

## CHAPTER 35

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**WATER AND IRRIGATION**


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## SENATE BILL 13-075

BY SENATOR(S) Brophy, Baumgardner, Giron, Hodge, Roberts, Carroll, Crowder, Grantham, Guzman, Jahn, Kefalas, King, Lambert, Lundberg, Nicholson, Renfroe, Schwartz, Tochtrop;  
 also REPRESENTATIVE(S) Sonnenberg, Fischer, Gerou, Humphrey, Lebsock, Pettersen, Rankin, Saine, Schafer, Scott, Stephens, Tyler, Wilson, Wright, Young.

## AN ACT

**CONCERNING SAFEGUARDS TO PREVENT THE MODIFICATION OF A FINAL DESIGNATED GROUND WATER PERMIT BASED ON REDUCTIONS IN THE USE OF DESIGNATED GROUND WATER.**

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

**SECTION 1.** In Colorado Revised Statutes, 37-90-108, **amend** (5) as follows:

**37-90-108. Final permit - evidence of well construction and beneficial use - limitations.** (5) (a) All final permits ~~shall~~ **MUST** set forth the following information as a minimum:

- (~~a~~) (I) The priority date;
- (~~b~~) (II) The name of the claimant;
- (~~c~~) (III) The quarter-quarter in which the well is located;
- (~~d~~) (IV) The maximum annual volume of the appropriation in acre-feet per year;
- (~~e~~) (V) The maximum pumping rate in gallons per minute; and
- (~~f~~) (VI) The maximum number of acres ~~which~~ **THAT** have been irrigated, if used for irrigation.

(b) NOTWITHSTANDING ANY RULE OF LAW TO THE CONTRARY OTHER THAN A CHANGE OF USE CASE UNDER SECTION 37-90-111 (1) (~~g~~), ONCE THE STATE ENGINEER ISSUES A FINAL PERMIT FOR THE WITHDRAWAL OF DESIGNATED GROUND WATER

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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.*

PURSUANT TO THIS SECTION, A REDUCTION IN THE AMOUNT OF WATER USED PURSUANT TO THE PERMIT DUE TO THE CONSERVATION OF WATER IS NOT GROUNDS TO REDUCE:

(I) THE MAXIMUM ANNUAL VOLUME OF THE APPROPRIATION IN ACRE-FEET PER YEAR;

(II) THE MAXIMUM PUMPING RATE IN GALLONS PER MINUTE; OR

(III) THE MAXIMUM NUMBER OF ACRES THAT HAVE BEEN IRRIGATED, IF USED FOR IRRIGATION.

**SECTION 2. Act subject to petition - effective date - applicability.** (1) 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 7, 2013, if adjournment sine die is on May 8, 2013); 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 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to determinations of water volume, water rate, and acreage occurring on or after the applicable effective date of this act.

Approved: March 15, 2013