

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0901.01 Thomas Morris x4218

SENATE BILL 15-224

SENATE SPONSORSHIP

Sonnenberg,

HOUSE SPONSORSHIP

(None),

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING A PERMITTING EXEMPTION FOR SYSTEMS THAT REMOVE
102 GROUNDWATER FROM SOILS THAT ARE ADJACENT TO
103 FOUNDATIONS.

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/bills summaries>.)

Current law requires a permit to drill a water well. **Section 1** of the bill specifies that neither a permit nor a replacement plan is needed for a system in a designated groundwater basin that collects and removes groundwater for the purpose of facilitating the use of land that would otherwise be adversely affected due to the presence of groundwater if the

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.

system does not penetrate a confining layer, and the farthest point of the collection system is no more than 10 feet from a building's foundation, the removed groundwater is not used for purposes other than collecting and removing groundwater from soils that are adjacent to a building's foundation, and the removed groundwater is returned directly into the aquifer. **Section 2** makes an analogous exemption for areas of the state outside of designated groundwater basins.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-90-107, **amend**
3 (1); and **add** (6.5) as follows:

4 **37-90-107. Application for use of groundwater - publication**
5 **of notice - conditional permit - hearing on objections - well permits.**

6 (1) EXCEPT AS SPECIFIED IN SUBSECTION (6.5) OF THIS SECTION, any
7 person desiring to appropriate groundwater for a beneficial use in a
8 designated groundwater basin shall make application to the commission
9 in a form to be prescribed by the commission. The applicant shall specify
10 the particular designated groundwater basin or subdivision ~~thereof~~ OF THE
11 GROUNDWATER BASIN from which water is proposed to be appropriated,
12 the beneficial use to which it is proposed to apply ~~such~~ THE water, the
13 location of the proposed well, the name of the owner of the land on which
14 ~~such~~ THE well will be located, the estimated average annual amount of
15 water applied for in acre-feet, the estimated maximum pumping rate in
16 gallons per minute, and, if the proposed use is irrigation, the description
17 of the land to be irrigated and the name of the owner ~~thereof~~ OF THE
18 LAND, together with such other reasonable information as the commission
19 may designate on the form prescribed. The amount of water applied for
20 shall only be utilized on the land designated on the application. The place
21 of use shall not be changed without first obtaining authorization from the
22 ground water commission.

1 (6.5) NEITHER A PERMIT NOR A REPLACEMENT PLAN IS REQUIRED
2 UNDER THIS SECTION FOR THE CONSTRUCTION AND OPERATION OF A
3 SYSTEM THAT COLLECTS AND REMOVES GROUNDWATER FROM SOILS THAT
4 ARE ADJACENT TO A BUILDING'S FOUNDATION FOR THE PURPOSE OF
5 FACILITATING THE USE OF LAND THAT WOULD OTHERWISE BE ADVERSELY
6 AFFECTED DUE TO THE PRESENCE OF GROUNDWATER IF:

7 (a) THE SYSTEM DOES NOT PENETRATE A CONFINING LAYER;

8 (b) THE COLLECTION POINT OF THE SYSTEM THAT IS FARTHEST
9 AWAY FROM THE FOUNDATION IS NO MORE THAN TEN FEET FROM THE
10 FOUNDATION;

11 (c) THE REMOVED GROUNDWATER IS NOT USED FOR PURPOSES
12 OTHER THAN COLLECTING AND REMOVING GROUNDWATER FROM SOILS
13 THAT ARE ADJACENT TO A BUILDING'S FOUNDATION; AND

14 (d) THE REMOVED GROUNDWATER IS NEITHER CONVEYED TO A
15 DIFFERENT DRAINAGE SUB-BASIN NOR ROUTED AROUND OTHER DECREED
16 WATER RIGHTS BUT IS RETURNED DIRECTLY INTO THE AQUIFER.

17 **SECTION 2.** In Colorado Revised Statutes, 37-90-137, **amend**
18 (1); and **add** (2) (e) as follows:

19 **37-90-137. Permits to construct wells outside designated**
20 **basins - fees - permit no groundwater right - evidence - time**
21 **limitation - well permits - rules - repeal.** (1) EXCEPT AS SPECIFIED IN
22 PARAGRAPH (e) OF SUBSECTION (2) OF THIS SECTION, on and after May 17,
23 1965, no new wells shall be constructed outside the boundaries of a
24 designated groundwater basin, nor the supply of water from existing wells
25 outside the boundaries of a designated groundwater basin increased or
26 extended, unless the user makes an application in writing to the state
27 engineer for a permit to construct a well in a form to be prescribed by the

1 state engineer. The applicant shall specify the particular aquifer from
2 which the water is to be diverted, the beneficial use to which it is
3 proposed to apply ~~such~~ THE water, the location of the proposed well, the
4 name of the owner of the land on which ~~such~~ THE well will be located, the
5 average annual amount of water applied for in acre-feet per year, the
6 proposed maximum pumping rate in gallons per minute, and, if the
7 proposed use is agricultural irrigation, a description of the land to be
8 irrigated and the name of the owner ~~thereof~~ OF THE LAND, together with
9 such other reasonable information as the state engineer may designate on
10 the form prescribed.

11 (2) (e) NEITHER A PERMIT NOR A REPLACEMENT PLAN OR
12 SUBSTITUTE WATER SUPPLY PLAN IS REQUIRED UNDER THIS SECTION FOR
13 THE CONSTRUCTION AND OPERATION OF A SYSTEM THAT COLLECTS AND
14 REMOVES GROUNDWATER FROM SOILS THAT ARE ADJACENT TO A
15 BUILDING'S FOUNDATION FOR THE PURPOSE OF FACILITATING THE USE OF
16 LAND THAT WOULD OTHERWISE BE ADVERSELY AFFECTED DUE TO THE
17 PRESENCE OF GROUNDWATER IF:

18 (I) THE SYSTEM DOES NOT PENETRATE A CONFINING LAYER;

19 (II) THE COLLECTION POINT OF THE SYSTEM THAT IS FARTHEST
20 AWAY FROM THE FOUNDATION IS NO MORE THAN TEN FEET FROM THE
21 FOUNDATION;

22 (III) THE REMOVED GROUNDWATER IS NOT USED FOR PURPOSES
23 OTHER THAN COLLECTING AND REMOVING GROUNDWATER FROM SOILS
24 THAT ARE ADJACENT TO A BUILDING'S FOUNDATION; AND

25 (IV) THE REMOVED GROUNDWATER IS NEITHER CONVEYED TO A
26 DIFFERENT DRAINAGE SUB-BASIN NOR ROUTED AROUND OTHER DECREED
27 WATER RIGHTS BUT IS RETURNED DIRECTLY INTO THE STREAM SYSTEM ON

1 THE LOT OR SUBDIVISION FROM WHICH IT WAS PUMPED.

2 **SECTION 3. Act subject to petition - effective date -**
3 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
4 the expiration of the ninety-day period after final adjournment of the
5 general assembly (August 5, 2015, if adjournment sine die is on May 6,
6 2015); except that, if a referendum petition is filed pursuant to section 1
7 (3) of article V of the state constitution against this act or an item, section,
8 or part of this act within such period, then the act, item, section, or part
9 will not take effect unless approved by the people at the general election
10 to be held in November 2016 and, in such case, will take effect on the
11 date of the official declaration of the vote thereon by the governor.

12 (2) This act applies to the operation of systems that collect and
13 remove groundwater from soils that are adjacent to foundations occurring
14 on or after the applicable effective date of this act.