

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 7, 2016
Date

Committee on Agriculture, Livestock, & Natural Resources.

After consideration on the merits, the Committee recommends the following:

HB16-1256 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, strike line 17 and substitute "FUTURE WATER
2 SUPPLY-DEMAND GAP;"

3 Page 3, strike lines 1 through 12 and substitute:

4 "(B) PROVIDING STORAGE WATER RIGHTS THAT ALLOW FOR
5 AQUIFER RECHARGE;

6 (C) REDUCING PRESENT AND FUTURE NEEDS TO IMPORT WATER
7 FROM ONE WATER BASIN TO ANOTHER WATER BASIN THROUGH A
8 TRANSBASIN DIVERSION;

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

12 (E) RECREATIONAL BENEFITS;

13 (F) FLOOD CONTROL;

14 (G) IMPROVING INSTREAM FLOW;

15 (H) IMPROVING WATER COMPACT COMPLIANCE;

16 (I) ENHANCING COMPLIANCE WITH ENDANGERED SPECIES HABITAT
17 REGULATIONS;

18 (J) ENHANCING MIGRATORY BIRD HABITATS;

19 (K) IMPROVING WILDLIFE HABITATS;

20 (L) INCREASED MUNICIPAL, INDUSTRIAL, ENVIRONMENTAL, AND
21 AGRICULTURAL".

1 Reletter succeeding sub-subparagraph accordingly.

2 Page 3, strike lines 16 through 27 and substitute "STUDY SHOULD BE
3 CONDUCTED TO IDENTIFY ALL WATER STORAGE POSSIBILITIES ALONG THE
4 SOUTH PLATTE RIVER BASIN, INCLUDING THE CONSTRUCTION OF A
5 RESERVOIR AND AQUIFER RECHARGE.

6 (b) IF THE SOUTH PLATTE BASIN AND METRO ROUNDTABLES FIRST
7 APPROVE OF A WATER STORAGE STUDY PURSUANT TO GUIDELINES
8 ESTABLISHED FOR GRANT AWARD DETERMINATIONS MADE IN ACCORDANCE
9 WITH SECTION 39-29-109 (2) (c) (I), C.R.S., THE BOARD, IN
10 COLLABORATION WITH THE STATE ENGINEER, THE SOUTH PLATTE BASIN
11 ROUNDTABLE, AND THE METRO ROUNDTABLE, SHALL DEVELOP A SCOPE OF
12 WORK TO CONDUCT OR COMMISSION A STORAGE STUDY OF THE SOUTH
13 PLATTE RIVER BASIN THAT:

14 (I) EVALUATES THE AMOUNT OF WATER DELIVERED IN EACH OF
15 THE PREVIOUS TWENTY YEARS TO NEBRASKA IN EXCESS OF THE AMOUNT
16 REQUIRED TO BE DELIVERED BY THE SOUTH PLATTE RIVER COMPACT,
17 ARTICLE 65 OF THIS TITLE;

18 (II) EVALUATES THE AMOUNT OF WATER THAT COULD HAVE
19 OTHERWISE BEEN STORED THROUGH CONSTRUCTION OF A RESERVOIR OR
20 OTHER STORAGE MECHANISM IN THE LOWER SOUTH PLATTE RIVER BASIN;

21 (III) REVIEWS AND EVALUATES ALL PREVIOUSLY DEVELOPED AND
22 CURRENTLY AVAILABLE STORAGE STUDIES, INCLUDING THE COLORADO
23 DECISION SUPPORT SYSTEM'S DATA AND MODEL RUNS, AND ANY OTHER
24 APPLICABLE DATA AVAILABLE ON THE SOUTH PLATTE RIVER BASIN; AND

25 (IV) DEVELOPS A LIST OF POSSIBLE SITES ALONG THE MAIN STEM
26 AND TRIBUTARIES OF THE SOUTH PLATTE RIVER BASIN, FROM GREELEY,
27 COLORADO, TO JULESBURG, COLORADO:

28 (A) FOR CONSTRUCTING A NEW RESERVOIR;

29 (B) OF EXISTING RESERVOIR SITES THAT COULD BE ENLARGED;

30 AND

31 (C) FOR IMPLEMENTING AN ALTERNATIVE STORAGE MECHANISM.

32 (c) FOR EACH POSSIBLE SITE IDENTIFIED PURSUANT TO
33 SUBPARAGRAPH (IV) OF PARAGRAPH (b) OF THIS SUBSECTION (11), THE
34 STUDY MUST INCLUDE:

35 (I) AN ESTIMATE OF THE VOLUME OF WATER THAT COULD HAVE
36 BEEN STORED ANNUALLY; HOWEVER, THE ESTIMATE MUST INCLUDE ONLY
37 MEASURED FLOW IN THE SOUTH PLATTE RIVER EXISTING AT THE TIME OF
38 THE STUDY AND NOT ANY FUTURE, NEWLY CREATED TRANSMOUNTAIN

1 DIVERSIONS FROM THE SOUTHWEST, GUNNISON, COLORADO, OR YAMPA
2 BASINS;

3 (II) A PRELIMINARY ESTIMATE OF THE COST, INCLUDING THE
4 ESTIMATED COSTS OF OBTAINING NECESSARY PERMITS AND ACQUIRING
5 PROPERTY, FOR THE:

6 (A) CONSTRUCTION OF A NEW RESERVOIR AT THE SITE; OR

7 (B) REHABILITATION OF AN EXISTING RESERVOIR; AND".

8 Page 4, strike lines 1 through 19 and substitute:

9 "(III) A COST-BENEFIT ANALYSIS FOR CONSTRUCTING A RESERVOIR
10 OR IMPLEMENTING AN ALTERNATIVE STORAGE MECHANISM, INCLUDING
11 CONSIDERATION OF POTENTIAL ENVIRONMENTAL,".

12 Page 4, strike lines 24 through 27 and substitute:

13 "(B) PROVIDING STORAGE WATER RIGHTS THAT ALLOW FOR
14 AQUIFER RECHARGE;

15 (C) REDUCING PRESENT AND FUTURE NEEDS TO IMPORT WATER
16 FROM ONE WATER BASIN TO ANOTHER WATER BASIN THROUGH A
17 TRANSBASIN DIVERSION;

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

21 (E) RECREATIONAL BENEFITS;

22 (F) FLOOD CONTROL;

23 (G) IMPROVING INSTREAM FLOW;

24 (H) IMPROVING WATER COMPACT COMPLIANCE;

25 (I) ENHANCING COMPLIANCE WITH ENDANGERED SPECIES HABITAT
26 REGULATIONS;

27 (J) ENHANCING MIGRATORY BIRD HABITATS;

28 (K) IMPROVING WILDLIFE HABITATS;

29 (L) INCREASED MUNICIPAL, INDUSTRIAL, ENVIRONMENTAL, AND
30 AGRICULTURAL".

31 Page 5, strike lines 1 through 8.

32 Reletter succeeding sub-subparagraphs accordingly.

33 Page 5, strike lines 12 through 19 and substitute:

1 "(d) ON OR BEFORE SEPTEMBER 30, 2016, THE BOARD, PURSUANT
2 TO THE PROCEDURES SET FORTH IN SECTION 39-29-109 (2) (c), C.R.S.,
3 SHALL DETERMINE WHETHER TO APPROVE OR DENY THE COMMISSION OF
4 A WATER STORAGE STUDY PURSUANT TO THIS SUBSECTION (11).

5 (e) IF A STUDY IS AUTHORIZED PURSUANT TO PARAGRAPH (d) OF
6 THIS SUBSECTION (11), THE BOARD, IN COLLABORATION WITH THE STATE
7 ENGINEER, SHALL:

8 (I) COMPLETE A SCOPE OF WORK FOR THE STUDY AS
9 EXPEDITIOUSLY AS PRACTICABLE, BUT NOT LATER THAN NOVEMBER 30,
10 2016;

11 (II) COMPLETE THE STUDY NO LATER THAN OCTOBER 31, 2017;

12 (III) ON OR BEFORE DECEMBER 31, 2017, PROVIDE A REPORT
13 SUMMARIZING THE STUDY TO THE COMMITTEES OF REFERENCE IN THE
14 HOUSE OF REPRESENTATIVES AND THE SENATE WITH JURISDICTION OVER
15 NATURAL RESOURCES.

16 (f) IF A STUDY IS AUTHORIZED PURSUANT TO PARAGRAPH (d) OF
17 THIS SUBSECTION (11), THE BOARD SHALL IMMEDIATELY NOTIFY THE
18 STATE TREASURER OF THE AUTHORIZATION."

19 Reletter succeeding paragraphs accordingly.

20 Page 6, line 3, strike "(a) (XV)" and substitute "(c) (III)".

21 Page 6, strike lines 15 through 17 and substitute:

22 "(c) **The water supply reserve fund.** (III) IF THE BOARD
23 NOTIFIES THE STATE TREASURER THAT A WATER STORAGE STUDY HAS
24 BEEN AUTHORIZED PURSUANT TO SECTION 37-60-115 (11), C.R.S., ON
25 OCTOBER 15, 2016, THE STATE TREASURER SHALL TRANSFER".

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