

Water Resources Review Committee

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Water Resources Review Committee

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 up to eight times in 2021 and to take two field trips.

Committee Activities

During the 2021 interim, the WRRC held three meetings and took one field trip to the Colorado Water Congress in Steamboat Springs. The WRRC met with a broad range of water users and government officials, including local water providers, water policy experts, state water planners, and concerned citizens. The committee received briefings on major water issues affecting the state, including anti-speculation, recreational in-channel diversion (RICD), compact compliance and groundwater challenges, water efficiency in agriculture, dredge and fill permitting, and alternative transfer methods. The committee also drafted legislation related to anti-speculation, the committee's charge, groundwater compact compliance, water efficiency, and water rights.

Field trips. In August, the committee attended the Colorado Water Congress summer conference in Steamboat Springs, where it held a public meeting about anti-speculation law and Colorado River issues. Committee members and staff also attended presentations about water infrastructure, financing, water planning, ongoing water supply studies, and other water management issues.

Report on Water Anti-Speculation Law. [Senate Bill 20-048](#) required the Department of Natural Resources (DNR) to convene a work group to explore ways to strengthen anti-speculation law and report any recommendations to the WRRC. The State Engineer and work group members presented the report and discussed its content, which included the definition of speculation and potential concepts for addressing speculation.

Colorado River Basin demand management and measurement rules. The committee heard presentations from the Colorado Water Conservation Board within DNR, the State Engineer, Denver Water, and the Colorado River Water Conservation District regarding ongoing discussions about potential demand management programs, measurement rules, and other issues in the Colorado River Basin.

Recreational in-channel diversion. The committee heard presentations from the Colorado River Water Conservation District, Conservation Colorado, American Whitewater, Colorado River District, and Denver Water about the state of RICD water rights in Colorado. Panelists discussed how water courts evaluate RICD applications and how current RICDs operate within the state.

Water efficiency in agriculture. The committee heard presentations from representatives of the agricultural community in Colorado, including Colorado Farm Bureau and a Colorado farmer. The panelists told the committee about the potential for increased water efficiency savings in agriculture.

Compact compliance and groundwater. The committee heard presentations from the Rio Grande Water Conservation District, Republican River Water Conservation District, Colorado River District, and the State Engineer about the current challenges the river districts are facing when it comes to compact compliance and groundwater sustainability. The panelists discussed groundwater use, lawsuits between states over interstate compact delivery requirements, and the over-appropriation of water within river basins.

Alternative transfer methods. The committee heard a presentation from WestWater Research, Colorado Open Lands, and the Rio Grande Water Conservation District about the potential use of alternative transfer methods (ATMs) in Colorado. Panelists discussed how ATMs can be used in conjunction with conservation easements and the opportunity to use ATMs to address current water sustainability challenges.

Water Plan update. Representatives from the Colorado Water Conservation Board within DNR gave an update about the Colorado Water Plan. The panelists discussed the current draft of the plan, community engagement, and the timeline for the plan's completion.

Dredge and fill permitting and Waters of the United States. The committee heard presentations from representatives from the Colorado Department of Public Health and Environment (CDPHE), Associated General Contractors, Theodore Roosevelt Conservation Partnership, Varra Companies, and Brannan Sand and Gravel Company. CDPHE gave an overview of the most recent Waters of the United States definition and the state of dredge and fill permitting in Colorado. Industry representatives spoke about existing work that utilizes dredge and fill permits.

Committee Recommendations

As a result of committee discussion and deliberation, the WRRC recommends the following four bills for consideration in the 2022 legislative session. The committee also sent a letter to the Task Force on Economic Recovery and Relief Cash Fund.

Bill A – Groundwater Compact Compliance and Sustainability. Bill A creates the Groundwater Compact Compliance and Sustainability Cash Fund in the DNR. Funding may include appropriations or transfers by the General Assembly, federal funds, and gifts, grants, and donations. The Colorado Water Conservation Board will disburse available funds based on recommendations from the board of directors of either the Rio Grande Water Conservancy District or the Republican River Water Conservation District, after approval by the State Engineer. If all groundwater reduction requirements and all statutorily mandated standards are achieved, the fund is repealed, and any remaining money is transferred to the General Fund.

Bill B – Investment Water Speculation Prohibition. Bill B defines and prohibits investment water speculation and authorizes the State Engineer in the DNR to investigate purchases of agricultural water rights that are suspected of investment water speculation. Persons engaged in water speculation may be subject to a fine not to exceed \$10,000. The State Engineer may refer any frivolous complaints of water speculation to the Attorney General for investigation and prosecution in the courts. Persons who make frivolous complaints to the State Engineer may be subject to a civil fine not to exceed \$1,000.

Bill C – Expand Water Resources Review Committee to Include Agriculture. Bill C expands the scope of inquiry for the Water Resources Review Committee to include the identification, monitoring, and addressing of agricultural issues. The bill also changes the name of the committee to the Water Resources and Agricultural Review Committee.

Letter to the Task Force on Economic Recovery and Relief Cash Fund. The WRRRC unanimously approved a letter to the Task Force on Economic Recovery and Relief Cash Fund. The letter requested that the task force consider water investment in its recommendations.