

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

DRAFT
9.13.12

BILL 1

Temporary storage location: C:\temp\13-0103_wpd.tmp

LLS NO. 13-0103.01 Thomas Morris x4218

INTERIM COMMITTEE BILL

Water Resources Review Committee

SHORT TITLE: "No Final Well Permit Req Denver Basin Designated"

A BILL FOR AN ACT

101 **CONCERNING THE DELETION OF THE REQUIREMENT FOR A FINAL**
102 **PERMIT FOR ALL WELLS WITHDRAWING DESIGNATED GROUND**
103 **WATER FROM 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. For most water wells in designated basins, the state engineer issues a conditional permit and then issues a final permit after the water has been put to beneficial use. But under current law, the requirement for a final permit does not apply to

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

wells permitted on or after July 1, 1991, that withdraw designated ground water from the Denver basin aquifers. The bill deletes the requirement for a final permit for all wells withdrawing designated ground water from the Denver basin aquifers.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-90-108, **amend**
3 (2) (a), (2) (d), and (3) (a) as follows:

4 **37-90-108. Final permit - evidence of well construction and**
5 **beneficial use - limitations.** (2) (a) If the well or wells described in a
6 conditional permit have been constructed in compliance with subsection
7 (1) of this section, the applicant, within three years after the date of the
8 issuance of said permit, shall furnish by sworn affidavit, in the form
9 prescribed by the commission, evidence that water from such well or
10 wells has been put to beneficial use; except that ~~the requirements of this~~
11 paragraph (a) ~~shall~~ DOES not apply to a well described in a conditional
12 permit ~~issued on or after July 1, 1991,~~ to withdraw designated ground
13 water from the Dawson, Denver, Arapahoe, or Laramie-Fox Hills
14 aquifers.

15 (d) If the well described in a conditional permit issued ~~on or after~~
16 ~~July 1, 1991,~~ to withdraw designated ground water from the Dawson,
17 Denver, Arapahoe, or Laramie-Fox Hills aquifers has been constructed
18 in compliance with subsection (1) of this section, the applicant shall file
19 a notice with the commission of commencement of beneficial use on a
20 form prescribed by the commission within thirty days after the first
21 beneficial use of any water withdrawn from ~~such~~ THE well.

22 (3) (a) (I) To the extent that the commission finds that water has
23 been put to a beneficial use and that the other terms of the conditional

1 permit have been complied with and after publication of the information
2 required in the final permit, as provided in section 37-90-112, the
3 commission shall order the state engineer to issue a final permit to use
4 designated ground water, containing such limitations and conditions as
5 the commission deems necessary to prevent waste and to protect the
6 rights of other appropriators. In determining the extent of beneficial use
7 for the purpose of issuing final permits, the commission may use the same
8 criteria for determining the amount of water used on each acre that has
9 been irrigated that is used in evaluating the amount of water available for
10 appropriation under section 37-90-107. ~~The provisions of This~~
11 ~~subparagraph (I) shall~~ DOES not apply to a well described in a conditional
12 permit issued ~~on or after July 1, 1991~~, to withdraw designated ground
13 water from the Dawson, Denver, Arapahoe, or Laramie-Fox Hills
14 aquifers.

15 (II) A final permit is not required to be issued for a well described
16 in a conditional permit issued ~~on or after July 1, 1991~~, to withdraw
17 designated ground water from the Dawson, Denver, Arapahoe, or
18 Laramie-Fox Hills aquifers. For such a well, a conditional permit, subject
19 to the conditions of issuance of such a permit, shall be considered a final
20 determination of a well's water right if the well is in compliance with all
21 other applicable requirements of this article.

22 **SECTION 2. Act subject to petition - effective date -**
23 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
24 the expiration of the ninety-day period after final adjournment of the
25 general assembly (August 7, 2013, if adjournment sine die is on May 8,
26 2013); except that, if a referendum petition is filed pursuant to section 1
27 (3) of article V of the state constitution against this act or an item, section,

1 or part of this act within such period, then the act, item, section, or part
2 will not take effect unless approved by the people at the general election
3 to be held in November 2014 and, in such case, will take effect on the
4 date of the official declaration of the vote thereon by the governor.

5 (2) The provisions of this act apply to permits issued for
6 designated ground water from the Dawson, Denver, Arapahoe, or
7 Laramie-Fox Hills aquifers before, on, or after the applicable effective
8 date of this act.

9 <{*Do you want a safety clause or a specific effective date?*}>