

Summary and Status of Water Bills Introduced in the 2008 General Assembly

Bill No.	Summary of Title	Sponsors	Last Action and Calendar Status
SB-13	Reallocation of funds in the Operational Account of the Severance Tax Trust Fund.	Sen. Schwartz, Rep. Fischer	Amended by Senate Ag, referred to Appropriations Jan. 31; not on calendar
<p>Authorizes reallocation of up to 5% of the operational account away from the Oil & Gas Comm'n and the Div. of Reclamation, and to the Div. of Wildlife and Parks & Rec., without mandating spending in new areas.</p> <p><i>Water Congress Monitoring</i></p>			
SB-28	Assignment of State's rights in Bonny Reservoir to CWCB, to be used to reduce evaporative losses.	Sen. Brophy, Rep. C. Gardner	Passed out of Senate Ag Feb. 14, scheduled for second reading Feb. 22
<p>Intent of sponsor unclear, but the bill appears to be designed to allow for the draining of Bonny Reservoir to eliminate evaporation and seepage losses that are allocated to Colorado as consumptive use under the Republican River Compact. The bill implicates a complex web of issues that include compact compliance, declining aquifer levels, depletion of surface flows by well pumping, and large-scale augmentation projects.</p> <p><i>Water Congress Monitoring</i></p>			
SB-36	Conditions CWCB allocation of severance tax trust fund account upon applicant's adoption of a water conservation plan.	Sen. Isgar, Rep. Curry	<u>Passed</u> Senate Jan. 28, second reading in House laid over Feb. 22
<p>Allows CWCB to condition loans or grants from the water supply reserve account of the severance tax trust fund, and specifies that repayments of principal and interest are credited to the account.</p> <p><i>Water Congress <u>Supports</u></i></p>			

Bill No.	Summary of Title	Sponsors	Last Action and Calendar Status
SB-53	Amends statutory definition of "designated ground water" to include 100-year wells.	Sen. Brophy	<u>Postponed indefinitely</u> by Senate Ag Feb. 14
<p>Controversial; although the intent is unclear, the bill appears to be an effort to assist isolated well operators. The bill expands the statutory definition of designated ground water to include that pumped from wells that takes more than 100 years to affect the nearest surface water.</p> <p><i>Water Congress <u>Opposes</u></i></p>			
SB-84	Imposes limits on the development of the former Lowry Range.	Sen. Hagedorn, Rep. Carroll	<u>Postponed indefinitely</u> by Senate Health & Human Services Feb. 21
<p>Prohibits development of Lowry land until all environmental remedial decisions are complied with or the State receives money from responsible parties sufficient to comply with such decisions. Requires real estate contract disclosure stating that unexploded ordnance may be present and that the quality of potable water may be unreliable.</p> <p><i>Water Congress <u>Opposes</u></i></p>			
SB-119	Provides limited exemption for water collected from residential rooftops; pilot project.	Sen. Romer	Passed out of Senate Ag Feb. 21, as amended
<p>Introduced bill allows use of cisterns for collection of water from residential rooftops, for household, fire protection, livestock watering, and irrigation uses up to 1 acre. Amended to authorize pilot projects with a 30% minimum augmentation requirement.</p> <p><i>Water Congress <u>Supports</u></i></p>			

Bill No.	Summary of Title	Sponsors	Last Action and Calendar Status
SB-136	Authorizes delay or cancellation of replacement of well depletions during non-irrigating season.	Sen. Shaffer, Rep. Hodge	Calendared for Senate Ag Feb. 28
<p>For augmentation plans that require replacement of well depletions during the (winter) non-irrigating season, the well owner may apply and the division engineer may allow the delay or cancellation of those requirements if it is likely that all downstream reservoirs will fill even without winter-time augmentation, and the well owner has the ability to make deliveries downstream to prevent injury. On Feb. 25 Senator Isgar and State Engineer Dick Wolfe indicated that a strike-below amendment is being drafted (language to be circulated).</p> <p><i>Water Congress <u>Opposes</u></i></p>			
HB-1014	Small capacity well ownership reporting requirement.	Rep. Looper, Sen. Gordon	<u>Passed</u> House Jan. 23; calendared for Senate Ag Feb. 27
<p>Requires residential home buyers to report change in ownership to the Div. of Water Resources, and directs the real estate commission to promulgate rules to reflect the requirement in appropriate form contracts.</p> <p><i>Water Congress <u>Supports</u></i></p>			
HB-1030	Exempts certain augmentation plans from replacing pre-1974 well pumping depletions in Water Div. No. 1.	Rep. Hodge, Sen. Brophy	<u>Passed</u> House Feb. 5; introduced & assigned to Senate Ag Feb. 11, not calendared
<p>Controversial. The bill was originally recommended by last summer's South Platte River Task Force, and provides that augmentation plans hereafter applied for or amended shall not require replacement of depletions caused by pumping that occurred prior to March 15, 1974. Controversy focuses on the policy of exemption itself, as well as confusion over the intent of the Task Force with respect to whether the exemption should extend to plans applied for, amended in the future, and/or already adjudicated.</p> <p><i>Water Congress <u>Monitoring</u></i></p>			

Bill No.	Summary of Title	Sponsors	Last Action and Calendar Status
HB-1044	Facilitation of the use of excess water augmentation credits.	Rep. Hodge	<u>Lost</u> with amendments on second reading in House Feb. 4
<p>Allows excess credits to be loaned for use in another decreed augmentation plan or substitute water supply plan to replace current-year depletions caused by prior pumping.</p> <p><i>Water Congress Monitoring</i></p>			
HB-1141	Requires real estate developers to demonstrate to local land-use permitting authorities an "adequate" water supply to serve peak daily, monthly, and annual water supply requirements.	Rep. Curry, Sen. Bacon	Passed House Local Govt. Feb. 19 as amended, referred to Approps.
<p>As introduced, the bill required developers to file with a local permitting authority a water demand report completed by a PE demonstrating a "sufficient and sustainable" water supply for the proposed development, whereafter the permitting authority must obtain (i) a letter from the SEO commenting on the PE report, and (ii) a letter from the developer's water supplier summarizing the supplier's water portfolio. As presently amended, the bill requires a PE report demonstrating an "adequate" supply or, in lieu thereof for developments served by a water supply entity, a letter from either a PE or an expert from the water supply entity stating that entity's commitment and ability to provide an adequate supply. The permitting authority may also rely upon a supply entity's water supply plan that meets certain minimum standards.</p> <p><i>Water Congress Monitoring, Subcommittee Drafted Language Incorporated by Rep. Curry (next meeting Feb. 28)</i></p>			
HB-1148	Statutory modification of elements of adverse possession claim against real property.	Rep. Witwer, Sen. Tupa	<u>Passed</u> House Feb. 18; introduced and assigned to Senate Judiciary Feb. 20
<p>Bill drafted in response to high-profile 2007 adverse possession case in Boulder. As drafted, the bill does not sufficiently protect statutory recognition of ditch and other easements that may be compromised by the broad language of the bill.</p> <p><i>Water Congress Monitoring, Subcommittee has Drafted Proposed Amendments</i></p>			

Bill No.	Summary of Title	Sponsors	Last Action and Calendar Status
HB-1222	Expands definition of renewable energy to include certain types of hydroelectricity	Rep. McNulty, Sen. Harvey	Passed House Trans. & Energy Feb. 21 as amended
<p>Amends renewable energy standards statute to define "low-impact hydroelectricity" as including pumped hydroelectricity, which has been certified by the Governor's energy office to minimize and mitigate wildlife impacts and to protect instream flows and water quality.</p> <p><i>Water Congress <u>Supports</u></i></p>			
HB-1227	Continues the Public Utilities Commission through 2019; various amendments to PUC statute.	Rep. Madden, Sen. Tapia	Referred by House Trans. & Energy to Approps. Feb. 21 as amended
<p>Comprehensive amendments to the Public Utilities Commission statute, including a provision to include investor-owned water and sewer companies in the definition of public utility subject to PUC oversight.</p> <p><i>Water Congress <u>Monitoring</u></i></p>			
HB-1241	Rename the Colorado Watershed Protection Fund the Colorado Healthy Rivers Fund.	Rep. Scanlan, Sen. Schwartz	Referred by House Finance to Approps. Feb. 12 unamended
<p>Amends the voluntary contribution designation identified on the Colorado individual income tax return form to rename the designated fund.</p> <p><i>Water Congress <u>Supports</u></i></p>			

Bill No.	Summary of Title	Sponsors	Last Action and Calendar Status
HB-1280	Protects historical use of water rights leased to CWCB for instream flow purposes.	Rep. Fischer, Sen. Schwartz	Passed House Ag Feb. 20, second reading laid over Feb. 22
<p>Provides that any period of time in which a water right is loaned or leased to the CWCB will be excluded from the water court's consumptive use analysis, and will not count as a period of non-use in any subsequent abandonment proceeding. Change applicant may not claim historic consumptive use for any period in which water was available for diversion solely as the result of an instream flow agreement. Intent of the bill is to encourage more interest in the CWCB instream flow program, although bill as introduced raises concerns regarding speculation and multiple uses of the same historical consumptive use by lessor and downstream appropriators.</p> <p><i>Water Congress Monitoring, Subcommittee Formed (amendments discussed Feb. 25 w/CWCB representatives)</i></p>			
HB-1330	Amends statute that governs election of water conservancy district boards of directors.	Rep. Weissmann, Sen. Gordon	<u>Postponed indefinitely</u> by House Ag Feb. 19
<p>Requires all water conservancy district board members be elected, and removes the requirement that directors be knowledgeable in water matters or own real property located in the district.</p> <p><i>Water Congress <u>Opposes</u></i></p>			