

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

DRAFT  
8.30.22

Bill 4

LLS NO. 23-0085.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

Water Resources and Agriculture Review Committee

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**BILL TOPIC:** "Authorize Water Conservancy District Water Mgmt"

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**A BILL FOR AN ACT**

101      **CONCERNING WATER CONSERVANCY DISTRICTS, AND, IN CONNECTION**  
102            **THEREWITH, AUTHORIZING A WATER CONSERVANCY DISTRICT**  
103            **TO PARTICIPATE IN A PLAN OF AUGMENTATION, ALLOWING**  
104            **GROUNDWATER MANAGEMENT SUBDISTRICTS TO BE ORGANIZED**  
105            **WITHIN CERTAIN WATER CONSERVANCY DISTRICTS, AND**  
106            **AUTHORIZING GROUNDWATER MANAGEMENT SUBDISTRICTS TO**  
107            **ADOPT GROUNDWATER MANAGEMENT PLANS.**

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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/>.)*

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

**Water Resources and Agriculture Review Committee.** Under current law, when certain conditions exist, a district court may establish water conservancy districts (conservancy districts) for any of certain described purposes. One such purpose is the conservation, development, utilization, and disposal of water for agricultural, municipal, and industrial uses when desirable as a part of a certain type of project or undertaking. **Section 1** of the bill amends this language to simply state that one such purpose is "the conservation, development, utilization, or disposal of water for agricultural, municipal, commercial, or industrial uses".

**Section 2** authorizes the board of directors of a conservancy district to submit and participate in a plan for augmentation for the benefit of water rights and wells within the boundaries of the conservancy district.

**Section 3** allows a groundwater management subdistrict of a conservancy district to be organized and authorizes a groundwater management subdistrict to adopt a groundwater management plan.

Current law prohibits the state engineer from curtailing underground water withdrawals from aquifers in water division 3 that are included in a groundwater management subdistrict created pursuant to certain provisions of law if the withdrawals are made pursuant to a groundwater management plan adopted by the subdistrict. **Section 4** expands the scope of this prohibition to include groundwater management subdistricts that are created pursuant to other provisions of law.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-2-101, **amend** (1)  
3 introductory portion and (1)(f) as follows:

4 **37-2-101. Jurisdiction of district court - purposes of districts.**

5 ~~(1) The district court sitting in and for any county in this state has~~  
6 ~~jurisdiction,~~ When the conditions stated in section 37-2-102 are found to  
7 exist, ~~to~~ A DISTRICT COURT MAY establish A conservancy ~~districts~~  
8 DISTRICT, which may be entirely ~~within~~ or partly within ~~and partly~~  
9 ~~without~~ the judicial district in which ~~said~~ THE court is located, for any of  
10 the following purposes:

11 (f) The conservation, development, utilization, ~~and~~ OR disposal of

1 water for agricultural, municipal, ~~and~~ COMMERCIAL, OR industrial uses;  
2 ~~thereof, when desirable as a part of a project or undertaking the principal~~  
3 ~~purpose of which is one or more of the purposes set out in this section;~~ OR

4 **SECTION 2.** In Colorado Revised Statutes, 37-3-103, **amend** (1)  
5 introductory portion, (1)(k), and (1)(l); and **add** (1)(m) as follows:

6 **37-3-103. General powers.** (1) To protect life and property  
7 within the district and to protect or relieve land subject to overflowing or  
8 washing or that is menaced or threatened by the normal flow, flood,  
9 surplus, or overflow of waters of any natural watercourse, stream, canyon,  
10 or wash, whether perennial, intermittent, or flood; ~~and to effect the~~  
11 ~~protection of~~ PROTECT the land and other property in the district; and to  
12 accomplish all other purposes of the district, the board of directors is  
13 authorized:

14 (k) To participate in the development of parks and recreational  
15 facilities within the boundaries of the district, including the development  
16 of trails, greenways, and riverfronts, and to consider such participation a  
17 current expense of the district; ~~and~~

18 (l) To participate in artistic and beautification projects that  
19 improve the aesthetic appearance of waterways within the boundaries of  
20 the district and to consider such participation a current expense of the  
21 district; AND

22 (m) TO SUBMIT AND PARTICIPATE IN A PLAN FOR AUGMENTATION,  
23 AS DEFINED SECTION 37-92-103 (9), FOR THE BENEFIT OF WATER RIGHTS,  
24 AS DEFINED IN SECTION 37-92-103 (12), AND WELLS, AS DEFINED IN  
25 SECTION 37-92-103 (14), INCLUDING AGRICULTURAL, MUNICIPAL,  
26 COMMERCIAL, AND INDUSTRIAL WELLS WITHIN THE BOUNDARIES OF THE  
27 CONSERVANCY DISTRICT.

1           **SECTION 3.** In Colorado Revised Statutes, 37-6-103, **add** (3) as  
2 follows:

3           **37-6-103. Subdistricts - groundwater management**  
4 **subdistricts.** (3) (a) WHENEVER IT IS DESIRED TO CONSERVE, DEVELOP,  
5 UTILIZE, OR DISPOSE OF WATER FOR AGRICULTURAL, MUNICIPAL,  
6 COMMERCIAL, OR INDUSTRIAL USES WHOLLY OR PARTLY WITHIN ANY  
7 DISTRICT ORGANIZED UNDER ARTICLES 1 TO 8 OF THIS TITLE 37, A  
8 GROUNDWATER MANAGEMENT SUBDISTRICT MAY BE ORGANIZED IN THE  
9 MANNER DESCRIBED IN SUBSECTION (1) OF THIS SECTION FOR THE PURPOSE  
10 OF ACCOMPLISHING SUCH WORK.

11           (b) A GROUNDWATER MANAGEMENT SUBDISTRICT ORGANIZED  
12 PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION MAY ADOPT A  
13 GROUNDWATER MANAGEMENT PLAN, AS CONTEMPLATED BY SECTION  
14 37-92-501 (4)(c).

15           **SECTION 4.** In Colorado Revised Statutes, 37-92-501, **amend**  
16 (4)(c) as follows:

17           **37-92-501. Jurisdiction over water - rules and regulations.**

18 (4) (c) The state engineer shall not curtail underground water  
19 withdrawals from aquifers in division 3 that are included in a ~~ground~~  
20 ~~water~~ GROUNDWATER management subdistrict created pursuant to section  
21 **37-6-103**, 37-45-120, or 37-48-108 if the withdrawals are made pursuant  
22 to a groundwater management plan adopted by the subdistrict, ~~that~~ WHICH  
23 GROUNDWATER MANAGEMENT PLAN meets the requirements of ~~paragraphs~~  
24 ~~(a) and (b) of this subsection (4)~~ SUBSECTIONS (4)(a) AND (4)(b) OF THIS  
25 SECTION. The state engineer shall publish notice of the approval of any  
26 groundwater management plan in the same manner as provided for rules  
27 under ~~paragraph (g) of subsection (2)~~ SUBSECTION (2)(g) of this section,

1 and judicial review of ~~such~~ THE approval shall ~~be~~ PROCEED pursuant to  
2 ~~paragraph (a) of subsection (3)~~ SUBSECTION (3)(a) of this section. The  
3 water judge shall retain jurisdiction over the water management plan for  
4 the purpose of ensuring the plan is operated and injury is prevented, in  
5 conformity with the terms of the court's decree approving the water  
6 management plan.

7           **SECTION 5. Act subject to petition - effective date.** This act  
8 takes effect at 12:01 a.m. on the day following the expiration of the  
9 ninety-day period after final adjournment of the general assembly; except  
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
11 of the state constitution against this act or an item, section, or part of this  
12 act within such period, then the act, item, section, or part will not take  
13 effect unless approved by the people at the general election to be held in  
14 November 2024 and, in such case, will take effect on the date of the  
15 official declaration of the vote thereon by the governor.