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## Colorado Water Congress Legislative Update

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Currently in the 2017 legislative session, the Colorado Water Congress (CWC) is tracking 29 bills, and 29 Initiatives. While the legislative session got off to a slow start, it has recently proven to be just as dynamic as sessions past.

Over the past few weeks, a handful of new and more complex bills have popped onto the horizon.

One of these new bills, which CWC supports, is HB17-1233, Protect Water Historical Consumptive Use Analysis. This bill seeks to prevent water that has been part of an approved conservation program, including pilot programs, from being lost through a calculation of historic consumptive use and expands this application beyond divisions 4, 5 and 6 (under previous law) to allow statewide application.

A second bill dealing with historical consumptive use is HB17-1289, State Engineer Rules Historical Consumptive Use. When a water right owner wishes to change a water right - whether a temporary change approved by the state engineer or a permanent change approved by a water judge - the determination of the amount of water that can be loaned or changed relies on a calculation of the historical consumptive use of that right. This bill is proposed by the Department of Natural Resources to provide a tool that may be used on a voluntary basis by applicants for a change in water right, although resulting calculations will carry no presumptive weight. The bill directs the State Engineer's office to develop a methodology and prescribed approach that can be used to calculate historical consumptive use of a water right. Various factors, such as hydrology and soil moisture, are set forth as guidance for an historical consumptive use analysis including the lease following tool used to analyze applications for fallowing and leasing pilot projects. CWC has not yet taken a position on this bill, but plans to on April 3<sup>rd</sup>.

CWC is also working on a handful of bills that at first glance, do not appear to be typical water bills, however upon further inspection, could have a powerful impact on our water community, therefore, have occupied much of our energy lately. These bills include SB17-40 and SB17-235.

SB-40, Public Access to Government Files, applies CORA requirements to a variety of electronic files retained by governmental entities including state agencies, special districts, institutions of higher education, counties, and municipalities. New definitions are added to cover the type of information stored in cell format (structured data), as well as documents, and requires custodians of records to provide the information to requestors in searchable format. CWC is opposed to this bill because as introduced, it included no language protecting infrastructure security data from disclosure, which puts at risk water providers and water

supply treatment facilities. CWC provided opposition testimony and has also worked on amendment language to make the bill more palatable, if passed, to our members who are water suppliers.

SB17-235, Pilot Project Seaplanes in State Parks, seeks to allow Seaplanes to land on state park lakes. Current law only permits seaplanes to land on Lake Meredith and Kenny Reservoir. CWC opposes this bill because seaplanes could potentially carry the aquatic nuisance species Zebra and Quagga mussels on their pontoons and infect our waterways and delivery systems. This could create an environmental and economic disaster for Colorado. The bill offers no remediation if a pilot infects a waterway, which is almost impossible to pinpoint. Colorado cannot risk the infiltration of these invasive species, and allowing seaplanes to land on our state park lakes poses that risk.

In the same vein, HJR-1004, Funding for Prevention of Aquatic Nuisance Species, has passed through both houses of the legislature, and asks Congress to provide funding for boat inspection and decontamination stations. CWC supports this resolution, and the ANS issue is also on our Federal Affairs' Committee radar.

With approximately 40 days left in the legislative session and several new bills, there is much work to be done with bill sponsors and our members to ensure that CWC is promoting healthy water legislation that is in line with our mission and policies.

To see all the legislation that CWC is tracking and our positions, please visit [www.cowatercongress.org/state-issues.html](http://www.cowatercongress.org/state-issues.html)

*About the author:* Emily grew up enjoying and learning all things water, albeit riparian in nature, in Jacksonville, Florida and received her Bachelor's degree in Political Science from Auburn University in 2012. Immediately following graduation, she made the cross-country move to Eagle, Colorado, and soon after transferred to Denver. In January of 2013, she began working at the Colorado Water Congress (CWC) as an intern, then became CWC's Water Policy Analyst, and now handles the legislative aspect of Government Affairs. While continuing to work at CWC, Emily began a graduate program at University of Denver Sturm College of Law in 2014 and one year later completed her Master's in Natural Resources and Environmental Law Studies with a concentration in Energy Law and Policy. Emily contacts and confers with members of legislature and other holders of public office to further legislation reflective of CWC's interests.