

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0332.01 Jennifer Berman x3286

HOUSE BILL 15-1178

HOUSE SPONSORSHIP

Saine and Humphrey,

SENATE SPONSORSHIP

Marble,

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE STATE ENGINEER'S AUTHORITY TO ALLOW WELL**
102 **USERS TO LOWER THE WATER TABLE IN AN AREA OF GILCREST,**
103 **COLORADO, THAT THE STATE ENGINEER DETERMINES IS**
104 **EXPERIENCING DAMAGING HIGH GROUNDWATER LEVELS.**

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://www.leg.state.co.us/billsummaries>.)

The bill authorizes the state engineer, for the purpose of lowering the water table in an area that the state engineer determines is experiencing damaging high groundwater levels, to rescind an order or to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

decline to order a well user in the area to discontinue an out-of-priority diversion or to replace an amount of water otherwise required by an augmentation plan or a substitute water supply plan.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-60-121, **add** (10)
3 as follows:

4 **37-60-121. Colorado water conservation board construction**
5 **fund - creation of - nature of fund - funds for investigations -**
6 **contributions - use for augmenting the general fund - funds created**
7 **- repeal. (10) Emergency dewatering grant program and data**
8 **collection - fund - creation - legislative declaration. (a) (I) THE**
9 **GENERAL ASSEMBLY FINDS AND DETERMINES THAT HIGH GROUNDWATER**
10 **LEVELS IN THE AREA OF GILCREST, COLORADO, ARE DAMAGING CROPS**
11 **AND FLOODING BASEMENTS AND SEPTIC SYSTEMS. TO MITIGATE THE**
12 **DAMAGING HIGH GROUNDWATER LEVELS, THE WATER TABLE NEEDS TO BE**
13 **LOWERED IMMEDIATELY TO A LEVEL THAT IS NO LONGER DAMAGING BY**
14 **MEANS OF EMERGENCY PUMPING OF WELLS THAT ARE:**

15 (A) LOCATED WITHIN OR NEAR THE AREA OF GILCREST,
16 COLORADO; AND

17 (B) PERMITTED FOR DEWATERING.

18 (II) THE GENERAL ASSEMBLY FURTHER FINDS AND DETERMINES
19 THAT REAL-TIME DATA COLLECTION SHOULD ACCOMPANY THE
20 EMERGENCY PUMPING OF DEWATERING WELLS.

21 (III) THEREFORE, THE GENERAL ASSEMBLY FINDS, DETERMINES,
22 AND DECLARES THAT THE STATE OF COLORADO SHOULD FACILITATE THE
23 EMERGENCY PUMPING OF DEWATERING WELLS IN THE AREA OF GILCREST,
24 COLORADO, THROUGH THE ESTABLISHMENT AND FUNDING OF A GRANT

1 PROGRAM.

2 (b) THE EMERGENCY DEWATERING GRANT ACCOUNT, REFERRED TO
3 IN THIS SUBSECTION (10) AS THE "ACCOUNT", IS HEREBY CREATED IN THE
4 COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND. FOR THE
5 2015-16 AND 2016-17 FISCAL YEARS, THE STATE TREASURER SHALL
6 TRANSFER TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL
7 FUND TO THE ACCOUNT FOR IMPLEMENTATION OF THE EMERGENCY
8 DEWATERING GRANT PROGRAM CREATED IN THIS SUBSECTION (10).

9 (c) (I) THE BOARD, IN COLLABORATION WITH THE STATE
10 ENGINEER, SHALL EXPEND MONEY FROM THE ACCOUNT TO AWARD GRANTS
11 FOR EMERGENCY PUMPING OF WELLS PERMITTED FOR DEWATERING WITHIN
12 OR NEAR GILCREST, COLORADO. THE BOARD, IN COLLABORATION WITH
13 THE STATE ENGINEER, MAY AWARD GRANTS TO PUBLIC ENTITIES, PRIVATE
14 ENTITIES, AND PRIVATE INDIVIDUALS SEEKING TO IMPLEMENT EMERGENCY
15 PUMPING OF WELLS PERMITTED FOR DEWATERING. THE BOARD SHALL SEEK
16 INPUT FROM THE SOUTH PLATTE BASIN ROUNDTABLE, CREATED IN
17 SECTION 37-75-104 (3) (b) (I), AND THE ROUNDTABLE'S TECHNICAL
18 COMMITTEE ON THE GENERAL COSTS ASSOCIATED WITH DEWATERING
19 WITHIN AND NEAR GILCREST, COLORADO, AND THE INFRASTRUCTURE
20 NEEDED TO IMPLEMENT THE DEWATERING PROJECT.

21 (II) THE BOARD, IN COLLABORATION WITH THE STATE ENGINEER,
22 SHALL DEVELOP CRITERIA AND GUIDELINES FOR THE GRANT PROGRAM AND
23 THE ACCOMPANYING REAL-TIME DATA COLLECTION, INCLUDING
24 SELECTION CRITERIA AND GRANTEE REPORTING CRITERIA.

25 (III) THE BOARD MAY ACCEPT AND EXPEND GIFTS, GRANTS, AND
26 DONATIONS FOR THE PURPOSES OF THIS SUBSECTION (10), BUT THE
27 IMPLEMENTATION OF THIS SUBSECTION (10) IS NOT DEPENDENT ON THE

1 RECEIPT OF GIFTS, GRANTS, AND DONATIONS. THE BOARD SHALL TRANSMIT
2 ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE
3 STATE TREASURER, WHO SHALL CREDIT THEM TO THE ACCOUNT.

4 (IV) (A) ON AN ANNUAL BASIS, THE BOARD, IN COLLABORATION
5 WITH THE STATE ENGINEER, SHALL REPORT TO THE WATER RESOURCES
6 REVIEW COMMITTEE, CREATED IN SECTION 37-98-102, ON THE PROGRESS
7 OF THE GRANT PROGRAM.

8 (B) ON OR BEFORE OCTOBER 1, 2017, THE BOARD, IN
9 COLLABORATION WITH THE STATE ENGINEER, SHALL PROVIDE THE WATER
10 RESOURCES REVIEW COMMITTEE WITH A FINAL REPORT ON THE GRANT
11 PROGRAM.

12 (C) TO ASSIST WITH THE REPORTING REQUIREMENTS OF THIS
13 SUBPARAGRAPH (IV), THE BOARD, IN COLLABORATION WITH THE STATE
14 ENGINEER, SHALL DEVELOP REPORTING REQUIREMENTS FOR GRANTEEES.

15 (d) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JULY 1, 2018.

16 **SECTION 2. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.