



Regulation of Geothermal Resources in Colorado

- Statutes 37-90.5-102
 - Prior appropriation system
 - Applies, but should be modified



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- Statutes 37-90.5-104 – Ownership
 - If “geothermal fluid” is tributary
 - Public resource
 - No property right results from land ownership



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- Statutes 37-90.5-106 – **Drilling** Permits
 - Geothermal well construction
 - Requires a permit from the state engineer
 - “Geoexchange” systems allow for blanket permit for Certified Individuals
 - State engineer authority to adopt rules; rules focus on:
 - Well construction,
 - Permit fees and processing, but
 - No focus on evaluation of injury



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- Statutes 37-90.5-107 – **Water Well** Permits
 - Use of water *is a beneficial use*
 - (2)(a) – Production of “geothermal fluid” from a well; permit from state engineer is required
 - Does not apply to “nondiversionary” methods (like Geoexchange)
 - Waived if “diversionary” method is “nonconsumptive” (pump, then reinject)



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- Statutes 37-90.5-107 (cont.) – **Water Well** Permits
 - State engineer must find:
 - No material injury to a water right or a geothermal right, or
 - Applicant can offset injury, or
 - Applicant can offer replacement water
 - If geothermal fluid is nontributary, its appropriation is limited like other nontributary ground water
 - Injury includes *any diminution* or alteration of *quantity, temperature, or quality* of a right



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- Statutes 37-90.5-108 – Geothermal Management Districts
 - State engineer may adopt procedures for the formation of management districts