

## CHAPTER 383

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**WATER AND IRRIGATION**


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## SENATE BILL 23-177

BY SENATOR(S) Roberts and Simpson, Bridges, Buckner, Coleman, Cutter, Exum, Gardner, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Kirkmeyer, Lundeen, Marchman, Moreno, Mullica, Pelton B., Pelton R., Priola, Rodriguez, Van Winkle, Will, Winter F., Zenzinger, Fenberg;  
 also REPRESENTATIVE(S) McCormick and Catlin, Amabile, Armagost, Bacon, Bird, Bockenfeld, Boesenecker, Bradley, Brown, English, Epps, Frizell, Hamrick, Hartsook, Herod, Holtorf, Jodeh, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Lynch, Michaelson Jenet, Ricks, Sirota, Snyder, Story, Titone, Velasco, Vigil, Weinberg, Weissman, Willford, Winter T., Woodrow, Young, McCluskie.

## 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 2023-24 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 to install, maintain, and operate satellite monitored stream gauges and lysimeters for water rights administration and data collection pursuant to section 37-80-102 (10), C.R.S.

(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 2023-24 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 to assist with the preparation of revised and improved floodplain studies

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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.*

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 2023-24 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 assist water conservation and conservancy districts with the development of cloud seeding programs to 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. Restoration of fish and wildlife resources fund balance - transfer.** On July 1, 2023, the state treasurer shall transfer \$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 fish and wildlife resources fund created in section 37-60-121 (6), C.R.S., to continue grant-making to assist with the mitigation of fish and wildlife resources affected by the construction, operation, or maintenance of water diversion, delivery, or storage facilities.

**SECTION 5. Restoration of litigation fund cash balance - transfer.** On July 1, 2023, the state treasurer shall transfer \$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 watershed restoration program - appropriation.** (1) For the 2023-24 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 provide planning, engineering, and implementation measures to address technical needs for watershed restoration and flood mitigation projects throughout the state; aquatic habitat protection; flexible operations for multiple uses; restoration work; quantification of environmental flow needs; and monitoring efforts to support healthy stream and watershed goals outlined in the state water plan.

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

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

(1) For the 2023-24 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 2023-24 state fiscal year, \$1,000,000 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 to support the development of new ground and aerial remote sensing data, to develop hydrologic modeling practices, 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. Division of water resources mobile field data collection application project - appropriation.**

(1) For the 2023-24 state fiscal year, \$800,000 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 develop a mobile application for phone operating systems that will allow division employees to perform work more efficiently and provide updated information in real time.

(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, 2023, the state treasurer shall transfer \$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 water plan implementation cash fund created in section 37-60-123.3 (1)(a), C.R.S., to provide additional grant funding for projects that assist with the implementation of the state water plan.

**SECTION 11. Continuation of the reservoir enlargement assessment project - appropriation.**

(1) For the 2023-24 state fiscal year, \$1,000,000 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 are under 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. Continuation of the Platte river recovery implementation program - transfer - appropriation.** (1) On July 1, 2023, the state treasurer shall transfer \$19,000,000 from the severance tax perpetual base fund created in section 39-29-109 (2)(a)(1.5), C.R.S., to the Colorado water conservation board construction fund created in section 37-60-121, C.R.S., to support the Platte river recovery implementation program.

(2) (a) For the 2023-24 state fiscal year, \$19,000,000 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 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.

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

**SECTION 13. Upper Colorado river endangered fish recovery program and San Juan river basin recovery implementation program - transfer - appropriation.** (1) On July 1, 2023, the state treasurer shall transfer \$15,000,000 from the severance tax perpetual base fund created in section 39-29-109 (2)(a)(1.5), C.R.S., to the Colorado water conservation board construction fund created in section 37-60-121, C.R.S., to support the upper Colorado river endangered fish recovery program and the San Juan river basin recovery implementation program.

(2) (a) For the 2023-24 state fiscal year, \$15,000,000 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 to support the upper Colorado river endangered fish recovery program and the San Juan river basin recovery implementation program, which ensures compliance with the "Endangered Species Act of 1973", 16 U.S.C. sec. 1531, et seq., as amended, for Colorado water users, and contributes to the protection of at least four endangered or threatened fish species.

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

**SECTION 14.** In Session Laws of Colorado 2020, section 17 of chapter 150, (HB 20-1403), **amend** (2) as follows:

**Section 17. Frying Pan - Arkansas project loan authorization - transfer - appropriation.** (2) (a) On July 1, 2020, the state treasurer shall transfer the sum of \$10,000,000, AND ON JULY 1, 2023, THE STATE TREASURER SHALL TRANSFER \$20,000,000, from the severance tax perpetual base fund created in section 39-29-109 ~~(2)(a)~~ **(2)(a)(I.5)**, C.R.S., to the Colorado water conservation board construction fund created in section 37-60-121, C.R.S., to grant money to EITHER the southeastern Colorado water conservancy district OR OTERO COUNTY to provide nonfederal cost-share funding for the Frying Pan-Arkansas project, which project helps provide quality drinking water to six counties in the lower Arkansas valley.

(b) (I) ~~For the 2020-21 state fiscal year \$10,000,000 is~~ THE FOLLOWING AMOUNTS ARE appropriated to the department of natural resources for use by the Colorado water conservation board ~~This appropriation is~~ IN THE SPECIFIED STATE FISCAL YEARS:

(A) FOR THE 2020-21 STATE FISCAL YEAR, \$10,000,000; AND

(B) FOR THE 2023-24 STATE FISCAL YEAR, \$20,000,000.

(II) THE APPROPRIATIONS SPECIFIED IN SUBSECTION (2)(b)(I) OF THIS SECTION ARE from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this subsection (2), the Colorado water conservation board may use ~~this appropriation~~ THESE APPROPRIATIONS to grant money to EITHER the southeastern Colorado water conservancy district OR OTERO COUNTY to provide nonfederal cost-share funding for the Frying Pan-Arkansas project, which project helps provide quality drinking water to six counties in the lower Arkansas valley.

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

**SECTION 15. Central Colorado water conservancy district augmentation efficiency project - appropriation.** (1) For the 2023-24 state fiscal year, \$3,000,000 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 to support the groundwater management subdistrict of the central Colorado water conservancy district with improving the efficiency and effectiveness of its augmentation plans. The augmentation efficiency project includes construction of pipelines, augmentation wells, and groundwater recharge sites.

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

**SECTION 16. State water plan advancement project - appropriation.** (1) For the 2023-24 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 to implement identified actions under

the 2023 state water plan, including developing tools, convening stakeholder groups, and conducting research and data analysis. The appropriation will be used for projects that include an evaluation of municipal water conservation standards, an economic analysis of agricultural opportunities, the development of watershed planning platforms, and the establishment of a framework for drought-ready communities.

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

**SECTION 17. Grant-making for projects that assist in implementing the state water plan - appropriation.** (1) For the 2023-24 state fiscal year, \$25,200,000 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 subsection (1), 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 18. Chatfield reservoir reallocation project - orphan shares purchase - appropriation.** (1) For the 2023-24 state fiscal year, \$8,000,000 is appropriated to the department of natural resources for use by the division of parks and wildlife. This appropriation is from the wildlife cash fund created in section 33-1-112 (1), C.R.S. To implement this section, the division of parks and wildlife may use this appropriation for the purchase of up to 924 acre-feet of orphan shares owned by the Colorado water conservation board as part of the Chatfield reservoir reallocation project.

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

**SECTION 19. 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: June 5, 2023