

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 10, 2009  
Date

Committee on Agriculture, Livestock, & Natural Resources.

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

SB09-080 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 2, after line 1, insert the following:

2 "SECTION 1. The introductory portion to 37-90-105 (1) and  
3 37-90-105 (1) (d), (1) (e), and (7), Colorado Revised Statutes, are  
4 amended, and the said 37-90-105 (1) is further amended BY THE  
5 ADDITION OF A NEW PARAGRAPH, to read:

6 **37-90-105. Small capacity wells.** (1) The state engineer has the  
7 authority to approve permits for the following types of wells AND TO  
8 ALLOW THE FOLLOWING TYPES OF ROOFTOP PRECIPITATION COLLECTION  
9 SYSTEMS in designated ground water basins without regard to any other  
10 provisions of this article:

11 (d) Wells to be used exclusively for monitoring and observation  
12 purposes if said wells are capped and locked and used only to monitor  
13 water levels or for water quality sampling; ~~or~~

14 (e) Wells to be used exclusively for fire-fighting purposes if said  
15 wells are capped and locked and available for use only in fighting fires;  
16 OR

17 (f) (I) ANY SYSTEM OR METHOD OF COLLECTING PRECIPITATION  
18 FROM THE ROOF OF A BUILDING THAT IS USED PRIMARILY AS A RESIDENCE  
19 AND IS NOT SERVED BY, WHETHER OR NOT CONNECTED TO, A DOMESTIC

1 WATER SYSTEM THAT SERVES MORE THAN THREE SINGLE-FAMILY  
2 DWELLINGS, BUT ONLY IF THE USE OF THE WATER SO COLLECTED IS  
3 LIMITED TO ONE OR MORE OF THE FOLLOWING:

4 (A) ORDINARY HOUSEHOLD PURPOSES;

5 (B) FIRE PROTECTION;

6 (C) THE WATERING OF POULTRY, DOMESTIC ANIMALS, AND  
7 LIVESTOCK ON FARMS AND RANCHES; OR

8 (D) THE IRRIGATION OF NOT MORE THAN ONE ACRE OF GARDENS  
9 AND LAWNS.

10 (II) ON AND AFTER JULY 1, 2009, ANY PERSON WISHING TO USE A  
11 SYSTEM OR METHOD OF ROOFTOP PRECIPITATION CAPTURE THAT MEETS  
12 THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) SHALL  
13 COMPLY WITH ONE OF THE FOLLOWING PROVISIONS:

14 (A) A PERSON WHO HAS A WELL PERMIT ISSUED OR RECORDED  
15 PURSUANT TO THIS SECTION AND WHO INTENDS TO USE A SYSTEM OR  
16 METHOD OF ROOFTOP PRECIPITATION CAPTURE THAT QUALIFIES UNDER  
17 SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) SHALL FILE, ON A FORM  
18 PRESCRIBED BY THE STATE ENGINEER AND CONSISTENT WITH THIS  
19 SECTION, A NOTICE AND DESCRIPTION OF THE SYSTEM OR METHOD OF  
20 ROOFTOP PRECIPITATION CAPTURE TO BE USED IN CONJUNCTION WITH THE  
21 WELL. NO FEE SHALL BE CHARGED FOR THE FILING OF THIS FORM.

22 (B) A PERSON WHO APPLIES FOR A NEW WELL PERMIT PURSUANT  
23 TO PARAGRAPH (a) OF THIS SUBSECTION (1) AND WHO INTENDS TO USE A  
24 SYSTEM OR METHOD OF ROOFTOP PRECIPITATION CAPTURE THAT QUALIFIES  
25 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) SHALL INCLUDE ON THE  
26 WELL PERMIT APPLICATION A DESCRIPTION OF THE SYSTEM OR METHOD OF  
27 ROOFTOP PRECIPITATION CAPTURE TO BE USED IN CONJUNCTION WITH THE  
28 WELL. AN APPLICANT UNDER THIS SUB-SUBPARAGRAPH (B) SHALL PAY  
29 THE WELL PERMIT APPLICATION FEE PURSUANT TO SUB-SUBPARAGRAPH  
30 (C) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS  
31 SECTION; HOWEVER, SUCH APPLICANT SHALL NOT BE REQUIRED TO PAY  
32 ANY ADDITIONAL APPLICATION FEE FOR THE ROOFTOP PRECIPITATION  
33 COLLECTION SYSTEM.

1 (C) A PERSON WHO DOES NOT INTEND TO CONSTRUCT AND USE A  
2 WELL, BUT WOULD OTHERWISE BE ENTITLED TO THE ISSUANCE OF A WELL  
3 PERMIT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), SHALL  
4 SUBMIT AN APPLICATION IN THE FORM AND MANNER DESIGNATED BY THE  
5 STATE ENGINEER FOR A PERMIT TO INSTALL AND USE A SYSTEM OR  
6 METHOD OF ROOFTOP PRECIPITATION CAPTURE AND PAY A FEE IN AN  
7 AMOUNT TO BE DETERMINED BY THE STATE ENGINEER. IF THE STATE  
8 ENGINEER DETERMINES THAT THE PROPOSED SYSTEM OR METHOD OF  
9 ROOFTOP PRECIPITATION CAPTURE MEETS THE REQUIREMENTS OF THIS  
10 PARAGRAPH (f), THE STATE ENGINEER SHALL ISSUE A PERMIT FOR THE  
11 SYSTEM OR METHOD, BUT NOT OTHERWISE. THE STATE ENGINEER SHALL  
12 ENFORCE THE PROVISIONS OF THE PERMIT IN THE SAME MANNER AS THE  
13 ENFORCEMENT OF ANY WELL PERMIT ISSUED PURSUANT TO PARAGRAPH (a)  
14 OF THIS SUBSECTION (1).

15 (III) A PERSON USING OR LEGALLY ENTITLED TO USE A WELL  
16 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL BE ALLOWED  
17 TO COLLECT ROOFTOP PRECIPITATION PURSUANT TO THIS PARAGRAPH (f)  
18 ONLY FOR USE BY THE SAME DWELLINGS THAT ARE OR WOULD BE SERVED  
19 BY THE WELL AND SUBJECT TO ALL OF THE LIMITATIONS ON USE  
20 CONTAINED IN THE WELL PERMIT OR, IN THE ABSENCE OF A WELL PERMIT,  
21 THE WELL PERMIT TO WHICH THE PERSON WOULD BE LEGALLY ENTITLED,  
22 AS DETERMINED BY THE STATE ENGINEER OR AS OTHERWISE LIMITED BY  
23 THE BOARD OF A GROUND WATER MANAGEMENT DISTRICT PURSUANT TO  
24 SUBSECTION (7) OF THIS SECTION.

25 (7) The board of any ground water management district has the  
26 authority to adopt rules that further restrict the issuance of small capacity  
27 well permits AND USE OF ROOFTOP PRECIPITATION COLLECTION SYSTEMS.  
28 In addition, the board of any ground water management district has the  
29 authority to adopt rules that expand the acre-foot limitations for small  
30 capacity wells set forth in this section. However, in no event shall an  
31 annual volume of more than eighty acre-feet be allowed for any small  
32 capacity well. Rules adopted by the board may be instituted only after a  
33 public hearing. Notice of such hearing shall be published. Such notice  
34 shall state the time and place of the hearing and describe, in general  
35 terms, the rules proposed. Within sixty days after such hearing, the board  
36 shall announce the rules adopted and shall cause notice of such action to  
37 be published. In addition, the board shall mail, within five days after the  
38 adoption of the rules, a copy of the rules to the state engineer. Any party  
39 adversely affected or aggrieved by such a rule may, not later than thirty

1 days after the last date of publication, initiate judicial review in  
2 accordance with the provisions of section 24-4-106, C.R.S.; except that  
3 venue for such judicial review shall be in the district court for the county  
4 in which the office of the ground water management district is located."

5 Renumber succeeding sections accordingly.

6 Page 3, line 1, after "IF", insert "THE USE OF" and, strike "USED FOR" and  
7 substitute "LIMITED TO";

8 line 23, strike "ENGINEER," and substitute "ENGINEER AND CONSISTENT  
9 WITH THIS SECTION,".

10 Page 4, line 3, strike "FILE, ON A FORM" and substitute "INCLUDE ON THE  
11 WELL PERMIT APPLICATION A";

12 strike line 4 and substitute the following:

13 "DESCRIPTION OF THE";

14 strike lines 6 and 7 and substitute the following:

15 "CONJUNCTION WITH THE WELL. AN APPLICANT UNDER THIS  
16 SUB-SUBPARAGRAPH (B) SHALL PAY THE WELL PERMIT APPLICATION FEE  
17 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (3)  
18 OF THIS SECTION; HOWEVER, SUCH APPLICANT SHALL NOT BE REQUIRED TO  
19 PAY ANY ADDITIONAL APPLICATION FEE FOR THE ROOFTOP PRECIPITATION  
20 COLLECTION SYSTEM.";

21 line 23, strike "SECTION" and substitute "SECTION, INCLUDING THE  
22 PROVISIONS OF SUBSECTION (6) OF THIS SECTION,";

23 line 26, strike "THE SAME" and substitute "ALL OF THE".

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