

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 15-0112.01 Thomas Morris

SENATE BILL 15-010

SENATE SPONSORSHIP

Hodge, Jones, Roberts

HOUSE SPONSORSHIP

Mitsch Bush,

Senate Committees

Agriculture, Natural Resources, & Energy

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 replacement of actual out-of-priority depletions to the stream; except that the replacement of post-pumping depletions is

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.

SENATE
2nd Reading Unamended
January 20, 2015

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**
3 (9) (c.5); and **repeal** (9) (c) as follows:

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21 ~~of the amount of water withdrawn on an annual basis.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

1 ~~Such decrees may also require the continuation of replacement after~~
2 ~~withdrawal ceases if necessary to compensate for injurious stream~~
3 ~~depletions caused by prior withdrawals from such wells and shall meet all~~
4 ~~other statutory criteria for such plans.~~

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

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

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

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

1 aquifer. ~~Such~~ THE decrees ~~shall~~ MAY also require the CONTINUATION OF
2 replacement ~~of actual out-of-priority depletions of the stream~~ after
3 withdrawal ceases IF NECESSARY to compensate for INJURIOUS stream
4 depletions caused by prior withdrawals from ~~such~~ THE wells and ~~shall~~
5 MUST meet all other statutory criteria for such plans.

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

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