

2018

Report to the Colorado General Assembly



Water Resources Review Committee



Prepared by Legislative Council Staff
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December 2018

Water Resources Review Committee

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December 2018

To Members of the Seventy-second General Assembly:

Submitted herewith is the final report of the Water Resources Review Committee. This committee was created pursuant to Article 98 of Title 37, Colorado Revised Statutes. The purpose of this committee is to oversee the conservation, use, development, and financing of Colorado's water resources.

At its meeting on October 15, 2018, the Legislative Council reviewed the report of this committee. A motion to forward this report and the two bills and two memorials therein for consideration in the 2019 session was approved.

Sincerely,

/s/ Representative Crisanta Duran
Chair

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This report is also available online at:

<https://leg.colorado.gov/committees/water-resources-review-committee/2018-regular-session>

Committee Charge

The Water Resources Review Committee (WRRC) was created to contribute to and monitor the conservation, use, development, and financing of Colorado's water resources for the general welfare of the state (Section 37-98-102, C.R.S.). It is also required to review statewide planning for water resources. The WRRC reviews and proposes legislation to further its purpose. In conducting its review, the WRRC consults with experts in the field of water conservation, quality, use, finance, and development. The WRRC was authorized to meet six times in 2018 and to take two field trips.

Committee Activities

During the 2018 interim, the WRRC held six meetings and took two field trips. The WRRC met with a broad range of water users and government officials, including local water providers, state water rights administrators, water quality regulators, state water planners, and concerned citizens. The committee received briefings on major water issues affecting the state on topics including: planning for future water needs; funding needs for state water agencies and water projects; regulation of groundwater use; implementation of new water laws; implementation of the Colorado Water Plan; wastewater treatment; and other issues.

Field trips. In June, the committee made a two-day field trip in the Rio Grande River Basin, where it visited water diversion and storage facilities, agricultural operations, and restoration projects. This tour was organized by Water Education Colorado. Water Education Colorado also provided an update to the committee in September about its recent and upcoming activities. In August, the committee attended the Colorado Water Congress summer conference in Vail, where it held a public meeting and attended presentations about water infrastructure, financing, water planning, ongoing water supply studies, and other water management issues. Detailed descriptions of all committee activities are included below.

Republican River Water Conservation District

The committee heard presentations from the State Engineer and a representative from the Republican River Water Conservation District (RRWCD) regarding ongoing issues in the district. The RRWCD is a statutory public entity created by the Colorado General Assembly in 2004. The district was established for the conservation, use, and development of the water resources of the Republican River, its tributaries, and the portion of the Ogallala aquifer underlying the district. The district collects assessment fees from irrigation and other water users. The fees are used to support the cost of the Republican River Compact Compliance Pipeline and to fund the local cost share for local and federal conservation programs that support compact compliance. The district currently includes Philips and Yuma Counties and the portions of Kit Carson, Lincoln, Logan, Sedgwick, and Washington Counties within the Republican River Basin. A board of 15 directors manages the RRWCD, 7 of whom are appointed by county commissioners from the counties within the district, 7 of whom are appointed by the boards of the Marks Butte, Frenchman, W-Y, Sand Hills, Central Yuma, Arikaree, and Plains Groundwater Management Districts, and one of whom is a member of the Colorado Ground Water Commission.

Committee recommendation. As a result of its discussions, the committee recommends Bill A, which concerns changing the boundaries and meeting schedule of the RRWCD.

Severance Tax

The committee heard presentations regarding state severance taxes from the Department of Natural Resources, Colorado Water Congress, and Legislative Council Staff. Each panel discussed how severance tax is currently calculated and how those funds are used under current law. The Severance Tax Operational Fund receives 25 percent of severance tax receipts, and is used for Tier 1 and Tier 2 programs in the Department of Natural Resources. Tier 1 programs are prioritized in the fund and include operations for the Colorado Oil and Gas Conservation Commission; the Colorado Geological Survey; the Colorado Avalanche Information Center; the Division of Reclamation, Mining, and Safety; the Colorado Water Conservation Board; the Division of Parks and Wildlife; and the fund's statutory reserve. Tier 2 programs include water-related programs, agriculture-related programs, clean and renewable energy development, soil conservation, the control of invasive species, the Species Conservation Trust Fund, and low-income energy assistance programs. Current law provides a mechanism for balancing spending from the fund by making proportional reductions to Tier 2 programs when insufficient funds exist to fully fund those programs and still meet the fund's statutory reserve requirement. This includes providing three transfers each year based on the forecasted severance tax revenue, prior transfers, and the statutory reserve.

Committee recommendation. As a result of this discussion, the committee recommends Bill B, which concerns changing the methodology for how moneys in the Severance Tax Operational Fund are distributed.

Lower Arkansas River Basin

The committee heard from several presenters regarding issues in the Lower Arkansas River Basin, including the Arkansas Valley Conduit project and sedimentation problems near La Junta. Representatives from the Southeastern Colorado Water Conservancy District and the Pueblo Board of Water Works discussed the Arkansas Valley Conduit project, which envisions a water supply pipeline from Pueblo to several communities along the Lower Arkansas River. The project was originally part of the federal Fryingpan-Arkansas project in 1962; however, it has not yet been completed due to the local costs associated with the project. Representatives from the Lower Arkansas Valley Water Conservancy District (LAVWCD) discussed recent flood events near La Junta and the need to dredge certain areas of the river basin in order to increase the flow capacity of the river.

Committee recommendations. As a result of this discussion, the committee recommends Memorial A, which requests Congress to fund the Arkansas Valley Conduit project, and Memorial B, which requests Congress to direct the U.S. Army Corps of Engineers to dredge a portion of the Lower Arkansas River.

Radioactive Waste

The committee heard presentations from the Radiation Program within the Colorado Department of Public Health and Environment (CDPHE) regarding the regulation of technologically enhanced and naturally occurring radioactive materials (TENORM). Radioactivity is naturally present in rocks, soils, surface water and groundwater at trace concentrations. Some naturally occurring radiation can become concentrated or exposed to the accessible environment because of certain human activities. This material, referred to as TENORM, is associated with specific industries and practices, including uranium mining, phosphate waste, coal waste, petroleum production scale and sludge, drinking water treatment, mineral mining, and geothermal wastes. The federal government regulates the use, storage, transportation, and disposal of most radioactive materials, such as those from the medical field, industry, and nuclear energy activities.

Disposal of radioactive waste. Colorado, Nevada, and New Mexico are members of the Rocky Mountain Low-Level Radioactive Waste Compact, which provides for the disposal of low-level radioactive waste produced within the member states and regulates the interstate commerce aspects of low-level radioactive waste. Generators of this waste in the member states have access to waste disposal facilities in Idaho, Texas, Utah, and Washington. Waste cannot be brought into or removed from the member states without approval of the Rocky Mountain Low-Level Radioactive Waste Board. The board has designated the Clean Harbors Deer Trail Facility as a non-exclusive regional facility for the disposal of radium processing wastes and TENORM. The committee requested that a bill on state reciprocity for the disposal of radioactive waste be drafted, but the draft bill was not approved by the committee.

Deficit Irrigation

The committee heard presentations from the Lower Arkansas Super Ditch Company, the State Engineer's Office, the LAVWCD, the Grand Valley Water Users Association (GVWUA), and the Nature Conservancy regarding the potential for deficit irrigation pilot projects in Colorado. Deficit irrigation is defined as intentionally reducing the irrigation of a crop for the purpose of leasing the unconsumed water for an alternative beneficial use. House Bill 13-1248 established a fallowing-leasing pilot program under the authority of the Colorado Water Conservation Board (CWCB). Under current law, each pilot project may last up to ten years and no more than five pilot projects may be located in each of the South Platte, Arkansas, Rio Grande, and Colorado River Basins. To date, the Catlin Pilot Project in the Arkansas River Basin is the only approved pilot project. Partners in the pilot project include LAVWCD, the Lower Arkansas Valley Super Ditch Company, the town of Fowler, the city of Fountain, and the Security Water District. The project involves transferring agricultural water from land irrigated by the Catlin Canal within Otero County for temporary municipal uses. The committee requested that a bill be drafted to expand the allowable pilot projects to include deficit irrigation and partial irrigation season leasing, but the draft bill was not approved by the committee.

Forest Health

The committee heard presentations from the Colorado State Forest Service, the Forest Health Advisory Council, the Society of American Foresters, and the Coalition for the Upper South Platte about forest health issues in the state, including water quality impacts, watershed health, snowpack and runoff, tree cover, restoration projects, wildfire mitigation, the costs of fighting wildfires, and the benefits of prescribed fires. As a result of claims stemming from the Lower North Fork Fire in 2012, House Bill 12-1361 amended the Colorado Governmental Immunity Act to waive sovereign immunity in legal actions against the state arising from a prescribed fire started or maintained by the state. The committee recommended that a bill on removing the waiver of sovereign immunity for prescribed fires be drafted, but the draft bill was not approved by the committee.

Soil Health

The committee heard presentations from Colorado State University, San Miguel County, the U.S. Department of Agriculture, and the National Young Farmers Coalition regarding soil health and several methods that can be used to improve the health of soil, such as reduced tillage farming, increasing organic matter in soil, and rotational grazing. Soil health is the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans. Healthy soil has physical, chemical, and biological benefits and supplies nutrients to crops. The panel discussed the benefits of investing in healthy soil practices and the difficulty agriculture users have in certain areas in accessing technology to improve soil health. The committee requested that a bill creating a Healthy Soil Task Force be drafted, but the draft bill was withdrawn before consideration by the committee.

Corrosion Control for Drinking Water

The committee heard presentations from the CDPHE, Denver Water, and the Metro Wastewater Reclamation District regarding corrosion control best practices for drinking water systems, including an overview of the lead and copper treatment requirements under the federal Safe Drinking Water Act, Denver Water's ongoing actions to reduce lead concentrations, and how wastewater treatment practices are implemented to reduce phosphorous levels. Denver Water uses a three-pronged approach to controlling corrosion in its system, including lead service line replacement, customer outreach and education, and optimal corrosion control treatment practices. The committee also discussed the ongoing stakeholder process currently being conducted by CDPHE to investigate the potential use of orthophosphate to control corrosion in certain drinking water systems, as well as the benefits of other corrosion control practices.

Instream Flow Water Acquisitions

The committee heard a presentation regarding instream flow water acquisitions from representatives from the Colorado Water Trust and CWCB. Colorado's instream flow program, created in 1973, seeks to protect streamflow conditions and provide flexible use options to water right holders. The program gives the CWCB the authority to hold instream flow rights, which are water rights that preserve the

natural environment by remaining in streams or lakes. As the administrator of the program, the CWCB receives recommendations for water rights to be appropriated to specific lakes or streams and determines whether a specific appropriation would sufficiently benefit the natural environment. The CWCB also acquires water rights through the Water Acquisitions Program, which is facilitated by the Colorado Water Trust (CWT). The CWT uses voluntary, market-based efforts to find opportunities to restore flows in Colorado's rivers.

Funding for Water Projects

The committee heard presentations from the CWCB on the first year of grant funding for water projects under the Colorado Water Plan and from the Colorado Water Congress about other ways to fund water projects in the future. The first year of funding for the Colorado Water Plan included about \$9.0 million in CWCB grants for several agricultural, storage, supply, environment/recreation, conservation, and innovation/outreach projects. Project examples include river diversion improvements, land use planning, agricultural water tours, and a small dam enlargement. The second year of funding for the Colorado Water Plan is anticipated to be about \$7.0 million from the CWCB Construction Fund. In addition to protecting severance tax revenue, representatives from the Colorado Water Congress discussed several potential solutions for funding water projects in the future, including potentially changing how severance tax revenue is restricted under the Taxpayer's Bill of Rights (TABOR), backfilling with General Fund revenue, and performing long-range financial planning that is required by House Bill 18-1430.

South Platte River

The committee discussed several issues related to the South Platte River Basin, including the South Platte Storage Study conducted pursuant to House Bill 16-1256, other Denver-area studies being conducted by the U.S. Army Corps of Engineers in partnership with the city and county of Denver and the Greenway Foundation, and recent recharge projects undertaken by Ducks Unlimited. Representatives from the Lower South Platte Water Conservancy District and Leonard Rice Engineers presented the final results of the South Platte Storage Study, which quantified the potential available storage capacity of the river from Kersey to Julesburg. The South Platte Regional Opportunities Working Group is also currently working on potential future storage options for the basin. Several river restoration and flood improvement studies are currently underway along the South Platte River in the Denver metropolitan area, including near the Harvard Gulch, River North, and Sun Valley neighborhoods in Denver and in other areas in Denver and Adams Counties. In cooperation with other entities, Ducks Unlimited has completed several managed groundwater recharge projects along the river in recent years in order to improve waterfowl habitat and to benefit water users in the basin.

Refinance Water Pollution Control Program Report

Representatives from the Water Quality Control Division within CDPHE presented the Refinance Water Pollution Control Program Act report, as required by House Bill 17-1285. The Water Pollution Control Program, in the Water Quality Control Division, implements parts of the federal Clean Water

Act and the Colorado Water Quality Control Act. The program regulates the discharge of pollutants to state waters for more than 10,000 entities, which include commercial and industrial facilities, mines, construction sites, and domestic wastewater facilities. In addition to regulating these facilities, the program works with stakeholders to address pollution from sources that are not regulated, such as water runoff from agricultural areas, abandoned mines, and forested areas. House Bill 17-1285 provided funding for the program and established fee increases, which took effect on July 1, 2018. The report issued by CDPHE provides data from October 1, 2016, through September 30, 2017, and establishes baseline metrics used to measure the program's success. The division also presented information about costs associated with the program, including personal services, administrative services, benefits, and indirect costs of the program.

Land and Water Transfers in Colorado

The committee heard from several representatives regarding land and water transfers in Colorado. A representative from the GVVUA presented information to the committee regarding its alternative transfer method pilot program. The program quantifies the consumptive use of a water resource and potentially makes that volume of water available for use by a different water user or at a different time. The pilot program seeks to identify and explore ways to address potential water supply shortages while also maintaining agricultural use. Ten farmer cooperators have voluntarily participated in the program to date, amounting to approximately 1,252 irrigated acres of land, or approximately 3,000 acre-feet of water each season. Additionally, representatives from Colorado State University provided the committee with information regarding the Colorado Water Bank Workgroup, which was created to explore conservation efforts to prevent the buy-and-dry of agricultural water rights. Finally, the committee also heard from the Colorado River District and other concerned water attorneys about recent transfers of land and water rights in Colorado to out-of-state investors.

Colorado River Issues

The committee heard presentations from the CWCB regarding compact compliance on the Colorado River and drought contingency planning in the Upper Colorado River Basin. Under the 1922 Colorado River Compact, the Upper Basin states, which include Colorado, must not cause the flow to the Lower Basin states to fall below an aggregate of 75 million acre-feet for any period of ten consecutive years. Representatives from CWCB discussed how variable hydrology of the river and declining storage at Lake Powell may create potential operational impacts and compact implications in the coming years. The 10-year flow at Lees Ferry, the delivery point for Upper Basin states, was approximately 92 million acre-feet from 2007 to 2017, and the annual flow at Lees Ferry has never been less than that required by the compact. According to the CWCB, to date, Colorado and the other states in the Upper Basin have not needed to curtail the use of water rights to ensure compliance with the 1922 Compact. CWCB representatives explained to the committee that hydrology on the Colorado River has been drier than previously predicted, resulting in a shortage of water in Lower Basin states. CWCB representatives discussed the administration of the Colorado River, specifically addressing drought contingency planning and response efforts. In Colorado, working groups and stakeholder efforts are underway to examine the risk associated with compact compliance, as well as the impacts of strategies put in place to avoid water rights curtailment. The

CWCB is continuing to work with state, federal, and interstate partners on drought contingency planning efforts.

Other Policy Areas

The committee heard presentations from a number of other entities regarding several other water policy areas, including potable reuse, the state's well examiner and inspection programs, rainwater harvesting, recent well applications in the Cimarron River Basin in southeast Colorado, and irrigation ditch improvements. Stemming from a presentation in 2017 from the city of Fort Collins, the committee recommended that a bill on municipal interconnected water use be drafted, but the draft bill was withdrawn before consideration by the committee. Finally, similar to House Bill 18-1301, the committee requested that a bill be drafted to address the adverse water quality impacts resulting from hard rock mining, but the draft bill was withdrawn before consideration by the committee.

Summary of Recommendations

As a result of the committee's activities, the committee recommended two bills and two memorials to the Legislative Council for consideration in the 2019 session. At its meeting on October 15, 2018, the Legislative Council approved the two recommended bills and two recommended memorials for introduction. The approved bills and memorials are described below.

Bill A – Republican River Water Conservation District

Bill A expands the boundaries of the RRWCD to include most areas where groundwater pumping depletes the flow of the Republican River, as defined by the Republican River Compact Administration groundwater model. The size of the district's board of directors is increased from 15 to 17 to include representatives from Cheyenne County and the East Cheyenne Groundwater Management District. The bill also changes the months in which the district board holds its quarterly meetings.

Bill B – Severance Tax Operational Fund Distribution Methodology

Bill B renames the Tier 1 severance tax programs as Core Departmental Programs and the Tier 2 programs as Natural Resources and Energy Grant Programs and changes the timing and number of payments made to the Natural Resources and Energy Grant Programs. The bill also consolidates three transfers made to Natural Resources and Energy Grant Programs on July 1, January 4, and April 1 of each fiscal year into a single transfer made annually on August 15 in the year following the severance tax collection.

Memorial A – Arkansas Valley Conduit

Memorial A requests Congress to provide sufficient funding for the construction of the Arkansas Valley Conduit project.

Memorial B – Corps of Engineers to Dredge Lower Arkansas River

Memorial B requests Congress to direct the U.S. Army Corps of Engineers, in conjunction and cooperation with the Lower Arkansas Valley Water Conservancy District, to dredge the Lower Arkansas River from the Fort Lyons diversion to John Martin Reservoir

Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<https://leg.colorado.gov/committees/water-resources-review-committee/2018-regular-session>

Meeting Date and Topics Discussed

June 19, 2018

- ◆ Republican River issues
- ◆ Severance tax revenue
- ◆ Water Plan grants first year of funding
- ◆ Species Conservation Trust Fund success stories
- ◆ Potable reuse
- ◆ HB 16-1256 South Platte Storage Study
- ◆ Technologically enhanced and naturally occurring radioactive materials
- ◆ HB 17-1285 Refinance Water Pollution Control Program Act report
- ◆ Public testimony
- ◆ Draft legislation process and deadlines

August 6, 2018

- ◆ Alternative transfer methods success stories
- ◆ Republican River issues
- ◆ Well examiner and inspection programs
- ◆ Public testimony

August 7, 2018

- ◆ Deficit and split season irrigation
- ◆ HB 17-1285 report follow-up
- ◆ Colorado state forest health update
- ◆ Benefits of healthy soil

- ◆ Denver-area South Platte River reports
- ◆ Public testimony
- ◆ Requests for draft committee legislation

August 23, 2018 (Vail, CO)

- ◆ Water and land transfers in Colorado
- ◆ Colorado River Compact
- ◆ Upper Basin drought contingency planning
- ◆ Funding for water projects
- ◆ Public testimony

September 26, 2018

- ◆ Metro Wastewater Metropolitan District Northern Treatment Plant
- ◆ Lower Arkansas River sediment issues
- ◆ Southeast Colorado water issues and Cimarron River wells
- ◆ Perspectives on deficit irrigation
- ◆ Rainwater harvesting pilot project update
- ◆ Irrigation ditch improvements
- ◆ Water Education Colorado update
- ◆ Public testimony

September 27, 2018

- ◆ National Young Farmers Coalition update
- ◆ Corrosion control for drinking water
- ◆ Ducks Unlimited recharge projects
- ◆ Arkansas Valley Conduit project
- ◆ Instream flow water acquisitions pilot process
- ◆ Forest Health Advisory Council update
- ◆ Public testimony
- ◆ Final action on committee legislation

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

BILL A

LLS NO. 19-0132.01 Richard Sweetman x4333

HOUSE BILL

HOUSE SPONSORSHIP

Arndt,

SENATE SPONSORSHIP

Crowder,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPUBLICAN RIVER WATER CONSERVATION**
102 **DISTRICT, AND, IN CONNECTION THEREWITH, EXPANDING THE**
103 **BOUNDARIES OF THE DISTRICT AND ADJUSTING THE MEETING**
104 **SCHEDULE OF THE DISTRICT'S BOARD OF DIRECTORS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Water Resources Review Committee. The boundaries of the Republican river water conservation district are currently established by statute as certain counties and portions of counties that are within the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Republican river basin. The bill expands the boundaries by including the district areas where groundwater pumping depletes the flow of the Republican river as contemplated by applicable United States supreme court case law. The composition of the district's board of directors is adjusted accordingly.

Current law requires the Republican river water conservation district board of directors to conduct regular quarterly meetings in January, April, July, and October. The bill changes these months to February, May, August, and November.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-50-103, **amend**
3 (1) as follows:

4 **37-50-103. Creation and name of district.** (1) There is hereby
5 created a water conservation district to be known and designated as the
6 "Republican river water conservation district". The district is hereby
7 declared to be a body corporate under the laws of Colorado. The district
8 ~~shall comprise~~ CONSISTS OF the following area and territory of the state
9 of Colorado:

10 (a) Phillips and Yuma counties; and

11 (b) Those portions of CHEYENNE, Kit Carson, Lincoln, Logan,
12 Sedgwick, and Washington counties within the ~~Republican river basin~~
13 MODEL DOMAIN OF THE REPUBLICAN RIVER COMPACT ADMINISTRATION
14 GROUNDWATER MODEL WITHIN THE STATE OF COLORADO AS THAT
15 DOMAIN IS DEFINED IN APPENDIX B TO THE FINAL REPORT OF THE SPECIAL
16 MASTER WITH CERTIFICATE OF ADOPTION OF RRCA GROUNDWATER
17 MODEL, *KANSAS V. NEBRASKA AND COLORADO*, UNITED STATES SUPREME
18 COURT, NO. 126, ORIGINAL, DATED SEPTEMBER 17, 2003.

19 **SECTION 2.** In Colorado Revised Statutes, 37-50-104, **amend**
20 (1) and (3)(b); and **add** (3)(a)(IV) as follows:

1 **37-50-104. Board of directors.** (1) (a) The district shall be
2 managed and controlled by a board of ~~fifteen~~ SEVENTEEN directors. The
3 members of the board shall hold their offices for terms of three years and
4 until their successors are appointed and qualified. A director may serve
5 one or more terms. The boards of county commissioners of the counties
6 of Yuma, Phillips, Kit Carson, Washington, Sedgwick, Lincoln,
7 CHEYENNE, and Logan shall each appoint one director, who ~~shall~~ MUST
8 be a resident of the respective county. One member of the board shall be
9 appointed by each of the boards of the EAST CHEYENNE, Marks Butte,
10 Frenchman, W-Y, Sand Hills, Central Yuma, Arikaree, and Plains ground
11 water management districts. One member of the board shall be appointed
12 by the Colorado ground water commission and ~~shall~~ MUST be a member
13 of the Colorado ground water commission.

14 (b) Each director ~~shall~~ MUST be, at the time of the director's
15 appointment, a resident and owner of real property within the county or
16 ground water management district from which he or she is appointed or,
17 if only a part of the county or ground water management district is
18 included within the boundaries of the district, a resident and owner of real
19 property within ~~such~~ THE included part. The director appointed by the
20 Colorado ground water commission ~~shall~~ MUST, at the time of
21 appointment, reside within the district. Each director shall be appointed
22 by either the board of county commissioners of the county in which the
23 director resides or by the ground water management district in which the
24 director resides. The director may be a member of the board of county
25 commissioners of such county or the board of directors of such ground
26 water management district. ~~Such~~ THE appointments shall be made at the
27 first meeting of the board of county commissioners, ground water

1 management district, or Colorado ground water commission after the
2 establishment of the district; EXCEPT THAT THE DIRECTORS APPOINTED BY
3 THE CHEYENNE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE
4 EAST CHEYENNE GROUND WATER MANAGEMENT DISTRICT MUST BE
5 APPOINTED AT THE FIRST MEETING OF THE BOARD OF COUNTY
6 COMMISSIONERS OR GROUND WATER MANAGEMENT DISTRICT, AS
7 APPLICABLE, AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1)(b), AS
8 AMENDED.

9 (c) The members of the board shall annually select one of their
10 number to act as president and one of their number to act as
11 vice-president, each to hold office for one year or until a successor is duly
12 selected.

13 (3) (a) Upon creation of the district, the directors shall be
14 appointed by the respective boards of county commissioners or ground
15 water management districts as provided in this section for the following
16 terms of office:

17 (IV) THE DIRECTOR FROM THE COUNTY OF CHEYENNE HAS AN
18 INITIAL TERM ENDING ON THE DATE OF THE REGULAR QUARTERLY MEETING
19 OF THE BOARD OF COUNTY COMMISSIONERS TO BE HELD IN NOVEMBER
20 2021 OR UPON THE APPOINTMENT OF HIS OR HER SUCCESSOR, WHICHEVER
21 OCCURS LATER. THE DIRECTOR FROM THE EAST CHEYENNE GROUND
22 WATER MANAGEMENT DISTRICT HAS AN INITIAL TERM ENDING ON THE
23 DATE OF THE REGULAR QUARTERLY MEETING OF THE DISTRICT'S BOARD TO
24 BE HELD IN NOVEMBER 2020 OR UPON THE APPOINTMENT OF HIS OR HER
25 SUCCESSOR, WHICHEVER OCCURS LATER.

26 (b) Thereafter, each director ~~shall be~~ IS appointed for a term of
27 three years, and the term ~~shall expire~~ EXPIRES on the date of the regular

1 quarterly meeting to be held in ~~October~~ NOVEMBER of the year that
2 commences during the third year of the director's term, or as soon
3 thereafter as a successor is duly appointed and qualified. For the purpose
4 of determining ~~such~~ THE expiration date, the term of the director shall be
5 taken as having begun on the date of the first regular ~~October~~ NOVEMBER
6 quarterly meeting at which the term of a predecessor would have expired
7 had the director then been duly appointed and qualified.

8 **SECTION 3.** In Colorado Revised Statutes, **amend** 37-50-108 as
9 follows:

10 **37-50-108. Principal office - meetings.** The board shall
11 designate a place within the district where the principal office is to be
12 maintained and may change ~~such~~ THE place from time to time. Regular
13 quarterly meetings of the board shall be held at the office on the ~~second~~
14 ~~Thursday~~ THIRD TUESDAY in the months of ~~January, April, July, and~~
15 ~~October~~ FEBRUARY, MAY, AUGUST, AND NOVEMBER. The board may hold
16 such special meetings as may be required for the proper transaction of
17 business. All special meetings of the board shall be held at locations that
18 are within the boundaries of the district or that are within the boundaries
19 of any county in which the district is located, in whole or in part, or in any
20 county if the meeting location is within Colorado and does not exceed
21 twenty miles from the district boundaries. The provisions of this section
22 governing the location of meetings may be waived only if the proposed
23 change of location of a meeting of the board appears on the agenda of a
24 regular or special meeting of the board and if a resolution is adopted by
25 the board stating the reason for which a meeting of the board is to be held
26 in a location other than under the provisions of this section and further
27 stating the date, time, and place of such meeting. Special meetings may

1 be called by the president of the board or by any four directors. Meetings
2 of the board ~~shall be~~ ARE public, and proper minutes of the proceedings
3 of the board ~~shall~~ MUST be preserved and ~~shall be~~ ARE open to inspection
4 by any elector of the district during business hours.

5 **SECTION 4. Act subject to petition - effective date -**
6 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
7 the expiration of the ninety-day period after final adjournment of the
8 general assembly (August 2, 2019, if adjournment sine die is on May 3,
9 2019); except that, if a referendum petition is filed pursuant to section 1
10 (3) of article V of the state constitution against this act or an item, section,
11 or part of this act within such period, then the act, item, section, or part
12 will not take effect unless approved by the people at the general election
13 to be held in November 2020 and, in such case, will take effect on the
14 date of the official declaration of the vote thereon by the governor.

15 (2) This act applies to conduct occurring on or after the applicable
16 effective date of this act.

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL B

LLS NO. 19-0138.02 Ed DeCecco x4216

SENATE BILL

SENATE SPONSORSHIP

Donovan and Coram,

HOUSE SPONSORSHIP

Esgar and Saine, Roberts, Arndt, Catlin

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE METHODOLOGY TO DISTRIBUTE MONEY IN THE**
102 **SEVERANCE TAX OPERATIONAL FUND AFTER CORE**
103 **DEPARTMENTAL PROGRAMS ARE FUNDED WITHOUT CHANGING**
104 **THE TRANSFERS TO THE NATURAL RESOURCES AND ENERGY**
105 **GRANT PROGRAMS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Water Resources Review Committee. Money in the severance tax operational fund (operational fund) is primarily used for 2 purposes.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The general assembly annually appropriates money from the operational fund for several core departmental programs, which were previously described as "tier-one programs". If money remains after these appropriations and after a reserve requirement for the core departmental programs is satisfied, then the state treasurer transfers money to an array of funds that support natural resources and energy grant programs, which were previously described as "tier-two programs".

There is also a requirement that the reserve include an amount equal to 15% of the maximum transfers to natural resources and energy grant programs required by law, and this reserve is used for the transfers, if necessary.

The bill changes the distribution of the money in the operational fund as follows:

- Separates the reserve into the core reserve and the grant program reserve, while maintaining the overall purpose of each reserve;
- Increases the maximum grant program reserve to 100% of the maximum transfers to the natural resources and energy grant programs required by law, which currently is equal to \$36,378,072;
- Requires the state treasurer to make the transfers to the natural resources and energy grant programs on August 15 after a fiscal year and to base the transfers on actual revenue as opposed to estimated revenue. Money from the grant program reserve may be used for these transfers; and
- If all of the appropriations and transfers have been made and both reserves are full, then the state treasurer is required to transfer any money remaining in the operational fund to the severance tax perpetual base fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-29-109.3, **amend**
3 (2) introductory portion, (3)(a), and (7)(c); **repeal** (4) and (5); and **add**
4 (3.5) and (8) as follows:

5 **39-29-109.3. Severance tax operational fund - core reserve -**
6 **grant program reserve - definitions - repeal.** (2) Subject to the
7 requirements of subsections (3) and ~~(4)~~ **(3.5)** of this section, if the general
8 assembly chooses not to spend up to one hundred percent of the money

1 in the operational fund ~~as specified in subsection (1) of this section~~ ON
2 CORE DEPARTMENTAL PROGRAMS, the state treasurer shall transfer the
3 following amounts: ~~with the exception of the fiscal year commencing on~~
4 ~~July 1, 2018:~~

5 (3) (a) (I) ~~Except as provided in paragraph (b) of this subsection~~
6 ~~(3),~~ It is the intent of the general assembly that the operational fund
7 maintain a reserve equal to the current state fiscal year's operating
8 appropriations for the CORE DEPARTMENTAL programs, ~~specified in~~
9 ~~subsection (1) of this section plus fifteen percent of the current fiscal~~
10 ~~year's transfers specified in subsection (2) of this section. Moneys may be~~
11 ~~transferred from~~ WHICH RESERVE IS REFERRED TO IN THIS SECTION AS THE
12 "CORE RESERVE". IF SEVERANCE TAX REVENUES ARE LESS THAN
13 ANTICIPATED, THEN MONEY IN THE CORE RESERVE IS AVAILABLE TO
14 SUPPORT THE CORE DEPARTMENTAL PROGRAMS, BUT THE CORE RESERVE
15 IS NOT AVAILABLE FOR THE TRANSFERS TO THE NATURAL RESOURCES AND
16 ENERGY GRANT PROGRAMS.

17 (II) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
18 OPERATIONAL FUND MAINTAIN A SECOND RESERVE THAT IS EQUAL TO THE
19 MAXIMUM AMOUNT OF THE TRANSFERS TO THE NATURAL RESOURCES AND
20 ENERGY GRANT PROGRAMS UNDER THIS SECTION, WHICH RESERVE IS
21 REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM RESERVE".
22 MONEY IN the GRANT PROGRAM reserve MAY BE USED to offset temporary
23 revenue reductions in the CORE DEPARTMENTAL programs ~~specified in~~
24 ~~subsection (1) of this section and to offset reductions~~ for TRANSFERS TO
25 NATURAL RESOURCES AND ENERGY GRANT programs; ~~specified in~~
26 ~~subsection (2) of this section, up to fifteen percent of the current fiscal~~
27 ~~year's transfers specified in subsection (2) of this section;~~ except that, if

1 the general assembly determines that transfers of moneys from the GRANT
2 PROGRAM reserve are needed during a state revenue crisis, the transfers
3 shall be a loan from the GRANT PROGRAM reserve to be repaid as soon as
4 ~~moneys are~~ MONEY IS available.

5 (III) ~~This provision is~~ THE RESERVES CREATED IN THIS
6 SUBSECTION (3) ARE intended to mitigate the impact of fluctuations in the
7 amount of revenue credited to the fund from year to year so as to maintain
8 current levels of service for the CORE DEPARTMENTAL programs ~~specified~~
9 ~~in subsection (1) of this section~~ AND THE NATURAL RESOURCES AND
10 ENERGY GRANT PROGRAMS.

11 (3.5) (a) IF, AT THE END OF A FISCAL YEAR, THE CORE RESERVE
12 REQUIREMENT IS FULLY SATISFIED, THEN, ON AUGUST 15 FOLLOWING THE
13 END OF THE FISCAL YEAR, THE STATE TREASURER SHALL MAKE THE
14 TRANSFERS TO THE NATURAL RESOURCES AND ENERGY GRANT PROGRAMS
15 IN THE AMOUNTS SPECIFIED IN SUBSECTION (2) OF THIS SECTION. IF
16 NECESSARY, THE STATE TREASURER MAY USE MONEY IN THE GRANT
17 PROGRAM RESERVE TO SUPPLEMENT THE MONEY OTHERWISE AVAILBLE TO
18 MAKE THE TRANSFERS. IF THERE IS INSUFFICIENT MONEY IN THE
19 OPERATIONAL FUND FOR THE FULL TRANSFERS SPECIFIED IN SUBSECTION
20 (2) OF THIS SECTION, THEN THE STATE TREASURER SHALL
21 PROPORTIONALLY REDUCE THE TRANSFERS.

22 (b) IF THE GRANT PROGRAM RESERVE REQUIREMENT IS FULLY
23 SATISFIED AND THERE IS STILL MONEY IN THE OPERATIONAL FUND AS OF
24 THE END OF THE FISCAL YEAR, THEN, ON AUGUST 15 FOLLOWING THE END
25 OF THE FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER THE
26 REMAINDER TO THE SEVERANCE TAX PERPETUAL BASE FUND CREATED IN
27 SECTION 39-29-109 (2)(a).

1 (c) (I) NOTWITHSTANDING SUBSECTION (3.5)(a) OF THIS SECTION,
2 THE STATE TREASURER SHALL NOT MAKE ANY TRANSFERS ON AUGUST 15,
3 2019, UNLESS SEVERANCE TAX RECEIPTS ARE DEPOSITED IN THE
4 SEVERANCE TAX OPERATIONAL FUND DURING THE PRIOR FISCAL YEAR AND
5 THERE WAS SUFFICIENT MONEY IN THE CORE RESERVE SO THAT NO
6 TRANSFER WAS REQUIRED UNDER SUBSECTION (7)(c) OF THIS SECTION.

7 (II) THIS SUBSECTION (3.5)(c) IS REPEALED, EFFECTIVE JULY 1,
8 2020.

9 (4) (a) ~~Except as provided in subsections (4)(b) and (4)(c) of this~~
10 ~~section, all transfers specified in subsection (2) of this section shall be~~
11 ~~made by the state treasurer in three installments, as follows:~~

12 (I) ~~Forty percent on July 1;~~

13 (II) ~~Thirty percent on January 4;~~

14 (III) ~~Thirty percent on April 1.~~

15 (b) (I) ~~If the revenue estimate prepared by the staff of the~~
16 ~~legislative council in June of any fiscal year indicates that the amount of~~
17 ~~severance tax revenues to be credited to the operational fund in the next~~
18 ~~fiscal year as specified in section 39-29-109 (2)(b) is insufficient for the~~
19 ~~state treasurer to make the transfers set forth in subsection (2) of this~~
20 ~~section and to meet the reserve requirement specified in subsection (3) of~~
21 ~~this section, all transfers scheduled to be made on July 1 shall be~~
22 ~~proportionally reduced. The July 1 proportional reduction shall be~~
23 ~~calculated based on the size of the annual transfers as specified in~~
24 ~~subsection (2) of this section and shall be made to the extent necessary to~~
25 ~~cover forty percent of the projected shortfall between total moneys~~
26 ~~available in the operational fund and the sum of the total operating~~
27 ~~appropriations for the programs specified in subsection (1) of this section;~~

1 the total fiscal year's transfers specified in subsection (2) of this section;
2 and the reserve requirement specified in subsection (3) of this section;
3 except that up to one-third of the fifteen percent of the current fiscal
4 year's transfers specified as part of the reserve set forth in subsection (3)
5 of this section shall be used to offset any proportional reduction required
6 by this subparagraph (I) in any fiscal year.

7 (H) If the revenue estimate prepared by the staff of the legislative
8 council in December of any fiscal year indicates that the amount of
9 severance tax revenues credited to the operational fund as specified in
10 section 39-29-109 (2)(b) is insufficient for the state treasurer to make the
11 transfers set forth in subsection (2) of this section and to meet the reserve
12 requirement specified in subsection (3) of this section, all transfers
13 scheduled to be made on January 4 of the fiscal year shall be
14 proportionally reduced. The January 4 proportional reduction shall be
15 calculated based on the size of the annual transfers as specified in
16 subsection (2) of this section and shall be made to the extent necessary to
17 cover seventy percent of the projected shortfall between total moneys
18 available in the operational fund and the sum of the total operating
19 appropriations for the programs specified in subsection (1) of this section;
20 the total fiscal year's transfers specified in subsection (2) of this section;
21 and the reserve requirement specified in subsection (3) of this section;
22 except that up to one-third of the fifteen percent of the current fiscal
23 year's transfers specified as part of the reserve set forth in subsection (3)
24 of this section shall be used to offset any proportional reduction required
25 by this subparagraph (H) in any fiscal year.

26 (HH) If the revenue estimate prepared by the staff of the legislative
27 council in March of any fiscal year indicates that the amount of severance

1 tax revenues credited to the operational fund as specified in section
2 39-29-109 (2)(b) is insufficient for the state treasurer to make the
3 transfers set forth in subsection (2) of this section and to meet the reserve
4 requirement specified in subsection (3) of this section, all transfers
5 scheduled to be made on April 1 of the fiscal year shall be proportionally
6 reduced. The April 1 proportional reduction shall be calculated based on
7 the size of the annual transfers as specified in subsection (2) of this
8 section and shall be made to the extent necessary to cover the projected
9 shortfall between total moneys available in the operational fund and the
10 sum of the total operating appropriations for the programs specified in
11 subsection (1) of this section, the total fiscal year's transfers specified in
12 subsection (2) of this section, and the reserve requirement specified in
13 subsection (3) of this section; except that any moneys remaining of the
14 fifteen percent of the current fiscal year's transfers specified as part of the
15 reserve set forth in subsection (3) of this section shall be used to offset
16 any proportional reduction required by this subparagraph (III) in any
17 fiscal year.

18 (IV) If proportional reductions are made to either the July 1 or
19 January 4 installments, the April 1 installment may be increased to offset
20 proportional reductions made earlier in the current fiscal year to the
21 maximum extent allowable under the revenue estimate prepared by the
22 staff of the legislative council in March of any fiscal year. The April 1
23 installment shall only be increased if the revenue estimate indicates that
24 the amount of severance tax revenues credited to the operational fund as
25 specified in section 39-29-109 (2)(b) is sufficient to fund the increased
26 installments and still meet the reserve requirement specified in subsection
27 (3) of this section.

1 (c) ~~Repealed.~~

2 (d) ~~Due to decreases in state severance tax revenue, the state~~
3 ~~treasurer shall not make any transfers specified in subsection (2) of this~~
4 ~~section for the fiscal year commencing on July 1, 2018, unless severance~~
5 ~~tax receipts are deposited in the severance tax operational fund during the~~
6 ~~fiscal year and there is sufficient money in the operational fund reserve~~
7 ~~so that no transfer is required under subsection (7)(c) of this section.~~

8 (5) ~~In addition to the distributions specified in paragraph (a) of~~
9 ~~subsection (4) of this section, if there were any proportional reductions~~
10 ~~required in a fiscal year as specified in paragraph (b) of said subsection~~
11 ~~(4), after the reserve specified in subsection (3) of this section is made~~
12 ~~whole if any portion of the reserve was used as specified in paragraph (b)~~
13 ~~of subsection (4) of this section to offset any proportional reduction~~
14 ~~required by said paragraph (b) of subsection (4), the state treasurer shall~~
15 ~~make proportional distributions on August 20 of the following fiscal year~~
16 ~~to the programs specified in subsection (2) of this section if the revenues~~
17 ~~actually received in the operational fund for the previous fiscal year were~~
18 ~~sufficient for the state treasurer to more fully make the transfers set forth~~
19 ~~in subsection (2) of this section and to fully meet the reserve requirement~~
20 ~~specified in subsection (3) of this section.~~

21 (7) The state treasurer shall transfer the following amounts from
22 the general fund to the operational fund:

23 (c) On July 1, 2019, an amount equal to the ~~portion of the~~
24 ~~operational fund~~ CORE reserve ~~required by subsection (3)(a) of this~~
25 ~~section~~ for the operating appropriations for the fiscal year commencing
26 on July 1, 2019, for the programs specified in subsection (1) of this
27 section or fourteen million two hundred fourteen thousand eight hundred

1 fifty-four dollars, whichever amount is less.

2 (8) AS USED IN THIS SECTION:

3 (a) "CORE DEPARTMENTAL PROGRAMS" MEANS THE PROGRAMS
4 SPECIFIED IN SUBSECTION (1) OF THIS SECTION.

5 (b) "TRANSFERS TO THE NATURAL RESOURCES AND ENERGY GRANT
6 PROGRAMS" MEANS THE TRANSFERS SPECIFIED IN SUBSECTION (2) OF THIS
7 SECTION.

8 **SECTION 2. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

MEMORIAL A

LLS NO. M19-0145.01 Richard Sweetman x4333

SENATE Joint Memorial

SENATE SPONSORSHIP

Crowder,

HOUSE SPONSORSHIP

Esgar,

Senate Committees

House Committees

SENATE JOINT MEMORIAL

101 **MEMORIALIZING THE UNITED STATES CONGRESS TO FULFILL THE**
102 **COMMITMENT OF THE FEDERAL GOVERNMENT TO PROVIDE**
103 **FUNDING FOR THE ARKANSAS VALLEY CONDUIT PROJECT.**

1 WHEREAS, The Arkansas Valley Conduit is a proposed 130-mile
2 pipeline with spurs that would deliver filtered water ready for treatment
3 from the Pueblo reservoir to as many as 40 communities and 50,000
4 people east of Pueblo; and

5 WHEREAS, The Arkansas Valley Conduit was authorized by the
6 United States Congress as part of the Fryingpan-Arkansas Project in 1962
7 as a means to address water quality and availability issues in the Arkansas
8 River basin east of Pueblo, but it was never built, largely because of the
9 inability of participants to repay construction costs; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 WHEREAS, In 2009, Congress enacted Pub.L. 111-11, which
2 added to the original Fryingpan-Arkansas Project legislation a
3 cost-sharing plan by which the federal government supplies funding for
4 the project, and the Southeastern Colorado Water Conservancy District
5 agrees to repay 35 percent of the funding to the federal government over
6 a period of 50 years; and

7 WHEREAS, Pub.L. 111-11 also allowed miscellaneous revenues,
8 including excess-capacity contract payments, from the
9 Fryingpan-Arkansas Project to be applied to the construction of, and
10 repayment for, the Arkansas Valley Conduit beginning in 2022; and

11 WHEREAS, These payments will initially total about \$3 million
12 annually, increasing in future years as contract payments rise; and

13 WHEREAS, In 2013, the Southeastern Colorado Water
14 Conservancy District completed a regional water conservation plan in
15 support of the Arkansas Valley Conduit project; and

16 WHEREAS, In 2013, the federal Bureau of Reclamation
17 completed a final environmental impact statement for the project, which
18 concluded that the Arkansas Valley Conduit would have an overall
19 positive impact on area water supplies, water quality, and efficiency of
20 water deliveries; and

21 WHEREAS, In 2014, the federal Bureau of Reclamation issued a
22 record of decision for the Arkansas Valley Conduit, which established a
23 route and scope of work for the project; and

24 WHEREAS, In 2017, the federal Bureau of Reclamation
25 completed a feasibility design report for the Arkansas Valley Conduit;
26 and

27 WHEREAS, In 2017, the Southeastern Colorado Water
28 Conservancy District, the federal Bureau of Reclamation, and the Pueblo
29 Board of Water Works began discussions about a plan to reduce the time
30 needed to build the Arkansas Valley Conduit; and

31 WHEREAS, The plan is a phased approach that would use excess
32 capacity in the Pueblo water system to deliver water to the Arkansas
33 Valley Conduit; and

1 WHEREAS, Most of the prospective participants of the Arkansas
2 Valley Conduit currently rely on groundwater and are in need of a reliable
3 supply of fresh water; and

4 WHEREAS, The Arkansas Valley Conduit is intended to provide
5 safe drinking water to more than 50,000 people whose water supply is
6 currently contaminated by naturally occurring radionuclides beyond the
7 standards established by the federal "Safe Drinking Water Act", Pub.L.
8 93-523; and

9 WHEREAS, Fifteen of the 40 water systems in the Arkansas
10 Valley Conduit are already in violation of clean water standards due to
11 the presence of radionuclides; and

12 WHEREAS, These federal standards are intended to protect the
13 health and safety of the public, and therefore it is within the interest of the
14 federal government to partner with Colorado and local water providers to
15 construct the Arkansas Valley Conduit; and

16 WHEREAS, The Colorado department of public health and
17 environment views the Arkansas Valley Conduit as the preferred method
18 of dealing with contamination from radionuclides in groundwater; and

19 WHEREAS, The cities of the lower Arkansas valley in Colorado
20 have awaited the construction of the Arkansas Valley Conduit for
21 decades; and

22 WHEREAS, Without federal funding, it is beyond the means of
23 southeastern Colorado, an economically disadvantaged portion of the
24 state, to construct the Arkansas Valley Conduit; and

25 WHEREAS, The Colorado water conservation board has
26 committed \$60.6 million toward the construction of the Arkansas Valley
27 Conduit; and

28 WHEREAS, The Arkansas Valley Conduit is supported by
29 Colorado's entire Congressional delegation and has always had the full
30 support of governmental entities at all levels, and no opposition to the
31 Arkansas Valley Conduit exists; now, therefore,

32 *Be It Resolved by the Senate of the Seventy-second General*

1 *Assembly of the State of Colorado, the House of Representatives*
2 *concurring herein:*

3 That Congress should act swiftly to fulfill its commitment to
4 provide sufficient funding to provide for the construction of the Arkansas
5 Valley Conduit.

6 *Be It Further Resolved,* That copies of this Joint Memorial be sent
7 to Governor _____, to each member of Colorado's Congressional
8 delegation, to the Colorado Water Conservation Board, to the
9 Southeastern Colorado Water Conservancy District, to the Pueblo Board
10 of Water Works, to the federal Bureau of Reclamation, and to the current
11 Secretary of the Interior.

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

MEMORIAL B

LLS NO. M19-0144.01 Richard Sweetman x4333

SENATE Joint Memorial

SENATE SPONSORSHIP

Crowder and Coram,

HOUSE SPONSORSHIP

Esgar and Catlin, Roberts

Senate Committees

House Committees

SENATE JOINT MEMORIAL

101 **CONCERNING MEMORIALIZING THE UNITED STATES CONGRESS TO**
102 **ENACT LEGISLATION DIRECTING THE UNITED STATES ARMY**
103 **CORPS OF ENGINEERS, IN CONJUNCTION AND COOPERATION**
104 **WITH THE LOWER ARKANSAS VALLEY WATER CONSERVANCY**
105 **DISTRICT, TO DREDGE A PORTION OF THE ARKANSAS RIVER.**

1 WHEREAS, Flooding of the Arkansas River Valley has been a
2 longstanding problem in the North La Junta Conservancy District, which
3 lies in and around the town of La Junta, Colorado; and

4 WHEREAS, The Lower Arkansas River passes through a "pinch
5 point" as it traverses the passage between the towns of La Junta, on the
6 south bank, and North La Junta, on the north bank; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 WHEREAS, Since the 1999 flood, flooding has become a regular
2 occurrence in this area; and

3 WHEREAS, The flooding in 2016 resulted in a mutual desire
4 among many parties for sedimentation removal and dike construction to
5 ensure the proper channel flows in the river near La Junta; and

6 WHEREAS, In 2016, work began to build up the dike on the east
7 end of the conservancy district, along with sedimentation removal
8 throughout the entire channel; and

9 WHEREAS, By June 1, 2018, the dike had been restored and six
10 large islands full of sedimentation had been removed from the river; and

11 WHEREAS, After further evaluation, it was noted that one more
12 island on the west end of the conservancy district must also be removed
13 to alleviate pressure on the Lower Arkansas River; and

14 WHEREAS, This final island is estimated to be 120 feet long, 43
15 feet wide, and four feet deep for a total of approximately 764 cubic yards
16 of sedimentation; and

17 WHEREAS, By comparison, the six islands that were removed
18 during the earlier phase of the project totaled 530 cubic yards of
19 sedimentation; and

20 WHEREAS, This work will help the Lower Arkansas River stay
21 in its channel and travel its path without any further pinch points, thereby
22 alleviating the flooding that has become endemic to this region; and

23 WHEREAS, The United States Army Corps of Engineers operates
24 and maintains 12,000 miles of commercial inland navigation channels,
25 dredges more than 200 million cubic yards of construction and
26 maintenance dredge material annually, and researches and develops
27 technologies to protect the nation's environment; and

28 WHEREAS, The United States Army Corps of Engineers
29 possesses the expertise, resources, and authority to take on the formidable
30 task of dredging excess sedimentation from the Lower Arkansas River;
31 now, therefore,

32 *Be It Resolved by the Senate of the Seventy-second General*

1 *Assembly of the State of Colorado, the House of Representatives*
2 *concurring herein:*

3 That Congress should immediately enact legislation that directs the
4 United States Army Corps of Engineers, in conjunction and cooperation
5 with the Lower Arkansas Valley Water Conservancy District, to dredge
6 a portion of the Lower Arkansas River from below the Fort Lyons
7 diversion to the John Martin Reservoir.

8 *Be It Further Resolved*, That copies of this Joint Memorial be sent
9 to Governor _____, to each member of Colorado's Congressional
10 delegation, to Senator Michael Bennet, to Senator Cory Gardner, to the
11 Colorado Water Conservation Board, to the North La Junta Conservancy
12 District, to the Southeastern Colorado Water Conservancy District, to the
13 Lower Arkansas Valley Water Conservancy District, and to the current
14 Secretary of the federal Department of the Interior.