

**Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 22-0780.01 Jennifer Berman x3286

**SENATE BILL 22-126**

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**SENATE SPONSORSHIP**

**Sonnenberg and Donovan**, Kirkmeyer, Lundeen, Scott, Simpson, Woodward

**HOUSE SPONSORSHIP**

**Holtorf**,

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**Senate Committees**

Agriculture & Natural Resources

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING A REQUIREMENT THAT THE COLORADO WATER**  
102              **CONSERVATION BOARD PRIORITIZE WATER STORAGE IN THE**  
103              **SOUTH PLATTE RIVER BASIN IN CHOOSING PROJECTS TO**  
104              **FINANCE WITH MONEY FROM THE COLORADO WATER**  
105              **CONSERVATION BOARD CONSTRUCTION FUND.**

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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://leg.colorado.gov>.)*

The Colorado water conservation board (board) finances water projects throughout the state. Current law requires the board to prioritize

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

SENATE  
Amended 2nd Reading  
March 21, 2022

projects that will increase the beneficial consumptive use of Colorado's undeveloped compact-entitled waters. The bill includes within this priority a specific priority for projects that increase or improve water storage in the South Platte river basin as a means of increasing the beneficial consumptive use of undeveloped water entitled under the South Platte river compact and in a manner that reduces reliance on transmountain diversions.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4 (a) As a headwaters state, all of Colorado's major rivers flow  
5 downstream to 18 states and Mexico. Coloradans recognize that each  
6 river basin in the state is unique, but that all are vital to the viability of the  
7 state's overall economy and way of life.

8 (b) Coloradans recognize that we are all connected through the  
9 state's rivers, streams, watersheds, and irrigation and water delivery  
10 systems. When the state's interstate compact entitlements are threatened  
11 in one basin, the water supplies of other basins may be impacted.

12 (c) Colorado will protect and defend its water rights throughout  
13 the state and preserve Colorado's interstate compact entitlements,  
14 agreements, and decrees;

15 (d) It is of the utmost importance for Colorado to increase the  
16 beneficial consumptive use of the undeveloped waters of the state that are  
17 subject to compact compliance obligations;

18 (e) By storing undeveloped waters of the state, Colorado can  
19 allocate more water for the state's increasing water demands in a manner  
20 that reduces reliance on transmountain diversions;

21 (f) The storage of undeveloped waters of the state would be  
22 especially beneficial in the South Platte river basin, where stored water

1 would help the state respond efficiently to increasing water demands for  
2 agricultural, municipal, and industrial beneficial uses in the basin; and

3 (g) Therefore, when financing water projects through the  
4 Colorado water conservation board, Colorado should prioritize projects  
5 that increase or improve water storage in the South Platte river basin.

6 **SECTION 2.** In Colorado Revised Statutes, 37-60-121, **amend**  
7 (1)(a), (1)(b) introductory portion, and (1)(b)(I) as follows:

8 **37-60-121. Colorado water conservation board construction**  
9 **fund - creation - nature of fund - funds for investigations -**  
10 **contributions - use for augmenting the general fund - funds created**  
11 **- repeal.** (1) (a) There is hereby created a fund to be known as the  
12 Colorado water conservation board construction fund, which ~~shall consist~~  
13 CONSISTS of all ~~moneys which~~ MONEY THAT THE GENERAL ASSEMBLY may  
14 ~~be appropriated thereto by the general assembly~~ APPROPRIATE TO THE  
15 FUND or ~~which~~ THAT may be otherwise made available to it by the general  
16 assembly and such charges that may ~~become a part thereof~~ BE CREDITED  
17 TO THE FUND under the terms of section 37-60-119. All interest earned  
18 from the investment of ~~moneys~~ MONEY in the fund shall be credited to the  
19 fund and become a part ~~thereof~~. ~~Such~~ OF THE fund. THE FUND shall be a  
20 continuing fund, ~~to~~ AND MONEY IN THE FUND MAY be expended in the  
21 manner specified in section 37-60-122 and ~~shall~~ DOES not revert to the  
22 general fund of the state at the end of any fiscal year.

23 (b) In the consideration of making expenditures from the fund, the  
24 board shall ~~be guided by~~ MAKE ITS DETERMINATIONS BASED ON the  
25 following criteria:

26 (I) The first priority of the ~~moneys~~ MONEY available to the fund  
27 shall be devoted to projects ~~which~~ THAT will increase the beneficial

1 consumptive use of Colorado's undeveloped compact-entitled waters,  
2 INCLUDING THE SOUTH PLATTE RIVER;

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