LEGISLATIVE DIGEST

1967 SESSION OF THE COLORADO GENERAL ASSEMBLY

A digest of water bills introduced and printed in this session
of the Colorado General Assembly since February 2, 1967 is presented
as an information service to the readers of the Colorado Water Congress
Newsletter. For continuity consult Volume 10, No.2, February 10, 1967
Supplement.

HOUSE BILL 1004 BY REPRESENTATIVES FENTRESS AND GOLLOB

Would amend Section 7 (2) of Chapter 44 of the Session Laws of 1966
(water pollution control) by providing that other state departments may
assist in making investigations concerning water pollution; and would
empower the State Pollution Control Commission to seek temporary or per­
manent injunctions against polluters in case they should continue such
pollution after notice to cease. This action would be brought through
the attorney general.

HOUSE BILL 1249 BY REPRESENTATIVES GRIMSHAW AND GUSTAFSON

Would amend Section 89-5-13 (12), CRS 1963, concerning the powers
of boards of directors of water and sanitation districts granting the
boards the additional power to fix and determine minimum charges and
charges for the availability of service.

HOUSE BILL 1258 BY REPRESENTATIVE FENTRESS

Would authorize the Colorado Water Pollution Commission to enter
into contracts with municipalities having power to construct, operate
and maintain sewage treatment works, and would authorize any such municipality to enter into a contract with the commission concerning eligible projects. The bill contains provisions for commission payments for project costs not paid by the federal government.

**HOUSE BILL 1367 BY REPRESENTATIVE SONNENBERG**

Would provide that it is presumed that all wells drilled prior to July 1, 1967, that fall within the definition of Article 2 of Chapter 148, CRS 1963, in no way affect the prior adjudicated water rights of any flowing stream in the State of Colorado and have a vested right to such water. It would also provide that all ditch companies operating wells and intersect sumps which do not fall within the definition of riparian land rights will be metered and charged back against the appropriation and adjudication of these ditch company decrees. The bill provides that those wells registered and in existence prior to July 1, 1967, shall have an adjudication separate from the adjudications of waters from flowing streams.

**HOUSE BILL 1370 BY REPRESENTATIVES BURNS, et al**

Would provide a moratorium until July 1, 1971 on the drilling of wells to pump water from the sub-surface channel of a continuously flowing surface stream or to increase the capacity of existing wells. The bill would not apply to wells now exempt or to replacement or substitute wells; and it would appropriate $150,000 for a detailed study of ground waters in all basins of the state outside the boundaries of "designated ground water basins."

**SENATE BILL 87 BY SENATOR OLIVER**

Would create a state board of examiners of water well and pump installation contractors, and prescribe the duties of this board with respect to licensing and regulation of such contractors.

The commission would be composed of five members, three water well contractors, the State Engineer or his representative and a representative of the State Health Department.

Basic principles in the administration of the act would be: water wells shall be kept in a sanitary condition; wells shall be of adequate capacity to pump volume of water sought; wells shall not pollute water bearing formations; and the commission shall make rules and regulations to implement the provisions of the act.

The bill includes penalty clauses and gives the commission power to seek injunctions.
SENATE BILL 149 BY SENATOR GILL AND HOUSE BILL 1346 BY REPRESENTATIVE BURCH

Would add a new Section to Article 5 of Chapter 150, CRS 1963, regarding protests and hearings relative to water conservancy districts. The bill provides that a petition for exclusion from a proposed conservancy may be filed with the District Court not less than thirty days prior to the hearing fixed by the Court, if the signers thereof represent an aggregate assessed valuation, together with improvements, of more than fifty percent of property in the district subject to ad valorem taxes, and if said petitioners have not signed the petition for district creation. If the Court shall find that the petition for exclusion has been signed by the requisite member of owners, the Court shall then exclude the property from the proposed district.

SENATE BILL 157 BY SENATORS GILL AND OLIVER

Would amend Article 1, Chapter 149, CRS 1963, to change the structure of the Colorado Water Conservation Board:

The Natural Resources Coordinator would be substituted as a member of the board instead of the Governor and the non-existent position "State Planning Director" would be eliminated.

The chairman of the board would be elected by the board and the director would be the board secretary. (Existing law now specifies that the Governor shall be the chairman.)

The bill would eliminate a provision in the existing law which calls for a study of the surface waters of the western slope and substitute a provision that the board should make a continuous study of all the water resources of the state.

A new Section to Article 1 of Chapter 149 would be added stating that the State of Colorado, by and through the board, assents to the provisions of the U.S. Water Resources Planning Act of 1965. The bill would create a "federal aid planning fund" to which shall be deposited all sums contributed to Colorado by the federal government pursuant to Title III of the act.

SENATE BILL 167 BY SENATOR DeBERARD

This bill is designed to correct an oversight in a Water Conservancy Act passed in 1961 (Chapter 272, 2 (a) and (c)) which resulted in a District Court action ruling that the creation of the Lower White River Water Conservancy District was unconstitutional. (See NEWSLETTER, February 1, 1967) The bill would, however, remove all floors in the amount of assessed valuation of irrigated lands required for district creation.
SENATE BILL 238 BY SENATORS BIRMINGHAM, et al

Would exempt from the jurisdiction of the state as defined in Section 2 (1) (g), Chapter 44, Session Laws of 1966, waters in sewage systems, treatment works, waters in potable water distribution systems, and waters withdrawn for use until such times as final treatment has been completed. The bill would also amend certain requirements relative to standards of purity of waste discharges into the streams of the state.

SENATE BILL 262 BY SENATOR THOMAS

Would provide for a study of the water resources, water uses, and the administration of the applicable water laws of the state. The study would be made by the Colorado Water Conservation Board. The bill would provide that pending the completion of the study and the development of proposed legislation relative thereto, state water officials shall preserve all existing uses of water wells and would limit the issuance of well permits unless no material effect on other rights is proven.

SENATE BILL 272 BY SENATORS GILL AND DENNY

This bill simply states that all water originating in or flowing into this state, whether found on the surface or underground, has always been and is hereby declared to be the property of the public, dedicated to the use of the people of the state, subject to appropriation and use in accordance with law.

SENATE BILL 274 BY SENATORS OLIVER, et al

Would repeal and re-enact Section 148-9-27, CRS 1963, to provide that any appropriator of water for which a decree has been sought or has been granted may divert the volume of water sought or decreed at such alternate points of diversion, including wells, as he may elect if this can be done without injury to any other appropriator, provided that all points of diversion are equipped with measuring devices.

SENATE BILL 275 BY SENATORS OLIVER, et al

Would repeal and re-enact, with amendments, Section 148-11-22, CRS 1963 (1965 Supp.) to provide that:

- The State Engineer is to administer all waters of the state, including surface and underground, according to the doctrine of appropriation.

- Every appropriator of water shall utilize all methods, including wells, in order to obtain the total amount of the appropriation. Until
such methods have been utilized, neither the State Engineer nor his authorized representative shall be required to curtail any junior appropriator. No junior appropriator shall be curtailed unless reasonable benefit shall result to the senior appropriator.

- In determining whether or not the vested rights of other appropriators are injured by any well or replacement thereof, there shall be a rebuttable presumption that there is no injury if the well was in existence prior to the date of the act, in consistent use, and is not located in the sub-surface channel of a continuously flowing stream.

- There shall be a conclusive presumption that there is no injury if a well or its replacement was in existence prior to the date of the act if the same is to be used solely as an alternate point of diversion for a surface water right under the provisions of Section 148-9-27, CRS 1963, as amended.

The bill provides for injunctions and penalties.

COMMITTEE ASSIGNMENTS

House Bills:

1007, 1042, 1367 and 1370 - Natural Resources Committee.

1004 - Health, Welfare and Institutions Committee.

1249 and 1258 - Local Government Committee.

1346 - Finance Committee.

Senate Bills:

All Senate Bills were assigned to the Water Committee except 9 and 13 which are in the State Affairs Committee and 84 which was assigned to the Judiciary Committee.

COMMITTEE MEMBERSHIP

House

Natural Resources - Representatives Singer, Chairman; Strahle; Baer; Bastien; Caywood; Fentress; Grace; Lamm; McNeil; Monfort; Quinlan; Schafer; Sonnenberg; Strickland; Woodfin.
Health Welfare and Institutions - Representatives Cole, Chairman; Shore; Bastien; Braden; Cresswell; Edmonds; Frank; Gollob; Grove; Jackson; Koster; Monfort; Morris; Sack; Woodfin.

Local Government - Representatives Bain; Chairman, Mackie; Bryant; Calabrese; Dameron; Friedman; Fuhr; Gollob; Grace; Grimshaw; Hart; Horst; Neal; Safran; Woodfin.

Finance - Representatives Burch, Chairman; Norgren; Bain; Bryant; Calabrese; Coffee; Cole; Fuhr; Gebhardt; Gossard; Gustafson; Haskell; Jackson; Neal; Safran.

Senate

Water - All members of the Senate.

State Affairs - Senators Nicholson, Chairman; Gill; Kemp; Jackson; Perrill; Hodges; Locke; Williams; Massari; Donlon; Cisneros; Hahn.

Judiciary - Senators Perrill, Chairman; Bermingham; DeBerard; Jackson; Scott; Gill; Stockton; Dines; Vollack; Cisneros; Decker; Thomas.