

## CHAPTER 300

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**WATER AND IRRIGATION**


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## SENATE BILL 04-185

BY SENATOR(S) Entz, Arnold, Groff, Grossman, Tapia, and Taylor;  
also REPRESENTATIVE(S) Hoppe, Jahn, Paccione, Rose, Stafford, Weddig, Williams T., and Young.

## AN ACT

CONCERNING REQUIREMENTS FOR A PERMIT FOR A NONEXEMPT GROUND WATER WELL LOCATED  
OUTSIDE OF THE BOUNDARIES OF ANY DESIGNATED GROUND WATER BASIN.

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

**SECTION 1.** 37-90-137 (3) (a), Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**37-90-137. Permits to construct wells outside designated basins - fees - permit no ground water right - evidence - time limitation - well permits - repeal.** (3) (a) (I) A PERMIT TO CONSTRUCT A WELL OUTSIDE THE BOUNDARIES OF A DESIGNATED GROUND WATER BASIN ISSUED ON OR AFTER APRIL 21, 1967, SHALL EXPIRE ONE YEAR AFTER ISSUANCE UNLESS, BEFORE THE EXPIRATION AND ON FORMS AS MAY BE PRESCRIBED BY THE STATE ENGINEER, THE APPLICANT TO WHOM THE PERMIT WAS ISSUED, OR THE WELL CONSTRUCTION CONTRACTOR, FURNISHES TO THE STATE ENGINEER:

(A) EVIDENCE THAT THE WELL WAS CONSTRUCTED AND THAT THE PUMP WAS INSTALLED; OR

(B) A SHOWING OF GOOD CAUSE AS TO WHY THE WELL HAS NOT BEEN CONSTRUCTED NOR THE PUMP INSTALLED AND AN ESTIMATE OF TIME NECESSARY TO COMPLETE THE TASKS, UPON WHICH THE STATE ENGINEER MAY EXTEND THE PERMIT FOR ONLY ONE ADDITIONAL PERIOD, NOT TO EXCEED ONE YEAR. THE LIMITATION ON THE EXTENSION OF WELL PERMITS PROVIDED IN THIS SUB-SUBPARAGRAPH (B) SHALL NOT APPLY TO WELL PERMITS FOR FEDERALLY AUTHORIZED WATER PROJECTS CONTAINED IN PARAGRAPH (d) OF THIS SUBSECTION (3). THE STATE ENGINEER SHALL CHARGE A FEE OF TWO HUNDRED DOLLARS FOR THE EXTENSION; EXCEPT THAT, ON AND AFTER JULY 1, 2006, THE STATE ENGINEER SHALL CHARGE A FEE OF SIXTY

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

DOLLARS FOR THE EXTENSION.

(II) IF THE REQUIREMENTS OF SECTION 37-92-301 ARE MET, THE EXPIRATION OF ANY PERMIT PURSUANT TO THIS PARAGRAPH (a) ASSOCIATED WITH A CONDITIONAL GROUND WATER RIGHT SHALL NOT BE THE SOLE BASIS TO DETERMINE THE EXISTENCE OF REASONABLE DILIGENCE TOWARD COMPLETION OF SUCH CONDITIONAL WATER RIGHT.

(III) THE STATE ENGINEER MAY REQUIRE THE METERING OR OTHER REASONABLE MEASUREMENT OF WITHDRAWALS OF GROUND WATER PURSUANT TO PERMITS AND THE REASONABLE RECORDING AND DISCLOSURE OF SUCH MEASURED WITHDRAWALS.

**SECTION 2.** 37-90-137 (3) (c), Colorado Revised Statutes, is amended to read:

**37-90-137. Permits to construct wells outside designated basins - fees - permit no ground water right - evidence - time limitation - well permits - repeal.** (3) (c) If evidence that ~~water has been placed to beneficial use or notice of well completion~~ THE WELL HAS BEEN CONSTRUCTED AND THAT THE PUMP WAS INSTALLED, as required pursuant to paragraph (a) of this subsection (3), has not been received as of the expiration date of the permit to construct a well, the state engineer shall so notify the applicant by certified mail. The notice shall give the applicant the opportunity to submit ~~proof that the water was put to beneficial use prior to the expiration date or notice that the well was completed prior to the expiration date, but, due to excusable neglect, inadvertence, or mistake, the applicant failed to submit the evidence or notice on time~~ EVIDENCE THAT THE WELL WAS CONSTRUCTED AND THAT THE PUMP WAS INSTALLED BEFORE THE EXPIRATION DATE. The ~~proof~~ EVIDENCE must be received by the state engineer within twenty days ~~of~~ AFTER receipt of the notice by the applicant and must be accompanied by a filing fee of thirty dollars. If the state engineer finds the ~~proof~~ EVIDENCE to be satisfactory, the permit shall remain in force and effect. The state engineer shall consider any records available in the state engineer's office, ~~and~~ any evidence provided to the state engineer, and all other matters set forth in this section in determining whether the permit should remain in force and effect.

**SECTION 3. Applicability.** This act shall apply to nonexempt well permits issued before, on, or after the effective date of this act.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 27, 2004