

House Bill 97-1214 protect SLV Artisian Pressure

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Requires judicial approval of a plan for augmentation that effects the replacement of new groundwater depletions in Water Division 3 that decreases hydrostatic pressure in an artesian or confined aquifer.

Authorizes the state engineer to promulgate rules that optimize ground water use including, if appropriate, a different methodology to prevent injury.

Requires the court to apply this standard or any different methodology adopted by the state engineer to prevent

injury in any plan for augmentation.

This bill is making its way through the state legislature as this newsletter goes to print. In short, it addresses the hydrogeologic relationship between the unconfined and confined aquifer systems and their relationship to surface streams in Water Division 3 (the San Luis Valley) and acknowledges that they are among the most complex in the state. It states that "the Rio Grande and Conejos River and their tributaries have been over-appropriated for many years; these flows are influenced by changes in artisan pressure. Unless properly augmented, new withdrawals of groundwater affecting pressure in artisan

aquifers will materially injure vested surface and underground water-rights. Water Division 3 is the location of many of the state's important wetland areas and wildlife refuges which, in part, are supplied water from the artisan or confined aquifer."

It goes on to say that there is "insufficient comprehensive data and knowledge of the relationship between surface streams and the confined aquifers to permit a full understanding of the effect of groundwater withdrawal" and until better comprehensive data is available, the best way to prevent injury to vested water rights from new withdrawals is to require that depletions resulting from such withdrawals be replaced to the aquifer from which it is withdrawn. In

other words, you replace the groundwater used with the same amount of surface water for augmentation (replacement).

Stockman's Water Company has hired a group of lobbyists to defeat this bill. The reason they are so threatened is because they are claiming "new water" that is "unappropriated" and their augmentation (or replacement) plan would not necessarily replace the 100,000 acre feet amount of water they are planning on filing on to pump to the front range.

Robert Krassa, Krassa, Kumli & Madsen, is an attorney and water Counsel for Stockman's Water Company. He testified against the bill before the House Agriculture Committee. The bill still man-

aged to leave the Committee at 13-0 in favor. Robert Krassa is also a legal consultant for the Parker Water and Sanitation District. The Parker Water and Sanitation District has come out in recent weeks saying there is an interest in 20,000 acre feet of the Stockman's Water proposal.

Needless to say, House Bill/97-1214 does have its variety of supporters including: Hal Simpson - State Water Engineer, Peter Evans - Colorado Water Conservation Board, The Rio Grande Water Conservation District, Conejos Conservancy Dist., CO Farm Bureau and Jo Evans representing Trout Unlimited, CO Audubon Council, Clean Water Action, CO Wildlife Society and the Environmental Defense Fund.