

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**REVISED**

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

LLS NO. 13-0103.01 Thomas Morris x4218

**SENATE BILL 13-072**

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**A BILL FOR AN ACT**

101     **CONCERNING THE DELETION OF THE REQUIREMENT FOR A FINAL**  
102             **PERMIT FOR ALL WELLS WITHDRAWING DESIGNATED GROUND**  
103             **WATER FROM THE DENVER BASIN AQUIFERS.**

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**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.** For most water wells in designated basins, the state engineer issues a conditional permit and then issues a final permit after the water has been put to beneficial use. But under current law, the requirement for a final permit does not apply to

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 Unamended  
March 1, 2013

SENATE  
3rd Reading Unamended  
February 15, 2013

SENATE  
2nd Reading Unamended  
February 14, 2013

wells permitted on or after July 1, 1991, that withdraw designated ground water from the Denver basin aquifers. The bill deletes the requirement for a final permit for all wells withdrawing designated ground water from the Denver basin aquifers.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 37-90-108, **amend**  
3 (2) (a), (2) (d), and (3) (a) as follows:

4 **37-90-108. Final permit - evidence of well construction and**  
5 **beneficial use - limitations.** (2) (a) If the well or wells described in a  
6 conditional permit have been constructed in compliance with subsection  
7 (1) of this section, the applicant, within three years after the date of the  
8 issuance of said permit, shall furnish by sworn affidavit, in the form  
9 prescribed by the commission, evidence that water from such well or  
10 wells has been put to beneficial use; except that ~~the requirements of this~~  
11 paragraph (a) ~~shall~~ DOES not apply to a well described in a conditional  
12 permit ~~issued on or after July 1, 1991,~~ to withdraw designated ground  
13 water from the Dawson, Denver, Arapahoe, or Laramie-Fox Hills  
14 aquifers.

15 (d) If the well described in a conditional permit ~~issued on or after~~  
16 ~~July 1, 1991,~~ to withdraw designated ground water from the Dawson,  
17 Denver, Arapahoe, or Laramie-Fox Hills aquifers has been constructed  
18 in compliance with subsection (1) of this section, the applicant shall file  
19 a notice with the commission of commencement of beneficial use on a  
20 form prescribed by the commission within thirty days after the first  
21 beneficial use of any water withdrawn from ~~such~~ THE well.

22 (3) (a) (I) To the extent that the commission finds that water has  
23 been put to a beneficial use and that the other terms of the conditional

1 permit have been complied with and after publication of the information  
2 required in the final permit, as provided in section 37-90-112, the  
3 commission shall order the state engineer to issue a final permit to use  
4 designated ground water, containing such limitations and conditions as  
5 the commission deems necessary to prevent waste and to protect the  
6 rights of other appropriators. In determining the extent of beneficial use  
7 for the purpose of issuing final permits, the commission may use the same  
8 criteria for determining the amount of water used on each acre that has  
9 been irrigated that is used in evaluating the amount of water available for  
10 appropriation under section 37-90-107. ~~The provisions of This~~  
11 ~~subparagraph (I) shall~~ DOES not apply to a well described in a conditional  
12 permit issued ~~on or after July 1, 1991~~, to withdraw designated ground  
13 water from the Dawson, Denver, Arapahoe, or Laramie-Fox Hills  
14 aquifers.

15 (II) A final permit is not required to be issued for a well described  
16 in a conditional permit ~~issued on or after July 1, 1991~~, to withdraw  
17 designated ground water from the Dawson, Denver, Arapahoe, or  
18 Laramie-Fox Hills aquifers. For such a well, a conditional permit, subject  
19 to the conditions of issuance of such a permit, shall be considered a final  
20 determination of a well's water right if the well is in compliance with all  
21 other applicable requirements of this article.

22 **SECTION 2. Act subject to petition - effective date -**  
23 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
24 the expiration of the ninety-day period after final adjournment of the  
25 general assembly (August 7, 2013, if adjournment sine die is on May 8,  
26 2013); except that, if a referendum petition is filed pursuant to section 1  
27 (3) of article V of the state constitution against this act or an item, section,

1 or part of this act within such period, then the act, item, section, or part  
2 will not take effect unless approved by the people at the general election  
3 to be held in November 2014 and, in such case, will take effect on the  
4 date of the official declaration of the vote thereon by the governor.

5 (2) This act applies to permits issued for designated ground water  
6 from the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifers  
7 before, on, or after the applicable effective date of this act.