

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0741.01 Thomas Morris x4218

HOUSE BILL 15-1167

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HOUSE SPONSORSHIP

**Brown,**

SENATE SPONSORSHIP

**(None),**

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**House Committees**

Agriculture, Livestock, & Natural Resources

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING A STUDY REGARDING THE CREATION OF ADDITIONAL**  
102 **WATER SUPPLIES IN THE SOUTH PLATTE RIVER BASIN.**

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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>.)*

The bill directs the Colorado water conservation board to study the feasibility of supplementing water supplies in the South Platte river basin through the construction of a new reservoir on the mainstem of the South Platte river between Greeley and Julesburg and the importation of water into Colorado from the Missouri river basin. The study must also estimate the volume of water that has been delivered to Nebraska above the

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.*

amounts required to be delivered by the South Platte river compact and that could otherwise have been stored in the lower South Platte river basin for each of the previous 20 years. The board must provide the water resources review committee and the governor's office with an update concerning the study by October 31, 2015, include the findings from the study in the Colorado water plan, complete the study by December 31, 2015, and provide a summary report on the study to the general assembly and the governor's office by February 15, 2016.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-60-115, **add** (10)  
3 as follows:

4 **37-60-115. Water studies - rules - repeal.** (10) **South Platte**  
5 **river mainstem storage study.** (a) THE BOARD SHALL MAKE, OR CAUSE  
6 TO BE MADE, A STUDY OF THE FEASIBILITY OF SUPPLEMENTING WATER  
7 SUPPLIES IN THE SOUTH PLATTE RIVER BASIN THROUGH THE  
8 CONSTRUCTION OF A NEW RESERVOIR ON THE MAINSTEM OF THE SOUTH  
9 PLATTE RIVER AND THE IMPORTATION OF WATER INTO COLORADO FROM  
10 THE MISSOURI RIVER BASIN. THE GOALS OF THE STUDY ARE TO:

11 (I) ASSESS THE SUITABILITY OF STORAGE SITES ON THE MAINSTEM  
12 OF THE SOUTH PLATTE RIVER BETWEEN GREELEY AND JULESBURG,  
13 REGARDLESS OF WHETHER THEY MAY PREVIOUSLY HAVE BEEN STUDIED,  
14 INCLUDING TAMARACK RANCH STATE WILDLIFE AREA AND THE NARROWS  
15 PROJECT NEAR FORT MORGAN AS REFERENCED IN PUB.L. 91-389, TAKING  
16 INTO CONSIDERATION THAT THE STORED WATER WOULD BE USED:

17 (A) FOR COMPLIANCE WITH THE SOUTH PLATTE RIVER COMPACT,  
18 ARTICLE 65 OF THIS TITLE;

19 (B) TO AUGMENT MUNICIPAL SUPPLIES, INCLUDING BY EXCHANGE;

20 (C) AS A SOURCE OF AUGMENTATION SUPPLY FOR JUNIOR  
21 GROUNDWATER DIVERTERS, INCLUDING FOR AGRICULTURAL PURPOSES;

1 (D) CONJUNCTIVELY WITH GROUNDWATER SUPPLIES, INCLUDING  
2 BY STORING WATER IN THE ALLUVIAL AQUIFER; AND

3 (E) TO REDUCE THE NEED FOR THE IMPORTATION OF WATER INTO  
4 THE SOUTH PLATTE RIVER BASIN FROM OTHER BASINS IN COLORADO,  
5 INCLUDING, SPECIFICALLY, THE COLORADO RIVER BASIN;

6 (II) ESTIMATE, FOR EACH OF THE PREVIOUS TWENTY YEARS, THE  
7 VOLUME OF WATER THAT HAS BEEN DELIVERED TO NEBRASKA IN EXCESS  
8 OF THE AMOUNTS REQUIRED TO BE DELIVERED BY THE SOUTH PLATTE  
9 RIVER COMPACT, ARTICLE 65 OF THIS TITLE, AND THAT COULD OTHERWISE  
10 HAVE BEEN STORED IN THE LOWER SOUTH PLATTE RIVER BASIN;

11 (III) ASSESS THE FEASIBILITY OF CONSTRUCTING A NEW RESERVOIR  
12 AT ONE OR MORE OF THE STORAGE SITES STUDIED PURSUANT TO  
13 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), INCLUDING CONSIDERATION  
14 OF ENVIRONMENTAL, PERMITTING, WATER AVAILABILITY, FINANCIAL, AND  
15 LEGAL CONSTRAINTS, INCLUDING THOSE IMPOSED BY THE SOUTH PLATTE  
16 RIVER COMPACT AND THE "COOPERATIVE AGREEMENT FOR PLATTE RIVER  
17 RESEARCH AND OTHER EFFORTS RELATING TO ENDANGERED SPECIES  
18 HABITATS ALONG THE CENTRAL PLATTE RIVER, NEBRASKA"; AND

19 (IV) ASSESS THE FEASIBILITY OF CONSTRUCTING A PIPELINE TO  
20 IMPORT WATER INTO COLORADO FROM THE MISSOURI RIVER BASIN,  
21 INCLUDING AN ANALYSIS OF WATER AVAILABILITY; CONSIDERATION OF  
22 ENVIRONMENTAL, PERMITTING, WATER AVAILABILITY, FINANCIAL, AND  
23 LEGAL CONSTRAINTS; AND AN ANALYSIS OF POTENTIAL POINTS OF  
24 DIVERSION, PIPELINE ROUTES, PLACES AND TYPES OF USE WITHIN  
25 COLORADO, AND PLACES OF STORAGE WITHIN COLORADO, INCLUDING THE  
26 SITES EVALUATED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH  
27 (a).

1 (b) THE BOARD SHALL:

2 (I) PROVIDE THE WATER RESOURCES REVIEW COMMITTEE CREATED  
3 IN SECTION 37-98-102, THE GOVERNOR'S OFFICE, THE EXECUTIVE  
4 DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES, AND THE  
5 GENERAL ASSEMBLY'S COMMITTEES OF REFERENCE WITH JURISDICTION  
6 OVER NATURAL RESOURCES WITH AN UPDATE CONCERNING THE STUDY BY  
7 OCTOBER 31, 2015;

8 (II) INCLUDE THE FINDINGS FROM THE STUDY IN THE COLORADO  
9 WATER PLAN;

10 (III) COMPLETE THE STUDY AS EXPEDITIOUSLY AS PRACTICABLE,  
11 BUT IN NO EVENT LATER THAN DECEMBER 31, 2015; AND

12 (IV) PROVIDE A REPORT SUMMARIZING THE STUDY TO THE  
13 GOVERNOR'S OFFICE AND THE GENERAL ASSEMBLY'S COMMITTEES OF  
14 REFERENCE WITH JURISDICTION OVER NATURAL RESOURCES BY FEBRUARY  
15 15, 2016.

16 **SECTION 2. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, and safety.