

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

BILL C

LLS NO. 15-0112.01 Thomas Morris x4218

SENATE BILL

SENATE SPONSORSHIP

Hodge, Jones, Roberts

HOUSE SPONSORSHIP

Mitsch Bush,

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING AUGMENTATION REQUIREMENTS FOR WELLS
102 WITHDRAWING WATER FROM THE DAWSON AQUIFER.

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. Current law specifies that, beginning July 1, 2015, augmentation requirements for the withdrawal of water from the Dawson aquifer must be based on actual aquifer conditions. The bill repeals this requirement, thereby continuing current law, which requires

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

replacement of actual out-of-priority depletions to the stream; except that the replacement of post-pumping depletions is required only if necessary to compensate for injury.

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

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

4 **37-90-137. Permits to construct wells outside designated basins -**
5 **fees - permit no groundwater right - evidence - time limitation - well**
6 **permits - rules.** (9) (c) (f) ~~As to wells that will be completed in the Dawson,~~
7 ~~Denver, Arapahoe, and Laramie-Fox Hills aquifers and will withdraw~~
8 ~~groundwater that is not nontributary groundwater, as defined in section~~
9 ~~37-90-103 (10.7), judicial approval of plans for augmentation shall be required~~
10 ~~prior to the use of such groundwater. As to such wells completed in the Dawson~~
11 ~~aquifer, decrees approving such plans for augmentation shall provide for the~~
12 ~~replacement of actual stream depletion to the extent necessary to prevent any~~
13 ~~injurious effect, based upon actual aquifer conditions in existence at the time~~
14 ~~of such decree. As to such wells completed in the Denver, Arapahoe, or~~
15 ~~Laramie-Fox Hills aquifers more than one mile from any point of contact~~
16 ~~between any natural stream including its alluvium on which water rights would~~
17 ~~be injuriously affected by any stream depletion, and any such aquifer, such~~
18 ~~decrees shall provide for the replacement to the affected stream system or~~
19 ~~systems of a total amount of water equal to four percent of the amount of water~~
20 ~~withdrawn on an annual basis. As to such wells completed in such aquifers at~~
21 ~~points closer than one mile to any such contact, the amount of such replacement~~
22 ~~shall be determined using the assumption that the hydrostatic pressure level in~~
23 ~~each such aquifer has been lowered at least to the top of that aquifer throughout~~
24 ~~that aquifer. Such decrees may also require the continuation of replacement~~

1 ~~after withdrawal ceases if necessary to compensate for injurious stream~~
2 ~~depletions caused by prior withdrawals from such wells and shall meet all other~~
3 ~~statutory criteria for such plans.~~

4 (H) ~~This paragraph (c) is not in effect until July 1, 2015, and until then~~
5 ~~paragraph (c.5) of this subsection (9) applies.~~

6 (c.5) (I) (A) As to wells that will be completed in the Dawson, Denver,
7 Arapahoe, and Laramie-Fox Hills aquifers and will withdraw groundwater that
8 is not nontributary groundwater, ~~as defined in section 37-90-103(10.7);~~ judicial
9 approval of plans for augmentation ~~shall be~~ IS required prior to the use of ~~such~~
10 THE groundwater.

11 (B) As to such wells completed in the Dawson aquifer, decrees
12 approving ~~such~~ plans for augmentation ~~shall~~ MUST provide for the replacement
13 of actual out-of-priority depletions to the stream caused by withdrawals from
14 ~~such~~ THE wells and ~~shall~~ MUST meet all other statutory criteria for ~~such~~ THE
15 plans.

16 (C) As to such wells completed in the Denver, Arapahoe, or
17 Laramie-Fox Hills aquifers more than one mile from any point of contact
18 between any natural stream including its alluvium on which water rights would
19 be injuriously affected by any stream depletion, and any such aquifer, ~~such~~ THE
20 decrees ~~shall~~ MUST provide for the replacement to the affected stream system
21 or systems of a total amount of water equal to four percent of the amount of
22 water withdrawn on an annual basis. As to such wells completed in such
23 aquifers at points closer than one mile to any such contact, the amount of ~~such~~
24 THE replacement ~~shall be~~ IS determined using the assumption that the
25 hydrostatic pressure level in each such aquifer has been lowered at least to the
26 top of that aquifer throughout that aquifer. ~~Such~~ THE decrees ~~shall~~ MAY also
27 require the CONTINUATION OF replacement ~~of actual out-of-priority depletions~~

1 ~~of the stream~~ after withdrawal ceases IF NECESSARY to compensate for
2 INJURIOUS stream depletions caused by prior withdrawals from ~~such~~ THE wells
3 and ~~shall~~ MUST meet all other statutory criteria for such plans.

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

5 **SECTION 2. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.