TENTATIVE AGENDA

Water Resources Review Committee

Senate Committee Room 356
State Capitol

September 23, 2002
10:00 a.m.

Call to Order

I. Call to Order by Chairman

II. Overview of the South Metro Water Supply Study - Pat Mulhern, Study Manager

III. Denver Basin Aquifer Issues - Representative Carl Miller

IV. Update on Colorado Alliance for Water Education - Reagan M. Waskom, Extension Specialist, Colorado State University Water Center, Cooperative Extension

V. Overview of Weather Modification Permitting Process - Rod Kuharich, Director, Colorado Water Conservation Board

VI. Public Testimony

Lunch

VII. Final Action on Draft Legislation and Determination of Bill Sponsors

VIII. Future Committee Activity

Adjourn

Final

STAFF SUMMARY OF MEETING

WATER RESOURCES REVIEW COMMITTEE

Date:	09/23/2002		ATTENDANCE
Time:	**10:06 AM** to **02:47 PM**	Entz	X
		Hodge	X
Place:	SCR 356	Miller	X
		Pascoe	X
	This Meeting was called to order by	Phillips	X
	Representative Hoppe	Rippy	X
		Taylor	X
	This Report was prepared by	White	X
	David Beaujon	Isgar	X
		Hoppe	X
			X = Present, E = Excused, A = Absent, * = Present after roll call

Bills Addressed:		Action Taken:	
	Water Resources Review Committee		-

10:08 AM - South Metro Water Supply Study

Pat Mulhern, Study Manager for South Metro Water Supply Study, explained that the study is a cooperative effort between the Douglas County Water Authority, Denver Water, the Colorado River Water Conservation District, and the Colorado Water Conservation Board (see Attachment A). The purpose of the study is to identify the water needs of the South Metro area for the next 50 years and assess the potential of conjuctive use to help satisfy the new demand. The South Metro area primarily relies on nonrenewable ground water and includes Centennial Water and Sanitation District

(Highlands Ranch Area), Town of Parker, City of Centennial, and the Town of Castle Rock. Mr. Mulhern defined conjunctive use as the coordinated use of surface and ground water resources and facilities to produce a larger, more reliable and cost effective combined water supply than could be generated from either source alone. He explained that the South Metro area primarily relies on water from the Denver Basin Aquifer (DBA) system that underlies the area. The aquifers are estimated to contain 467 million acre feet (MAF) in storage and approximately 259 MAF in recoverable supply. An acre foot is approximately the amount of water used by a family of five. Under state law, overlying land owners are allowed to withdraw up to one percent annually of the water from the portion of the DBA that underlies their land (Section 37-90-137, C.R.S., also known as Senate Bill 5). This means that up to 2.6 MAF may be withdrawn from the entire aquifer and 380,000 AF may be withdrawn annually by the south Denver area. However, he explained that this water is expensive to pump from the deep aquifer and is non-renewable.

10:18 AM

Mr. Mulhern explained that the study is examining the potential use of the Denver Water system to deliver additional west slope water to the South Metro area during average or above average precipitation years. During average years, the South Metro Area would withdraw some DBA ground water and use some west slope water. During wet years, it would obtain all of its water from the Denver Water system and recharge the DBA. During dry years, the process would be reversed. The South Metro Area would obtain its entire supply from ground water and deliver some of its ground water to the Denver Water system. The study is also examining conservation and water reuse to limit demand and extend the South Metro area's water supply. Currently, this area obtains approximately 70 percent of its water from the DBA and the remaining amount from surface supplies and reuse. If fully implemented in 2050, the study proposal will reduce the amount of ground water needed below the amount obtained from reuse, surface water, and demand management. Mr. Mulhern responded to questions from the committee regarding feasibility of aquifer recharge, the number of ground water users that are pumping the 1 percent allowed by law, and the need for additional surface storage to implement the South Metro Study proposal.

10:48 AM - Denver Basin Aquifer Discussion

Representative Miller explained that the Denver Basin Aquifer system is an enormous and underused resource (see Attachment B). He spoke in opposition to additional transfers of water from rural Colorado and described the drought's impact on the state's mountain communities including drained reservoirs and lost recreational opportunities.

10:53 AM

Hal Simpson, State Engineer, explained that the South Metro Area relies heavily on the DBA and he commended efforts by the area's water users to reduce their reliance on the aquifers. He also explained that the City of Aurora recently obtained rights to the underlying portion of the DBA and has started drilling wells into the deep aquifer. Denver Water and the City and County of Denver have filed an application under the Senate Bill 85-5 process for the right to use the underlying portion of the DBA. Rural developments in Elbert County and eastern El Paso County are increasing their use of the aquifers. In response to questions from the committee, Mr. Simpson explained that approximately 100,000 AF is being pumped annually from the DBA. As ground water levels decline, pumping costs increase. However, recharge of the aquifers may help reduce these costs. Mr. Simpson explained that the eastern part of the Denver Basin Aquifer system is regulated by the Ground Water Commission that also limits annual depletions from the DBA to one percent of the water underlying a parcel of land. The commission is currently developing methods for quantifying rights to the underlying ground water. It also may address concerns from some ground water management districts about exports from the DBA to the Denver metro area, also known as water farms.

11:12 AM Colorado Water Education Foundation

Reagan Waskum, Colorado State University Cooperative Extension Water Specialist, explained that the Colorado Water Congress has worked for three years to create a water education foundation. This year, the General Assembly appropriated $250,000 in the CWCB Construction Fund (HB 02-1152) for the Colorado Alliance for Water Education. On August 29, a summit of 50 water educators from across the state selected the alliance's board of trustees including Representative Diane Hoppe, Senator Jim Isgar, and Colorado Supreme Court Justice Greg Hobbs (see Attachment C). Mr. Waskum explained that the board represents a diverse cross section of Colorado's water community that will help develop a broad and factually based education program. The board has selected an executive director and begun identifying water education programs including water tours. In response from a committee question, he described the board's view of forest management and water yield.

11:21 AM - Weather Modification

Rod Kuharich, Director of the Colorado Water Conservation Board (CWCB), explained that weather modification can increase rain and snow and decrease hail and fog (see Attachment D). Ten other states have permitting programs for weather modification and 29 states have research programs. The most common method of weather modificaiton in Colorado is ground based generators that vaporize silver iodide. Weather modification has occurred in the state since 1951, primarily for snow augmentation in the mountains and some hail suppression. The CWCB is currently reviewing permit requests from Denver Water for a $700,000 program to increase snow in water sheds surrounding Denver Water's western water collection facilities. He responded to questions from the committee concerning the effectiveness of weather modification and the potential for unintended consequences such as disruptions of rain patterns.

11:38 AM - Public Testimony

Frank Jaeger, Parker Water and Sanitation District, responded to Representative Miller's remarks and described limitations on use of the DBA. For example, some of the water in the aquifer is poor quality and the upper part of the aquifer system, called the Dawson, is already being used extensively by individual homeowners. Consequently, landownership and property rights may preclude the district's use of the water in northern Douglas County. Given these limitations, Mr. Jaeger explained that the district and other South Metro suppliers are developing the DBA to the extent possible. He also explained that productivity for some of the district's wells have significantly declined. Consequently, the district is looking for renewable surface water supplies including west slope water and agricultural water from the eastern plains of Colorado. He explained that the district is considering policies to mitigate the impacts from these transfers. For example, the district voluntarily provides payment in lieu of taxes (PLT) to Logan County to offset lost tax revenue from farms that the district has purchased in the county.

11:49 AM

Chris Treese, Colorado River Water Conservation District (CRWCD), explained that the CRWCD is participating in the South Metro Water Supply Study because it promotes responsible use of water in the south Metro area, thereby reducing the need for west slope water. Specifically, the plan manages demand and promotes water reuse. Also, west slope water will only be used after these alternatives have been maximized. In response to the questions from the committee, Mr. Treese explained that CRWCD's board asked voters to increase the district's mill levy to pay for capital projects that would provide additional supplies to meet new demands and withstand droughts. He also explained that additional west slope storage is not needed to implement the South Metro Area Water Supply Study plan. However, mitigation for the plan's west slope transfers may include additional storage for use by the west slope.

11:57 AM

Dick MacRavey, Executive Director of the Colorado Water Congress, explained that cooperation on water supply issues has increased during recent years and he urged the committee to be persistent in seeking water supply solutions. He also spoke in opposition to potential cuts to the State Engineer's budget and announced the September 27 Summit on Colorado's Water Future (see Attachment E).

12:04 PM - Lunch

01:39 PM - Consider Draft Legislation

Representative Hoppe described the committee procedure for considering draft legislation and its authority to recommend legislation to the Legislative Council (Section 37-98-103, C.R.S.).

01:46 PM - Draft Bill A

BILL:	**Water Resources Review Committee**	
TIME:		**01:46:11 PM**
MOVED:		Entz
MOTION:		Draft Bill A, as amended (see Attachment F)
SECONDED:		Hodge
		VOTE
	Entz	Yes
	Hodge	Yes
	Miller	Yes
	Pascoe	Yes
	Phillips	Yes
	Rippy	Yes
	Taylor	Yes
	White	Yes
	Isgar	Yes
	Hoppe	Yes
		Not Final YES: 10 **NO:** 0 **EXC:** 0 **ABS:** 0 **FINAL ACTION: PASS**

BILL:	**Water Resources Review Committee**	
TIME:		**02:00:33 PM**

MOVED:		Entz
MOTION:		Draft Bill A, strike Appropriation Clause (page 17, line 27 through page 18, line 7) and page 1, line 107, strike "AND", strike line 108
SECONDED:		Rippy
		VOTE
	Entz	
	Hodge	
	Miller	
	Pascoe	
	Phillips	
	Rippy	
	Taylor	
	White	
	Isgar	
	Hoppe	
		Not Final YES: 0 **NO:** 0 **EXC:** 0 **ABS:** 0 **FINAL ACTION: Pass Without Objection**

BILL:	**Water Resources Review Committee**	
TIME:		**01:46:21 PM**
MOVED:		Entz
MOTION:		Draft Bill A, Amendment L 001 to reduce certain fees (see Attachment G)
SECONDED:		Hodge
		VOTE
	Entz	
	Hodge	
	Miller	
	Pascoe	
	Phillips	
	Rippy	
	Taylor	
	White	

	Isgar	
	Hoppe	
		Not Final YES: 0 **NO:** 0 **EXC:** 0 **ABS:** 0 **FINAL ACTION: Pass Without Objection**

01:46 PM

Steve Tammeus Office of Legislative Council Fiscal Analyst, described the fiscal note for Draft Bill A (see Attachment H).

02:04 PM - Draft Bill B

BILL:	**Water Resources Review Committee**	
TIME:		**02:04:09 PM**
MOVED:		Taylor
MOTION:		to remove Draft Bill B from consideration (see Attachment I)
SECONDED:		Entz
		VOTE
	Entz	Yes
	Hodge	Yes
	Miller	Yes
	Pascoe	Yes
	Phillips	Yes
	Rippy	Yes
	Taylor	Yes
	White	Yes
	Isgar	Yes
	Hoppe	Yes
		Not Final YES: 10 **NO:** 0 **EXC:** 0 **ABS:** 0 **FINAL ACTION: PASS**

02:06 PM

Representative Hoppe volunteered to be teh prime sponsor for the resolution (Draft Bill B). She explained that the statutory limit on Water Resource Review Committee's legislative recommendations applies to both bills and resolutions. However, the bill limit for the regular session does not apply to resolutions. Senator Entz volunteered to sponsor the resolution in the Senate. All other members of the committee volunteered to co-sponsor the measure.

02:07 PM -- Draft Bill C

BILL:	**Water Resources Review Committee**	
TIME:		**02:07:16 PM**
MOVED:		Taylor
MOTION:		Draft Bill C, as amended (see Attachment J)
SECONDED:		Hodge
		VOTE
	Entz	Yes
	Hodge	Yes
	Miller	Yes
	Pascoe	Yes
	Phillips	Yes
	Rippy	Yes
	Taylor	Yes
	White	Yes
	Isgar	Yes
	Hoppe	Yes
		Not Final YES: 10 **NO:** 0 **EXC:** 0 **ABS:** 0 **FINAL ACTION: PASS**

02:07 PM

Tom Morris, Office of Legislative Legal Services, summarized the provisions of Draft Bill C. Steve Tameaus, Fiscal Analysts, identified potential fiscal impacts of allowing the committee to meet during the regular session including the need for additional staff assistance.

BILL:	**Water Resources Review Committee**	
TIME:		**02:18:09 PM**
MOVED:		Taylor
MOTION:		Amend Draft Bill C with conceptual amendment on page 2 to allow the committee to meet up to two times during the regular session for both odd and even numbered years.
SECONDED:		White
		VOTE

	Entz	
	Hodge	
	Miller	
	Pascoe	
	Phillips	
	Rippy	
	Taylor	
	White	
	Isgar	
	Hoppe	
		Not Final YES: 0 **NO:** 0 **EXC:** 0 **ABS:** 0 **FINAL ACTION: Pass Without Objection**

02:26 PM

Senator Taylor volunteered to be the prime sponsor for Bill C and Representative White volunteered to be the House sponsor.

02:28 PM -- Draft Bill D

BILL:	**Water Resources Review Committee**	
TIME:		**02:28:41 PM**
MOVED:		Isgar
MOTION:		Draft Bill D, withdrawn after discussion (see Attachment K)
SECONDED:		Rippy
		VOTE
	Entz	
	Hodge	
	Miller	
	Pascoe	
	Phillips	
	Rippy	
	Taylor	
	White	
	Isgar	
	Hoppe	

		Not Final YES: 0 **NO:** 0 **EXC:** 0 **ABS:** 0 **FINAL ACTION:**

02:30 PM

Hal Simpson, State Engineer, commented on potential amendments to Section 37-92-308, C.R.S. (House Bill 02-1414) to provide emergency instream flows during a declared drought emergency.

02:33 PM

Rod Kuharich, Director of the Colorado Water Conservation Board, commented on potential amendments to Section 37-92-308, C.R.S. (House Bill 02-1414) to provide emergency instream flows during a declared drought emergency.

02:40 PM Draft Bill F

BILL:	**Water Resources Review Committee**	
TIME:		**02:40:50 PM**
MOVED:		Entz
MOTION:		Draft Bill F, as amended (see Attachment L)
SECONDED:		Miller
		VOTE
	Entz	Yes
	Hodge	Yes
	Miller	Yes
	Pascoe	Yes
	Phillips	Yes
	Rippy	Yes
	Taylor	Yes
	White	Yes
	Isgar	Yes
	Hoppe	Yes
		Not Final YES: 10 **NO:** 0 **EXC:** 0 **ABS:** 0 **FINAL ACTION: PASS**

02:42 PM

Hal Simpson, State Engineer, explained that the amendment to page 5 will provide another year to promulgate rules for the withdrawal of ground water within Water Division 3 in the San Luis Valley. He explained that a lack of funding for the development of a ground water model has delayed the promulgation of the rules. Representative Hoppe offered to be the prime sponsor for the bill and Senator Entz offered to sponsor the measure in the Senate.

BILL:	**Water Resources Review Committee**	
TIME:		**02:43:17 PM**
MOVED:		Entz
MOTION:		Amend Draft Bill F, page 5, line 10, strike "2003" and substitute " 2004"
SECONDED:		Pascoe
		VOTE
	Entz	
	Hodge	
	Miller	
	Pascoe	
	Phillips	
	Rippy	
	Taylor	
	White	
	Isgar	
	Hoppe	
		Not Final YES: 0 **NO:** 0 **EXC:** 0 **ABS:** 0 **FINAL ACTION: Pass Without Objection**

02:46 PM

The meeting adjourned.