

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

February 3, 2020

Committee on Rural Affairs & Agriculture.

After consideration on the merits, the Committee recommends the following:

HB20-1069 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 3, strike lines 4 through 6 and substitute:
2 "pursuant to sections 37-90-105 ~~(3)(a)(I) and (4)(a)~~ **(3)(a)(I)(C)** AND
3 **(4)(a)(II)**; 37-90-107 ~~(7)(d)(I)~~ **(7)(d)(I)(C)**; 37-90-116 ~~(1)(a), (1)(c), and~~
4 ~~(1)(h)~~ **(1)(a)(II), (1)(c)(II), AND (1)(h)(II)**; 37-90-137 ~~(2)(a)~~ **(2)(a)(II)**;
5 and 37-92-602 ~~(3)(a) and (5), forty~~ **(3)(a)(II) AND (5)(b)**, SEVENTY dollars
6 shall be credited to the well inspection cash".

7 Page 3, after line 14, insert:

8 "SECTION 3. In Colorado Revised Statutes, 37-90-105, **amend**
9 **(3)(a)(I)(C)** and **(4)(a)(II)** as follows:

10 **37-90-105. Small capacity wells.** (3) (a) (I) (C) Effective July 1,
11 2006, wells of the type described in this section may be constructed only
12 upon the issuance of a permit in accordance with ~~the provisions of this~~
13 section. A fee of one hundred THIRTY dollars ~~shall accompany~~ IS
14 REQUIRED WITH any application for a new well permit under this section.
15 A fee of ~~sixty~~ NINETY dollars ~~shall accompany~~ IS REQUIRED WITH any
16 application for a replacement well of the type described in subsection (1)
17 of this section.

18 (4) (a) (II) Effective July 1, 2006, any wells of the type described
19 by this section that were put to beneficial use prior to May 8, 1972, and
20 any wells that were used exclusively for monitoring and observation
21 purposes prior to August 1, 1988, not of record in the office of the state
22 engineer, may be recorded in that office upon written application,
23 payment of a processing fee of one hundred THIRTY dollars, and permit
24 approval. The record ~~shall~~ MUST include the date the water is claimed to

1 have been first put to beneficial use.

2 **SECTION 4.** In Colorado Revised Statutes, 37-90-107, **amend**
3 (7)(d)(I)(C) as follows:

4 **37-90-107. Application for use of groundwater - publication**
5 **of notice - conditional permit - hearing on objections - well permits.**
6 (7) (d) (I) (C) Effective July 1, 2006, any person desiring a permit for a
7 well to withdraw groundwater for a beneficial use from the Dawson,
8 Denver, Arapahoe, or Laramie-Fox Hills aquifers shall make application
9 to the commission on a form to be prescribed by the commission. A fee
10 of one hundred THIRTY dollars ~~shall~~ MUST be submitted with the
11 application, which sum shall not be refunded.

12 **SECTION 5.** In Colorado Revised Statutes, 37-90-116, **amend**
13 (1)(a)(II), (1)(c)(II), and (1)(h)(II) as follows:

14 **37-90-116. Fees.** (1) The state engineer or the commission shall
15 collect the following fees:

16 (a) (II) Effective July 1, 2006, with an application for the use of
17 groundwater, one hundred THIRTY dollars, which sum shall not be
18 refunded.

19 (c) (II) Effective July 1, 2006, for issuing a permit to modify or
20 replace an existing well, one hundred THIRTY dollars.

21 (h) (II) Effective July 1, 2006, with an application for any change
22 in a well permit, whether conditional or final, submitted pursuant to
23 section 37-90-111 (1)(g), one hundred THIRTY dollars, which sum shall
24 not be refunded.

25 **SECTION 6.** In Colorado Revised Statutes, 37-90-137, **amend**
26 (2)(a)(II) as follows:

27 **37-90-137. Permits to construct wells outside designated**
28 **basins - fees - permit no groundwater right - evidence - time**
29 **limitation - well permits - rules.** (2) (a) (II) Effective July 1, 2006, upon
30 receipt of an application for a replacement well or a new, increased, or
31 additional supply of groundwater from an area outside the boundaries of
32 a designated groundwater basin, accompanied by a filing fee of one
33 hundred THIRTY dollars, the state engineer shall make a determination as
34 to whether or not the exercise of the requested permit will materially
35 injure the vested water rights of others.

36 **SECTION 7.** In Colorado Revised Statutes, 37-92-602, **amend**
37 (3)(a)(II) and (5)(b) as follows:

38 **37-92-602. Exemptions - presumptions - legislative declaration**
39 **- definitions.** (3) (a) (II) Effective July 1, 2006, wells of the type
40 described in ~~paragraphs (b) to (d) of subsection (1)~~ SUBSECTIONS (1)(b)
41 TO (1)(d) of this section may be constructed only upon the issuance of a

1 permit in accordance with ~~the provisions of~~ this subsection (3). A person
2 desiring to use such a well shall submit an application for a permit
3 accompanied by a fee of ~~sixty~~ NINETY dollars for an application under
4 ~~paragraph (c) of this subsection (3)~~ SUBSECTION (3)(c) OF THIS SECTION
5 and a fee of one hundred THIRTY dollars for an application under
6 ~~paragraph (b) of this subsection (3)~~ SUBSECTION (3)(b) OF THIS SECTION.
7 (5) (b) Effective July 1, 2006, any wells exempted by this section
8 that were put to beneficial use prior to May 8, 1972, and any wells that
9 were used exclusively for monitoring and observation purposes prior to
10 August 1, 1988, not of record in the office of the state engineer may be
11 recorded in that office upon written application, payment of a processing
12 fee of one hundred THIRTY dollars, and permit approval. The record ~~shall~~
13 MUST include the date the water is claimed to have been appropriated or
14 first put to beneficial use."

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