



HB21-1043

SHORT TITLE: Study Underground Water Storage Maximum Beneficial Use

LONG TITLE: Concerning a study of underground water storage to maximize the beneficial use of water within Colorado

COMMITTEES: House Agriculture, Livestock, & Water Committee, House Finance Committee

SPONSORS: Rep. Holtorf/Sen. Sonnenberg

PURPOSE OF THE BILL: The bill directs the Colorado Water Conservation Board (CWCB) in the Department of Natural Resources (DNR), in consultation with the State Engineer, to contract with a Colorado institution of higher education to conduct a study on underground water storage. Specifically, the study must: • evaluate ways to maximize beneficial use of water in Colorado by storing water in aquifers; • maximize the beneficial use of water without risking noncompliance with interstate agreements or other water law; • identify aquifers that are hydrologically and legally available for this purpose; • identify sources of revenue that could be used; • identify potential or existing projects that would meet the objectives of this bill; • examine the role that the state and other institutional actors in Colorado water management might play in financing and implementing underground water storage projects; and • recommend legislative changes needed to implement such projects. The CWCB is directed to contract with a Colorado institution of higher education to conduct the study. The study should consider and rely on previous studies conducted on related subjects. The CWCB or the contractor must report on the results of the study to the Water Resources Review Committee by August 1, 2022. The committee is directed to either have legislation drafted to implement the study's recommendations or submit its recommendations to the House and Senate committees on agriculture.

PROPONENTS OF THE BILL: Water interests seeking ways to maximize existing water resources in Colorado by subsurface storage of unappropriated water before it flows out of state.

POTENTIAL STAKEHOLDERS: Water providers and users, local governments including special districts, agriculture.

BACKGROUND: This bill was introduced in 2020 and the concept discussed in previous years. Due to the COVID 19 disruption of the 2020 General Assembly it was killed in the first hearing. If approved, this study will not be starting from square one, but according to the Fiscal Note, the CWCB has undertaken studies on some subjects addressed in this bill, which will be drawn on and used as a basis for this study.

Is this bill necessary this year? There is no deadline; but storage is a key element to meeting growing demand for water in Colorado.

How does the bill change current law? It does not change current law.

Does the bill affect the prior appropriations system? No; this just calls for a study.

How is the bill implemented? The CWCB will contract with a Colorado institution of higher education to conduct the study. Based on the average cost of previous related studies the fiscal note assumes contracting for the study will cost \$155,000 beginning in FY 2021-22 and require two years of spending authority. No funding source is specified; the fiscal note further assumes that costs will be paid from the CWCB Construction Fund. Workload will be required of CWCB staff to hire the contractor, assist in the development of the study, and report findings to the General Assembly, and for the State Engineer's office to consult with the CWCB. This workload can be accomplished within existing appropriations. Department of Higher Education. Whichever institution of higher education contracts to conduct the study will receive revenue according to the terms of the contract, which the fiscal note estimates to be \$155,000. This revenue is not subject to TABOR. Expenditures may increase up to the contracted amount as needed to conduct the study. BILL WAS AMENDED TO REQUIRE STUDY PAID FOR FROM WATER PLAN IMPLEMENTATION CASH FUND WITH MONIES FROM SPORTS BETTING. [Fiscal Note](#)

Practical considerations: N/A.

Fiscal Impact: \$155,000