

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-1072.01 Thomas Morris x4218

HOUSE BILL 20-1344

HOUSE SPONSORSHIP

Holtorf,

SENATE SPONSORSHIP

(None),

House Committees
Rural Affairs & Agriculture

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A STUDY OF ARTIFICIAL RECHARGE TO MAXIMIZE THE
102 BENEFICIAL USE OF WATER WITHIN COLORADO.

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 bill directs the Colorado water conservation board, in consultation with the state engineer and the Colorado water institute, to conduct a study to:

- ! Evaluate ways to maximize the beneficial use of water within Colorado by recharging aquifers when surplus or excess water is available;

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.

- ! Evaluate ways to minimize the amount of water that flows out of Colorado to downstream states, without risking noncompliance with applicable interstate compacts, United States supreme court decrees, and other federal law;
- ! Identify:
 - ! Specific aquifers that are hydrologically and legally available to be used for artificial recharge and conveniently located for both artificial recharge and subsequent releases;
 - ! Sources of revenue that could be used to pay for the artificial recharge; and
 - ! Particular potential or existing artificial recharge projects that would meet the objectives identified in the study;
- ! Examine the role that various water entities might play in financing and implementing artificial recharge projects; and
- ! Recommend legislative or regulatory changes needed to implement the particularly identified artificial recharge projects.

The bill directs the Colorado water conservation board to submit a report summarizing the results of the study to the committees of the general assembly with jurisdiction over water resources by January 1, 2022.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-60-115, **add** (12)
 3 as follows:

4 **37-60-115. Water studies - rules - report - repeal.** (12) **Aquifer**
 5 **recharge study.** (a) **Legislative declaration.** THE GENERAL ASSEMBLY
 6 HEREBY:

7 (I) FINDS THAT, ALTHOUGH WATER SHORTAGES EXIST IN ALMOST
 8 EVERY PART OF THE STATE DURING AT LEAST PART OF MOST YEARS, LARGE
 9 QUANTITIES OF WATER FLOW OUT OF THE STATE ALMOST EVERY YEAR IN
 10 AMOUNTS THAT SUBSTANTIALLY EXCEED THE REQUIRED LEGAL
 11 MINIMUMS;

1 (II) DETERMINES THAT ARTIFICIAL RECHARGE OF AQUIFERS IN THE
2 STATE'S VARIOUS RIVER BASINS DURING TIMES OF WATER SURPLUS AND
3 RELEASE OF THE STORED WATER DURING TIMES OF WATER SHORTAGE
4 WOULD INCREASE THE BENEFICIAL USE OF WATER WITHIN COLORADO
5 WITHOUT ADVERSELY AFFECTING DOWNSTREAM STATES; AND

6 (III) DECLARES THAT THIS SUBSECTION (12) IS NECESSARY TO
7 PROMOTE THE MOST EFFICIENT USES OF AN ESSENTIAL AND INCREASINGLY
8 SCARCE RESOURCE.

9 (b) **Study.** THE BOARD SHALL, IN CONSULTATION WITH THE STATE
10 ENGINEER AND THE COLORADO WATER INSTITUTE, ESTABLISHED IN
11 SECTION 23-31-801, AND REFERRED TO IN THIS SECTION AS THE
12 "INSTITUTE", CONDUCT A STUDY TO:

13 (I) EVALUATE WAYS TO MAXIMIZE THE BENEFICIAL USE OF WATER
14 WITHIN COLORADO BY RECHARGING DESIGNATED, TRIBUTARY,
15 NONTRIBUTARY, OR NOT NONTRIBUTARY AQUIFERS, INCLUDING WATER
16 TABLES AND SAND TABLES, WHEN SURPLUS OR EXCESS WATER IS
17 AVAILABLE;

18 (II) EVALUATE WAYS TO MINIMIZE THE AMOUNT OF WATER THAT
19 FLOWS OUT OF COLORADO TO DOWNSTREAM STATES, WITHOUT RISKING
20 NONCOMPLIANCE WITH:

21 (A) APPLICABLE INTERSTATE COMPACTS;

22 (B) APPLICABLE UNITED STATES SUPREME COURT DECREES; AND

23 (C) OTHER FEDERAL LAW, INCLUDING THE FEDERAL "ENDANGERED
24 SPECIES ACT OF 1973", AS AMENDED, 16 U.S.C. SEC. 1531 ET SEQ.;

25 (III) IDENTIFY:

26 (A) SPECIFIC DESIGNATED, TRIBUTARY, NONTRIBUTARY, AND NOT
27 NONTRIBUTARY AQUIFERS THAT ARE HYDROLOGICALLY AND LEGALLY

1 AVAILABLE TO BE USED FOR ARTIFICIAL RECHARGE, BOTH PASSIVE AND
2 ACTIVE, AND CONVENIENTLY LOCATED FOR BOTH ARTIFICIAL RECHARGE
3 AND SUBSEQUENT RELEASES TO LAWFUL APPROPRIATORS;

4 (B) SOURCES OF REVENUE THAT COULD BE USED TO PAY FOR THE
5 ARTIFICIAL RECHARGE, POTENTIALLY INCLUDING NEW SOURCES OF PUBLIC
6 REVENUE; AND

7 (C) PARTICULAR POTENTIAL OR EXISTING ARTIFICIAL RECHARGE
8 PROJECTS THAT WOULD MEET THE OBJECTIVES IDENTIFIED IN THIS
9 SUBSECTION (12);

10 (IV) EXAMINE THE ROLE THAT RAW WATER AND DRINKING WATER
11 SUPPLY ENTITIES, WATER AUTHORITIES, WATER CONSERVATION DISTRICTS,
12 WATER CONSERVANCY DISTRICTS, GROUNDWATER MANAGEMENT
13 DISTRICTS, AND SIMILAR ENTITIES MIGHT PLAY IN FINANCING AND
14 IMPLEMENTING ARTIFICIAL RECHARGE PROJECTS; AND

15 (V) RECOMMEND LEGISLATIVE OR REGULATORY CHANGES NEEDED
16 TO IMPLEMENT THE PARTICULARLY IDENTIFIED ARTIFICIAL RECHARGE
17 PROJECTS THAT WOULD MEET THE OBJECTIVES IDENTIFIED IN THIS
18 SUBSECTION (12).

19 (c) **Report.** (I) THE BOARD MAY CONTRACT WITH THE INSTITUTE,
20 THIRD PARTIES, OR BOTH, TO DESIGN, CARRY OUT, AND ANALYZE THE
21 RESULTS OF THE STUDY REQUIRED IN SUBSECTION (12)(b) OF THIS
22 SECTION. THE STUDY SHOULD CONSIDER AND RELY ON PREVIOUS STUDIES
23 OF COLORADO AQUIFERS, WATER SUPPLIES, AND WATER DEMANDS TO THE
24 EXTENT THAT THE BOARD DEEMS APPROPRIATE.

25 (II) THE BOARD SHALL SUBMIT A REPORT SUMMARIZING THE
26 RESULTS OF THE STUDY TO THE COMMITTEES OF THE GENERAL ASSEMBLY
27 WITH JURISDICTION OVER WATER RESOURCES BY JANUARY 1, 2022.

1 (d) THIS SUBSECTION (12) IS REPEALED, EFFECTIVE SEPTEMBER 1,
2 2022.

3 **SECTION 2. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2020 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.