

CHAPTER 192

**WATER AND IRRIGATION**

SENATE BILL 15-253

BY SENATOR(S) Sonnenberg, Baumgardner, Carroll, Crowder, Grantham, Heath, Johnston, Lambert, Lundberg, Martinez Humenik, Newell, Roberts, Scheffel, Scott, Woods; also REPRESENTATIVE(S) Vigil, Becker K., Brown, Coram, Danielson, Dore, Ginal, Hamner, Lebsock, Lontine, Mitsch Bush, Pabon, Pettersen, Rankin, Rosenthal, Ryden, Saine, Windholz, Young, Hullinghorst.

**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 maintenance - appropriation.** (1) For the 2015-16 state fiscal year, \$330,000 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 act, the department of natural resources may use this appropriation for: Renovation of existing gauging stations; replacement of outdated collection platforms; upgrading transmission components of the satellite monitoring system, established and operated pursuant to section 37-80-102 (10),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 the money is fully expended.

**SECTION 2. Continuation of the Colorado floodplain map modernization program - appropriation.** (1) For the 2015-16 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 act, the department of natural resources may use this appropriation to continue assisting with the preparation of revised and improved floodplain studies and maps for communities throughout Colorado and to participate in federally sponsored

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

floodplain map modernization activities.

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

**SECTION 3. Continuation of the watershed restoration program - appropriation.** (1) For the 2015-16 state fiscal year, \$1,500,000 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 act, the department of natural resources may use this appropriation to provide planning and engineering studies, including 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 watershed health goals outlined in the Colorado water plan.

(2) The money appropriated in subsection (1) of this section remains available for the designated purposes until June 30, 2019, at which time any unused money will revert to the severance tax operational fund created in section 39-29-109 (2) (b), C.R.S.

**SECTION 4. Restoration of the balance of the flood and drought response fund - transfer.** On July 1, 2015, the state treasurer shall transfer \$500,000, or so much thereof as may be necessary, from the unreserved cash in the Colorado water conservation board construction fund created in section 37-60-121, C.R.S., to restore the unencumbered balance in the flood and drought response fund, created in section 37-60-123.2, C.R.S., for use by the Colorado water conservation board to provide documentation, forecasting, mapping, aerial photography, mitigation, and other efforts that the Colorado water conservation board deems necessary to quickly respond to flood and drought events.

**SECTION 5. Restoration of litigation fund cash balance - transfer.** On July 1, 2015, the state treasurer shall transfer \$200,000 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 continue litigation support for the Colorado water conservation board.

**SECTION 6. Arkansas river decision support system - appropriation.** (1) For the 2015-16 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 act, the department of natural resources 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. Technical assistance for USDA regional conservation**

**partnership program - appropriation.** (1) For the 2015-16 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 act, the department of natural resources may use this appropriation for the provision of technical assistance to applicants and participants in the regional conservation partnership program.

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

**SECTION 8. Water conservation planning and data tracking tools - appropriation.** (1) For the 2015-16 state fiscal year, \$100,000 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 act, the department of natural resources may use this appropriation to implement technical activities related to water conservation planning and data tracking.

(2) The money appropriated in subsection (1) of this section remains available for the designated purposes until the water conservation planning and data tracking project is completed.

**SECTION 9. Colorado Mesonet - appropriation.** (1) For the 2015-16 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 act, the department of natural resources may use this appropriation to support the Colorado Mesonet project, which will be completed by the Colorado climate center at Colorado state university.

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

**SECTION 10. Modern methods to determine probable maximum precipitation (PMP) for rainfall spillway sizing project - appropriation.** (1) For the 2015-16 state fiscal year, \$1,200,000 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 act, the department of natural resources may use this appropriation to participate in the development of modern tools and methods for determining large rain events for regulating and designing dam spillways in the state.

(2) The money appropriated in subsection (1) of this section remains available for the designated purposes until June 30, 2019, at which time any unused money will revert to the severance tax operational fund created in section 39-29-109 (2) (b), C.R.S.

**SECTION 11. Continuation of the weather modification program - appropriation.** (1) For the 2015-16 state fiscal year, \$175,000 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 act, the department of natural resources may use this appropriation to continue assisting 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 the money is fully expended.

**SECTION 12. South Platte river basin groundwater level data collection, analysis, and remediation - appropriation.** For the 2015-16 state fiscal year, \$125,000 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. In response to damaging high groundwater levels in areas of the South Platte river basin and in consultation with the South Platte basin roundtable's groundwater committee, the department of natural resources may use this appropriation to: Construct, maintain, and monitor dewatering infrastructure; cover dewatering well pumping costs; continue to evaluate both the cause of the high groundwater levels and exigent remediation efforts implemented in response to the high groundwater levels; collect and analyze groundwater data; install instrumentation and monitoring devices; and perform groundwater modeling.

**SECTION 13.** In Colorado Revised Statutes, 39-29-109.3, **add** (2) (q) and (2) (r) as follows:

**39-29-109.3. Severance tax operational fund - repeal.** (2) Subject to the requirements of subsections (3) and (4) of this section, if the general assembly chooses not to spend up to one hundred percent of the moneys in the operational fund as specified in subsection (1) of this section, the state treasurer shall transfer the following:

(q) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2015, ONE MILLION DOLLARS TO THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND, CREATED IN SECTION 37-60-121 (1) (a), C.R.S., FOR THE COLORADO WATER CONSERVATION BOARD TO CONTINUE TO PROVIDE PLANNING AND ENGINEERING STUDIES, INCLUDING 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 WATERSHED HEALTH GOALS OUTLINED IN THE COLORADO WATER PLAN. THE MONEY REMAINS AVAILABLE FOR THE DESIGNATED PURPOSES UNTIL JUNE 30, 2019, AT WHICH TIME ANY UNUSED MONEY WILL REVERT TO THE OPERATIONAL FUND.

(r) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2015, ONE MILLION TWO HUNDRED THOUSAND DOLLARS TO THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND, CREATED IN SECTION 37-60-121 (1) (a), C.R.S., FOR THE COLORADO WATER CONSERVATION BOARD TO PARTICIPATE IN THE DEVELOPMENT

OF MODERN TOOLS AND METHODS FOR DETERMINING LARGE RAIN EVENTS FOR REGULATING AND DESIGNING DAM SPILLWAYS IN THE STATE. THE MONEY REMAINS AVAILABLE FOR THE DESIGNATED PURPOSES UNTIL JUNE 30, 2019, AT WHICH TIME ANY UNUSED MONEY WILL REVERT TO THE OPERATIONAL FUND.

**SECTION 14.** In Colorado Revised Statutes, 39-29-109, **add** (2) (a) (XIV) as follows:

**39-29-109. Severance tax trust fund - created - administration - distribution of moneys - repeal.** (2) State severance tax receipts shall be credited to the severance tax trust fund as provided in section 39-29-108. Except as otherwise set forth in section 39-29-109.5, all income derived from the deposit and investment of the moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund remain therein and shall not be credited or transferred to the general fund or any other fund. All moneys in the fund are subject to appropriation by the general assembly for the following purposes:

(a) **The severance tax perpetual base fund.** (XIV) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (a) TO THE CONTRARY, ON JULY 1, 2015, THE STATE TREASURER SHALL TRANSFER FIVE HUNDRED THOUSAND DOLLARS FROM THE FUND TO THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND, CREATED IN SECTION 37-60-121 (1) (a), C.R.S., FOR USE BY THE COLORADO WATER CONSERVATION BOARD, CREATED IN SECTION 37-60-102, C.R.S., TO CONTINUE THE WATERSHED RESTORATION PROGRAM.

**SECTION 15.** In Colorado Revised Statutes, 37-60-123.2, **amend** (2) (e) as follows:

**37-60-123.2. Flood and drought response fund - stream restoration grant account - created - repeal.** (2) (e) This subsection (2) is repealed, effective July 1, ~~2015~~ 2017.

**SECTION 16.** In Session Laws of Colorado 2014, **amend** subsection (2) of section 14 of chapter 356 as follows:

Section 14. **Chatfield reallocation project loan authorization.** (2) The Colorado water conservation board may make loans for the construction of the projects specified in subsection (1) of this section from such moneys as are or may become available to the severance tax perpetual base fund or the Colorado water conservation board construction fund. The loans ~~must~~ MAY be in the amounts 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 DISTRIBUTION OF OWNERSHIP as indicated by the engineering cost indices applicable to the types of construction required for each project or as may be justified by reason of change in the plans for a 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.

**SECTION 17. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 14, 2015