

HB1303_L.003

HOUSE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Agriculture, Livestock, & Natural Resources.

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

HB09-1303 be amended as follows:

1 Amend printed bill, page 2, line 3, strike "amended" and substitute
 2 "amended, and the said 37-90-103 is further amended BY THE
 3 ADDITION OF A NEW SUBSECTION,".

4 Page 3, strike line 27.

5 Strike pages 4 and 5.

6 Page 6, strike lines 1 through 15 and substitute the following:

7 "(10.9) "OIL AND GAS WELL" MEANS A WELL PERMITTED BY THE
 8 COLORADO OIL AND GAS CONSERVATION COMMISSION.

9 **SECTION 2.** 37-90-137 (2) (b), Colorado Revised Statutes, is
 10 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

11 **37-90-137. Permits to construct wells outside designated**
 12 **basins - fees - permit no ground water right - evidence - time**
 13 **limitation - well permits - repeal.** (2) (b) (IV) THOSE PROVISIONS OF
 14 SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (b) THAT RELATE TO
 15 THE ISSUANCE OF A PERMIT TO CONSTRUCT A WELL AT A DISTANCE OF LESS
 16 THAN SIX HUNDRED FEET FROM AN EXISTING WELL SHALL NOT APPLY IF
 17 THE PROPOSED AND EXISTING WELLS ARE ALL OIL AND GAS WELLS.

18 **SECTION 3.** The introductory portion to 37-90-137 (7), Colorado
 19 Revised Statutes, is amended, and the said 37-90-137 (7) is further



1 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

2 **37-90-137. Permits to construct wells outside designated**
3 **basins - fees - permit no ground water right - evidence - time**
4 **limitation - well permits - rules - repeal.** (7) In the case of dewatering
5 of geologic formations by ~~removing~~ WITHDRAWING nontributary ground
6 water to facilitate or permit mining of minerals:

7 (c) THE STATE ENGINEER MAY, PURSUANT TO THE "STATE
8 ADMINISTRATIVE PROCEDURE ACT", ADOPT RULES TO ASSIST WITH THE
9 ADMINISTRATION OF THIS SUBSECTION (7). IN ALL RULE-MAKING
10 PROCEEDINGS AUTHORIZED BY THIS SUBSECTION (7), THE STATE ENGINEER
11 SHALL AFFORD INTERESTED PERSONS THE RIGHT OF CROSS-EXAMINATION.
12 JUDICIAL REVIEW OF ALL RULES PROMULGATED PURSUANT TO THIS
13 SUBSECTION (7) SHALL BE IN ACCORDANCE WITH THE "STATE
14 ADMINISTRATIVE PROCEDURE ACT"; EXCEPT THAT VENUE FOR SUCH
15 REVIEW SHALL LIE EXCLUSIVELY WITH THE WATER JUDGE OR JUDGES FOR
16 THE WATER DIVISION OR DIVISIONS WITHIN WHICH THE GROUND WATER
17 THAT IS THE SUBJECT OF SUCH RULES IS LOCATED. ANY RULES
18 PROMULGATED PURSUANT TO THIS SUBSECTION (7) SHALL NOT CONFLICT
19 WITH EXISTING LAWS AND SHALL NOT AFFECT THE VALIDITY OF GROUND
20 WATER WELL PERMITS EXISTING PRIOR TO THE ADOPTION OF SUCH RULES."

21 Renumber succeeding sections accordingly.

22 Page 6, line 24, strike "sixty TWO HUNDRED SEVENTY" and substitute
23 "sixty".

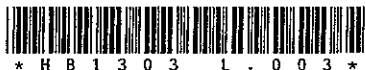
24 Page 7, strike line 2 and substitute the following:

25 "issued under this article. PRIOR TO MARCH 31, 2010, THIS SUBSECTION
26 (2) SHALL NOT APPLY TO OIL AND GAS WELLS.

27 **SECTION 5.** 37-92-103, Colorado Revised Statutes, is amended
28 BY THE ADDITION OF A NEW SUBSECTION to read:

29 **37-92-103. Definitions.** As used in this article, unless the context
30 otherwise requires:

31 (5.5) "COAL BED METHANE WELL" MEANS A WELL PERMITTED BY
32 THE COLORADO OIL AND GAS CONSERVATION COMMISSION AND



1 CONSTRUCTED FOR THE PRIMARY PURPOSE OF PRODUCING METHANE GAS
2 FROM A COAL BED."

3 Renumber succeeding sections accordingly.

4 Page 7, line 7, strike "WELLS THAT" and substitute "COAL BED METHANE
5 WELLS INTO THE WATER COURT";

6 strike lines 8 and 9;

7 line 14, strike "WELL IN AN" and substitute "COAL BED METHANE WELL
8 THAT WITHDRAWS TRIBUTARY GROUND WATER AND IMPACTS AN
9 OVER-APPROPRIATED STREAM SHALL OPERATE UNLESS:";

10 strike lines 15 through 17;

11 strike lines 24 through 27.

12 Page 8, strike lines 1 through 4 and substitute the following:

13 "(II) BEGINNING JANUARY 1, 2013, ANY COAL BED METHANE WELL
14 THAT WITHDRAWS TRIBUTARY GROUND WATER FROM A GEOLOGIC
15 FORMATION IN CONJUNCTION WITH THE MINING OF MINERALS SHALL BE
16 CONTINUOUSLY CURTAILED UNLESS THE WELL:

17 (A) IS INCLUDED IN A PLAN FOR AUGMENTATION APPROVED BY A
18 WATER JUDGE;

19 (B) IS INCLUDED IN A SUBSTITUTE WATER SUPPLY PLAN APPROVED
20 PURSUANT TO SUBSECTION (4) OF THIS SECTION; OR

21 (C) CAN BE OPERATED IN PRIORITY WITHOUT AUGMENTATION.

22 (III) THE GENERAL ASSEMBLY FINDS THAT THE TIME PERIOD
23 ESTABLISHED IN SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS
24 SUBSECTION (10)";

25 strike lines 9 through 11 and substitute the following:

26 "SUBSECTION (10), THE STATE ENGINEER MAY APPROVE THE TEMPORARY
27 OPERATION OF A COAL BED METHANE WELL THAT WITHDRAWS TRIBUTARY



- 1 GROUND WATER ONLY IF THE";
- 2 line 25, strike "AN OPPOSER'S" and substitute "A PARTY'S";
- 3 line 26, strike "AN OPPOSER" and substitute "A PARTY".
- 4 Page 9, line 1, strike "REQUEST." and substitute "REQUEST; AND".

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