

CHAPTER 224

WATER AND IRRIGATION

SENATE BILL 05-084

BY SENATOR(S) Isgar, Entz, Fitz-Gerald, Groff, Grossman, Owen, Taylor, Wiens, Teck, and Tochtrop;
also REPRESENTATIVE(S) Curry, Berens, Buescher, Coleman, Gallegos, Hoppe, Jahn, Larson, Lindstrom, Liston, Massey,
Merrifield, Paccione, Penry, Solano, Stafford, Stengel, and Todd.

AN ACT

CONCERNING THE FUNDING OF COLORADO WATER CONSERVATION BOARD PROJECTS, AND, IN CONNECTION THEREWITH, MAKING APPROPRIATIONS.

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

SECTION 1. Water project loan authorizations from the severance tax trust fund perpetual base account. (1) Pursuant to section 39-29-109 (1) (a) (I), Colorado Revised Statutes, the Colorado water conservation board is hereby authorized to loan moneys from the severance tax trust fund perpetual base account to enable the construction of the following water resources projects with the following priority:

Priority	Borrower-Project	Loan Amount
(a)	Central Colorado Water Conservancy District Well Augmentation Sub-district Water Rights Purchase and Construction of Lined Gravel Pit Water Storage* -	<u>\$ 20,200,000</u>
	Total	\$ 20,200,000

*This loan is to refinance projects wholly or partially completed.

(2) The Colorado water conservation board may make loans for the construction of the project specified in subsection (1) of this section from such moneys as are or may hereafter become available to the severance tax trust fund perpetual base account. The loan shall be in the amount 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 costs as indicated by the engineering cost indices applicable to the

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

types of construction required for the project or as may be justified by reason of changes in the plans for a project due to differing or unforeseen site conditions, errors or omissions in the plans and specifications, changes instituted by regulatory agencies, or changes in material quantities beyond contract limits.

(3) Pursuant to section 37-60-120 (1), Colorado Revised Statutes, the board shall require such terms and conditions in the contracts as will ensure repayment of funds made available by it. The board shall not disburse any moneys for the loan authorized by subsection (1) of this section unless and until it is satisfied, at its sole discretion, that the recipient of the 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. Decreases to prior water project loan authorizations from the Colorado water conservation board construction fund.

Borrower - Project	Prior Authority	Prior Amount	Decrease	Amount Remaining
Pine River Irrigation District - Raw Water Supply System	SB 97-008	\$ 341,000	\$ 341,000	\$ 0
Riverside Reservoir and Land Co. - Riverside Reservoir Spillway Rehabilitation and Land Purchase	HB 98-1189	\$ 450,000	\$ 450,000	\$ 0
Groundwater Appropriators of the South Platte - Sedgwick Augmentation Reservoir	HB 98-1189	\$1,700,000	\$1,700,000	\$ 0
	Totals	\$2,491,000	\$2,491,000	\$ 0

SECTION 3. Decreases to prior water project loan authorizations from the severance tax trust fund perpetual base account.

Borrower - Project	Prior Authority	Prior Amount	Decrease	Amount Remaining
Colorado Water Protective and Development Association - Purchase of Bessemer Ditch Water Shares	SB 01-157	\$ 205,000	\$ 205,000	\$ 0
Larimer County - Dry Creek Flood				

Mitigation Project	HB 02-1152	\$11,000,000	\$11,000,000	\$ 0
	Totals	\$11,205,000	\$11,205,000	\$ 0

SECTION 4. Colorado water conservation board data collection - appropriation. (1) 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 Colorado water conservation board, for the fiscal year beginning July 1, 2005, the sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, for satellite monitoring and data collection efforts related to in-stream flow monitoring, compact protection, decision support systems, and flood forecasting and warning projects.

(2) The moneys appropriated in subsection (1) of this section shall remain available for the designated purposes until they are fully expended.

SECTION 5. Satellite monitoring system maintenance - appropriation.

(1) 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 division of water resources, for the fiscal year beginning July 1, 2005, the sum of three hundred fifty-three thousand dollars (\$353,000), 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, stream gage flood hardening projects, and data collection efforts related to flood forecasting and warning.

(2) The moneys appropriated in subsection (1) of this section shall remain available for the designated purposes until they are fully expended.

SECTION 6. In-stream flow engineering support services - appropriation.

(1) 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 Colorado water conservation board, for the fiscal year beginning July 1, 2005, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, for engineering support services to assist staff in conducting technical analysis and providing expert testimony needed to resolve or defend existing in-stream flow water rights, establish new in-stream flow appropriations, and change the use of acquired water rights for in-stream flow use.

(2) The moneys appropriated in subsection (1) of this section shall remain available for the designated purposes until the project is completed.

SECTION 7. Continuation of the South Platte decision support system - appropriation.

(1) 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 Colorado water conservation board, for the fiscal year beginning July 1, 2005, the sum of one million five hundred thousand dollars (\$1,500,000), or so much thereof as may be necessary, for the board to continue development of the South Platte decision support system.

(2) The amounts appropriated in this section are in addition to amounts

appropriated previously for the South Platte decision support system. The moneys appropriated in subsection (1) of this section shall remain available for the designated purposes until the project is completed.

SECTION 8. Continuation of the Colorado water conservation board document imaging system and integrated water information center - appropriation.

(1) 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 Colorado water conservation board, for the fiscal year beginning July 1, 2005, the sum of two hundred seventy-five thousand dollars (\$275,000), or so much thereof as may be necessary, for the board to continue development, operation, and maintenance of the Colorado water conservation board document imaging system, and to provide adequate space and equipment for an accessible up-to-date training center for the Colorado decision support system and a library of bound and imaged water resource documents known as the water resource information center as authorized through HB93-1273.

(2) The amounts appropriated in this section are in addition to amounts appropriated previously for the Colorado water conservation board water resource information center. The moneys appropriated in subsection (1) of this section shall remain available for the designated purposes until the project is completed.

SECTION 9. Continuation of the Colorado floodplain map modernization - appropriation.

(1) 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 Colorado water conservation board, for the fiscal year beginning July 1, 2005, the sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary, for the board to continue to assist with the preparation of revised and improved floodplain studies and maps for communities throughout Colorado and participate in federally sponsored floodplain map modernization activities.

(2) The amounts appropriated in this section are in addition to amounts appropriated previously for the Colorado floodplain map modernization program. The moneys appropriated in subsection (1) of this section shall remain available for the designated purposes until the project is completed.

SECTION 10. Continuation of the weather modification program - appropriation.

(1) 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 Colorado water conservation board, for the fiscal year beginning July 1, 2005, the sum of sixty thousand dollars (\$60,000), or so much thereof as may be necessary, for the board to continue to assist water conservation districts, water conservancy districts, and other water providers with the development of cloud seeding programs that provide benefits to recreation, streams, and reservoirs through snowpack enhancement.

(2) The amounts appropriated in this section are in addition to amounts appropriated previously for the weather modification program. The moneys appropriated in subsection (1) of this section shall remain available for the designated purposes until the project is completed.

SECTION 11. Enhanced snowpack assessment program - appropriation.

(1) 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 Colorado water conservation board, for the fiscal year beginning July 1, 2005, the sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, for the board to collaborate with the United States bureau of reclamation on an enhanced snowpack assessment project that will develop modeled snowpack data and mapping to provide benefits to all water resource planners and managers in Colorado.

(2) The moneys appropriated in subsection (1) of this section shall remain available for the designated purposes until the project is completed.

SECTION 12. Continuation of the flood hazard mitigation program - appropriation.

(1) 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 Colorado water conservation board, for the fiscal year beginning July 1, 2005, the sum of seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary, for the board to continue to participate in planning and engineering services for stream restoration projects as well as to provide matching funds for partnering with federal and local agencies in the development of flood mitigation projects.

(2) The amounts appropriated in this section are in addition to amounts appropriated previously for the flood hazard mitigation program. The moneys appropriated in subsection (1) of this section shall remain available for the designated purposes until the project is completed.

SECTION 13. Floodplain technical services - appropriation.

(1) 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 Colorado water conservation board, for the fiscal year beginning July 1, 2005, the sum of one hundred seventy-five thousand dollars (\$175,000), or so much thereof as may be necessary, for the board to provide floodplain management technical services assisting local governments with high priority flood control study, planning, engineering, and preconstruction activities.

(2) The moneys appropriated in subsection (1) of this section shall remain available for the designated purposes until the project is completed.

SECTION 14. Republican river water conservation district operations - appropriation.

(1) 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 Colorado water conservation board, for the fiscal year beginning July 1, 2005, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, to support the Republican river water conservation district in undertaking projects and studies vital to assisting the state of Colorado in meeting Republican river compact compliance and to sustain water resources within the Republican river basin.

(2) The moneys appropriated in subsection (1) of this section shall remain

available for the designated purposes until they are fully expended.

SECTION 15. Oak creek reservoir feasibility study - appropriation. (1) 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 Colorado water conservation board, for the fiscal year beginning July 1, 2005, the sum of one hundred sixty-seven thousand dollars (\$167,000), or so much thereof as may be necessary, for the board to participate with the city of Florence, Colorado, in the Oak creek reservoir feasibility study to be prepared by the United States army corps of engineers. Other participating entities include the town of Coal Creek, the town of Rockvale, and the town of Williamsburg.

(2) The moneys appropriated in subsection (1) of this section shall remain available for the designated purposes until the project is completed.

SECTION 16. Arkansas valley drainage study - appropriation. (1) 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 Colorado water conservation board, for the fiscal year beginning July 1, 2005, the sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, for the board to participate in a study of drainage system rehabilitation projects to provide a plan for improving subsurface drainage facilities for lower Arkansas river valley drainage districts in cooperation with Southeast Colorado Resource Conservation & Development, Inc., together with other local, state, and federal agencies.

(2) The moneys appropriated in subsection (1) of this section shall remain available for the designated purposes until the project is completed.

SECTION 17. Continuation of the statewide water supply initiative - appropriation. (1) 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 Colorado water conservation board, for the fiscal year beginning July 1, 2005, the sum of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, for the board to continue activities associated with the on-going implementation of the statewide water supply initiative as identified in the November, 2004, statewide water supply initiative report. On-going implementation shall address efforts aimed at addressing needs within basins and will include analysis of a wide array of in-basin and interbasin processes and concepts.

(2) The amounts appropriated in this section are in addition to amounts appropriated and unexpended previously for the statewide water supply initiative. Under no circumstance shall the amount authorized under this section exceed five hundred thousand dollars (\$500,000). The moneys appropriated in subsection (1) of this section shall remain available for the designated purposes for two years.

SECTION 18. Conservation reserve enhancement program - appropriation. (1) 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 division of

wildlife, for the fiscal year beginning July 1, 2005, the sum of seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary, to support an FTE to provide technical services as required for the development and implementation of the Colorado conservation reserve enhancement program to improve water quality, reduce water consumption, and advance wildlife habitat in the Republican, Rio Grande, and South Platte river basins.

(2) The moneys appropriated in subsection (1) of this section shall remain available for the designated purposes until they are fully expended.

SECTION 19. Restoration of flood response fund balance. The state treasurer shall transfer a total of one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary, from the unreserved cash in the Colorado water conservation board construction fund to the flood response fund in order to restore the balance in the flood response fund to one hundred fifty thousand dollars (\$150,000).

SECTION 20. 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: June 1, 2005