

CHAPTER 195

WATER AND IRRIGATION**SENATE BILL 96-153**

BY SENATORS Bishop, Ament, Norton, Dennis, Hopper, L. Powers, Rizzuto, Tebedo, and Wattenberg;
also REPRESENTATIVES Entz, Lawrence, Acquafresca, Berry, Chlouber, Dyer, Lamm, Lyle, Reeser, Schwarz, Sullivan, Taylor, and Young.

AN ACT

CONCERNING THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH.

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

SECTION 1. Project authorization. (1) Pursuant to section 37-60-122 (1) (b), Colorado Revised Statutes, the Colorado water conservation board is hereby authorized to loan moneys to enable the construction of the following water resources projects with the following priority:

Priority	Name	Loan amount	Years
(a)	Wadley Farms Homeowners Association - Wadley Dams No. 1, 2, and 3 Rehab.	\$ 500,000	30
(b)	Town of Lyons - Raw Water Intake Structure	\$ 280,500	20
(c)	City of Ft. Collins and Larimer County - Dry Creek Flood Control Project	\$ 500,000	30
(d)	Town of Minturn - Bolts Lake Dam and Ditch Rehab.	\$ 360,000	30

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(e)	Aristocrat Ranchettes Water Project, Inc. - Purchase Water Shares	\$ 600,000	30
(f)	Town of Georgetown - Purchase Water Rights	\$ 206,500	30
(g)	Eagle Park Res. Co. - Eagle Park Reservoir Rehab.	\$ 3,125,000	30
(h) ^a	Town of New Castle - Raw Water Pipeline Rehab.	<u>\$ 266,500</u>	30
	TOTAL	\$ 5,838,500	

a Loan to refinance water project wholly or partially completed.

(2) The Colorado water conservation board may make loans for the construction of the projects specified in subsection (1) of this section from such moneys as are or may hereafter become available to the Colorado water conservation board construction fund. Said loans shall be in the amounts listed in subsection (1) of this section plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction cost as indicated by the engineering cost indices applicable to the types of construction required for each project or as may be justified by reason of changes in the plans for a project if those changes are required by final engineering drawings and specifications or by federal, state, or local governmental requirements.

(3) Pursuant to section 37-60-120 (1), Colorado Revised Statutes, the board shall require such terms and conditions in such contracts as will ensure repayment of funds made available by it. The board shall not disburse any moneys for any loan authorized by subsection (1) of this section unless and until it is satisfied, in its sole discretion, that the recipient of any such loan will be able to make repayment pursuant to the terms and conditions established by the board and by subsection (1) of this section.

SECTION 2. Project deauthorizations.

Project Name - Authorization Bill and Year	Amount Authorized	Amount Deauthorized	Remaining Authorization
Town of Elizabeth - Municipal Well HB95-1155	\$ 437,250	\$ 437,250	\$0
City of Salida - Raw Water Pipeline SB94-029	\$ 553,000	\$ 553,000	\$0

Pagosa Area Water
and San. Dist. -
Hidden Valley Res.
HB93-1273

\$ 500,000 \$ 500,000 \$0

TOTAL \$1,490,250 \$1,490,250 \$0

SECTION 3. Colorado river compact decision support system - appropriation. (1) The Colorado water conservation board is hereby authorized to continue designing a decision support system for the Colorado river, to continue development of the necessary databases, and to acquire, operate, and maintain the associated computer hardware and software. The Colorado water conservation board is hereby authorized to retain a contractor to design the system, to expend not more than one million four hundred thousand dollars (\$1,400,000) for contract year four of this decision support system from the Colorado water conservation board construction fund for these purposes.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado water conservation board construction fund not otherwise appropriated, to the department of natural resources for allocation to the Colorado water conservation board and the division of water resources, for the fiscal year beginning July 1, 1996, the sum of four hundred eighty thousand dollars (\$480,000) and 3.5 FTE, or so much thereof as may be necessary, to retain a contractor to manage the design of the system and for the continued implementation of this section.

(3) The amounts authorized in this section are in addition to amounts authorized previously for Colorado river compact decision support system contract years one, two, and three. The moneys appropriated in subsections (1) and (2) of this section for the Colorado river compact decision support system shall remain available for the designated purposes until the project is completed.

SECTION 4. Satellite monitoring system maintenance - appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado water conservation board construction fund not otherwise appropriated, to the department of natural resources for allocation to the state engineer, for the fiscal year beginning July 1, 1996, the sum of one hundred thirteen thousand dollars (\$113,000), or so much thereof as may be necessary, for the maintenance of the satellite monitoring system established and operated pursuant to section 37-80-102 (10), Colorado Revised Statutes.

SECTION 5. Water resource investigation in the lower South Platte river basin. The Colorado water conservation board is hereby authorized to expend up to seventy-five thousand dollars (\$75,000) from the Colorado water conservation board construction fund to cooperate with the South Platte Lower River Group, Inc., for demonstration projects and data collection systems to identify and evaluate potential water resource management and development opportunities in the lower South Platte river basin in Colorado, and for the preparation of a comprehensive report on the feasibility of future alternative water resource management strategies and development opportunities in the lower South Platte river basin.

SECTION 6. South Platte river multi-objective management plan. The

Colorado water conservation board is hereby authorized to contract with the Omaha District, Corps of Engineers or a contractor to investigate problems related to recent flooding on the South Platte river and to develop a multi-objective management plan to mitigate future flood losses and improve irrigation supply within the State of Colorado. The plan will identify and evaluate potential solutions to address channel conveyance, sediment deposit, vegetative management, reservoir operations, and a self-help program for landowners. The Colorado water conservation board is hereby authorized to expend not more than fifty thousand dollars (\$50,000) from the Colorado water conservation board construction fund for these purposes.

SECTION 7. Roaring Fork and Frying Pan rivers multi-objective management plan. In cooperation with federal agencies, state agencies, and local governments, the Colorado water conservation board is hereby authorized to contract for the preparation of a reconnaissance level study of the Roaring Fork and Frying Pan rivers to identify areas vulnerable to flood losses and develop a coordinated multi-objective management plan to mitigate future flood losses and improve irrigation supply. The Colorado water conservation board is hereby authorized to expend not more than fifty thousand dollars (\$50,000) from the Colorado water conservation board construction fund for the investigation, planning, design, and construction of mitigation projects including up to ten thousand dollars (\$10,000) for emergency measures. Money from the Colorado water conservation board construction fund may be used for up to seventy-five percent of the total cost of each mitigation project.

SECTION 8. Consolidated water resources information center. The Colorado water conservation board is hereby authorized to expend up to fifteen thousand dollars (\$15,000) from the Colorado water conservation board construction fund to continue operation of the consolidated water resources information center.

SECTION 9. Changes to prior authorized project loans.

Project Name - Authorizations Bill and Year	Prior Authorizations	Revised Authorizations
Windsor Reservoir and Canal Co. - Canal and Dam Rehabilitation HB95-1155	\$ 500,000	\$ 1,202,000
Morgan County Quality Water District - NCWCD Pipeline project changed to refinance the purchase of the Hay Gulch Wells HB95-1155	\$ 4,260,000	\$ 3,000,000

SECTION 10. Analysis of economic life of the Denver basin aquifer. (1) The Colorado water conservation board is hereby authorized to expend up to forty thousand dollars (\$40,000) from the Colorado water conservation board construction

fund to contract for services, in cooperation with the state engineer, groundwater users, or federal government agencies, or all of such entities, to perform an analysis of the economic life of the Denver basin aquifer. Such analysis shall consider the relationship of the Denver basin aquifer to the South Platte river basin.

(2) Up to ten thousand dollars (\$10,000) of the amount authorized to be expended in subsection (1) of this section may be expended initially for a survey of the adequacy of existing groundwater flow models, the availability of well pumping data, the identification of the key questions to be resolved by the analysis, and the development of a work plan to conduct the economic analysis. The balance of the amount authorized to be expended in subsection (1) of this section may be expended only upon the specific approval of the Colorado water conservation board.

SECTION 11. 37-60-120 (1) and (3), Colorado Revised Statutes, 1990 Repl. Vol., are amended to read:

37-60-120. Control of projects - contractual powers of board. (1) The state of Colorado shall have the ownership and control of such portions of said projects, or shall take a sufficient security interest in property or take such bonds, notes, or other securities evidencing an obligation, as will assure repayment of funds made available by section 37-60-119. ANY SECURITY INTEREST IN PROPERTY TAKEN UNDER THIS SUBSECTION (1) MAY BE PERFECTED AND ENFORCED IN THE SAME MANNER AS SECURITY INTERESTS UNDER ARTICLE 9 OF TITLE 4, C.R.S., NOTWITHSTANDING ANY PROVISION OF SECTION 4-9-104, C.R.S. The board is empowered to enter into contracts which are, in its opinion, necessary for the maintenance and continued operation of such projects.

(3) The board may ADJUST THE AUTHORIZED INTEREST RATE, extend the authorized repayment period for any project, and defer one or more annual payments if, in the board's opinion, the entity requesting such ADJUSTMENT, extension, and deferment demonstrates that it has encountered significant and unexpected financial difficulties and that it has been duly diligent in its efforts to comply with the repayment provisions of its contract with the board.

SECTION 12. 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.

Approved: May 23, 1996