

SB165\_L.002

## SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee\_\_\_\_\_  
DateCommittee on Agriculture and Natural Resources.

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

SB10-165 be amended as follows:

1 Amend printed bill, page 2, strike line 2 and substitute:

2 "SECTION 1. The introductory portion to 37-90-137 (7) and  
3 37-90-137 (7) (a) and (7) (b), Colorado Revised Statutes, are".

4 Page 2, line 7, strike "ground water" and substitute "ground-water  
5 GROUNDWATER".

6 Page 2, strike lines 10 through 15 and substitute "be IS required unless the  
7 nontributary ~~ground-water~~ GROUNDWATER being removed will be  
8 beneficially used. EXCEPT FOR COAL BED METHANE WELLS, NO WELL  
9 PERMIT IS REQUIRED IF THE NONTRIBUTARY GROUNDWATER BEING  
10 REMOVED WILL BE USED ONLY FOR USES ANCILLARY TO OR DIRECTLY  
11 ASSOCIATED WITH THE MINING OF MINERALS, INCLUDING: INJECTION INTO  
12 A PROPERLY PERMITTED DISPOSAL WELL; EVAPORATION OR PERCOLATION  
13 IN A PROPERLY PERMITTED PIT; DISPOSAL AT A PROPERLY PERMITTED  
14 COMMERCIAL FACILITY; ROADSREADING OR REUSE FOR ENHANCED  
15 RECOVERY, DRILLING, OR OTHER APPROVED USE IN ACCORDANCE WITH  
16 THE "OIL AND GAS CONSERVATION ACT", ARTICLE 60 OF TITLE 34, C.R.S.,  
17 AND THE RULES PROMULGATED UNDER THAT ACT; DISCHARGE INTO STATE  
18 WATERS IN ACCORDANCE WITH THE "COLORADO WATER QUALITY  
19 CONTROL ACT", ARTICLE 8 OF TITLE 25, C.R.S., AND THE RULES  
20 PROMULGATED UNDER THAT ACT; EVAPORATION AT A PROPERLY  
21 PERMITTED CENTRALIZED EXPLORATION AND PRODUCTION WASTE  
22 MANAGEMENT FACILITY; OR PROVIDING AN ALTERNATIVE DOMESTIC  
23 WATER SUPPLY TO SURFACE OWNERS WITHIN THE OIL AND GAS FIELD IN



1 ACCORDANCE WITH THE "OIL AND GAS CONSERVATION ACT" AND THE  
2 RULES PROMULGATED UNDER THAT ACT; and

3 (b) In the issuance of any well permit pursuant to this subsection  
4 (7), ~~the provisions of subsection (4) of this section shall~~ DOES not apply  
5 ~~The provisions of AND~~ subsections (1), (2), and (3) of this section shall  
6 apply; except that, in considering whether the permit shall issue, the  
7 requirement that the state engineer find that there is unappropriated water  
8 available for withdrawal and the six-hundred-foot spacing requirement in  
9 subsection (2) of this section shall DO not apply. The state engineer shall  
10 allow the rate of withdrawal stated by the applicant to be necessary to  
11 dewater the mine; except that, if the state engineer finds that the proposed  
12 dewatering will cause material injury to the vested water rights of others,  
13 the applicant may propose, and the permit shall contain, terms and  
14 conditions ~~which~~ THAT will prevent such injury. The reduction of  
15 hydrostatic pressure level or water level alone does not constitute material  
16 injury. THE ISSUANCE OF A PERMIT UNDER THIS SUBSECTION (7) DOES NOT  
17 CONFER AN ADJUDICATED NONTRIBUTARY GROUNDWATER RIGHT."

18 Page 3, line 6, after the period add "FOR AN OIL AND GAS WELL IN  
19 EXISTENCE ON THE EFFECTIVE DATE OF THIS SUBSECTION (2), AS  
20 AMENDED, FOR WHICH A WELL PERMIT IS REQUIRED BY THIS SECTION, A  
21 WELL PERMIT APPLICATION SHALL BE SUBMITTED TO THE STATE ENGINEER  
22 ON OR BEFORE APRIL 30, 2010. FOR AN OIL AND GAS WELL TO BE  
23 CONSTRUCTED BETWEEN THE EFFECTIVE DATE OF THIS SUBSECTION (2), AS  
24 AMENDED, AND AUGUST 1, 2010, FOR WHICH A WELL PERMIT IS REQUIRED  
25 BY THIS SECTION, A WELL PERMIT APPLICATION SHALL BE SUBMITTED TO  
26 THE STATE ENGINEER ON OR BEFORE JUNE 15, 2010. ALL OIL AND GAS  
27 WELLS TO BE CONSTRUCTED AFTER AUGUST 1, 2010, FOR WHICH A WELL  
28 PERMIT IS REQUIRED BY THIS SECTION SHALL HAVE A WELL PERMIT PRIOR  
29 TO PRODUCING GROUNDWATER."

30 Page 3, line 15, after the period insert "UNTIL JULY 31, 2010, COAL BED  
31 METHANE WELLS MAY CONTINUE TO OPERATE WITHOUT A SUBSTITUTE  
32 WATER SUPPLY PLAN IF THE OIL AND GAS OPERATOR SUBMITS A REQUEST  
33 FOR APPROVAL OF A SUBSTITUTE WATER SUPPLY PLAN PURSUANT TO THIS  
34 SUBSECTION (11) BY APRIL 30, 2010."

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