

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0199.01 Richard Sweetman x4333

SENATE BILL 23-262

SENATE SPONSORSHIP

Priola,

HOUSE SPONSORSHIP

Ricks and Soper,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 CONCERNING REQUIRING THE COLORADO WATER CONSERVATION
102 BOARD TO STUDY THE FEASIBILITY OF WATER DESALINATION AS
103 A POTENTIAL CONTRIBUTING SOLUTION TO THE CRISIS OF
104 WATER SCARCITY IN THE COLORADO RIVER BASIN.

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 requires the Colorado water conservation board (CWCB) to perform a comprehensive literature review of existing research on the challenges and opportunities of desalination facilities in California or

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

Mexico. The literature review must include a summary of the current status of research on desalination, including quantification of certain costs of and benefits that could be realized from the construction and perpetual operation of one or more water desalination facilities in California or Mexico, or both.

On or before July 1, 2025, the CWCB must complete the study and submit a report of the CWCB's findings and recommendations to:

- The Colorado legislative committees of reference that consider water matters;
- The governor; and
- The bureau of reclamation in the federal department of the interior.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 37-60-136 as
3 follows:

4 **37-60-136. Study regarding feasibility of water desalination**
5 **solutions for the Colorado river basin - legislative declaration -**
6 **required considerations - report - repeal. (1) Legislative declaration.**

7 (a) THE GENERAL ASSEMBLY FINDS THAT:

8 (I) THE COLORADO RIVER SYSTEM, WHICH SUPPLIES NEARLY
9 FORTY MILLION PEOPLE ACROSS THE WESTERN UNITED STATES WITH
10 DRINKING WATER AND IRRIGATES APPROXIMATELY FIVE MILLION ACRES OF
11 FARMLAND, IS FACING HISTORIC LOWS AS A RESULT OF SUSTAINED
12 DROUGHT CONDITIONS; AND

13 (II) THE SEVEN STATES OF THE COLORADO RIVER BASIN ARE
14 STRUGGLING TO CONCEIVE AND IMPLEMENT ADEQUATE MEASURES TO
15 REDUCE WATER USAGE, CONSERVE AVAILABLE WATER SUPPLIES, AND PLAN
16 FOR A NEAR FUTURE WITH INCREASINGLY SCARCE WATER SUPPLIES.

17 (b) THE GENERAL ASSEMBLY ALSO FINDS THAT:

18 (I) DESALINATION FACILITIES HAVE BEEN SUCCESSFULLY
19 CONSTRUCTED AND DEPLOYED IN THE UNITED STATES AND MANY OTHER

1 NATIONS, INCLUDING AUSTRALIA, ISRAEL, QATAR, SINGAPORE, AND
2 SAUDI ARABIA;

3 (II) THESE FACILITIES LOCATED ALONG COASTAL COMMUNITIES
4 HAVE DEMONSTRATED THAT DESALINATION OF SEAWATER IS A VIABLE
5 AND COST-EFFECTIVE WAY TO DEVELOP NEW SUPPLIES OF WATER THAT
6 CAN BE SAFELY USED AS DRINKING WATER AND FOR OTHER BENEFICIAL
7 PURPOSES;

8 (III) CALIFORNIA CURRENTLY HAS TWELVE WATER DESALINATION
9 FACILITIES OPERATING OFF ITS COAST AND RECENTLY APPROVED THE
10 INVESTMENT OF ONE HUNDRED FORTY MILLION DOLLARS TO CONSTRUCT
11 A THIRTEENTH FACILITY CALLED THE DOHENY OCEAN DESALINATION
12 PROJECT, WHICH IS EXPECTED TO SUPPLY FIVE MILLION GALLONS OF
13 DRINKING WATER PER DAY FOR FORTY THOUSAND PEOPLE IN ORANGE
14 COUNTY AND IS EXPECTED TO REDUCE THE COUNTY'S RELIANCE ON WATER
15 IMPORTED THROUGH THE CALIFORNIA STATE WATER PROJECT AND FROM
16 THE COLORADO RIVER BY UP TO SEVENTY PERCENT;

17 (IV) DESALINATION OPERATIONS IN CALIFORNIA AND MEXICO
18 COULD REDUCE THE DEMANDS PLACED ON THE COLORADO RIVER BY
19 LOWER BASIN STATES, INCLUDING CALIFORNIA AND ARIZONA, WHERE
20 DESALINATED WATER CAN BE PUT TO BENEFICIAL USES; AND

21 (V) ALTHOUGH DESALINATION OF SEAWATER WILL NOT
22 SINGLE-HANDEDLY SOLVE THE CURRENT COLORADO RIVER CRISIS, ITS
23 POTENTIAL AS A CONTRIBUTING SOLUTION HAS NOT BEEN FULLY
24 DEVELOPED AND UTILIZED AND IS WORTH EXPLORING AND QUANTIFYING.

25 (c) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS
26 IMPORTANT THAT THE BOARD STUDY AND REPORT ON THE FEASIBILITY OF
27 BASIN-WIDE COOPERATION TO BUILD ADDITIONAL WATER DESALINATION

1 FACILITIES AS A POTENTIAL CONTRIBUTING SOLUTION TO THE PROBLEM OF
2 WATER SCARCITY IN THE COLORADO RIVER BASIN AND SHARE THAT
3 INFORMATION WITH NEIGHBORING STATES IN THE BASIN.

4 (2) **Literature review required.** THE BOARD SHALL PERFORM A
5 COMPREHENSIVE LITERATURE REVIEW OF EXISTING RESEARCH ON THE
6 CHALLENGES AND OPPORTUNITIES OF DESALINATION FACILITIES IN
7 CALIFORNIA OR MEXICO. THE LITERATURE REVIEW MUST INCLUDE A
8 SUMMARY OF THE CURRENT STATUS OF RESEARCH AND IDENTIFICATION OF
9 GAPS IN EXISTING RESEARCH ON THE FOLLOWING TOPICS AS THEY RELATE
10 TO DESALINATION:

11 (a) COSTS ASSOCIATED WITH THE CONSTRUCTION OF WATER
12 DESALINATION FACILITIES IN CALIFORNIA OR MEXICO;

13 (b) ANALYSIS OF THE ANNUAL COSTS OF OPERATING AND
14 MAINTAINING WATER DESALINATION FACILITIES;

15 (c) THE AMOUNT OF SEAWATER THAT COULD BE DESALINATED
16 ANNUALLY AND PUT TO BENEFICIAL USES IN CALIFORNIA AND ARIZONA;

17 (d) AN ESTIMATE OF THE AMOUNTS BY WHICH CALIFORNIA,
18 ARIZONA, AND MEXICO COULD REDUCE THEIR RESPECTIVE USE OF WATER
19 FROM THE COLORADO RIVER AS A RESULT OF IMPLEMENTING AND
20 OPERATING DESALINATION FACILITIES;

21 (e) THE ROLE THAT RENEWABLE ENERGY MAY PLAY IN OPERATING
22 AND BENEFITTING FROM DESALINATION FACILITIES;

23 (f) THE ENVIRONMENTAL EFFECTS OF DESALINATION OF
24 SEAWATER; AND

25 (g) IDENTIFICATION OF POTENTIAL FUNDING SOURCES TO PAY
26 START-UP COSTS, INCLUDING COSTS FOR THE CONSTRUCTION OF
27 FACILITIES, INCLUDING CONSIDERATION OF PUBLIC AND PRIVATE FUNDING

1 SOURCES IN EACH STATE WITHIN THE UPPER AND LOWER COLORADO RIVER
2 BASINS.

3 (3) **Report required.** ON OR BEFORE JULY 1, 2025, THE BOARD
4 SHALL COMPLETE THE LITERATURE REVIEW DESCRIBED IN SUBSECTION (2)
5 OF THIS SECTION AND SUBMIT A REPORT OF THE BOARD'S FINDINGS AND
6 RECOMMENDATIONS TO:

7 (a) THE AGRICULTURE, WATER, AND NATURAL RESOURCES
8 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, THE AGRICULTURE AND
9 NATURAL RESOURCES COMMITTEE OF THE SENATE, AND THE WATER
10 RESOURCES AND AGRICULTURE REVIEW COMMITTEE, OR TO ANY
11 SUCCESSOR COMMITTEES;

12 (b) THE GOVERNOR; AND

13 (c) THE BUREAU OF RECLAMATION IN THE FEDERAL DEPARTMENT
14 OF THE INTERIOR.

15 (4) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly; except
19 that, if a referendum petition is filed pursuant to section 1 (3) of article V
20 of the state constitution against this act or an item, section, or part of this
21 act within such period, then the act, item, section, or part will not take
22 effect unless approved by the people at the general election to be held in
23 November 2024 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.