

CHAPTER 342

WATER AND IRRIGATION

HOUSE BILL 23-1220

BY REPRESENTATIVE(S) Holtorf and McCormick, Bockenfeld, Amabile, Bird, Boesenecker, Bradfield, Bradley, Brown, DeGraaf, Duran, Frizell, Jodeh, Lieder, Lindsay, Lukens, Lynch, Marshall, Martinez, Mauro, McLachlan, Ortiz, Sharbini, Snyder, Soper, Titone, Velasco, Woodrow, Young, McCluskie, Story;
also SENATOR(S) Pelton B. and Pelton R., Bridges, Cutter, Exum, Hansen, Kirkmeyer, Lundeen, Marchman, Priola, Roberts, Simpson, Will, Winter F.

AN ACT

CONCERNING A STUDY REGARDING THE ECONOMIC IMPACT OF THE ELIMINATION OF LARGE-CAPACITY GROUNDWATER WITHDRAWAL WITHIN THE REPUBLICAN RIVER BASIN, AND, IN CONNECTION THEREWITH, REQUIRING THE COLORADO WATER CENTER TO CONDUCT THE STUDY AND REPORT ITS FINDINGS AND CONCLUSIONS TO CERTAIN LEGISLATIVE COMMITTEES AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add 23-31-804** as follows:

23-31-804. Republican river groundwater economic study - reporting - legislative declaration - definitions - repeal. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) In 1942, THE GENERAL ASSEMBLY RATIFIED THE REPUBLICAN RIVER COMPACT, AN INTERSTATE COMPACT BETWEEN COLORADO, NEBRASKA, AND KANSAS REGARDING THE ALLOCATION OF WATER AMONG THE THREE STATES FROM THE REPUBLICAN RIVER;

(b) VARIOUS DISAGREEMENTS AND LITIGATION HAVE ARISEN AMONG THE THREE STATES REGARDING THE USE OF WATER AS ALLOCATED BY THE COMPACT;

(c) In 2016, COLORADO, NEBRASKA, AND KANSAS, ACTING THROUGH THE REPUBLICAN RIVER COMPACT ADMINISTRATION, ADOPTED A SERIES OF RESOLUTIONS RESOLVING VARIOUS DISPUTES AMONG THE THREE STATES;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(d) UNDER THE TERMS OF ONE OF THE RESOLUTIONS, COLORADO AGREED TO REDUCE THE NUMBER OF ACRES IRRIGATED WITHIN AN AREA OF THE REPUBLICAN RIVER BASIN KNOWN AS THE SOUTH FORK FOCUS ZONE BY TWENTY-FIVE THOUSAND ACRES BY DECEMBER 31, 2029, WHICH ACTION IS A SOLEMN OBLIGATION OF THE STATE;

(e) IF COLORADO FAILS TO MEET ITS OBLIGATION UNDER THE TERMS OF THE SOUTH FORK FOCUS ZONE RESOLUTION, THE STATE ENGINEER COULD BE REQUIRED TO CURTAIL ALL GROUNDWATER USE SUBJECT TO THE REPUBLICAN RIVER COMPACT; AND

(f) IT IS APPROPRIATE FOR THE COLORADO WATER CENTER TO STUDY THE ECONOMIC IMPACT THAT WILL RESULT IF COLORADO FAILS TO MEET ITS OBLIGATION UNDER THE TERMS OF THE SOUTH FORK FOCUS ZONE RESOLUTION AND THE STATE ENGINEER IS THEN REQUIRED TO CURTAIL ALL LARGE-CAPACITY GROUNDWATER WITHDRAWALS WITHIN THE REPUBLICAN RIVER BASIN.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "AGRICULTURAL COMMITTEES" MEANS THE HOUSE OF REPRESENTATIVES AGRICULTURE, WATER, AND NATURAL RESOURCES COMMITTEE AND THE SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

(b) NOTWITHSTANDING SECTION 23-31-801 (1), "COLORADO WATER CENTER" OR "CENTER" MEANS THE INSTITUTE.

(c) "LARGE-CAPACITY GROUNDWATER WITHDRAWAL" MEANS THE LAWFUL ABILITY TO WITHDRAW WATER IN AN AMOUNT OF MORE THAN FIFTY GALLONS PER MINUTE FROM A WELL.

(d) "REPUBLICAN RIVER BASIN" HAS THE MEANING SET FORTH IN SECTION 37-50-102 (5).

(e) "SOUTH FORK FOCUS ZONE RESOLUTION" OR "RESOLUTION" MEANS THE 2016 REPUBLICAN RIVER COMPACT ADMINISTRATION RESOLUTION SIGNED BY THE COMMISSIONERS OF THE REPUBLICAN RIVER COMPACT ADMINISTRATION ON AUGUST 24, 2016, IN WHICH THE STATE AGREED TO RETIRE TWENTY-FIVE THOUSAND ACRES OF ITS IRRIGATED LANDS WITHIN THE SOUTH FORK FOCUS ZONE OF THE REPUBLICAN RIVER BASIN, AND SUBSEQUENT RESOLUTIONS AMENDING THE TERMS OF THE RESOLUTION.

(f) "STATE ENGINEER" MEANS THE STATE ENGINEER APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 37-80-101.

(g) "WATER RESOURCES AND AGRICULTURE REVIEW COMMITTEE" MEANS THE WATER RESOURCES AND AGRICULTURE REVIEW COMMITTEE CREATED IN SECTION 37-98-102 (1)(a)(I).

(3) ON OR BEFORE JANUARY 1, 2026, THE COLORADO WATER CENTER SHALL COMPLETE A STUDY OF THE ECONOMIC IMPACT THAT WILL RESULT IF COLORADO

FAILS TO MEET ITS OBLIGATION UNDER THE TERMS OF THE SOUTH FORK FOCUS ZONE RESOLUTION AND THE STATE ENGINEER IS THEN REQUIRED TO CURTAIL ALL LARGE-CAPACITY GROUNDWATER WITHDRAWALS WITHIN THE REPUBLICAN RIVER BASIN. IN CONDUCTING THE STUDY, THE COLORADO WATER CENTER SHALL EXAMINE THE ECONOMIC IMPACT TO THE AREAS OF COLORADO, NEBRASKA, AND KANSAS AFFECTED BY THE REPUBLICAN RIVER BASIN.

(4) THE CENTER SHALL:

(a) PREPARE A PROGRESS REPORT OF THE STUDY CONDUCTED PURSUANT TO THIS SECTION AND PRESENT THE PROGRESS REPORT TO A JOINT COMMITTEE OF THE AGRICULTURAL COMMITTEES DURING THE JOINT COMMITTEE'S 2025 HEARING HELD PURSUANT TO SECTION 2-7-203 OF THE "SMART ACT", PART 2 OF ARTICLE 7 OF TITLE 2. THE CENTER SHALL SUBMIT A COPY OF THE PROGRESS REPORT TO THE WATER RESOURCES AND AGRICULTURE REVIEW COMMITTEE AND, UPON REQUEST OF THE COMMITTEE, PRESENT THE PROGRESS REPORT TO THE COMMITTEE.

(b) ON OR BEFORE JANUARY 1, 2026, PREPARE A FINAL REPORT OF THE FINDINGS AND CONCLUSIONS FROM THE STUDY AND POST THE FINAL REPORT ON THE CENTER'S WEBSITE; AND

(c) DURING THE 2026 CALENDAR YEAR, PRESENT THE FINAL REPORT:

(I) TO THE WATER RESOURCES AND AGRICULTURE REVIEW COMMITTEE; AND

(II) TO THE JOINT COMMITTEE OF THE AGRICULTURAL COMMITTEES.

(5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2027.

SECTION 2. In Colorado Revised Statutes, 23-3.3-103, **add** (19) as follows:

23-3.3-103. Annual appropriations - repeal. (19) (a) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION CONCERNING APPROPRIATIONS FOR STUDENT FINANCIAL ASSISTANCE UNDER THIS ARTICLE 3.3 DO NOT APPLY TO APPROPRIATIONS MADE FOR THE PURPOSE OF CONDUCTING A REPUBLICAN RIVER GROUNDWATER ECONOMIC IMPACT STUDY PURSUANT TO SECTION 23-31-804.

(b) THIS SUBSECTION (19) IS REPEALED, EFFECTIVE JULY 1, 2027.

SECTION 3. Appropriation. For the 2023-24 state fiscal year, \$146,286 is appropriated to the department of higher education. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the board of governors of the Colorado state university system for allocation to the Colorado water center.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 3, 2023