

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

INTRODUCED

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 PURPOSE OF THE MONITORING NETWORK IS TO:

2 (a) MAXIMIZE THE BENEFICIAL USE OF WATER BY FACILITATING
3 THE CONJUNCTIVE USE OF SURFACE WATER AND GROUNDWATER;

4 (b) IMPROVE THE SCIENTIFIC AND FACTUAL ACCURACY OF THE
5 STATE ENGINEER'S DECISION SUPPORT NETWORK IN THE ADMINISTRATION
6 OF THE DUTIES THAT ARE DELEGATED TO THE STATE ENGINEER BY THIS
7 TITLE, AND IN PARTICULAR BY ARTICLES 90 AND 92 OF THIS TITLE;

8 (c) INCREASE THE PUBLIC'S UNDERSTANDING OF AND ACCESS TO
9 DATA REGARDING THE MOVEMENT OF TRIBUTARY GROUNDWATER IN THE
10 SOUTH PLATTE RIVER ALLUVIAL AQUIFER; AND

11 (d) ASSIST IN WATER PLANNING.

12 (2) THE MONITORING NETWORK CONSISTS OF THE FOLLOWING
13 COMPONENTS:

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

19 (A) THE EXISTING DIVISION OF WATER RESOURCES GROUNDWATER
20 MONITORING NETWORK, THE ADDITION OF DATA LOGGERS ON UP TO
21 TWENTY EXISTING WELLS IN THE NETWORK, AND UP TO TEN WELLS TO BE
22 ADDED TO THE NETWORK IN AREAS WHERE THERE ARE DATA GAPS;

23 (B) WELLS THAT ARE PART OF AN INDEPENDENT MONITORING
24 NETWORK AND OWNED BY QUALIFIED PARTIES OTHER THAN THE DIVISION
25 OF WATER RESOURCES WHO SUBMIT THEIR GROUNDWATER MONITORING
26 DATA TO THE MONITORING NETWORK, INCLUDING SPECIFICALLY THE
27 UNITED STATES GEOLOGICAL SURVEY. THE DIVISION OF WATER

1 RESOURCES, THE METRO ROUNDTABLE, THE SOUTH PLATTE BASIN
2 ROUNDTABLE, AND THE COLORADO WATER CONSERVATION BOARD SHALL
3 COOPERATIVELY LEAD THE EFFORT TO RECRUIT THESE QUALIFIED PARTIES
4 AND PROVIDE THEM WITH A CLEAR UNDERSTANDING OF THE BENEFITS TO
5 THE QUALIFIED PARTIES OF PROVIDING DATA TO MOTIVATE THEIR
6 PARTICIPATION.

7 (C) WELLS THAT ARE OWNED OR OPERATED BY A STATE AGENCY,
8 WATER CONSERVANCY DISTRICT, SPECIAL DISTRICT, COUNTY,
9 MUNICIPALITY, OR OTHER UNIT OF STATE OR LOCAL GOVERNMENT,
10 INCLUDING INSTITUTIONS OF HIGHER EDUCATION, THAT HAVE BEEN
11 DESIGNATED BY THE STATE ENGINEER AS PART OF THE MONITORING
12 NETWORK. THE ENTITY SHALL SUBMIT GROUNDWATER MONITORING DATA
13 FROM THE WELL TO THE MONITORING NETWORK IN THE FORMAT SPECIFIED
14 BY THE STATE ENGINEER PURSUANT TO PARAGRAPH (b) OF THIS
15 SUBSECTION (2).

16 (II) IN DESIGNATING WELLS TO BE PART OF THE NETWORK,
17 INCLUDING NEW WELLS AND THE ADDITION OF DATA LOGGERS, THE STATE
18 ENGINEER, IN CONSULTATION WITH THE COLORADO WATER
19 CONSERVATION BOARD AND AFTER SOLICITING AND CONSIDERING PUBLIC
20 INPUT, SHALL ATTEMPT TO:

21 (A) PROVIDE GOOD GEOGRAPHIC, HYDROGEOLOGIC, AND
22 TEMPORAL COVERAGE OF THE SOUTH PLATTE RIVER ALLUVIAL AQUIFER,
23 INCLUDING: WELLS THAT MONITOR GROUNDWATER THAT IS RELATIVELY
24 FREE OF LAND USE, DIVERSION, AND RECHARGE EFFECTS; WELLS WITH
25 HIGH WATER CONDITIONS AND THOSE THAT SHOW STRONG TRENDS IN
26 WATER LEVEL CHANGE SINCE 2003; AND WELLS THAT DEMONSTRATE THE
27 EFFECTS OF DIVERSION STRUCTURES;

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

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

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

8 (E) CONSIDER NOT ONLY THE UP-FRONT COSTS OF DESIGNATING OR
9 ADDING THE WELLS BUT ALSO THE LONG-TERM COST OF MAINTAINING
10 THEM AS PART OF THE MONITORING NETWORK;

11 (b) DATA ANALYSIS STANDARDS AND PROTOCOLS. THE STATE
12 ENGINEER, IN CONSULTATION WITH THE COLORADO WATER
13 CONSERVATION BOARD AND AFTER SOLICITING AND CONSIDERING PUBLIC
14 INPUT, SHALL DEVELOP AND PUBLISH ONE OR MORE PROTOCOLS FOR
15 GROUNDWATER LEVEL DATA MEASUREMENT, DATA COLLECTION, AND
16 DATA ENTRY, AND SHALL ATTEMPT TO AUTOMATE, WHERE PRACTICAL, THE
17 PROCESS OF COLLECTING GROUNDWATER LEVEL DATA AND UPLOADING IT
18 TO THE DIVISION OF WATER RESOURCES' WEB SITE. THE STATE ENGINEER
19 SHALL ENTER AND UPLOAD THE DATA WITHIN THIRTY DAYS AFTER
20 RECEIVING IT.

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

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

26 (a) THE "REPORT TO THE COLORADO LEGISLATURE: HB12-1278
27 STUDY OF THE SOUTH PLATTE RIVER ALLUVIAL AQUIFER", DATED

1 DECEMBER 31, 2013, PREPARED BY THE COLORADO WATER INSTITUTE;
2 AND

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

6 (4) THE REVENUES TO PAY THE COSTS OF IMPLEMENTING THIS
7 SECTION ARE PAYABLE FROM THE WATER RESOURCES CASH FUND AS
8 SPECIFIED IN SECTION 37-80-111.7 (3) (h) AND THE COLORADO WATER
9 CONSERVATION BOARD CONSTRUCTION FUND AS SPECIFIED IN SECTION
10 37-60-121 (1) (b) (II). IF THE UNITED STATES GEOLOGICAL SURVEY
11 DISCONTINUES FUNDING OF GROUNDWATER MONITORING FOR ONE OR
12 MORE WELLS THAT ARE PART OF THE MONITORING NETWORK, THE COST OF
13 OPERATING AND MAINTAINING SUCH WELLS MAY BE PAID FROM ONE OR
14 BOTH OF THE FUNDS SPECIFIED IN THIS SUBSECTION (4) AS SPECIFIED BY
15 THE STATE ENGINEER.

16 **SECTION 2.** In Colorado Revised Statutes, 37-80-111.7, **amend**
17 (3) (h) as follows:

18 **37-80-111.7. Water resources cash fund - created - uses.**

19 (3) The state engineer may expend moneys in the fund, subject to
20 appropriation by the general assembly, for the purposes specified in the
21 sections listed in the introductory portion to paragraph (b) of subsection
22 (2) of this section and for the following purposes:

23 (h) Funding the operations and administration of the division
24 based on ongoing priorities of the division, INCLUDING OPERATION AND
25 MAINTENANCE OF THE SOUTH PLATTE RIVER ALLUVIAL AQUIFER
26 MONITORING NETWORK AUTHORIZED PURSUANT TO SECTION 37-80-122.

27 **SECTION 3.** In Colorado Revised Statutes, 37-60-121, **amend**

1 (1) (b) (II) as follows:

2 **37-60-121. Colorado water conservation board construction**
3 **fund - creation of - nature of fund - funds for investigations -**
4 **contributions - use for augmenting the general fund - funds created**
5 **- repeal.** (1) (b) In the consideration of making expenditures from the
6 fund, the board shall be guided by the following criteria:

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

15 **SECTION 4. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.