A BILL FOR AN ACT

CONCERNING A PROCESS FOR THE GROUND WATER COMMISSION TO USE FOR APPROVING AQUIFER STORAGE-AND-RECOVERY PLANS, AND, IN CONNECTION THERewith, REQUIRING THAT THE GROUND WATER COMMISSION PROMULGATE RULES GOVERNING ITS IMPLEMENTATION OF THE PROCESS.

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://leg.colorado.gov.)

The bill authorizes a person to apply to the ground water commission (commission) for approval of an aquifer storage-and-recovery plan (plan). The plan must be consistent with the commission's ground water management area plan (area plan) and must be approved by the commission. The plan must also be consistent with any water rights that affect the water resources in the area plan. The plan must also be consistent with any water rights that affect the water resources in the area plan. The plan must be approved by the commission if it is consistent with the area plan and does not conflict with any water rights in the area plan.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.
storage-and-recovery plan and requires the commission to promulgate rules governing the application process and the requirements that an aquifer storage-and-recovery plan must meet to be approved.

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

SECTION 1. In Colorado Revised Statutes, add 37-90-107.6 as follows:

37-90-107.6. Aquifer storage-and-recovery plans - publication - objection - hearing - rules. If a person seeks to obtain an approval of an aquifer storage-and-recovery plan within the boundaries of a designated groundwater basin, the person must apply to the commission in a form and manner determined by the commission by rule. When submitting the application to the commission, the applicant must also submit a summary of the application to the commission for publication. If the commission determines that the application is complete, the application shall be published pursuant to section 37-90-112 within sixty days after the filing of the completed application. If an objection to the application is filed, the commission shall hold a hearing on the application pursuant to section 37-90-113. The commission shall approve an aquifer storage-and-recovery plan if the commission determines that the aquifer storage-and-recovery plan meets the requirements of this article 90 and rules adopted by the commission. An aquifer storage-and-recovery plan shall not be used as a vehicle for avoiding limitations on existing wells, including but not limited to restrictions on change of well location. Therefore, before approving any aquifer storage-and-recovery plan that includes
EXISTING WELLS, THE COMMISSION SHALL REQUIRE INDEPENDENT
COMPLIANCE WITH ALL RULES GOVERNING THOSE EXISTING WELLS IN
ADDITION TO COMPLIANCE WITH ANY GUIDELINE OR RULES GOVERNING
AQUIFER STORAGE-AND-RECOVERY PLANS.

SECTION 2. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly (August
8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
referendum petition is filed pursuant to section 1 (3) of article V of the
state constitution against this act or an item, section, or part of this act
within such period, then the act, item, section, or part will not take effect
unless approved by the people at the general election to be held in
November 2018 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.