A BILL FOR AN ACT

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

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
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.

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

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

river storage study - report - repeal. (a) Legislative declaration.

(I) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(A) COLORADO'S WATER PLAN IDENTIFIES INCREASED WATER
storage as an important goal and sets forth an objective to
attain an additional four hundred thousand acre feet of water
storage in Colorado by 2050; and

(B) IN 2015, MORE THAN TWO MILLION ACRE FEET OF WATER THAT
were delivered to Nebraska by the South Platte river could
have been stored and used in Colorado.

(II) THE GENERAL ASSEMBLY FURTHER DETERMINES THAT WATER
storage provides numerous benefits, including:

(A) AN INCREASED ABILITY TO ADDRESS COLORADO'S PREDICTED
future water supply gaps;
(B) PROVIDING AQUIFER RECHARGE;

(C) REDUCING THE NEED TO IMPORT WATER FROM ONE WATER
BASIN TO ANOTHER WATER BASIN THROUGH A TRANSBASIN DIVERSION;

(D) REDUCING RELIANCE ON THE PRACTICE OF BUYING
AGRICULTURAL WATER RIGHTS AND DRYING UP THE AGRICULTURAL LAND
SERVED BY THE WATER RIGHTS;

(E) RECREATIONAL BENEFITS;

(F) FLOOD CONTROL;

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

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

(I) INCREASED AGRICULTURAL PRODUCTION.

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

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

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

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

(c) THE STUDY MUST INCLUDE A LISTING OF THE LOCATIONS THAT
HAVE BEEN IDENTIFIED AS POSSIBLE SITES FOR THE CONSTRUCTION OF A
NEW RESERVOIR ON THE MAINSTEM AND TRIBUTARIES OF THE SOUTH
PLATTE RIVER BETWEEN GREELEY, COLORADO, AND JULESBURG,
COLORADO.

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

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

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

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

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

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

(B) PROVIDING AQUIFER RECHARGE;

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

(D) REDUCING RELIANCE ON THE PRACTICE OF BUYING
AGRICULTURAL WATER RIGHTS AND DRYING UP THE AGRICULTURAL LAND
SERVED BY THE WATER RIGHTS;

(E) RECREATIONAL BENEFITS;

(F) FLOOD CONTROL;

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

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

(I) INCREASED AGRICULTURAL PRODUCTION; AND

(J) ANY OTHER BENEFIT.

(e) THE BOARD, IN COLLABORATION WITH THE STATE ENGINEER,
shall:

(I) COMPLETE THE STUDY AS EXPEDITIOUSLY AS PRACTICABLE,
but not later than November 30, 2016; and

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

(f) THE BOARD MAY ACCEPT AND EXPEND GIFTS, GRANTS, AND
DONATIONS FOR THE PURPOSES OF THIS SUBSECTION (11), BUT THE
IMPLEMENTATION OF THIS SUBSECTION (11) IS NOT DEPENDENT ON THE
RECEIPT OF GIFTS, GRANTS, AND DONATIONS. THE BOARD SHALL TRANSMIT
ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE
STATE TREASURER, WHO SHALL CREDIT THEM TO THE COLORADO WATER
CONSERVATION BOARD CONSTRUCTION FUND CREATED IN SECTION
37-60-121.
(g) THIS SUBSECTION (11) IS REPEALED, EFFECTIVE JULY 1, 2018.

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

39-29-109. Severance tax trust fund - created - administration - distribution of money - repeal. (2) State severance tax receipts shall be credited to the severance tax trust fund as provided in section 39-29-108. Except as otherwise set forth in section 39-29-109.5, all income derived from the deposit and investment of the money in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered money in the fund remain therein and shall not be credited or transferred to the general fund or any other fund. All money in the fund are subject to appropriation by the general assembly for the following purposes:

(a) The severance tax perpetual base fund. 

(XV) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (a) TO THE CONTRARY, ON JULY 1, 2016, THE STATE TREASURER SHALL TRANSFER TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE FUND TO THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND, CREATED IN SECTION 37-60-121 (1) (a), C.R.S., FOR USE BY THE COLORADO WATER CONSERVATION BOARD, CREATED IN SECTION 37-60-102, C.R.S., TO IMPLEMENT THE SOUTH PLATTE RIVER WATER STORAGE STUDY PURSUANT TO SECTION 37-60-115 (11), C.R.S.

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