from the public and private utilities sector fund to the water quality control division in the Colorado department of public health and environment for updating regulations related to nonpotable water reuse and graywater usage.

**Section 11** authorizes the CWCB to make loans in the amount of up to \$90,000,000 from the fund for the Windy Gap firming project.

The bill directs the state treasurer to transfer the following amounts from the fund:

- Up to \$500,000 to the flood and drought response fund ( **section 15** );
- \$1,300,000 to the litigation fund ( **section 16** );
- \$300,000 to the feasibility study small grant fund ( **section 17** );
- \$1,500,000 to the fish and wildlife resources fund ( **section 18** );
- \$260,000 to the public and private utilities sector fund ( **section 19** ).

**Section 21** transfers the following amounts from the severance tax perpetual base fund to the fund:

- On July 1, 2017, \$10,000,000 for the Rio Grande cooperative project;
- On July 1, 2017, \$5,000,000 for the watershed restoration program;
- On July 1, 2017, and each July 1 thereafter, \$10,000,000 for implementation of the state water plan; and
- On July 1, 2017, \$10,000,000 to supplement the water supply reserve fund.

Section 21 also transfers, on July 1, 2017, \$30,000,000 from the severance tax perpetual base fund to the loan guarantee fund, which fund is created in **section 20** for use by the CWCB for the purpose of guaranteeing the repayment of loans for water projects with multiple participants; except that, if, on or before June 30, 2017, the CWCB informs the state treasurer that an amount less than \$30,000,000 should be transferred from the severance tax perpetual base fund to the loan guarantee fund, the state treasurer is required to transfer that lesser amount on July 1, 2017.

*(Note: This summary applies to this bill as introduced.)*

**Status:** 4/21/2017 House Committee on Appropriations Refer Unamended to House Committee of the Whole

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[HB17-1273](#)

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**Real Estate Development Demonstrate Water Conservation**

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**Position:** Support in concept

**Short Title:** Real Estate Development Demonstrate Water Conservation

**Sponsors:** H. McKean | C. Hansen / M. Jones | D. Coram

**Summary:** Current law's definition of a water supply that is 'adequate' for purposes of a local government's approval of a real estate development permit merely allows the inclusion of reasonable conservation measures and water demand management measures to account for hydrologic variability. The bill amends the definition to include reasonable conservation measures and water demand management measures to reduce water needs and account for hydrologic variability ( **section 2** of the bill) and prohibits the local government from approving the permit application unless the applicant demonstrates that appropriate water conservation and demand management measures have been included in the water supply plan ( **section 3** ).

Current law also requires an applicant for a real estate development permit to demonstrate to the local government issuing the permit:

- The water conservation measures, if any, that may be implemented within the development; and
- The water demand management measures, if any, that may be implemented to account for hydrologic variability.

**Section 4** requires the applicant to demonstrate:

- The water conservation measures that may be implemented within the development to reduce indoor and outdoor demand; and
- The water demand management measures that may be implemented to account for hydrologic variability.

*(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)*

**Status:** 4/24/2017 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

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[HB17-1285](#)

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**Refinance Water Pollution Control Program**

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**Position:** Support

**Short Title:** Refinance Water Pollution Control Program

**Sponsors:** D. Mitsch Bush | P. Lawrence / C. Jahn | J. Cooke

**Summary:** Current law finances the state's water quality program with a mix of general fund money and fees that are paid by sources that discharge pollutants into the state's waters. **Section 2** of the bill raises the fees and establishes goals for future adjustments of the ratio of revenue from fees and the general fund as follows:

- Commerce and industry sector: 50% general fund and 50% cash funds;
- Construction sector: 20% general fund and 80% cash funds;
- Municipal separate storm sewer: 50% general fund and 50% cash funds;
- Pesticides sector: 94% general fund and 6% cash funds;
- Public and private utilities sector: 50% general fund and 50% cash funds; and
- Water quality certifications sector: 5% general fund and 95% cash funds.

**Section 4** appropriates \$433,042 from the general fund to the department of public health and environment for use by the water quality control division, and **section 5** appropriates \$774,965 to the department for use by the division from the 6 water quality sector funds.

*(Note: This summary applies to this bill as introduced.)*

**Status:** 4/3/2017 House Committee on Finance Refer Unamended to Appropriations

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[HB17-1289](#)

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**State Engineer Rules Historical Consumptive Use**

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**Position:** Monitor

**Short Title:** State Engineer Rules Historical Consumptive Use

**Sponsors:** C. Hansen | D. Valdez / D. Coram | L. Crowder

**Summary:** When a water right owner wishes to change a water right???whether a temporary loan or change approved by the state engineer or a permanent change approved by a water judge???the determination of the amount of water that can be loaned or changed relies on a calculation of the historical consumptive use of the water right. The bill directs the state engineer to promulgate rules that take into account local conditions that an applicant can use to calculate historical consumptive use. The results of the calculation carry no presumptive weight before the state engineer, water referee, or water judge.

*(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)*

**Status:** 4/21/2017 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy

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[HB17-1291](#)

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**Alternate Storage Not Change If Already Quantified**

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**Position:** Amend

**Short Title:** Alternate Storage Not Change If Already Quantified

**Sponsors:** J. Becker | J. Arndt / D. Coram

**Summary:** The introduced bill allows storage in any reservoir of a water right that has been quantified for historical consumptive use, without a change of water right if the water will be diverted from the decreed point of diversion and notice given. It is a narrow bill with limited application. The bill sponsor has agreed to address our requests: maintain right of appeal and shall not apply to water diverted from another water division. If this bill is amended a position of neutral may be appropriate.

**Status:** 4/24/2017 House Third Reading Passed - No Amendments

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[HB17-1321](#)

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**Parks And Wildlife Financial Sustainability**

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**Position:** Support for funds for ANS

**Short Title:** Parks And Wildlife Financial Sustainability

**Sponsors:** J. Arndt | J. Wilson / S. Fenberg | D. Coram

**Summary:** Provides a variety of new and increased revenue sources to Colorado Parks and Wildlife. Of particular interest to the River District are new and increased boat fees and consolidates two existing ANS funds into one receiving revenues from the boat fees.

**Status:** 4/19/2017 House Committee on Finance Refer Unamended to Appropriations

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[HJR17-1003](#)

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**Water Projects Eligibility Lists**

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**Position:** Support

**Short Title:** Water Projects Eligibility Lists

**Sponsors:** J. Arndt / J. Sonnenberg

**Summary:** The bill appropriates \$5 million from the Colorado water conservation board construction fund to the Colorado water conservation board to make loans and grants to enable the recipients to dredge existing reservoirs located in the South Platte river basin to restore the reservoirs' full decreed storage capacity.

**Status:** 2/21/2017 Governor Signed

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**[HJR17-1004](#)**      **Funding Prevent Aquatic Nuisance Species**

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**Position:** Support

**Short Title:** Funding Prevent Aquatic Nuisance Species

**Sponsors:** D. Mitsch Bush / R. Baumgardner

**Summary:** Resolves that aquatic nuisance species (ANS) must be avoided or mitigated in Colorado waters. The focus of the resolution is calling for federal agency participation in existing ANS inspection, prevention and mitigation programs, especially zebra and quagga mussels prevention.

**Status:** 2/6/2017 Signed by the President of the Senate

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**[SB17-026](#)**      **State Engineer Statutes Cleanup**

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**Position:** Support

**Short Title:** State Engineer Statutes Cleanup

**Sponsors:** J. Sonnenberg / J. Arndt

**Summary:** The bill updates existing statutes related to the state engineer and the division of water resources. It is a nearly identical repeat of a bill proposed by the Office of the State Engineer to the 2015 Interim Water Committee. The Committee rejected that bill because it included unilateral authority to increase fees. This years bill does not include that provision. This is an Interim Committee bill

**Status:** 3/16/2017 Governor Signed

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**[SB17-036](#)**      **Appellate Process Concerning Groundwater Decisions**

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**Position:** Monitor

**Short Title:** Appellate Process Concerning Groundwater Decisions

**Sponsors:** R. Scott | D. Coram / J. Becker | J. Arndt

**Summary:** Under current law, the decisions or actions of the ground water commission or the state engineer regarding groundwater are appealed to a district court, and the evidence that the district court may consider is not limited to the evidence that was presented to the commission or state engineer. This bill limits the evidence that a district court may consider, when reviewing a decision or action of the commission or state engineer on appeal to the evidence presented to the commission or state engineer. This is repeat of bill defeated in the Senate last year. The River District monitored that bill. The Groundwater Commission has no jurisdiction over waters on the West Slope.

**Status:** 4/18/2017 Governor Signed

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**[SB17-117](#)**      **Recognize Industrial Hemp Agricultural Product For Agricultural Water Right**

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**Position:** Monitor

**Short Title:** Recognize Industrial Hemp Agricultural Product For Agricultural Water Right

**Sponsors:** D. Coram / D. Valdez | M. Catlin

**Summary:** This bill confirms that an agricultural water right may be used for irrigation of industrial hemp, subject to registration with Colo Dept. of Ag.

**Status:** 4/24/2017 House Third Reading Passed - No Amendments

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| <a href="#">SB17-152</a> | <b>Implement Changes Made By Amendment 71</b>  |
| Position:                | Support  |
| Short Title:             | Implement Changes Made By Amendment 71   |
| Sponsors:                | L. Court / C. Kennedy  |
| Summary:                 | Concerning the implementation of voter-approved changes to the Colorado constitution that make it more difficult to amend the state constitution, and, in connection therewith, prohibiting a petition for an initiated amendment to the state constitution from being submitted to voters unless the petition is signed by the constitutionally required number of registered electors who reside in each state senate district and total number of registered electors, and requiring at least fifty-five percent of the votes cast on any amendment to the state constitution to adopt the amendment unless the amendment only repeals in whole or in part a provision of the state constitution, in which case requiring a majority of the votes cast on the amendment to adopt the amendment. |
| Status:                  | 4/20/2017 Signed by the Speaker of the House   |

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| <a href="#">SB17-202</a> | <b>Species Conservation Trust Fund Projects</b>  |
| Position:                | Support  |
| Short Title:             | Species Conservation Trust Fund Projects   |
| Sponsors:                | D. Coram / D. Esgar  |
| Summary:                 | The bill appropriates \$1.5 million from the species conservation trust fund for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that state or federal law list as threatened or endangered or that are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service as follows: <ul style="list-style-type: none"><li>• Native terrestrial wildlife conservation, \$375,000;</li><li>• Native aquatic wildlife conservation, \$375,000;</li><li>• Platte river recovery implementation program, \$600,000; and</li><li>• Nonnative fish control, \$150,000.</li></ul> <i>(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)</i> |
| Status:                  | 4/20/2017 House Committee on Health, Insurance, & Environment Refer Unamended to Appropriations  |

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| <a href="#">SB17-235</a> | <b>Pilot Project Seaplanes Land In State Parks</b>  |
| Position:                | Oppose  |
| Short Title:             | Pilot Project Seaplanes Land In State Parks   |
| Sponsors:                | L. Crowder   N. Todd / J. Melton  |
| Summary:                 | Current state park law excludes seaplanes from the definition of a 'vessel', and applicable park rules essentially prohibit seaplanes from landing in or taking off from state park water bodies. The bill creates a pilot project to allow amphibious seaplanes to land in at least 2 state parks after the seaplanes have been inspected for and decontaminated of aquatic nuisance species. The parks and wildlife commission may adopt rules to implement the pilot program.<br><i>(Note: This summary applies to this bill as introduced.)</i> |
| Status:                  | 4/6/2017 Senate Committee on Agriculture, Natural Resources, & Energy Postpone Indefinitely   |



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| <a href="#"><u>SB17-259</u></a> | <b>General Fund Transfers Protect Natural Resources</b>  |
| Position:                       | Support  |
| Short Title:                    | General Fund Transfers Protect Natural Resources   |
| Sponsors:                       | K. Lundberg / B. Rankin  |
| Summary:                        | <b>Joint Budget Committee.</b> On July 1, 2017, the bill requires the state treasurer to transfer money from the general fund as follows: <ul style="list-style-type: none"> <li>• \$2,272,727 million to the forest restoration and wildfire risk mitigation grant program cash fund;</li> <li>• \$4,090,909 million to the species conservation trust fund;</li> <li>• \$2,452,193 million to the division of parks and outdoor recreation aquatic nuisance species fund; and</li> <li>• \$1,184,171 million to the division of wildlife aquatic nuisance species fund.</li> </ul> <i>(Note: This summary applies to this bill as introduced.)</i> |
| Status:                         | 4/21/2017 Senate Considered House Amendments - Result was to Concur - Repass   |

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| <a href="#"><u>SB17-282</u></a> | <b>Dedicate Reservoir Release Environmental Purposes</b>   |
| Position:                       | Support as amended   |
| Short Title:                    | Dedicate Reservoir Release Environmental Purposes  |
| Sponsors:                       | J. Sonnenberg / D. Esgar   H. McKean   |
| Summary:                        | The bill creates a process whereby an owner of a storage water right may obtain a decree that authorizes releases from storage to a downstream point of diversion or delivery for decreed beneficial uses to be dedicated to, and used by, the Colorado water conservation board in the intervening stream reach to preserve or improve the natural environment to a reasonable degree if specified conditions are satisfied. <p><i>(Note: This summary applies to this bill as introduced.)</i></p> |
| Status:                         | 4/20/2017 Senate Committee on Agriculture, Natural Resources, & Energy Postpone Indefinitely   |

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| <a href="#"><u>SJM17-001</u></a> | <b>Memorialize Congress To Fund Wildfire Response</b>  |
| Position:                        | Support  |
| Short Title:                     | Memorialize Congress To Fund Wildfire Response   |
| Sponsors:                        | M. Merrifield   M. Jones / D. Thurlow   M. Hamner  |
| Summary:                         | Concerning the need for Congress to fund catastrophic wildfire response costs outside of federal forest management agencies' normal budgets. |
| Status:                          | 2/14/2017 Signed by the President of the Senate  |

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| <a href="#"><u>SJR17-013</u></a> | <b>Public Input And General Assembly Review Before New Nutrient Requirements</b> |
| Position:                        | Support in Concept   |
| Short Title:                     | Public Input And General Assembly Review Before New Nutrient Requirements        |
| Sponsors:                        | D. Coram / M. Catlin   |
| Summary:                         | *** No bill summary available ***  |
| Status:                          | 4/21/2017 House Third Reading Laid Over to 04/24/2017 - No Amendments            |