

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

PREAMENDED

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

LLS NO. 15-0287.01 Thomas Morris x4218

HOUSE BILL 15-1166

HOUSE SPONSORSHIP

Saine and Arndt, Humphrey, Danielson, Everett

SENATE SPONSORSHIP

Marble,

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A TRIBUTARY GROUNDWATER**
102 **MONITORING NETWORK IN THE SOUTH PLATTE RIVER ALLUVIAL**
103 **AQUIFER.**

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>.)

In 2012, the general assembly enacted House Bill 12-1278, which directed the Colorado water conservation board to contract with the Colorado Water Institute to conduct a study of the South Platte river alluvial aquifer. Recommendation 3.B. of the final study report was to implement a basin-wide groundwater monitoring network.

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.*

Section 1 of the bill directs the state engineer, in consultation with the board, to design and operate a tributary groundwater monitoring network in the South Platte river alluvial aquifer. The monitoring network consists of the following components:

- ! Groundwater wells to be used for monitoring groundwater levels with the goal of identifying ambient groundwater conditions and anthropogenic influences on the aquifer, including:
 - ! The existing division of water resources groundwater monitoring network, the addition of data loggers on up to 20 existing wells in the network, and up to 10 wells to be added to the network in areas where there are data gaps;
 - ! Wells that are part of an independent monitoring network and owned by qualified parties other than the division of water resources who submit their groundwater monitoring data to the monitoring network; and
 - ! Wells that are owned or operated by a state agency, water conservancy district, special district, county, municipality, or other unit of state or local government and designated by the state engineer;
- ! Data analysis standards and protocols established by the state engineer; and
- ! Dissemination of the monitoring data on the division's web site.

Section 2 authorizes the use of the water resources cash fund to pay for the operation and maintenance of the network, and **section 3** authorizes the use of the Colorado water conservation board construction fund to pay for the construction and maintenance of the network.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 37-80-122 as
3 follows:

4 **37-80-122. South Platte river alluvial aquifer groundwater**
5 **monitoring network.** (1) THE STATE ENGINEER SHALL, AS SPECIFIED IN
6 THIS SECTION, DESIGN AND OPERATE A TRIBUTARY GROUNDWATER
7 MONITORING NETWORK IN THE SOUTH PLATTE RIVER ALLUVIAL AQUIFER,
8 REFERRED TO IN THIS SECTION AS THE MONITORING NETWORK. THE

1 OBJECTIVE OF THE MONITORING NETWORK IS TO:

2 (a) PROVIDE ACCURATE GROUNDWATER LEVEL DATA TO BE USED
3 IN SCIENTIFIC INVESTIGATIONS, ANALYSES, AND DECISION MAKING;

4 (b) INCREASE THE PUBLIC'S UNDERSTANDING OF AND ACCESS TO
5 DATA REGARDING THE MOVEMENT OF TRIBUTARY GROUNDWATER IN THE
6 SOUTH PLATTE RIVER ALLUVIAL AQUIFER; AND

7 (c) ASSIST IN WATER PLANNING.

8 (2) THE MONITORING NETWORK CONSISTS OF THE FOLLOWING
9 COMPONENTS:

10 (a) (I) THE FOLLOWING GROUNDWATER WELLS TO BE USED FOR
11 MONITORING GROUNDWATER LEVELS WITH THE GOAL OF IDENTIFYING
12 AMBIENT GROUNDWATER CONDITIONS, OR THE EFFECTS OF NATURAL,
13 CLIMATIC-RELATED HYDROLOGIC STRESSES, AND ANTHROPOGENIC
14 INFLUENCES ON THE AQUIFER:

15 (A) THE EXISTING DIVISION OF WATER RESOURCES GROUNDWATER
16 MONITORING NETWORK, THE ADDITION OF DATA LOGGERS ON UP TO
17 TWENTY EXISTING WELLS IN THE NETWORK, AND UP TO TEN WELLS TO BE
18 ADDED TO THE NETWORK IN AREAS WHERE THERE ARE DATA GAPS, AS
19 MORE DEFINITELY DESCRIBED IN THE RECOMMENDATIONS OF THE
20 TECHNICAL COMMITTEE OF THE SOUTH PLATTE BASIN ROUNDTABLE DATED
21 NOVEMBER 18, 2014, AND AS MODIFIED ON NOVEMBER 21, 2014;

22 (B) WELLS THAT ARE PART OF AN INDEPENDENT MONITORING
23 NETWORK AND OWNED BY QUALIFIED PARTIES OTHER THAN THE DIVISION
24 OF WATER RESOURCES WHO SUBMIT THEIR GROUNDWATER MONITORING
25 DATA TO THE MONITORING NETWORK. THE DIVISION OF WATER
26 RESOURCES, THE METRO ROUNDTABLE, THE SOUTH PLATTE BASIN
27 ROUNDTABLE, AND THE COLORADO WATER CONSERVATION BOARD SHALL

1 COOPERATIVELY LEAD THE EFFORT TO RECRUIT THESE QUALIFIED PARTIES
2 AND PROVIDE THEM WITH A CLEAR UNDERSTANDING OF THE BENEFITS TO
3 THE QUALIFIED PARTIES OF PROVIDING DATA TO MOTIVATE THEIR
4 PARTICIPATION.

5 (C) ADDITIONAL WELLS THAT HAVE BEEN DESIGNATED BY THE
6 STATE ENGINEER TO BE PART OF THE MONITORING NETWORK.

7 (II) IN DESIGNATING WELLS TO BE PART OF THE NETWORK,
8 INCLUDING NEW WELLS AND THE ADDITION OF DATA LOGGERS, THE STATE
9 ENGINEER, IN CONSULTATION WITH THE COLORADO WATER
10 CONSERVATION BOARD AND AFTER SOLICITING AND CONSIDERING PUBLIC
11 INPUT, SHALL ATTEMPT TO:

12 (A) PROVIDE GOOD GEOGRAPHIC, HYDROGEOLOGIC, AND
13 TEMPORAL COVERAGE OF THE SOUTH PLATTE RIVER ALLUVIAL AQUIFER,
14 INCLUDING: WELLS THAT MONITOR GROUNDWATER THAT IS RELATIVELY
15 FREE OF LAND USE, DIVERSION, AND RECHARGE EFFECTS; WELLS WITH
16 HIGH WATER CONDITIONS AND THOSE THAT SHOW STRONG TRENDS IN
17 WATER LEVEL CHANGE SINCE 2003; AND WELLS THAT DEMONSTRATE THE
18 EFFECTS OF DIVERSION STRUCTURES;

19 (B) INCLUDE WELLS IN AREAS THAT EXHIBIT SHORT-TERM
20 RESPONSES TO HUMAN-INDUCED ACTIVITIES IN THE AQUIFER AND AREAS
21 THAT SHOW LONG-TERM TRENDS AS A RESULT OF THE SAME ACTIVITIES;

22 (C) INCLUDE AS MANY WELLS AS POSSIBLE THAT HAVE A LONG,
23 UNINTERRUPTED HISTORY OF DATA;

24 (D) OPTIMIZE THE COLLECTION OF CONTINUOUS DATA AS OPPOSED
25 TO TWICE-YEARLY OR OTHER PERIODIC DATA; AND

26 (E) CONSIDER NOT ONLY THE UP-FRONT COSTS OF DESIGNATING OR
27 ADDING THE WELLS BUT ALSO THE LONG-TERM COST OF MAINTAINING

1 THEM AS PART OF THE MONITORING NETWORK;

2 (b) DATA ANALYSIS STANDARDS AND PROTOCOLS. THE STATE
3 ENGINEER, IN CONSULTATION WITH THE COLORADO WATER
4 CONSERVATION BOARD AND AFTER SOLICITING AND CONSIDERING PUBLIC
5 INPUT, SHALL DEVELOP AND PUBLISH ONE OR MORE PROTOCOLS FOR
6 GROUNDWATER LEVEL DATA MEASUREMENT, DATA COLLECTION, AND
7 DATA ENTRY, AND SHALL ATTEMPT TO AUTOMATE, WHERE PRACTICAL, THE
8 PROCESS OF COLLECTING GROUNDWATER LEVEL DATA AND UPLOADING IT
9 TO THE DIVISION OF WATER RESOURCES' WEB SITE. THE STATE ENGINEER
10 SHALL ENTER AND UPLOAD THE DATA WITHIN THIRTY DAYS AFTER
11 RECEIVING IT.

12 (c) DISSEMINATION OF THE MONITORING DATA. THE DIVISION OF
13 WATER RESOURCES SHALL MAKE THE DATA AVAILABLE ON ITS WEB SITE
14 AND OTHERWISE AS SPECIFIED BY THE STATE ENGINEER.

15 (3) IN THE DESIGN AND OPERATION OF THE MONITORING NETWORK,
16 THE STATE ENGINEER SHALL CONSIDER AND BE GUIDED BY:

17 (a) THE "REPORT TO THE COLORADO LEGISLATURE: HB12-1278
18 STUDY OF THE SOUTH PLATTE RIVER ALLUVIAL AQUIFER", DATED
19 DECEMBER 31, 2013, PREPARED BY THE COLORADO WATER INSTITUTE;
20 AND

21 (b) THE RECOMMENDATIONS OF THE TECHNICAL COMMITTEE OF
22 THE SOUTH PLATTE BASIN ROUNDTABLE DATED NOVEMBER 18, 2014, AND
23 AS MODIFIED ON NOVEMBER 21, 2014.

24 (4) THE REVENUES TO PAY THE COSTS OF IMPLEMENTING THIS
25 SECTION ARE PAYABLE FROM THE COLORADO WATER CONSERVATION
26 BOARD CONSTRUCTION FUND AS SPECIFIED IN SECTION 37-60-121 (1) (b)
27 (II); EXCEPT THAT, IF REVENUES IN THE COLORADO WATER CONSERVATION

1 BOARD CONSTRUCTION FUND ARE INSUFFICIENT TO MEET ALL OTHER
2 LAWFUL USES OF THE FUND, THE REVENUES TO PAY THE COSTS OF
3 IMPLEMENTING THIS SECTION ARE PAYABLE FROM THE GENERAL FUND. IF
4 THE UNITED STATES GEOLOGICAL SURVEY DISCONTINUES FUNDING OF
5 GROUNDWATER MONITORING FOR ONE OR MORE WELLS THAT ARE PART OF
6 THE MONITORING NETWORK, THE COST OF OPERATING AND MAINTAINING
7 SUCH WELLS MAY BE PAID FROM ONE OR BOTH OF THE FUNDS, AND IN THE
8 MANNER, SPECIFIED IN THIS SUBSECTION (4).

9 **SECTION 2.** In Colorado Revised Statutes, 37-60-121, **amend**
10 (1) (b) (II) as follows:

11 **37-60-121. Colorado water conservation board construction**
12 **fund - creation of - nature of fund - funds for investigations -**
13 **contributions - use for augmenting the general fund - funds created**
14 **- repeal.** (1) (b) In the consideration of making expenditures from the
15 fund, the board shall be guided by the following criteria:

16 (II) The balance of the moneys available to the fund shall be
17 devoted to projects for the repair and rehabilitation of existing water
18 storage and delivery networks, controlled maintenance of the satellite
19 monitoring network authorized pursuant to section 37-80-102 (10),
20 CONSTRUCTION AND MAINTENANCE OF THE SOUTH PLATTE RIVER
21 ALLUVIAL AQUIFER MONITORING NETWORK AUTHORIZED PURSUANT TO
22 SECTION 37-80-122, and for investment in water management activities
23 and studies;

24 **SECTION 3. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.