

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0630.01 Jennifer Berman x3286

HOUSE BILL 16-1256

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**HOUSE SPONSORSHIP**

**Brown,** Humphrey, Priola, Roupe, Nordberg, Windholz, Everett, Lundeen, Klingenschmitt, Thurlow, Wist, Sias, Dore, DelGrosso, Leonard, Willett, Van Winkle, Wilson, Rankin, Arndt, Becker J., Conti, Coram, Landgraf, Navarro, Saine, Singer, Vigil

**SENATE SPONSORSHIP**

**Sonnenberg,**

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**House Committees**

Agriculture, Livestock, & Natural Resources  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING A STUDY REGARDING THE CREATION OF ADDITIONAL**  
102 **WATER STORAGE IN THE SOUTH PLATTE RIVER BASIN.**

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**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://www.leg.state.co.us/billsummaries>.)*

**Section 1** of the bill requires the Colorado water conservation board (board), in collaboration with the state engineer, to conduct or commission a hydrology study of the South Platte river basin to determine, for each of the previous 20 years, the amount of water that has been delivered to Nebraska from the river in excess of the amount required under the South Platte river compact. The study must also

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

include a list of locations that have been identified as possible sites for the construction of a reservoir along the mainstem and tributaries of the South Platte river between Greeley, Colorado, and Julesburg, Colorado. For each listed location, the study must include information on the amount of water that could have been stored in a reservoir at the site, a list of any property that the federal bureau of reclamation or another government agency has purchased for construction of the site, an estimate of the cost to construct a reservoir at the site, and a cost-benefit analysis for constructing a reservoir at the site. The board, in collaboration with the state engineer, is required to provide a report summarizing the study to the committees of reference in the house of representatives and the senate that have jurisdiction over natural resources matters.

**Section 2** transfers \$250,000 from the severance tax perpetual base fund to the Colorado water conservation board construction fund on July 1, 2016.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-60-115, **add** (11)  
3 as follows:

4 **37-60-115. Water studies - rules - repeal. (11) South Platte**  
5 **river storage study - report - repeal. (a) Legislative declaration.**

6 (I) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

7 (A) COLORADO'S WATER PLAN IDENTIFIES INCREASED WATER  
8 STORAGE AS AN IMPORTANT GOAL AND SETS FORTH AN OBJECTIVE TO  
9 ATTAIN AN ADDITIONAL FOUR HUNDRED THOUSAND ACRE FEET OF WATER  
10 STORAGE IN COLORADO BY 2050; AND

11 (B) IN 2015, MORE THAN TWO MILLION ACRE FEET OF WATER THAT  
12 WERE DELIVERED TO NEBRASKA BY THE SOUTH PLATTE RIVER COULD  
13 HAVE BEEN STORED AND USED IN COLORADO.

14 (II) THE GENERAL ASSEMBLY FURTHER DETERMINES THAT WATER  
15 STORAGE PROVIDES NUMEROUS BENEFITS, INCLUDING:

16 (A) AN INCREASED ABILITY TO ADDRESS COLORADO'S PREDICTED  
17 FUTURE WATER SUPPLY GAPS;

- 1 (B) PROVIDING AQUIFER RECHARGE;
- 2 (C) REDUCING THE NEED TO IMPORT WATER FROM ONE WATER
- 3 BASIN TO ANOTHER WATER BASIN THROUGH A TRANSBASIN DIVERSION;
- 4 (D) REDUCING RELIANCE ON THE PRACTICE OF BUYING
- 5 AGRICULTURAL WATER RIGHTS AND DRYING UP THE AGRICULTURAL LAND
- 6 SERVED BY THE WATER RIGHTS;
- 7 (E) RECREATIONAL BENEFITS;
- 8 (F) FLOOD CONTROL;
- 9 (G) INCREASING PRODUCTION BY ALLOWING AGRICULTURAL
- 10 PUMPING OF WELLS, WHICH WILL LOWER THE WATER LEVELS IN AREAS
- 11 WHERE WELLS HAVE BEEN SHUT OFF DUE TO HIGH GROUNDWATER LEVELS;
- 12 (H) INCREASED MUNICIPAL, INDUSTRIAL, AND AGRICULTURAL
- 13 WATER SUPPLY; AND
- 14 (I) INCREASED AGRICULTURAL PRODUCTION.

15 (III) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT A  
16 STUDY SHOULD BE CONDUCTED TO IDENTIFY POSSIBLE WATER STORAGE  
17 SITES ALONG THE SOUTH PLATTE RIVER BASIN.

18 (b) THE BOARD, IN COLLABORATION WITH THE STATE ENGINEER,  
19 SHALL CONDUCT OR COMMISSION A HYDROLOGY STUDY OF THE SOUTH  
20 PLATTE RIVER BASIN TO ESTIMATE, FOR EACH OF THE PREVIOUS TWENTY  
21 YEARS, THE VOLUME OF WATER THAT:

22 (I) HAS BEEN DELIVERED TO NEBRASKA IN EXCESS OF THE  
23 AMOUNT REQUIRED TO BE DELIVERED BY THE SOUTH PLATTE RIVER  
24 COMPACT, ARTICLE 65 OF THIS TITLE; AND

25 (II) COULD HAVE OTHERWISE BEEN STORED IN THE LOWER SOUTH  
26 PLATTE RIVER BASIN.

27 (c) THE STUDY MUST INCLUDE A LISTING OF THE LOCATIONS THAT

1 HAVE BEEN IDENTIFIED AS POSSIBLE SITES FOR THE CONSTRUCTION OF A  
2 NEW RESERVOIR ON THE MAINSTEM AND TRIBUTARIES OF THE SOUTH  
3 PLATTE RIVER BETWEEN GREELEY, COLORADO, AND JULESBURG,  
4 COLORADO.

5 (d) FOR EACH POSSIBLE SITE IDENTIFIED PURSUANT TO PARAGRAPH  
6 (c) OF THIS SUBSECTION (11), THE STUDY MUST INCLUDE:

7 (I) AN ESTIMATE OF THE VOLUME OF WATER THAT COULD HAVE  
8 BEEN STORED ANNUALLY;

9 (II) USING RELEVANT RECORDS TO WHICH THE PERSONS  
10 CONDUCTING THE STUDY MAY ACCESS, INCLUDING RECORDS OF THE  
11 FEDERAL BUREAU OF RECLAMATION AND OTHER FEDERAL AGENCIES, A  
12 LISTING OF ANY PROPERTY THAT THE FEDERAL BUREAU OF RECLAMATION  
13 OR OTHER GOVERNMENT AGENCY HAS PURCHASED FOR CONSTRUCTION OF  
14 THE SITE;

15 (III) AN ESTIMATE OF THE COST TO CONSTRUCT A RESERVOIR AT  
16 THE SITE, INCLUDING THE ESTIMATED COSTS OF OBTAINING NECESSARY  
17 PERMITS AND ACQUIRING PROPERTY; AND

18 (IV) A COST-BENEFIT ANALYSIS FOR CONSTRUCTING A RESERVOIR  
19 AT THE SITE, INCLUDING CONSIDERATION OF POTENTIAL ENVIRONMENTAL,  
20 FINANCIAL, AND LEGAL CONSTRAINTS AND POTENTIAL BENEFITS,  
21 INCLUDING:

22 (A) ADDRESSING COLORADO'S PREDICTED FUTURE WATER SUPPLY  
23 GAPS;

24 (B) PROVIDING AQUIFER RECHARGE;

25 (C) REDUCING THE NEED TO IMPORT WATER INTO THE SOUTH  
26 PLATTE RIVER BASIN FROM OTHER WATER BASINS;

27 (D) REDUCING RELIANCE ON THE PRACTICE OF BUYING

1 AGRICULTURAL WATER RIGHTS AND DRYING UP THE AGRICULTURAL LAND  
2 SERVED BY THE WATER RIGHTS;

3 (E) RECREATIONAL BENEFITS;

4 (F) FLOOD CONTROL;

5 (G) INCREASING PRODUCTION BY ALLOWING AGRICULTURAL  
6 PUMPING OF WELLS, WHICH WILL LOWER THE WATER LEVELS IN AREAS  
7 WHERE WELLS HAVE BEEN SHUT OFF DUE TO HIGH GROUNDWATER LEVELS;

8 (H) INCREASED MUNICIPAL, INDUSTRIAL, AND AGRICULTURAL  
9 WATER SUPPLY;

10 (I) INCREASED AGRICULTURAL PRODUCTION; AND

11 (J) ANY OTHER BENEFIT.

12 (e) THE BOARD, IN COLLABORATION WITH THE STATE ENGINEER,  
13 SHALL:

14 (I) COMPLETE THE STUDY AS EXPEDITIOUSLY AS PRACTICABLE,  
15 BUT NOT LATER THAN NOVEMBER 30, 2016; AND

16 (II) ON OR BEFORE JANUARY 20, 2017, PROVIDE A REPORT  
17 SUMMARIZING THE STUDY TO THE COMMITTEES OF REFERENCE IN THE  
18 HOUSE OF REPRESENTATIVES AND THE SENATE WITH JURISDICTION OVER  
19 NATURAL RESOURCES.

20 (f) THE BOARD MAY ACCEPT AND EXPEND GIFTS, GRANTS, AND  
21 DONATIONS FOR THE PURPOSES OF THIS SUBSECTION (11), BUT THE  
22 IMPLEMENTATION OF THIS SUBSECTION (11) IS NOT DEPENDENT ON THE  
23 RECEIPT OF GIFTS, GRANTS, AND DONATIONS. THE BOARD SHALL TRANSMIT  
24 ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE  
25 STATE TREASURER, WHO SHALL CREDIT THEM TO THE COLORADO WATER  
26 CONSERVATION BOARD CONSTRUCTION FUND CREATED IN SECTION  
27 37-60-121.

1 (g) THIS SUBSECTION (11) IS REPEALED, EFFECTIVE JULY 1, 2018.

2 SECTION 2. In Colorado Revised Statutes, 39-29-109, amend  
3 (2) introductory portion; and add (2) (a) (XV) as follows:

4 39-29-109. Severance tax trust fund - created - administration  
5 - distribution of money - repeal. (2) State severance tax receipts shall  
6 be credited to the severance tax trust fund as provided in section  
7 39-29-108. Except as otherwise set forth in section 39-29-109.5, all  
8 income derived from the deposit and investment of the moneys MONEY  
9 in the fund shall be credited to the fund. At the end of any fiscal year, all  
10 unexpended and unencumbered moneys MONEY in the fund remain  
11 therein REMAINS IN THE FUND and shall not be credited or transferred to  
12 the general fund or any other fund. All moneys MONEY in the fund are IS  
13 subject to appropriation by the general assembly for the following  
14 purposes:

15 (a) The severance tax perpetual base fund.  
16 (XV) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (a) TO THE  
17 CONTRARY, ON JULY 1, 2016, THE STATE TREASURER SHALL TRANSFER  
18 TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE FUND TO THE  
19 COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND,  
20 CREATED IN SECTION 37-60-121 (1) (a), C.R.S., FOR USE BY THE  
21 COLORADO WATER CONSERVATION BOARD, CREATED IN SECTION  
22 37-60-102, C.R.S., TO IMPLEMENT THE SOUTH PLATTE RIVER WATER  
23 STORAGE STUDY PURSUANT TO SECTION 37-60-115 (11), C.R.S.

24 SECTION 3. Safety clause. The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, and safety.