

## CHAPTER 212

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**WATER AND IRRIGATION**


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**HOUSE BILL 22-1316**

BY REPRESENTATIVE(S) McCormick and Catlin, Amabile, Bacon, Benavidez, Bernett, Bird, Bockenfeld, Boesenecker, Caraveo, Carver, Esgar, Exum, Geitner, Gray, Holtorf, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Lontine, Lynch, McCluskie, McKean, Michaelson Jenet, Pico, Roberts, Soper, Titone, Valdez D., Van Beber, Weissman, Will, Young, Garnett; also SENATOR(S) Donovan and Simpson, Bridges, Coram, Gardner, Gonzales, Hinrichsen, Jaquez Lewis, Lee, Lundeen, Pettersen, Rankin, Sonnenberg, Story, Winter, Fenberg.

**AN ACT**

**CONCERNING THE FUNDING OF COLORADO WATER CONSERVATION BOARD PROJECTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Continuation of the satellite monitoring system - operation and maintenance - appropriation.** (1) For the 2022-23 state fiscal year, \$380,000 is appropriated to the department of natural resources for use by the division of water resources. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the division of water resources may use this appropriation for renovation of existing gauging stations; replacement of outdated collection platforms; lysimeter support, data collection, and maintenance; upgrading of transmission components of the satellite monitoring system established and operated pursuant to section 37-80-102 (10), C.R.S.; stream gauge flood hardening projects; and data collection efforts related to flood forecasting and warning.

(2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

**SECTION 2. Continuation of the Colorado floodplain map modernization program - appropriation.** (1) For the 2022-23 state fiscal year, \$500,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

continue to assist with the preparation of revised and improved floodplain studies and maps for communities throughout Colorado and participate in federally sponsored floodplain map modernization activities.

(2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

**SECTION 3. Continuation of the weather modification permitting program - appropriation.** (1) For the 2022-23 state fiscal year, \$350,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to continue to assist water conservation districts, water conservancy districts, and other water providers and their fiscal agents with the development of cloud seeding programs that provide benefits to recreation, streams, and reservoirs through snowpack enhancement.

(2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

**SECTION 4. Continuation of technical assistance for federal cost-share programs - appropriation.** (1) For the 2022-23 state fiscal year, \$300,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to continue to provide technical assistance for applicants seeking competitive grants from federal water infrastructure, quality, and delivery programs, such as the United States department of agriculture's regional conservation partnership program, the Colorado river basin salinity control program, and the Gunnison selenium management program.

(2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

**SECTION 5. Restoration of litigation fund cash balance - transfer.** On July 1, 2022, the state treasurer shall transfer the sum of \$2,000,000, or so much thereof as may be necessary to restore the balance of the litigation fund to \$2,000,000, from the unreserved cash in the Colorado water conservation board construction fund created in section 37-60-121, C.R.S., to the litigation fund created in section 37-60-121 (2.5), C.R.S., to assist in addressing legal issues associated with compact compliance or any other litigation activities as specified under section 37-60-121, C.R.S.

**SECTION 6. Continuation of the Arkansas river decision support system - appropriation.** (1) For the 2022-23 state fiscal year, \$500,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to continue

implementation of the Arkansas river decision support system (ArkDSS), as identified in the ArkDSS feasibility study completed in December 2011.

(2) The money appropriated in subsection (1) of this section remains available for the designated purposes until the ArkDSS is completed.

**SECTION 7. Continuation of the Colorado Mesonet project - appropriation.**

(1) For the 2022-23 state fiscal year, \$150,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to support the Colorado Mesonet, including for the following activities: Operation, maintenance, travel, communications, and database and website management for temperature and precipitation stations.

(2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

**SECTION 8. Continuation of the water forecasting partnership project - appropriation.**

(1) For the 2022-23 state fiscal year, \$450,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to support the development of new ground and aerial remote sensing data and equipment and hydrologic modeling, to provide reliable volumetric water supply forecasting, and to provide better characterization of snowpack.

(2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

**SECTION 9. Modeling and data analyses for the upper Colorado river commission - appropriation.**

(1) For the 2022-23 state fiscal year, \$200,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to provide support to the upper Colorado river commission's interstate planning and negotiation efforts, including the following modeling and data analyses: Streamgaging and streamflow, runoff forecasting, consumptive use, reservoir operations and evaporation, and drought contingency planning.

(2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

**SECTION 10. Grant-making for projects that assist in implementing the state water plan - transfer.**

On July 1, 2022, the state treasurer shall transfer the sum of \$1,000,000 from the unreserved cash in the Colorado water conservation board construction fund created in section 37-60-121, C.R.S., to the water plan implementation cash fund created in section 37-60-123.3 (1)(a), C.R.S.

**SECTION 11. Reservoir enlargement assessment project - appropriation.**

(1) For the 2022-23 state fiscal year, \$250,000 is appropriated to the department of natural resources for use by the division of water resources. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the division of water resources may use this appropriation to conduct comprehensive dam safety evaluations on existing dams that have a potential consideration for enlargement.

(2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

**SECTION 12. Platte river recovery implementation program - appropriation.**

(1) For the 2022-23 state fiscal year, \$3,800,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to support the Platte river recovery implementation program, which implements certain aspects of the United States fish and wildlife service's recovery plans for the whooping crane, pallid sturgeon, and piping plover and provides compliance with the "Endangered Species Act of 1973", 16 U.S.C. sec. 1531, et seq., as amended, for Colorado water projects.

(2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

**SECTION 13. Republican river matters - appropriation.** (1) For the 2022-23 state fiscal year, \$2,000,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation for Republican river matters, including providing matching cash incentives to producers to reduce irrigation and facilitate land retirement within the south fork of the Republican river and assist the Republican river water conservation district in meeting compact compliance obligations pursuant to the Republican river compact.

(2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

**SECTION 14. Goose Pasture Tarn Dam project loan authorization.** (1) The Colorado water conservation board is authorized to loan up to \$13,130,000 from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S., to the town of Breckenridge to rehabilitate the Goose Pasture Tarn dam, which is located on the Blue river and supplies water to the town of Breckenridge.

(2) The money authorized in subsection (1) of this section remains available for the designated purposes until it is fully expended.

(3) The Colorado water conservation board may make a loan for the construction of the project specified in subsection (1) of this section from such money as is or

may become available to the Colorado water conservation board construction fund. The loan must be in the amount listed in subsection (1) of this section plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs or as may be justified by reason of change in the plans for the project due to differing or unforeseen site conditions, errors or omissions in the plans and specifications, changes instituted by regulatory agencies, or changes in material quantities beyond contract limits.

(4) Pursuant to section 37-60-120 (1), C.R.S., the Colorado water conservation board shall require such terms and conditions in the loan contract as will ensure repayment of money made available by it. The board shall not disburse any money for a loan authorized by subsection (1) of this section unless and until it is satisfied, in its sole discretion, that the recipient of the loan will be able to make repayment pursuant to the terms and conditions established by the board.

**SECTION 15. Grant-making for projects that assist in implementing the state water plan - appropriation.** (1) For the 2022-23 state fiscal year, \$8,200,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the water plan implementation cash fund created in section 37-60-123.3 (1)(a), C.R.S. To implement this section, the Colorado water conservation board may use this appropriation for grant-making for projects that assist in the implementation of the state water plan pursuant to section 37-60-106.3 (6), C.R.S., through the Colorado water conservation board's application and guidelines process.

(2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

**SECTION 16. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: May 23, 2022