

NOTE: The governor signed this measure on 6/5/2015.

An Act

HOUSE BILL 15-1166

BY REPRESENTATIVE(S) Saine and Arndt, Humphrey, Danielson, Becker J., Becker K., Court, Fields, Ginal, Lontine, Melton, Mitsch Bush, Pabon, Pettersen, Priola, Rosenthal, Ryden, Salazar, Singer, Vigil, Winter, Young;
also SENATOR(S) Marble, Cooke, Crowder, Kefalas, Lambert, Lundberg, Neville T., Roberts, Scott, Sonnenberg, Woods.

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

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

(c) ASSIST IN WATER PLANNING.

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

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

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

(B) 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. THE DIVISION OF WATER RESOURCES, THE METRO ROUNDTABLE, THE SOUTH PLATTE BASIN ROUNDTABLE, AND THE COLORADO WATER CONSERVATION BOARD SHALL COOPERATIVELY LEAD THE EFFORT TO RECRUIT THESE QUALIFIED PARTIES AND PROVIDE THEM WITH A CLEAR UNDERSTANDING OF THE BENEFITS TO THE QUALIFIED PARTIES OF PROVIDING DATA TO MOTIVATE THEIR PARTICIPATION.

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

(II) IN DESIGNATING WELLS TO BE PART OF THE NETWORK,

INCLUDING NEW WELLS AND THE ADDITION OF DATA LOGGERS, THE STATE ENGINEER, IN CONSULTATION WITH THE COLORADO WATER CONSERVATION BOARD AND AFTER SOLICITING AND CONSIDERING PUBLIC INPUT, SHALL ATTEMPT TO:

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

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

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

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

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

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

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

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

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

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

(4) THE REVENUES TO PAY THE COSTS OF IMPLEMENTING THIS SECTION ARE PAYABLE FROM THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND AS SPECIFIED IN SECTION 37-60-121 (1) (b) (II); EXCEPT THAT, IF REVENUES IN THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND ARE INSUFFICIENT TO MEET ALL OTHER LAWFUL USES OF THE FUND, THE REVENUES TO PAY THE COSTS OF IMPLEMENTING THIS SECTION ARE PAYABLE FROM THE GENERAL FUND. IF THE UNITED STATES GEOLOGICAL SURVEY DISCONTINUES FUNDING OF GROUNDWATER MONITORING FOR ONE OR MORE WELLS THAT ARE PART OF THE MONITORING NETWORK, THE COST OF OPERATING AND MAINTAINING SUCH WELLS MAY BE PAID FROM ONE OR BOTH OF THE FUNDS, AND IN THE MANNER, SPECIFIED IN THIS SUBSECTION (4).

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

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

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

SECTION 3. Appropriation. For the 2015-16 state fiscal year, \$60,000 is appropriated to the department of natural resources for use by the water resources division. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121 (1) (a), C.R.S. To implement this act, the division may use this appropriation for water administration.

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO