

CHAPTER 310

WATER AND IRRIGATION

HOUSE BILL 15-1178

BY REPRESENTATIVE(S) Saine and Humphrey, Arndt, Pettersen, Priola, Ryden, Vigil, Windholz, Young, Ginal;
also SENATOR(S) Marble and Sonnenberg, Crowder, Hodge, Lambert, Lundberg, Neville T., Woods.

AN ACT

CONCERNING THE STATE ENGINEER'S AUTHORITY TO ALLOW WELL USERS TO LOWER THE WATER TABLE IN AN AREA THAT THE STATE ENGINEER DETERMINES IS EXPERIENCING DAMAGING HIGH GROUNDWATER LEVELS, AND, IN CONNECTION THEREWITH, ESTABLISHING AN EMERGENCY DEWATERING GRANT PROGRAM FOR THE PURPOSE OF LOWERING THE WATER TABLE IN AREAS OF GILCREST, COLORADO, AND STERLING, COLORADO AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 37-60-121, **add** (10) as follows:

37-60-121. Colorado water conservation board construction fund - creation of - nature of fund - funds for investigations - contributions - use for augmenting the general fund - funds created - repeal. (10) Emergency dewatering grant program and data collection - fund - creation - legislative declaration. (a) (I) THE GENERAL ASSEMBLY FINDS AND DETERMINES THAT HIGH GROUNDWATER LEVELS IN THE AREAS OF GILCREST, COLORADO, AND STERLING, COLORADO, ARE DAMAGING CROPS AND FLOODING BASEMENTS AND SEPTIC SYSTEMS. TO MITIGATE THE DAMAGING HIGH GROUNDWATER LEVELS, THE WATER TABLE NEEDS TO BE LOWERED IMMEDIATELY TO A LEVEL THAT IS NO LONGER DAMAGING BY MEANS OF EMERGENCY PUMPING OF WELLS THAT ARE:

(A) LOCATED WITHIN OR NEAR THE AREAS OF GILCREST, COLORADO, AND STERLING, COLORADO; AND

(B) PERMITTED FOR DEWATERING.

(II) THE GENERAL ASSEMBLY FURTHER FINDS AND DETERMINES THAT REAL-TIME DATA COLLECTION SHOULD ACCOMPANY THE EMERGENCY PUMPING OF DEWATERING WELLS.

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

(III) THEREFORE, THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT THE STATE OF COLORADO SHOULD FACILITATE THE EMERGENCY PUMPING OF DEWATERING WELLS IN THE AREAS OF GILCREST, COLORADO, AND STERLING, COLORADO, THROUGH THE ESTABLISHMENT AND FUNDING OF A GRANT PROGRAM.

(b) THE EMERGENCY DEWATERING GRANT ACCOUNT, REFERRED TO IN THIS SUBSECTION (10) AS THE "ACCOUNT", IS HEREBY CREATED IN THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND. FOR THE 2015-16 FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ONE HUNDRED SIXTY-FIVE THOUSAND DOLLARS FROM THE GENERAL FUND TO THE ACCOUNT AND FOR THE 2016-17 FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER TWO HUNDRED NINETY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE ACCOUNT FOR IMPLEMENTATION OF THE EMERGENCY DEWATERING GRANT PROGRAM CREATED IN THIS SUBSECTION (10).

(c) (I) THE BOARD, IN COLLABORATION WITH THE STATE ENGINEER, SHALL EXPEND MONEY FROM THE ACCOUNT TO AWARD GRANTS FOR EMERGENCY PUMPING OF WELLS PERMITTED FOR DEWATERING WITHIN OR NEAR GILCREST, COLORADO, OR WITHIN OR NEAR STERLING, COLORADO. THE BOARD, IN COLLABORATION WITH THE STATE ENGINEER, MAY AWARD GRANTS TO PUBLIC ENTITIES, PRIVATE ENTITIES, AND PRIVATE INDIVIDUALS SEEKING TO IMPLEMENT EMERGENCY PUMPING OF WELLS PERMITTED FOR DEWATERING. THE BOARD SHALL SEEK INPUT FROM THE SOUTH PLATTE BASIN ROUNDTABLE, CREATED IN SECTION 37-75-104 (3) (b) (I), AND THE ROUNDTABLE'S TECHNICAL COMMITTEE ON THE GENERAL COSTS ASSOCIATED WITH DEWATERING WITHIN AND NEAR GILCREST, COLORADO, AND WITHIN AND NEAR STERLING, COLORADO, AND THE INFRASTRUCTURE NEEDED TO IMPLEMENT THE DEWATERING PROJECT.

(II) THE BOARD, IN COLLABORATION WITH THE STATE ENGINEER, SHALL DEVELOP CRITERIA AND GUIDELINES FOR THE GRANT PROGRAM AND THE ACCOMPANYING REAL-TIME DATA COLLECTION, INCLUDING SELECTION CRITERIA AND GRANTEE REPORTING CRITERIA.

(III) THE BOARD MAY ACCEPT AND EXPEND GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSES OF THIS SUBSECTION (10), BUT THE IMPLEMENTATION OF THIS SUBSECTION (10) IS NOT DEPENDENT ON THE RECEIPT OF GIFTS, GRANTS, AND DONATIONS. THE BOARD SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE ACCOUNT.

(IV) (A) ON AN ANNUAL BASIS, THE BOARD, IN COLLABORATION WITH THE STATE ENGINEER, SHALL REPORT TO THE WATER RESOURCES REVIEW COMMITTEE, CREATED IN SECTION 37-98-102, ON THE PROGRESS OF THE GRANT PROGRAM.

(B) ON OR BEFORE OCTOBER 1, 2017, THE BOARD, IN COLLABORATION WITH THE STATE ENGINEER, SHALL PROVIDE THE WATER RESOURCES REVIEW COMMITTEE WITH A FINAL REPORT ON THE GRANT PROGRAM.

(C) TO ASSIST WITH THE REPORTING REQUIREMENTS OF THIS SUBPARAGRAPH (IV), THE BOARD, IN COLLABORATION WITH THE STATE ENGINEER, SHALL DEVELOP REPORTING REQUIREMENTS FOR GRANTEES.

(d) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JULY 1, 2018.

SECTION 2. Appropriation. For the 2015-16 state fiscal year, \$165,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the emergency dewatering grant account within the Colorado water conservation board construction fund created in section 37-60-121 (10) (b), C.R.S. The board may use this appropriation to implement this act.

SECTION 3. 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: June 5, 2015