

**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. 13-0112.01 Thomas Morris

SENATE BILL 13-075

SENATE SPONSORSHIP

Brophy, Baumgardner, Giron, Hodge, Roberts

HOUSE SPONSORSHIP

Sonnenberg, Fischer

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

Agriculture, Livestock, & Natural Resources

A BILL FOR AN ACT

101 **CONCERNING SAFEGUARDS TO PREVENT THE MODIFICATION OF A**
102 **FINAL DESIGNATED GROUND WATER PERMIT BASED ON**
103 **REDUCTIONS IN THE USE OF DESIGNATED GROUND WATER.**

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. The bill specifies that once the state engineer issues a final permit for the withdrawal of designated ground water, a reduction in the amount of water used pursuant to the permit due to the conservation of water is not grounds to reduce the maximum annual volume of the appropriation, the maximum pumping rate, or the maximum number of acres that have been irrigated.

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
February 28, 2013

SENATE
3rd Reading Unamended
February 13, 2013

SENATE
Amended 2nd Reading
February 12, 2013

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 (5) as follows:

4 **37-90-108. Final permit - evidence of well construction and**
5 **beneficial use - limitations.** (5) (a) All final permits ~~shall~~ MUST set forth
6 the following information as a minimum:

7 (a) (I) The priority date;

8 (b) (II) The name of the claimant;

9 (c) (III) The quarter-quarter in which the well is located;

10 (d) (IV) The maximum annual volume of the appropriation in
11 acre-feet per year;

12 (e) (V) The maximum pumping rate in gallons per minute; and

13 (f) (VI) The maximum number of acres ~~which~~ THAT have been
14 irrigated, if used for irrigation.

15 (b) NOTWITHSTANDING ANY RULE OF LAW TO THE CONTRARY
16 OTHER THAN A CHANGE OF USE CASE UNDER SECTION 37-90-111 (1) (g).
17 ONCE THE STATE ENGINEER ISSUES A FINAL PERMIT FOR THE WITHDRAWAL
18 OF DESIGNATED GROUND WATER PURSUANT TO THIS SECTION, A
19 REDUCTION IN THE AMOUNT OF WATER USED PURSUANT TO THE PERMIT
20 DUE TO THE CONSERVATION OF WATER IS NOT GROUNDS TO REDUCE:

21 (I) THE MAXIMUM ANNUAL VOLUME OF THE APPROPRIATION IN
22 ACRE-FEET PER YEAR;

23 (II) THE MAXIMUM PUMPING RATE IN GALLONS PER MINUTE; OR

24 (III) THE MAXIMUM NUMBER OF ACRES THAT HAVE BEEN
25 IRRIGATED, IF USED FOR IRRIGATION.

26 **SECTION 2. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
2 the expiration of the ninety-day period after final adjournment of the
3 general assembly (August 7, 2013, if adjournment sine die is on May 8,
4 2013); except that, if a referendum petition is filed pursuant to section 1
5 (3) of article V of the state constitution against this act or an item, section,
6 or part of this act within such period, then the act, item, section, or part
7 will not take effect unless approved by the people at the general election
8 to be held in November 2014 and, in such case, will take effect on the
9 date of the official declaration of the vote thereon by the governor.

10 (2) This act applies to determinations of water volume, water rate,
11 and acreage occurring on or after the applicable effective date of this act.