



SB 114 Preserving Critical Fire Suppression Ponds
Allow Boards of County Commissioners to Apply to the State Engineer for the
Designation of Fire Suppression Ponds

Sponsors: Sen. Hisey & Story, Rep. Roberts & Catlin

SB22-114 extends an additional exemption from the administration of water rights for *existing* ponds that are determined to be critical for firefighting in remote areas.

Background:

Current law makes exemptions to the determination and administration of water rights for various uses, including for wells that are used exclusively for firefighting purposes.

Many remote communities in Colorado face wildfire risk but lack the necessary resources to fight fires. Unlike metropolitan areas, remote areas often do not have access to municipal water supplies and associated infrastructure, including fire hydrants. As a result, some fire districts rely on local ponds in emergencies to quickly refill water tanks and suppress small fires, but first responders do not always own water rights to use remote ponds for firefighting.

Problem:

Due to loss of water from evaporation, the State Engineer's Office has advised that some of these ponds be drained. In cases like this, the alternative is often an augmentation plan or Substitute Water Supply Plan (SWSP), but the high cost and scarcity of augmentation water makes this an unattainable solution for some local communities. Without an alternative, ponds may be drained and these communities could be left ill-equipped to respond to fires.

Solution:

Under this legislation, a Board of County Commissioners could apply for the designation of a fire suppression pond with the following steps:

1. Consult with the local fire district
2. Provide notice through the Substitute Water Supply Plan list, and a 35-day comment period
3. Conduct a local needs assessment that identifies critical and functional fire suppression ponds (based on criteria to be established through rulemaking)
4. Acquire landowner approval if the pond is located on private property; AND
5. Submit the assessment and proposed pond designations to the State Engineer's Office for review and approval

Approved designations are active for 20 years, and would require an annual inspection by the county and fire district, as well as an updated needs assessment if the designation is to be renewed after the 20-year period.

**Please vote YES on SB22-114 to help ensure communities across the state are equipped
with the resources necessary to suppress fires.**

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