

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

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 01-0027.01 Thomas Morris

**SENATE BILL 01-002**

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**SENATE SPONSORSHIP**

**Perlmutter**, and Hagedorn

**HOUSE SPONSORSHIP**

**Paschall**,

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**Senate Committees**

Agriculture and Natural Resources

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING EXTENSION OF THE SPECIAL WATER COMMITTEE.**

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**Bill Summary**

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

**Special Water Committee.** Extends the special water committee until July 1, 2003. Postpones the effectiveness of the requirement that certain plans of augmentation replace actual out-of-priority and post-pumping depletions until July 1, 2003.

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

2 **SECTION 1.** 37-90-137.5 (6), Colorado Revised Statutes, is

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.*

SENATE  
3rd Reading Unamended  
January 30, 2001

SENATE  
2nd Reading Unamended  
January 29, 2001

1 amended to read:

2 **37-90-137.5. Special water committee - creation - study -**  
3 **repeal.** (6) This section is repealed, effective July 1, ~~2001~~ 2003.

4 **SECTION 2.** 37-90-137 (9) (c) and (9) (c.5), Colorado Revised  
5 Statutes, are amended to read:

6 **37-90-137. Permits to construct wells outside designated basins**  
7 **- fees - permit no ground water right - evidence - time limitation - well**  
8 **permits - repeal.** (9) (c) (I) As to wells which will be completed in the  
9 Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers and will  
10 withdraw ground water that is not nontributary ground water, as defined  
11 in section 37-90-103 (10.7), judicial approval of plans for augmentation  
12 shall be required prior to the use of such ground water. As to such wells  
13 completed in the Dawson aquifer, decrees approving such plans for  
14 augmentation shall provide for the replacement of actual stream depletion  
15 to the extent necessary to prevent any injurious effect, based upon actual  
16 aquifer conditions in existence at the time of such decree. As to such  
17 wells completed in the Denver, Arapahoe, or Laramie-Fox Hills aquifers  
18 more than one mile from any point of contact between any natural stream  
19 including its alluvium on which water rights would be injuriously affected  
20 by any stream depletion, and any such aquifer, such decrees shall provide  
21 for the replacement to the affected stream system or systems of a total  
22 amount of water equal to four percent of the amount of water withdrawn  
23 on an annual basis. As to such wells completed in such aquifers at points  
24 closer than one mile to any such contact, the amount of such replacement  
25 shall be determined using the assumption that the hydrostatic pressure  
26 level in each such aquifer has been lowered at least to the top of that  
27 aquifer throughout that aquifer. Such decrees may also require the

1 continuation of replacement after withdrawal ceases if necessary to  
2 compensate for injurious stream depletions caused by prior withdrawals  
3 from such wells and shall meet all other statutory criteria for such plans.

4 (II) This paragraph (c) shall not be in effect from July 1, 2001  
5 2003, until July 1, 2004 2006, during which time paragraph (c.5) of this  
6 subsection (9) shall apply.

7 (c.5) (I) As to wells which will be completed in the Dawson,  
8 Denver, Arapahoe, and Laramie-Fox Hills aquifers and will withdraw  
9 ground water that is not nontributary ground water, as defined in section  
10 37-90-103 (10.7), judicial approval of plans for augmentation shall be  
11 required prior to the use of such ground water. As to such wells  
12 completed in the Dawson aquifer, decrees approving such plans for  
13 augmentation shall provide for the replacement of actual ~~out-of-priority~~  
14 OUT-OF-PRIORITY depletions to the stream caused by withdrawals from  
15 such wells and shall meet all other statutory criteria for such plans. As to  
16 such wells completed in the Denver, Arapahoe, or Laramie-Fox Hills  
17 aquifers more than one mile from any point of contact between any  
18 natural stream including its alluvium on which water rights would be  
19 injuriously affected by any stream depletion, and any such aquifer, such  
20 decrees shall provide for the replacement to the affected stream system or  
21 systems of a total amount of water equal to four percent of the amount of  
22 water withdrawn on an annual basis. As to such wells completed in such  
23 aquifers at points closer than one mile to any such contact, the amount of  
24 such replacement shall be determined using the assumption that the  
25 hydrostatic pressure level in each such aquifer has been lowered at least  
26 to the top of that aquifer throughout that aquifer. Such decrees shall also  
27 require the replacement of actual ~~out-of-priority~~ OUT-OF-PRIORITY

1 depletions of the stream after withdrawal ceases to compensate for stream  
2 depletions caused by prior withdrawals from such wells and shall meet all  
3 other statutory criteria for such plans.

4 (II) This paragraph (c.5) is effective July 1, ~~2001~~ 2003, and is  
5 repealed, effective July 1, ~~2004~~ 2006.

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