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## Water

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During the 2018 legislative session, the General Assembly considered several measures related to: addressing Colorado's growing demand for water, including expanding the reuse of reclaimed domestic wastewater; funding water projects; and making other technical changes to certain water-related programs.

### Addressing Growing Demand for Water

The Colorado Water Conservation Board (CWCB) in the Department of Natural Resources (DNR) is the state's primary water policy and planning agency. According to the CWCB, an additional 630,000 acre-feet of water will be needed annually to meet demand by 2030, primarily for municipal and industrial use. *Senate Bill 18-170* establishes a water court process for storage water right owners to dedicate reservoir releases to the CWCB in order to avoid, minimize, or mitigate impacts on fish and wildlife within a qualifying stream reach under certain conditions. These impacts may arise from new water projects that are constructed to meet Colorado's growing demand for water.

**Pilot projects.** Under current law, the CWCB administers a pilot program to demonstrate the practice of fallowing irrigated agricultural land and temporarily leasing the associated water rights. Fallowing is the practice of leaving plowed agricultural land unseeded for one or

more growing seasons. *House Bill 18-1151*, which was postponed indefinitely, would have expanded this CWCB program to include deficit irrigation pilot projects. Deficit irrigation can generally be defined as applying a less-than-optimal amount of water to a crop.

**Water reuse.** In 2018, the General Assembly considered four bills related to the allowable uses of reclaimed domestic wastewater: *House Bill 18-1093*, *House Bill 18-1069*, and *Senate Bill 18-038* (which became law), and *House Bill 18-1053* (which was postponed indefinitely). SB 18-038 and HB 18-1053 were recommended by the Water Resources Review Committee (WRRC). Reclaimed domestic wastewater is wastewater that has received treatment for subsequent reuses other than drinking. Regulation 84, promulgated by the Colorado Department of Public Health and Environment, describes the requirements, prohibitions, standards, and concentration limitations related to the reuse of reclaimed domestic wastewater. Three of these bills expand allowable uses to include industrial hemp cultivation, toilet flushing, and the irrigation of edible food crops. HB 18-1053 would have further expanded allowable uses to include marijuana cultivation.

**Groundwater.** The Colorado Ground Water Commission is a regulatory body that manages and controls groundwater resources within eight designated groundwater basins in eastern

Colorado. *House Bill 18-1199* requires the commission to promulgate rules related to the approval of aquifer storage and recovery plans. Aquifer storage and recovery can generally be defined as the placement of water underground for the purpose of being used in the future.

### Funding Water Projects and Programs

The CWCB Construction Fund provides low-interest loans for water projects. Revenue for this revolving loan fund comes from interest earned on outstanding loans and the fund's cash balance and distribution of royalties from federal mineral leases. *Senate Bill 18-218*, also known as the annual water projects bill, appropriates funds for specific water-related projects in FY 2018-19 and makes several other cash fund transfers. For example, the bill appropriates funds for the Chatfield Reservoir Reallocation Project, the Colorado Water Plan, Republican River issues, and other watershed restoration programs.

Colorado's aquatic nuisance species (ANS) program, managed by DNR, was established in 2008 to prevent, control, contain, monitor, and eradicate ANS, both wildlife and plants, from state waters. The program coordinates a network of state, federal, local, and private watercraft inspection and decontamination stations. The program was originally funded with severance tax revenue. *House Bill 18-1008*, recommended by the WRRC, creates a new financing mechanism for the ANS program and authorizes Colorado Parks and Wildlife to collect increased revenue from new ANS stamps issued to boaters in Colorado.

### Other Water-Related Bills

In 2018, the General Assembly also considered several other bills concerning certain water-related programs, most of which are technical

in nature. *House Bill 18-1147* continues the issuance of permits for specific weather modification operations in the DNR. This program was scheduled to sunset in September 2018. Weather modification programs, commonly referred to as cloud seeding, operate in Colorado from November to March and are designed to enhance snowpack.

*Senate Bill 18-041*, recommended by the WRRC, authorizes new uses of water that are incidental to open mining for sand and gravel, including the mitigation of impacts from mining and dewatering, among other uses. Sand and gravel mines are regulated by the Division of Reclamation, Mining, and Safety within DNR.

Two bills considered by the General Assembly in 2018 relate to the authority of water conservancy districts and water conservation districts. *Senate Bill 18-176* changes the meeting requirements for the Southwestern Water Conservation District. *House Bill 18-1073* expands the ability of water conservancy districts to enter into contracts for the use of water or capacity in a water project or facility.

*Senate Bill 18-019*, recommended by the WRRC, clarifies certain provisions of loans made by the Colorado Water Resources and Power Development Authority (CWRPDA) from the Water Pollution Control Revolving Fund. The CWRPDA is a political subdivision of the state that provides low-cost financing for water and wastewater projects.

*Senate Bill 18-134* grants simplified treatment by the Public Utilities Commission (PUC) within the Department of Regulatory Agencies for nonprofit water companies, as long as their rates, charges, and terms and conditions of service with their customers are just and reasonable. The PUC does not regulate nonprofit water companies, but is required to resolve complaints about them under the bill.