

CHAPTER 47

WATER AND IRRIGATION

HOUSE BILL 23-1125

BY REPRESENTATIVE(S) Lukens and Winter T., Amabile, Armagost, Bacon, Bird, Bockenfeld, Catlin, Duran, Lieder, Lindstedt, Marshall, Martinez, McCormick, McLachlan, Michaelson Jenet, Snyder, Story, Titone, Velasco, Weinberg, Wilson, Woodrow, Young, McCluskie;
also SENATOR(S) Simpson and Marchman, Buckner, Cutter, Fields, Ginal, Jaquez Lewis, Moreno, Priola, Roberts, Rodriguez.

AN ACT**CONCERNING THE MODERNIZATION OF THE PROCESS TO CHANGE GROUNDWATER WELL OWNER CONTACT INFORMATION.**

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

SECTION 1. In Colorado Revised Statutes, 37-90-143, **amend** (2) as follows:

37-90-143. Owners of well permits - update for name and contact information. (2) Effective January 1, 1995, any owner of an unexpired well permit issued pursuant to this ~~article~~ ARTICLE 90 or article 92 of this ~~title~~ TITLE 37 who changes a name or ~~mailing address~~ CONTACT INFORMATION from that on file with the state engineer shall file ~~in person, by mail, or by fax~~; an update with the state engineer within sixty-three days after the date of the change, on a form prescribed by the state engineer.

SECTION 2. In Colorado Revised Statutes, 38-30-102, **amend** (3)(b)(I) and (3)(c)(I)(A); and **add** (3)(c)(III) as follows:

38-30-102. Water rights conveyed as real estate - well permit transfers - legislative declaration - definitions. (3) (b) (I) On and after January 1, 2009, when a buyer of residential real estate enters into a transaction that results in the transfer of ownership of a small capacity well listed in section 37-90-105 (1)(a) or (1)(b) ~~C.R.S.~~; or a domestic exempt water well used for ordinary household purposes that is listed in section 37-92-602 (1)(b) or (1)(e), ~~C.R.S.~~, the buyer shall ~~prior to or at closing of the transaction~~, complete a change in ~~ownership~~ OWNER NAME form for the well in compliance with section 37-90-143; ~~C.R.S.~~; except that, if an existing well has not yet been registered with the division, the buyer shall complete a

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

registration of existing well form for the well WITHIN SIXTY-THREE DAYS AFTER CLOSING THE TRANSACTION.

(c) (I) If a person provides a closing service in connection with a residential real estate transaction subject to this subsection (3), that person shall:

(A) Within sixty days after closing, submit the appropriate CHANGE IN OWNER NAME form to the division with as much information as is available, ~~and the division shall be responsible for obtaining the necessary well registration information directly from the buyer;~~ EVEN IF THE WELL HAS NOT YET BEEN REGISTERED WITH THE DIVISION; and

(III) IF THE CHANGE IN OWNER NAME FORM DESCRIBED IN SUBSECTION (3)(c)(I)(A) OF THIS SECTION DOES NOT INCLUDE A VALID WELL PERMIT NUMBER, THE DIVISION SHALL INSTRUCT THE BUYER TO COMPLETE A NEW CHANGE IN OWNER NAME FORM OR REGISTRATION OF EXISTING WELL FORM, AS APPLICABLE, AND THE BUYER SHALL SUBMIT THE APPLICABLE FORM TO THE DIVISION.

SECTION 3. 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; 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 2024 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 closing transactions on or after the applicable effective date of this act.

Approved: March 31, 2023