

HB1303_L.009

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee_____
DateCommittee on Agriculture and Natural Resources.

After consideration on the merits, the Committee recommends the following:

HB09-1303 be amended as follows:

1 Amend reengrossed bill, page 4, strike lines 3 through 12 and substitute
2 the following:

3 "COLORADO OIL AND GAS CONSERVATION COMMISSION OR A WELL
4 AUTHORIZED BY A FEDERAL OR TRIBAL ENTITY FOR THE PRIMARY PURPOSE
5 OF MINING, INCLUDING EXPLORATION OR PRODUCTION, OF PETROLEUM
6 PRODUCTS.

7 **SECTION 2.** 37-90-137 (2) (b), Colorado Revised Statutes, is
8 amended to read:

9 **37-90-137. Permits to construct wells outside designated**
10 **basins - fees - permit no ground water right - evidence - time**
11 **limitation - well permits - repeal.** (2) (b) (I) ~~If the state engineer finds~~
12 ~~that there is unappropriated water available for withdrawal by the~~
13 ~~proposed well and that the vested water rights of others will not be~~
14 ~~materially injured, and can be substantiated by hydrological and~~
15 ~~geological facts;~~ The state engineer shall issue a permit to construct a well
16 **but not otherwise ONLY IF:**

17 (A) THE STATE ENGINEER FINDS, AS SUBSTANTIATED BY
18 HYDROLOGICAL AND GEOLOGICAL FACTS, THAT THERE IS UNAPPROPRIATED
19 WATER AVAILABLE FOR WITHDRAWAL BY THE PROPOSED WELL AND THAT
20 THE VESTED WATER RIGHTS OF OTHERS WILL NOT BE MATERIALLY
21 INJURED; AND



1 (B) ~~Except that no permit shall be issued unless~~ AS SPECIFIED IN
2 SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), the location of the proposed
3 well will be ~~at a distance of~~ more than six hundred feet from an existing
4 well.

5 (II) ~~but~~ If the state engineer, after a hearing, finds that
6 circumstances in a particular instance so warrant, or if a court decree is
7 entered for the proposed well location after notice has been given in
8 accordance with SUB-SUBPARAGRAPH (B) OF THIS subparagraph (II), of
9 ~~this paragraph (b)~~; the state engineer may issue a permit without regard
10 to the limitation specified in SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH
11 (I) OF ~~this subsection (2)~~ PARAGRAPH (b); EXCEPT THAT NO HEARING
12 SHALL BE REQUIRED AND THE STATE ENGINEER MAY ISSUE A WELL PERMIT
13 WITHOUT REGARD TO THE LIMITATION SPECIFIED IN SUB-SUBPARAGRAPH
14 (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b):

15 (H) (A) If the state engineer notifies the owners of all wells within
16 six hundred feet of the proposed well by certified mail and receives no
17 response within the time set forth in the notice; ~~no hearing shall be~~
18 ~~required.~~

19 (B) If the proposed well is part of a water court proceeding
20 adjudicating the water right for the well, or if the proposed well is part of
21 an adjudication of a plan for augmentation or change of water right ~~no~~
22 ~~hearing by the state engineer shall be required~~ AND if evidence is
23 provided to the water court that the applicant has given notice of the
24 water court application, at least ten days before making the application,
25 by registered or certified mail, return receipt requested, to the owners of
26 record of all wells within six hundred feet of the proposed well;

27 (HH) (C) ~~The hearing requirement shall not apply to wells located~~
28 ~~less than six hundred feet from existing wells~~ If the proposed well will
29 serve an individual residential site and the proposed pumping rate will not
30 exceed fifteen gallons per minute; EXCEPT THAT, IF THERE IS AN OIL AND
31 GAS WELL WITHIN SIX HUNDRED FEET OF THE SURFACE LOCATION OF THE
32 PROPOSED WELL, THE STATE ENGINEER SHALL NOTIFY THE OWNER OF SUCH
33 WELL BY CERTIFIED MAIL OF THE PROPOSED WELL AND MAY ISSUE THE
34 WELL PERMIT SUBJECT TO THE LIMITATIONS SPECIFIED IN
35 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b);

36 (D) IF THE PROPOSED WELL IS AN OIL AND GAS WELL AND THE

1 ONLY WELLS WITHIN SIX HUNDRED FEET OF THE SURFACE LOCATION OF
2 THE PROPOSED WELL ARE OIL AND GAS WELLS; OR

3 (E) IF THE PROPOSED WELL IS AN OIL AND GAS WELL, THERE IS AN
4 EXISTING PRODUCTION WATER WELL THAT IS NOT AN OIL AND GAS WELL
5 WITHIN SIX HUNDRED FEET OF THE SURFACE LOCATION OF THE PROPOSED
6 OIL AND GAS WELL, THE STATE ENGINEER HAS PROVIDED WRITTEN NOTICE
7 OF THE APPLICATION BY CERTIFIED MAIL TO THE OWNERS OF SUCH WELLS
8 THAT ARE NOT OIL AND GAS WELLS WITHIN THIRTY DAYS AFTER RECEIPT
9 OF A COMPLETE APPLICATION FOR THE PROPOSED WELL, AND THE STATE
10 ENGINEER HAS GIVEN THOSE TO WHOM NOTICE WAS PROVIDED THIRTY
11 DAYS AFTER THE DATE OF MAILING OF SUCH NOTICE TO FILE COMMENTS ON
12 THE PROPOSED WELL'S APPLICATION."

13 Page 6, line 1, after "COMMISSION", insert "OR A WELL AUTHORIZED BY A
14 FEDERAL OR TRIBAL ENTITY".

15 Page 7, line 12, strike "(10)," and substitute "(11),".

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