February 6, 1991

TO: MEMBERS OF THE ARKANSAS VALLEY DITCH ASSOCIATION

As you all know the Pueblo Board of Water Works is not a ditch company in the Arkansas Valley. It is a member of the Arkansas Valley Ditch Association (AVDA) because we know only too well that what affects the Arkansas Valley affects Pueblo and Pueblo is a part of the Valley. We may not always agree on every issue but we can certainly work together towards one goal.

I think we in the Arkansas Valley are very fortunate to have an organization such as the AVDA in existence. I am sure each of you have a better feel for this than I do, but wouldn't you estimate that the Ditch Association represents over 50% of the farmers in the Valley. It is a strong organization. It has taken on some big opponents in the water court in the last ten years and made a big difference in the amount of water remaining in the lower Arkansas River today.

But there is one area which the AVDA is not involved in and where I think it could make a lot of difference. The area of endeavor I am thinking of is the legislative arena. I think if we all work together as an organization, under the name of the AVDA we could have some valuable input concerning water legislation that is passed by the state legislature. We have direct access to two legislators in the lower Arkansas Valley (Representative Brad Young and Senator Jim Rizzuto) and indirect access to five more legislators in the Pueblo area and eleven in the Colorado Springs-El Paso County area. We could never get them to all vote for or against one particular issue, but we certainly might be able to influence seven to ten votes in a positive manner.

Some of you may ask how municipalities and agriculture interest could possibly work together to make laws. Well, it is possible and happens everyday. We will disagree on some issues and find common ground on many others. But the main thing is, if we work together we can make a difference. I can make the bills available to you, make calls and line up speakers but I cannot formulate your positions. If the AVDA chooses to be involved that means you will need to be involved. If there is enough interest maybe we could put together a legislative committee and take a look at some of the 15 or more water related bills which have been introduced this session.

Sincerely,

Bud O'Hara
Division Manager Water Resources

R.L. "Bud" O'Hara
Division Manager Water Resources

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HB-1006 - AN ACT CONCERNING AUTHORIZATION OF EXPENDITURES FROM THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND, AND RELATING TO THE ACTIVITIES OF THE COLORADO WATER CONSERVATION BOARD IN CONNECTION THEREWITH

Approves water resources projects for financial assistance loans from the Colorado Water Conservation Board construction fund. The actual projects being recommended this year have not yet been included in the bill I obtained a copy of. That list should be available shortly.

HB-1019 - AN ACT CONCERNING THE INSTREAM FLOW PROGRAM OF THE COLORADO CONSERVATION BOARD

Amends the instream flow law to clarify that the term "water, water rights, or interests in water" refers to perfected water rights and not conditional water rights. It authorizes the Colorado Water Conservation Board to file and maintain a statement of opposition with respect to junior storage water rights which could inundate a portion of a stream on which the Board holds a minimum instream flow water right. It also specifies the conditions under which the Board may file such statements of opposition.

HB-1068 - AN ACT CONCERNING THE USE OF RESIDENTIAL WELL WATER FOR IRRIGATING A LIMITED NUMBER OF SQUARE FEET OF LAWN ON A RESIDENTIAL SITE

Directs that a well on a residential site, which well will be used solely for household purposes in a single-family dwelling may include irrigation of not more than 4,000 square feet of lawn on such residential site. It specifies that any return flow from such uses shall be returned to same stream system in which the well is located and there shall be a presumption that there will not be material injury to the vested water rights of others. Also, household well permits issued prior to July 1, 1991, may be amended to provide for the irrigation of not more than 4,000 square feet of lawn on a residential site upon application by the user to the state engineer.
HB-1072 - AN ACT CONCERNING THE CONTINUATION OF THE USE OF RESIDENTIAL WELL WATER FOR WATERING DOMESTIC ANIMALS

Continues on a permanent basis the use of residential well water (ordinary household well for a single-family dwelling) for watering domestic animals. Repeals the provisions which were scheduled to take effect on July 1, 1991, which would have prohibited the use of residential well water for such purposes.

HB-1099 - AN ACT CONCERNING THE CONSOLIDATION OF AUTHORITY RELATED TO THE FINANCING AND CONSTRUCTION OF WATER RESOURCES PROJECTS

This bill transfers the powers of the Colorado Water Conservation Board over the financing and construction of water resources projects to the Colorado Water Resources and Power Development Authority. The Colorado Water Conservation Board and the Colorado Water Resources and Power Development Authority shall review their powers, duties, and functions and will report to the general assembly on whether further statutory changes are required to implement the changes requested in this proposed law.

HB-1110 - AN ACT CONCERNING WATER WHICH IS SAVED

This bill provides for the adjudication of a new type of water right, "referred to as a conservation water right". Owners of direct flow water rights who meet certain requirements and can show that a specific amount of water will be saved by virtue of any modernization, improvement, or change in an applicants method of operation may qualify for a conservation water right. The applicants original water right will be reduced by the amount of the water saved. The application procedure is the same as that for a normal direct flow water right.


This is a very short bill, only eights lines long. Two years ago a bill was passed in the state legislature giving the Division of Parks and Outdoor Recreation the authority to manage the recreational use of the BLM land along the Arkansas River. This authority expires on January 1, 1992, unless some action is taken to prevent it. This particular bill would strike the sentence in
the present law which contains the date January 1, 1992. It will allow the State Parks and Outdoor Recreation to continue to manage the recreational use of the BLM land.

HB-1154 — AN ACT CONCERNING WATER CONSERVATION

This bill is being referred to as the "water conservation act of 1991". It applies to certain state planning functions and to all municipalities whose total water use in 1989 exceeded 2,000 acre feet. A water conservation plan shall be developed for all new or revised state projects. Such plan shall take into consideration specific items listed in the bill. Within five years of the date of this bill all municipalities which do not presently have a water conservation plan will develop such a plan that meets the requirements outlined in this bill. Authorizes expenditures of money from the Colorado Water Conservation Board construction fund for the purpose of promoting water use efficiency.

HB-1166 — AN ACT CONCERNING A WATER CONSERVATION PROGRAM WHICH PROVIDES INCENTIVES FOR WATER CONSERVING LANDSCAPING

This bill would establish an income tax credit for non agricultural water users who install xeriscape landscaping or install a state of the art outdoor water use irrigation system. Directs the nursery advisory committee to formulate lists of plants and soil preparation materials which qualify for xeriscape landscaping. It also encourages local water boards to promote water conservation by offering a similar credit on monthly water bills.

HB-1172 — AN ACT CONCERNING LIMITATION OF THE CRITERIA WHICH MAY BE CONSIDERED BY THE COURT IN A CONDITIONAL WATER RIGHT DECREE HEARING AND CLARIFICATION OF ADJUDICATION OF THE COURT IN CONNECTION THEREWITH

This bill relaxes the conditions which must be met to obtain and maintain a conditional water right. Paragraph (9)(b)(I) is totally new and paragraph (II) has been revised. This bill requires a very careful look.
HB-1186  - AN ACT CONCERNING THE TRANSPORT OF WATER FROM NATURAL RIVER BASINS TO LOCATIONS OUTSIDE SUCH BASINS

This bill concerns the "...transport of water beyond the boundaries of natural river basins...". Any person, public or private corporation or government entity seeking with respect to a proposed water transport to:

   (a) A decree for a water right or conditional water right
   (b) A change of a water right
   (c) An approval of a plan for augmentation
   (d) A finding of reasonable diligence
   (e) Approval of a proposed or existing exchange plan

shall first perform an "alternatives analysis". This alternatives analysis must consider 19 different alternative water saving measures. This list of 19 includes in-basin agricultural transfers, purchase or lease of water salvaged, saved, or conserved by irrigators or agricultural water supply organizations, ag water made available to applicants only during dry years, and arrangements for first use of ag water by the applicant and reuse by irrigators.

HB-1190  - AN ACT CONCERNING APPROVAL OF THE CONSTRUCTION OF ANY WATER PROJECT BY THE REGISTERED ELECTORS OF THE COUNTY OR COUNTIES IN WHICH SUCH WATER PROJECT IS TO BE LOCATED

Requires that prior to the construction of any water project, the question of whether such water project may be constructed shall be submitted at a general election to the voters of the county or counties where such water project is to be located. No water project shall be constructed without the approval of a majority of the registered electors or any such county or counties voting at the election.

HB-1240  - AN ACT CONCERNING PROCEDURAL REQUIREMENTS RELATED TO WATER CONSERVANCY DISTRICTS

This bill has been around for several years and is back again. It would require the election of conservancy district board members. The individuals allowed to vote in the election would include all persons residing in an area for at least 32 days. To get on the ballot a person need only obtain the signature of five electors residing within the district on a written petition which would be filed with the court at least 45 days before the election.
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HB-1261 - AN ACT CONCERNING THE PRESERVATION OF NATURAL WETLANDS

Directs the Department of Natural Resources to gather scientific and historical data on wetlands and to evaluate the efforts by state and local governments to protect wetlands and the economic consequence of these efforts. Redefines "waters of the state" to include natural wetlands. Also defines a "natural wetland" to be any area naturally inundated or saturated by surface or sub-surface water at a frequency and duration sufficient to support vegetation typically adapted for life and saturated soil conditions. Excludes areas in which such conditions exist as a result of presence of water used for irrigation or other agricultural purposes.

SB-3 - AN ACT CONCERNING THE CREATION OF THE WATER RESOURCES LEGISLATION REVIEW COMMITTEE

This bill will create a permanent water resources legislation review committee. It will consist of seven members and will take the place of the interim legislative committees which have been appointed at the end of the regular legislation session for the past three years. This committee would meet several times during the summer to consider water related problems of a state-wide concern.

SB-4 - AN ACT CONCERNING THE MITIGATION OF ADVERSE ENVIRONMENTAL AND ECONOMIC EFFECTS RESULTING FROM THE REMOVAL OF WATER FROM GEOGRAPHIC AREAS

This bill is the agriculture lands revegetation bill introduced by Senator McCormick. It requires that the entity taking irrigation water off the land and drying up the land must revegetate the ground prior to the dry up provision. It also requires a certain amount of compensation be given to the counties which are affected by the dry up of irrigated farm land.

SB-53 - AN ACT CONCERNING A WATER CONSERVATION PROGRAM WHICH PROVIDES INCENTIVES FOR XERISCAPING

Establishes a plan for non agricultural water conservation and gives incentives in the form of an income tax deduction for those individuals installing xeriscaping gardening or a state of the art outdoor irrigation system. Directs that the sprinkler system must be installed and checked by a certified, licensed sprinkler system installer. Specifies that the examining board of plumbers will give the sprinkler installer examinations and certifications.
SB-120 - AN ACT CONCERNING THE ESTABLISHMENT OF A RESOURCE MITIGATION BANKING SYSTEM

This bill establishes a statewide resource mitigation system and creates the resource mitigation bank within the office of the executive director of the Department of Natural Resources. Should a person develop a wetland area on his property he can receive credit for this newly developed wetland through the State Department of Natural Resources. At some later date should it become necessary for him to drain or otherwise eliminate an existing wetland on his property or adjacent properties he would be given credit for the new wetland he created. If the wetland areas are of similar size it would offset the mitigation he would normally be required to perform.

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