



# Colorado Legislative Council Staff

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## MEMORANDUM

July 12, 2017 (UPDATED)

**TO:** Members of the Water Resources Review Committee

**FROM:** David Beaujon, Senior Analyst, 303-866-4781  
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**SUBJECT:** Overview of the Water Resources Review Committee

### Summary

This memorandum describes the Water Resources Review Committee's membership, charge, meeting schedule, bill limits, and bill deadlines. It also summarizes the committee's activities since 2001, including meetings, tours, and legislative recommendations. Final reports, memoranda, and other information from previous years are available on the General Assembly's website at: <http://leg.colorado.gov>.

### 2017 Water Resources Review Committee

Senator Jerry Sonnenberg, Chair	Representative Jeni Arndt, Vice-chair
Senator Randy Baumgardner	Representative KC Becker
Senator Don Coram	Representative Diane Mitsch Bush
Senator Kerry Donovan	Representative Lori Saine
Senator Matt Jones	Representative Yeulin Willett

**Committee membership requirements.** The Water Resources Review Committee (WRRC) is a ten-member committee with terms extending from January 1 of an odd-numbered year to December 31 of the following even-numbered year (two years).<sup>1</sup> During odd-numbered years, the Senate President appoints the chair, and the House Speaker appoints the vice-chair.

<sup>1</sup>Section 37-98-102 (2), C.R.S.

During even-numbered years, the House Speaker appoints the chair, and the Senate President appoints the vice-chair. Members are appointed according to the following criteria:

- five Senate members, three appointed by the Senate President and two appointed by the Senate Minority Leader;
- five House members appointed by the House Speaker in consultation with the House Minority Leader;
- at least four of the ten members must reside west of the Continental Divide or represent a district the majority of the population of which resides west of the Continental Divide; and
- members, to the extent possible, must be selected to achieve representation from each of the seven water divisions.

**Committee charge.** The committee is authorized to review water issues and propose legislation related to the conservation, use, development, and financing of Colorado's water resources. In conducting its review, the committee is required to consult with experts in the field of water conservation, quality, use, finance, and development. Pursuant to Senate Bill 14-115, the WRRC is required to review statewide planning for water resources. This law declares that the primary purpose of a state water plan is to determine state policy regarding the optimal conservation and development of Colorado's water resources. The General Assembly is deemed to be primarily responsible for guiding the development of state water policy. It also declares that this law is necessary to protect the interests of the public in the state's water resources and that the General Assembly intends to engage the people of the state in a public dialogue regarding optimal state water policy. The law affirms the legislature's delegation of policy-making authority to the Colorado Water Conservation Board and declares that the law seeks to promote the policies, processes, basin roundtable plans, and Interbasin Compact negotiations conducted pursuant to the Colorado Water for the 21st Century Act and the Interbasin Compact Charter. SB 14-115 charged the committee with holding at least one public hearing in each geographic region associated with a basin roundtable during the 2014 and 2015 interims to collect public feedback on the draft Colorado Water Plan. The committee was authorized to recommend the introduction of legislation based on the results of the review.

**Next steps in the SB 14-115 process.** Under SB 14-115, the WRRC may repeat the review process for the Colorado Water Plan, including public meetings in each basin, whenever the CWCB submits a significant amendment to the plan. By November 1 of each year following the submission to the committee of a plan or plan amendment, any member of the General Assembly may request that the committee hold one or more hearings to review the plan or plan amendment. No later than November 1, 2017, and every five years thereafter, the committee is also required to prepare a list of specific topics that it deems necessary to be addressed in the plan. The CWCB must provide its recommendations, including suggestions for potential legislation, for the committee's consideration within eight months after receipt of the list of specific topics.

**House Bill 17-1289.** Pursuant to House Bill 17-1289, which was signed into law on May 22, 2017, the WRRC must study during the 2017 interim the issue of whether the State Engineer should be given statutory authority to promulgate rules that would:

- adopt a nonbinding, streamlined methodology for determining factors and using other assumptions for calculating the historical consumptive use of a water right;
- provide guidance for all components of a historical consumptive use analysis for a change of a water right using geographically specific considerations; and
- ensure that the calculation of the historical consumptive use complies with Section 37-92-305 (3), C.R.S.

The goal of the study is to investigate the feasibility, costs, and impacts of providing a nonbinding alternative to other methods of calculating historical consumptive use of a water right that may reduce transaction costs and the time necessary to obtain approval of loans and temporary and permanent changes of water rights while ensuring that no injury results from the approval. The committee shall consider:

- whether the rules, if authorized, should apply in only particularly identified water divisions;
- how the rules ought to take into account division-specific factors;
- the potential cost of promulgating the rules; and
- how the rules should be paid for.

***Meetings and field trips.*** The committee is authorized to meet up to eight times during odd-numbered years and to take up to two field trips.<sup>2</sup> Table 1 identifies the meetings and field trips that have been selected by the chair of the WRRC. Agendas for committee meetings will be posted on the committee's website at: [www.colorado.gov/lcs/WRRC](http://www.colorado.gov/lcs/WRRC).

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<sup>2</sup>Section 37-98-102 (1)(a), C.R.S.

**Table 1**  
**2017 Interim Water Resources Review Committee Meetings and Field Trips**

<b>Regular Committee Meetings</b>		
<b>Date</b>	<b>Location</b>	<b>Time</b>
Wednesday, August 2	State Capitol Building – SCR 357	9:00 a.m. - 5:00 p.m.
Thursday, August 3	State Capitol Building – SCR 357	9:00 a.m. - 5:00 p.m.
Wednesday, August 23	Steamboat Grand, Steamboat Springs, CO	1:30 p.m. - 4:30 p.m.
Wednesday, September 6	State Capitol Building – SCR 357	9:00 a.m. - 5:00 p.m.
Thursday, September 7 <i>Last day to request draft legislation</i>	State Capitol Building – SCR 357	9:00 a.m. - 5:00 p.m.
Wednesday, October 4	State Capitol Building – SCR 357	9:00 a.m. - 5:00 p.m.
Thursday, October 5 <i>Last day to finalize draft legislation</i>	State Capitol Building – SCR 357	9:00 a.m. - 5:00 p.m.
Tuesday, October 31 <i>Last day to act on draft legislation</i>	State Capitol Building – SCR 357	9:00 a.m. - 5:00 p.m.
<b>2017 Committee Field Trips</b>		
<b>Date</b>	<b>Location</b>	
Tuesday, June 13 and Wednesday, June 14	Colorado Foundation for Water Education Southwest Basin tour (starts and ends in Telluride)	
Colorado Water Congress – Wednesday, August 23 to Friday, August 25	Steamboat Grand, Steamboat Springs, CO	

### **Committee Recommendations to Legislative Council**

**Bill limits.** Each bill recommended by the committee must be approved by a two-thirds vote of the committee members, or at least seven members. The committee is limited to recommending three bills to the Legislative Council, unless two-thirds of the Water Resources Review Committee members vote to recommend a greater number.<sup>3</sup> Such greater number may not exceed one bill or other measure per member or up to ten bills and resolutions.

**Legislative Council review of committee recommendations.** In odd-numbered years, the Legislative Council must review interim committee recommendations by November 15. Bills approved by the Legislative Council do not count against a member's five-bill limit for the regular legislative session. Bills not approved by Legislative Council may be introduced in the regular session, but such bills will count against a member's five-bill limit. Interim committee bills must have prime sponsors prior to consideration by the Legislative Council.

**Requirements for bill drafts.** The Executive Committee of the Legislative Council's guidelines for interim committees require that at least a majority of the committee membership approve a bill in concept prior to requesting a bill draft.<sup>4</sup> Requests for draft bills must occur during a single committee meeting set for requesting legislation. Bill requests must be made at least 42 days before the final meeting to allow sufficient time for drafting, the preparation of a fiscal note, and final consideration by the committee. Committee members must make drafting

<sup>3</sup>Section 37-98-103 (1), C.R.S.

<sup>4</sup>May 1, 2017, Executive Committee of the Legislative Council Letter to Chairs of Interim Committees.

information available at the meeting at which the members request bills or must submit such information to the bill drafter ***within three calendar days after the meeting***. Failure to submit the drafting information prior to the deadline will be deemed as a withdrawal of the bill request.

***Prior activities of the Water Resources Review Committee.*** The WRRC has recommended 49 bills since it was created in 2001. Thirty-nine of these bills have been signed into law, and 10 bills have been postponed indefinitely or deemed lost. The committee has also recommended 7 joint resolutions, 2 joint memorials, and drafted 11 letters to state and federal policymakers. The committee has conducted 23 tours, covering all of Colorado's major river basins. Table 2 provides additional information about the committee's tours, legislative recommendations, and letters to policy makers.

**Table 2  
Activities of the Water Resources Review Committee Since 2001**

<b>Year</b>	<b>Number of Meetings</b>	<b>Tour(s)</b>	<b>Recommendation(s)</b>
2016	5	<ul style="list-style-type: none"> <li>• 2-day tour in the Gunnison Basin with the Colorado Foundation for Water Education</li> <li>• Attended Gunnison Water Workshop at Western State Colorado University</li> <li>• Attended Colorado Water Congress summer conference</li> <li>• 2-day tour in the Lower Arkansas River Basin</li> </ul>	<ul style="list-style-type: none"> <li>• House Bill 17-1008, Graywater Regulation Exemption For Scientific Research — <i>signed into law</i></li> <li>• House Bill 17-1030, Update 1921 Irrigation District Law — <i>signed into law</i></li> <li>• House Bill 17-1033, Colorado Water Conservation Board Grants Loans Dredge South Platte Basin Reservoirs — <i>postponed indefinitely</i></li> <li>• Senate Bill 17-026, State Engineer Statutes Cleanup — <i>signed into law</i></li> <li>• House Joint Resolution 17-1004, Funding Prevent Aquatic Nuisance Species — <i>adopted</i></li> </ul>
2015	16	<ul style="list-style-type: none"> <li>• 2-day tour in the Metropolitan Basin with the Colorado Foundation for Water Education</li> <li>• Attended Colorado Water Congress summer conference</li> </ul>	<ul style="list-style-type: none"> <li>• Senate Joint Memorial 16-001, Good Samaritan Remediation Abandoned Mines — <i>adopted</i></li> <li>• Senate Joint Memorial 16-002, Federal Funding for Catastrophic Wildfire Response — <i>adopted</i></li> <li>• House Joint Resolution 16-1002, Dam Restoration Access To Federal Lands — <i>adopted</i></li> </ul>
2014	15	<ul style="list-style-type: none"> <li>• 2-day tour in the Yampa River Basin with the Colorado Foundation for Water Education</li> <li>• Attended Gunnison Water Workshop at Western State Colorado University</li> <li>• Attended Colorado Water Congress summer conference</li> </ul>	<ul style="list-style-type: none"> <li>• House Bill 15-1006, Invasive Phreatophyte Grant Program — <i>signed into law</i></li> <li>• House Bill 15-1013, South Platte Aquifer Study Recommendations — <i>signed into law</i></li> <li>• House Bill 15-1016, Promote Precipitation Harvesting Pilot Projects — <i>signed into law</i></li> <li>• Senate Bill 15-008, Promote Water Conservation In Land Use Planning — <i>signed into law</i></li> <li>• Senate Bill 15-010, Repeal New Augmentation Standard Dawson Aquifer — <i>signed into law</i></li> <li>• Senate Bill 15-017, Appellate Process For Decisions About Groundwater — <i>postponed indefinitely</i></li> </ul>

**Table 2 (Cont.)  
Activities of the Water Resources Review Committee Since 2001**

<b>Year</b>	<b>Number of Meetings</b>	<b>Tour(s)</b>	<b>Recommendation(s)</b>
2013	6	<ul style="list-style-type: none"> <li>• 3-day tour in the Platte River Basin with the Colorado Foundation for Water Education</li> <li>• Attended Gunnison Water Workshop Western State Colorado University</li> <li>• Attended Colorado Water Congress summer conference</li> </ul>	<ul style="list-style-type: none"> <li>• House Bill 14-1026, Water Flexible Markets — <i>postponed indefinitely</i></li> <li>• House Bill 14-1028, Oppose Federal Special Use Permit Water Right Term — <i>postponed indefinitely</i></li> <li>• House Bill 14-1030, Hydroelectric Generation Incentives — <i>signed into law</i></li> <li>• House Joint Resolution 14-1002, Forest Products Transport Interstate Weight Limit — <i>approved</i></li> <li>• Senate Bill 14-025, Wastewater Treatment Small Communities Grants — <i>signed into law</i></li> <li>• Senate Bill 14-026, Division of Water Resources Remove Printing Requirements — <i>signed into law</i></li> <li>• Letter 1 — to Food and Drug Administration (FDA) expressing concern about the draft FDA agricultural water standards</li> <li>• Letter 2 — to Governor Hickenlooper urging him to ensure that Colorado's agricultural, municipal, and commercial water users are able to promptly repair or replace water infrastructure that was damaged during the September 2013 floods</li> </ul>
2012	4	<ul style="list-style-type: none"> <li>• 2-day tour in the Southern metropolitan area of the Denver Basin</li> <li>• Attended Colorado Water Congress summer conference</li> </ul>	<ul style="list-style-type: none"> <li>• House Bill 13-1013, Protect Water Right Ownership Rights — <i>postponed indefinitely</i></li> <li>• House Joint Resolution 13-1004, Oppose Forest Service Water Permit Requirement — <i>lost in the Senate</i></li> <li>• Senate Bill 13-072, No Final Well Permit Required Denver Basin Designated — <i>signed into law</i></li> <li>• Senate Bill 13-073, General Permits Stormwater Rule-making — <i>signed into law</i></li> <li>• Senate Bill 13-074, Irrigation Water Right Historical Use Acreage — <i>signed into law</i></li> <li>• Senate Bill 13-075, Promote Water Conservation Of Designated Ground Water — <i>signed into law</i></li> <li>• Senate Bill 13-078, Erroneously Located Water Diversion Points — <i>signed into law</i></li> <li>• Senate Joint Resolution 13-005, Use of Severance Tax for Water Infrastructure — <i>adopted</i></li> </ul>

**Table 2 (Cont.)  
Activities of the Water Resources Review Committee Since 2001**

Year	Number of Meetings	Tour(s)	Recommendation(s)
2011	8	<ul style="list-style-type: none"> <li>• 2-day tour in the Colorado River Basin with the Colorado Foundation for Water Education</li> <li>• Attended Colorado Water Congress summer conference</li> </ul>	<ul style="list-style-type: none"> <li>• Senate Bill 12-008, Postpone Repeal Date for Denver Basin Aquifer Pumping Requirement — <i>signed into law</i></li> <li>• Senate Bill 12-009, Consolidate Division of Water Resources Cash Funds — <i>signed into law</i></li> <li>• Senate Joint Resolution 12-002, Use of Severance Tax Revenue for Infrastructure — <i>adopted</i></li> <li>• House Bill 12-1010, Reissue Lost Mutual Ditch Share Certificate — <i>signed into law</i></li> <li>• House Bill 12-1022, Establish Water Replacement Requirement for Mines — <i>signed into law</i></li> <li>• House Bill 12-1078, Exempt Drinking Water Certification Designation — <i>signed into law</i></li> <li>• Letter urging Colorado's Congressional delegation to support legislation to extend federal "Good Neighbor Authority" to manage forests on public lands</li> </ul>
2010		Interim committees were suspended during the 2010 interim.	
2009	6	<ul style="list-style-type: none"> <li>• 2-day tour in the Rio Grande Basin with the Colorado Foundation for Water Education</li> <li>• 1-day tour of the Animas-La Plata storage project near Durango</li> <li>• Attended Colorado Water Congress summer conference</li> </ul>	<ul style="list-style-type: none"> <li>• Senate Bill 10-019, Valuation of New Hydroelectric Facilities — <i>signed into law</i></li> <li>• Senate Bill 10-025, Extend Water Efficiency Grant Program — <i>signed into law</i></li> <li>• House Bill 10-1006, Fund Division of Water Resources with Tier 1 Operational Account Moneys — <i>postponed indefinitely</i></li> </ul>
2008	4	<ul style="list-style-type: none"> <li>• 1.5-day tour in the South Platte River Basin with the Colorado Foundation for Water Education</li> <li>• half-day tour of the Republican River Basin</li> <li>• Attended Colorado Water Congress summer conference</li> </ul>	<ul style="list-style-type: none"> <li>• Senate Bill 09-015, White River Water Division Change — <i>signed into law</i></li> </ul>

**Table 2**  
**Activities of the Water Resources Review Committee Since 2001 (Cont.)**

<b>Year</b>	<b>Number of Meetings</b>	<b>Tour(s)</b>	<b>Recommendation(s)</b>
2007	4	<ul style="list-style-type: none"> <li>• 2-day tour in the Gunnison and Uncompahgre River basins with the Colorado Foundation for Water Education</li> <li>• 1-day tour in the Yampa River Basin</li> <li>• Attended Colorado Water Congress summer conference</li> </ul>	<ul style="list-style-type: none"> <li>• Senate Bill 08-010, Board of Directors of the Water Resources and Power Development Authority — <i>signed into law</i></li> <li>• House Bill 08-1030, Exemption for Depletions from Pumping that Occurred Prior to 1974 — <i>lost in the Senate</i></li> <li>• Letter 1 — urging Colorado's congressional delegation to fund a study concerning options for increasing water storage in Chatfield Reservoir that is located on the South Platte River, southwest of Denver</li> <li>• Letter 2 — expressing support for funding for the federal Conservation Reserve Enhancement Program (CREP) and Environmental Quality Incentive Program (EQIP) in the 2007 Farm Bill</li> <li>• Letter 3 — expressing concern to the congressional delegation about H.R. 720, the "Water Quality Financing Act of 2007"</li> </ul>
2006	3	<ul style="list-style-type: none"> <li>• 2-day tour in the Upper Colorado River and the Upper Arkansas River basins with the Colorado Foundation for Water Education</li> <li>• Attended Colorado Water Congress summer conference</li> </ul>	<ul style="list-style-type: none"> <li>• Senate Bill 07-008, Expansion of the Water Efficiency Grant Program — <i>signed into law</i></li> <li>• House Bill 07-1056, Increase the Compensation for Directors of Certain Water Districts — <i>signed into law</i></li> <li>• House Joint Resolution 07-1004, Request that Congress support the federal "Rural Colorado Water Infrastructure Act" — <i>adopted</i></li> </ul>
2005	7	<ul style="list-style-type: none"> <li>• 2-day tour in northwestern Colorado including the Upper Colorado River and the Yampa-White basins</li> <li>• half day tour of the South Platte River Basin</li> <li>• Attended Colorado Water Congress summer conference</li> </ul>	<ul style="list-style-type: none"> <li>• Senate Bill 06-034, Appointments to the Colorado Water Resources and Power Development Authority — <i>signed into law</i></li> <li>• Senate Bill 06-037, Adjudication of Recreational In-channel Diversions — <i>signed into law</i></li> </ul>
2004	4	<ul style="list-style-type: none"> <li>• 3-day tour in the South Platte River Basin</li> <li>• 4-day tour in the Lower Gunnison, Dolores, Animas, La Plata, San Juan, and Rio Grande River basins</li> </ul>	<ul style="list-style-type: none"> <li>• Senate Bill 05-011, Water Project Revolving Fund Eligibility Lists — <i>signed into law</i></li> <li>• Senate Bill 05-045, Authorization for Certain Water Districts to Provide Park and Recreation Services in Connection with a Reservoir — <i>signed into law</i></li> </ul>



**Table 2 (Cont.)**  
**Activities of the Water Resources Review Committee Since 2001**

Year	Number of Meetings	Tour(s)	Recommendation(s)
2003	7	<ul style="list-style-type: none"> <li>• 4-day tour in the Upper Gunnison, the Rio Grande, and the Arkansas River basins</li> <li>• 2-day tour in the Upper Colorado River Basin</li> </ul>	<ul style="list-style-type: none"> <li>• Senate Bill 04-013, Deadlines for Senate Confirmation of Water Boards — <i>signed into law</i></li> <li>• Senate Bill 04-032, Loans of Agricultural Water Rights — <i>signed into law</i></li> <li>• Senate Bill 04-039, Limit Voting Rights of Ex Officio Members of the Colorado Water Conservation Board — <i>postponed indefinitely</i></li> <li>• House Bill 04-1035, Prohibit Proxy Voting by Members of the Colorado Water Conservation Board — <i>signed into law</i></li> <li>• House Bill 04-1040, Mitigation of Transbasin Diversions — <i>lost in House</i></li> </ul>
2002	4	<ul style="list-style-type: none"> <li>• 3-day tour in the Arkansas River Basin</li> <li>• Attended Colorado Water Congress summer conference</li> </ul>	<ul style="list-style-type: none"> <li>• Senate Bill 03-045, Increase Well Permit Fees for Well Inspections and Oversight of Well Contractors — <i>signed into law</i></li> <li>• Senate Bill 03-047, Extend Water Resources Review Committee — <i>signed into law</i></li> <li>• House Bill 03-1005, Extend Water Augmentation Requirements for Water Divisions 1 and 2 — <i>signed into law</i></li> <li>• Letter 1 — requesting the Department of Natural Resources Executive Director to encourage the release of water from Cherry Creek Reservoir to augment South Platte River wells</li> <li>• Letter 2 — requesting Colorado's congressional delegation, the Secretary of the U.S. Department of Interior, and the Secretary of the U.S. Department of Agriculture, to encourage a streamlined approach to forest management on federal lands</li> <li>• Letter 3 — requesting Colorado's congressional delegation to support federal legislation that funds research on the impact of invasive plants on water supplies</li> </ul>
2001	4	<ul style="list-style-type: none"> <li>• 2-day tour in the Gunnison River Basin</li> </ul>	<ul style="list-style-type: none"> <li>• Senate Bill 02-045, Continue the Water Resources Review Committee — <i>signed into law</i></li> <li>• House Bill 02-1012, Appropriation for Species Conservation Trust Fund — <i>postponed indefinitely</i></li> <li>• House Bill 02-1024, Qualification for Electors of Irrigation Districts — <i>signed into law</i></li> <li>• Letter 1 — requesting U.S. Environmental Protection Agency to delay new water quality rules and expressing concern about water delivery obligations for endangered species</li> <li>• Letter 2 — expressing concern to Secretary of the U.S. Department of Interior about quantification of the reserved water right for the Black Canyon of the Gunnison National Park</li> </ul>