

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

REVISED

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

LLS NO. 12-0125.01 Thomas Morris x4218

SENATE BILL 12-008

SENATE SPONSORSHIP

**Brophy**, Giron, Hodge, Roberts, Schwartz

HOUSE SPONSORSHIP

**Sonnenberg**, Baumgardner, Swerdfeger, Vigil, Wilson

Senate Committees

Agriculture, Natural Resources, and Energy

House Committees

Agriculture, Livestock, & Natural Resources

A BILL FOR AN ACT

101 CONCERNING POSTPONEMENT OF THE REPEAL OF REQUIREMENTS TO  
102 REPLACE WELL DEPLETIONS TO THE DENVER BASIN AQUIFERS.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Water Resources Review Committee.** Law that is currently in effect:

- ! Requires wells that pump from the Dawson aquifer to replace actual out-of-priority depletions; and
- ! Specifies that the replacement obligation for all Denver basin aquifers continues after pumping stops to compensate for depletions.

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.*

HOUSE  
2nd Reading Unam ended  
February 17, 2012

SENATE  
3rd Reading Unam ended  
January 31, 2012

SENATE  
2nd Reading Unam ended  
January 30, 2012

This law is scheduled to repeal on July 1, 2012.

The new law that will automatically become effective on July 1, 2012, would require:

- ! Wells that pump from the Dawson aquifer to replace actual stream depletions to the extent necessary to prevent any injurious effect on other water rights based on actual aquifer conditions; and
- ! Replacement after pumping ceases for all Denver basin aquifers only if required to compensate for injurious depletions.

There is currently no modeling tool available to calculate depletions according to actual aquifer conditions. Accordingly, the bill postpones the repeal of the current law until July 1, 2015.

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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) (II) and (9) (c.5) (II) as follows:

4 **37-90-137. Permits to construct wells outside designated**  
5 **basins - fees - permit no ground water right - evidence - time**  
6 **limitation - well permits - rules - repeal.** (9) (c) (II) This paragraph (c)  
7 ~~shall IS not be in effect from July 1, 2009, until July 1, 2012 during which~~  
8 ~~time 2015, AND UNTIL THEN~~ paragraph (c.5) of this subsection (9) ~~shall~~  
9 ~~apply~~ APPLIES.

10 (c.5) (II) This paragraph (c.5) is ~~effective July 1, 2009, and is~~  
11 ~~repealed, effective July 1, 2012~~ 2015.

12 **SECTION 2. Applicability.** This act shall apply to plans for  
13 augmentation decreed on or after the effective date of this act.

14 **SECTION 3. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, and safety.