

## Providing for Water Needs in the South Platte River Basin

*Senate Bill 147 by Sen. Hodge and Rep. Priola*

### ➤ **Proposal Overview (as passed by the Senate)**

- Senate Bill 147 allows certain water users in the South Platte River Basin to help address their water debts from out-of-priority depletions, all without injuring senior water rights.
- The bill would allow those water users to make arrangements with other water rights owners to address their debts under a substitute water plan approved by the state engineer.
- The option would only be available for water users with decreed plans who experienced water depletions from wells before January 1, 2003.
- The option would expire in 2018, when the pre-2003 depletion debts should be settled.

### ➤ **Ensuring Bill Is For Willing Parties Only**

- Substitute water plans would be approved only after an extensive application was submitted, reviewed by all stakeholders over a 30-day comment period, and only after the state engineer was satisfied that all concerns from stakeholders had been properly addressed.
- The impacted water would only be available if the original water rights owner agreed to the plan; in many cases senior water rights owners would be willing to allow for this option in return for compensation.
- A plan would not go into effect if the state engineer's approval of the plan was being challenged in court.
- Approval would not be given if a plan would impact compliance with interstate compacts, and any approved plan would not have bearing on any water rights disputes.

### ➤ **The Benefits are Clear**

- If someone who has a water right is willing to give or sell that right to another user, to allow them to make up their debt resulting from out-of-priority depletions, the state should not stand in their way.
- This option makes sense for all parties involved and the protections in the bill ensure that substitute water plans would only be approved in win win situations where all parties are at the table.

### ➤ **Proposal has Widespread Support**

- The bill passed the Senate unanimously
- The Central Colorado Water Conservancy District worked actively with water users across the state on finding this solution
- The Colorado Water Congress voted unanimously to support SB 147 as amended on 2/23/09.



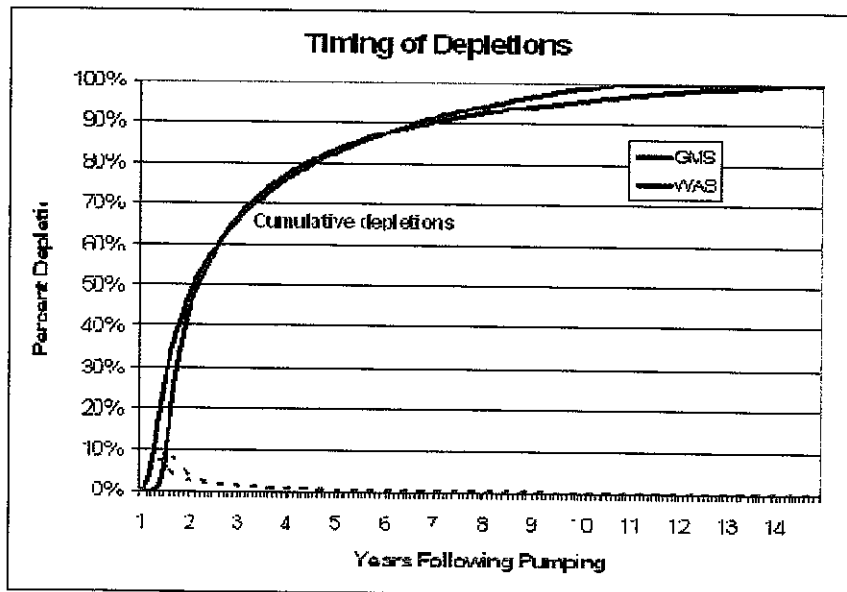
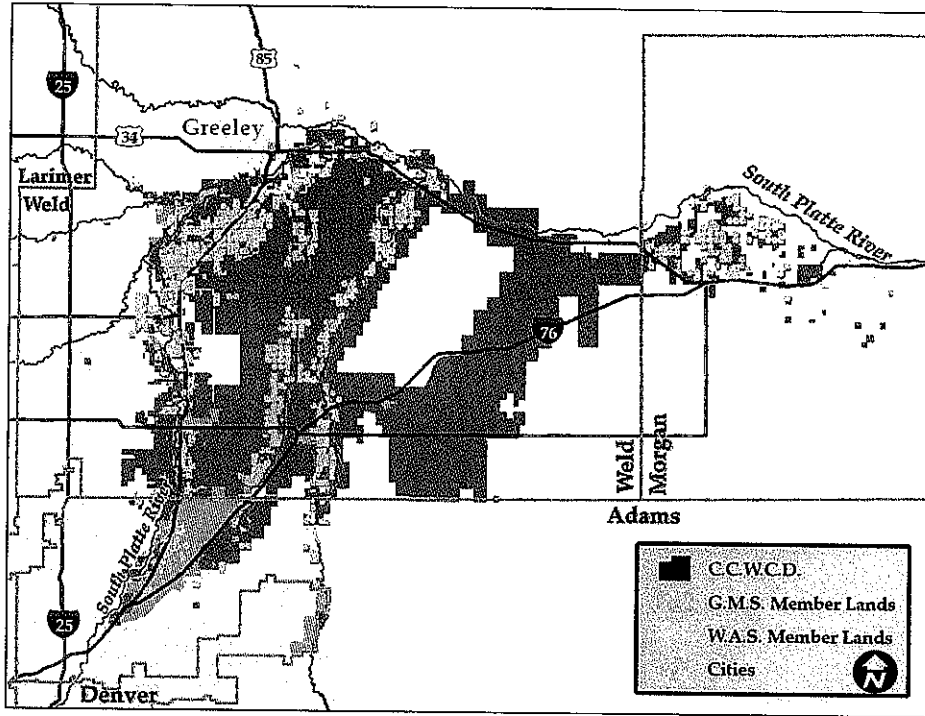
## **SB 09-147: “Water Supply Plans Pre-2003 Depletions”**

*Sponsored by Senator Mary Hodge and Representative Kevin Priola*

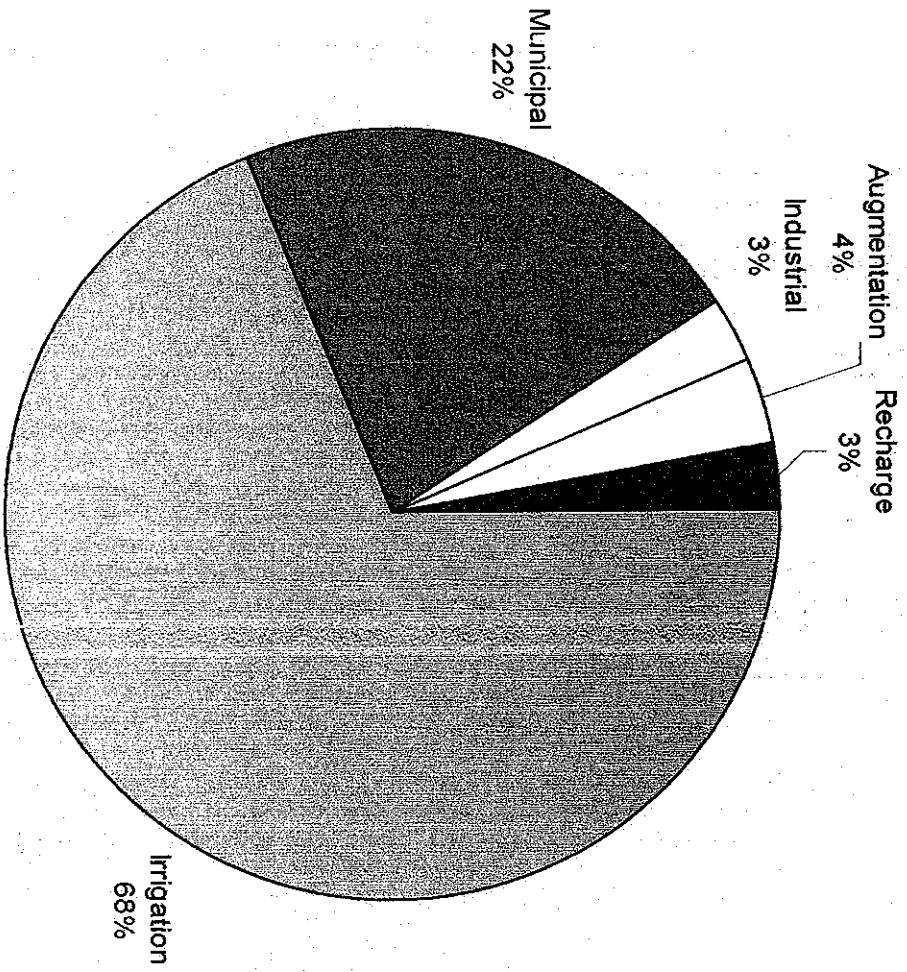
- The goal of SB 09-147 is for decreed augmentations plans to have access to some temporary water sources which would help replace depletions that occurred from pumping prior to 2003.
- Central has been very active meeting with water users across the state to eliminate concerns with this legislation. These concerns have been addressed in the current amendment.
  - **The Colorado Water Congress voted unanimously to support SB09-147 as amended on 2/23/09**
- SB 09-147 can help South Platte agricultural interests by utilizing existing excess supplies already available to the South Platte basin without injuring senior water rights.
  - Substitute Supply Plans must be approved through process which Division Engineer reviews and approves. If opposition is not satisfied with Division Engineer’s approval, there is an appeal to the Division One Water Court.
  - **The current amendment’s main purpose is to ensure that opposers to these plans have every opportunity to voice concerns early in the process all the way up to the potential water court appeal. The process laid out in the amendment will insure that senior water rights will not be injured by the passing of this legislation.**
- Since SB 09-147 only applies to obligations created by pre-2003 well pumping, which decreases annually reaching near zero in nine years.
- Quota allotments for well owners would only be allowed to increase if user can show that firm water sources are available to meet any future depletions to the river caused by the increase in pumping.
- Northern Colorado Water Conservancy District does not directly benefit from SB 09-147.



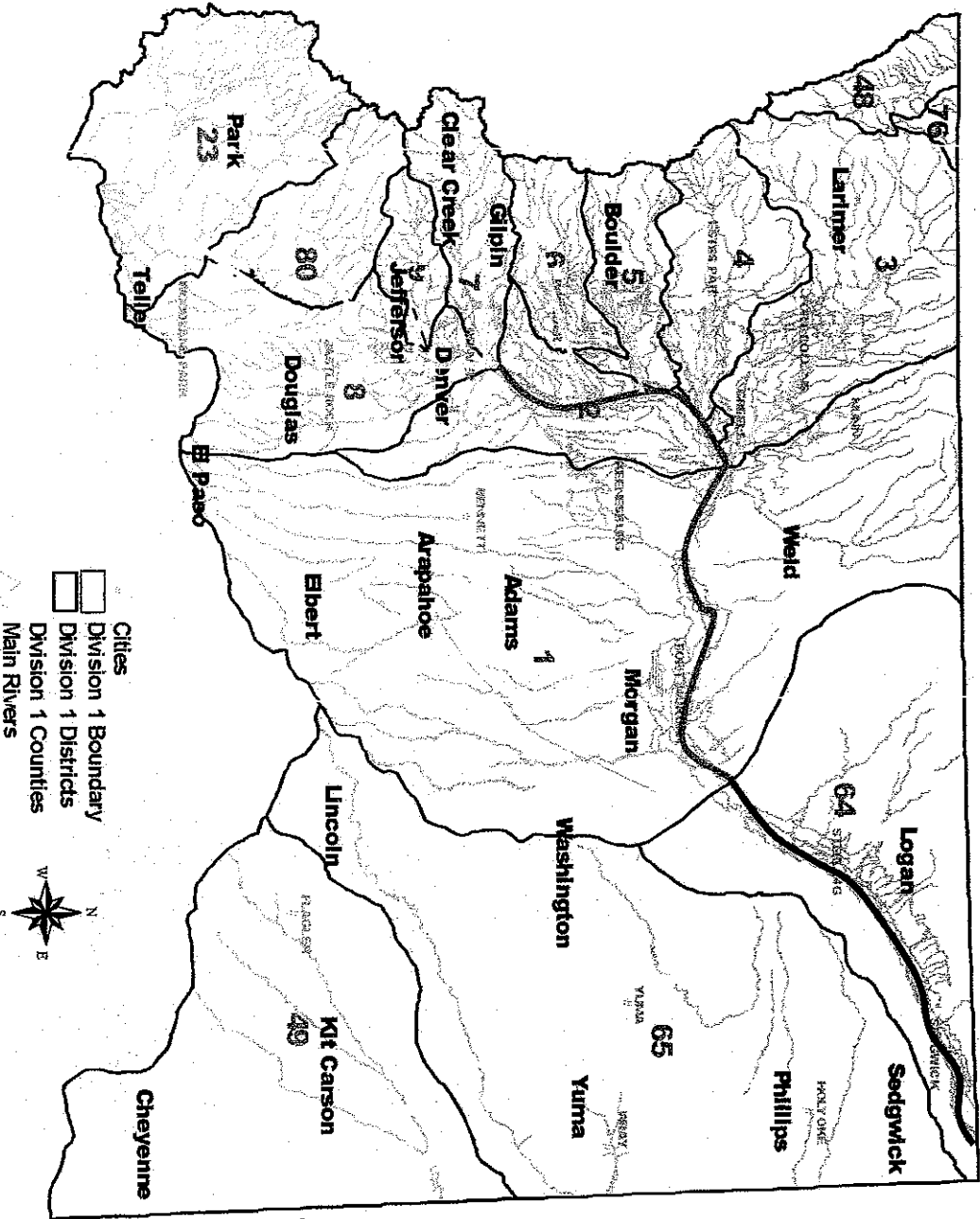
Central Colorado Water Conservancy District (CCWCD) and its subdistricts, the Groundwater Management Subdistrict (GMS), and the Well Augmentation Subdistrict (WAS)



# 2002 Water Use Breakdown



State of Colorado, Division of Water Resources, Division 1, South Platte River Drainage.



Priority Dates  
Of Controlling  
Water Rights

- Early 1860's
- Late 1860's  
To Early  
1870's
- Early 1880's
- Late 1880's  
To Mid-1890's