

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

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 15-0287.01 Thomas Morris x4218

**HOUSE BILL 15-1166**

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**HOUSE SPONSORSHIP**

**Saine and Arndt**, Humphrey, Danielson, Everett

**SENATE SPONSORSHIP**

**Marble**,

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**House Committees**

Agriculture, Livestock, & Natural Resources  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE CREATION OF A TRIBUTARY GROUNDWATER**  
102              **MONITORING NETWORK IN THE SOUTH PLATTE RIVER ALLUVIAL**  
103              **AQUIFER, AND, IN CONNECTION THEREWITH, MAKING AN**  
104              **APPROPRIATION.**

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**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

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.*

HOUSE  
Amended 2nd Reading  
February 24, 2015

alluvial aquifer. Recommendation 3.B. of the final study report was to implement a basin-wide groundwater monitoring network.

**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.

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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,

1 REFERRED TO IN THIS SECTION AS THE MONITORING NETWORK. THE  
2 OBJECTIVE OF THE MONITORING NETWORK IS TO:

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

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

8 (c) ASSIST IN WATER PLANNING.

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

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

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

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. THE DIVISION OF WATER  
27 RESOURCES, THE METRO ROUNDTABLE, THE SOUTH PLATTE BASIN

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

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

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

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

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

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

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

27              (E) CONSIDER NOT ONLY THE UP-FRONT COSTS OF DESIGNATING OR

1 ADDING THE WELLS BUT ALSO THE LONG-TERM COST OF MAINTAINING  
2 THEM AS PART OF THE MONITORING NETWORK;

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

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

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

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

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

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

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

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

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

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

25 SECTION 3. Appropriation. For the 2015-16 state fiscal year,  
26 \$60,000 is appropriated to the department of natural resources for use by  
27 the water resources division. This appropriation is from the Colorado

1 water conservation board construction fund created in section 37-60-121  
2 (1) (a), C.R.S. To implement this act, the division may use this  
3 appropriation for water administration.

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