Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

BILL C

Temporary storage location: S:\PUBLIC\LLS\2012A\Bills\Interim\Water Resources Review Committee\Bill C_12-0125.wpd

LLS NO. 12-0125.01 Thomas Morris x4218 **SENATE BILL**

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A BILL FOR AN ACT

101 **CONCERNING POSTPONEMENT OF THE REPEAL OF REQUIREMENTS TO**
102 **REPLACE WELL DEPLETIONS TO THE DENVER BASIN AQUIFERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

Water Resources Review Committee. Law that is currently in effect:

- Requires wells that pump from the Dawson aquifer to replace actual out-of-priority depletions; and

- Specifies that the replacement obligation for all Denver basin aquifers continues after pumping stops to compensate for depletions.

This law is scheduled to repeal on July 1, 2012.

The new law that will automatically become effective on July 1, 2012, would require:

- Wells that pump from the Dawson aquifer to replace actual stream depletions to the extent necessary to prevent any injurious effect on other water rights based on actual aquifer conditions; and
- Replacement after pumping ceases for all Denver basin aquifers only if required to compensate for injurious depletions.

There is currently no modeling tool available to calculate depletions according to actual aquifer conditions. Accordingly, the bill postpones the repeal of the current law until July 1, 2015.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 37-90-137, **amend** (9) (c) (II) and (9) (c.5) (II) as follows:

37-90-137. Permits to construct wells outside designated basins - fees - permit no ground water right - evidence - time limitation - well permits - rules - repeal. (9) (c) (II) This paragraph (c) ~~shall~~ IS not ~~be~~ in effect ~~from July 1, 2009,~~ until July 1, ~~2012 during which time~~ 2015, AND UNTIL THEN paragraph (c.5) of this subsection (9) ~~shall apply~~ APPLIES.

(c.5) (II) This paragraph (c.5) ~~is effective July 1, 2009, and~~ is repealed, effective July 1, ~~2012~~ 2015.

SECTION 2. Applicability. This act shall apply to plans for augmentation decreed on or after the effective date of this act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.