

CHAPTER 275

WATER AND IRRIGATION

HOUSE BILL 06-1293

BY REPRESENTATIVE(S) Hoppe, Curry, Madden, Stafford, Stengel, Sullivan, Berens, and Rose;
also SENATOR(S) Grossman.

AN ACT

CONCERNING THE FEES ASSESSED ON THE REVIEW OF WATER PLANS TO REPLACE DEPLETION CAUSED BY EVAPORATION FROM EXPOSURE THAT ARE REQUIRED FOR OPEN MINING OF SEDIMENTARY STONE PARTICULATES USED IN CONSTRUCTION MATERIALS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 37-90-107 (6) (d), Colorado Revised Statutes, is amended to read:

37-90-107. Application for use of ground water - publication of notice - conditional permit - hearing on objections - well permits - repeal. (6) (d) In addition to the well permit filing fee required by section 37-90-116, the commission shall collect the following fees FOR EXPOSING GROUND WATER TO THE ATMOSPHERE FOR THE EXTRACTION OF SAND AND GRAVEL BY OPEN MINING:

(I) For persons who exposed ground water to the atmosphere on or after January 1, 1981, but prior to July 15, 1989, one thousand ~~three hundred forty-three~~ FIVE HUNDRED NINETY-THREE dollars; except that, if such plan is filed prior to July 15, 1990, as required by subparagraph (II) of paragraph (a) of this subsection (6), the filing fee shall be seventy dollars if such plan includes ten acres or less of exposed ground water surface area or three hundred fifty dollars if such plan includes more than ten acres of exposed ground water surface area;

(II) For persons who expose ground water to the atmosphere on or after July 15, 1989, one thousand ~~three hundred forty-three~~ FIVE HUNDRED NINETY-THREE dollars regardless of the number of acres exposed. In the case of new mining operations, such fee shall cover two years of operation of the plan.

(III) For persons who reactivated or who reactivate mining operations ~~which~~

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

THAT ceased activity prior to January 1, 1981, and who enlarge the surface area of any gravel pit lake beyond the area it covered before the cessation of activity, one thousand ~~three hundred forty-three~~ FIVE HUNDRED NINETY-THREE dollars;

(IV) For persons who request renewal of an approved substitute water supply plan prior to the expiration date of the plan, two hundred ~~seventeen~~ FIFTY-SEVEN dollars regardless of the number of acres exposed;

(V) For persons whose approved substitute water supply plan has expired and who submit a subsequent plan, one thousand ~~three hundred forty-three~~ FIVE HUNDRED NINETY-THREE dollars regardless of the number of acres exposed. An approved plan shall be considered expired if the applicant has not applied for renewal before the expiration date of the plan. The state engineer shall notify the applicant in writing if the plan is considered expired.

(VI) For persons whose proposed substitute water supply plan was disapproved and who submit a subsequent plan, one thousand ~~three hundred forty-three~~ FIVE HUNDRED NINETY-THREE dollars regardless of the number of acres exposed. The state engineer shall notify the applicant in writing of disapproval of a plan.

SECTION 2. 37-90-137 (11) (e), 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. (11) (e) In addition to the well permit filing fee required by subsection (2) of this section, the state engineer shall collect the following fees FOR EXPOSING GROUND WATER TO THE ATMOSPHERE FOR THE EXTRACTION OF SAND AND GRAVEL BY OPEN MINING:

(I) For persons who exposed ground water to the atmosphere on or after January 1, 1981, but prior to July 15, 1989, one thousand ~~three hundred forty-three~~ FIVE HUNDRED NINETY-THREE dollars; except that, if such plan is filed prior to July 15, 1990, as required by subparagraph (II) of paragraph (a) of this subsection (11), the filing fee shall be seventy dollars if such plan includes ten acres or less of exposed ground water surface area or three hundred fifty dollars if such plan includes more than ten acres of exposed ground water surface area;

(II) For persons who expose ground water to the atmosphere on or after July 15, 1989, one thousand ~~three hundred forty-three~~ FIVE HUNDRED NINETY-THREE dollars regardless of the number of acres exposed. In the case of new mining operations, such fee shall cover two years of operation of the plan.

(III) For persons who reactivated or who reactivate mining operations ~~which~~ THAT ceased activity prior to January 1, 1981, and enlarge the surface area of any gravel pit lake beyond the area it covered before the cessation of activity, one thousand ~~three hundred forty-three~~ FIVE HUNDRED NINETY-THREE dollars;

(IV) For persons who request renewal of an approved substitute water supply plan prior to the expiration date of the plan, two hundred ~~seventeen~~ FIFTY-SEVEN dollars regardless of the number of acres exposed;

(V) For persons whose approved substitute water supply plan has expired and who submit a subsequent plan, one thousand ~~three hundred forty-three~~ FIVE HUNDRED NINETY-THREE dollars regardless of the number of acres exposed. An approved plan shall be considered expired if the applicant has not applied for renewal before the expiration date of the plan. The state engineer shall notify the applicant in writing if the plan is considered expired.

(VI) For persons whose proposed substitute water supply plan was disapproved and who submit a subsequent plan, one thousand ~~three hundred forty-three~~ FIVE HUNDRED NINETY-THREE dollars regardless of the number of acres exposed. The state engineer shall notify the applicant in writing of disapproval of a plan.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the gravel pit lakes augmentation fund created in section 37-90-137 (11) (f), Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources, division of water resources, for the fiscal year beginning July 1, 2006, the sum of nine thousand four hundred dollars (\$9,400), or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 2006, and shall apply to fees due on or after said date.

SECTION 5. 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 26, 2006