

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 17-0518.01 Thomas Morris x4218

**SENATE BILL 17-049**

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**SENATE SPONSORSHIP**

**Gardner,**

**HOUSE SPONSORSHIP**

**Lundeen,**

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**Senate Committees**

Agriculture, Natural Resources, & Energy

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING EXEMPTIONS FROM DESIGNATED GROUNDWATER**  
102 **REQUIREMENTS FOR CERTAIN DRAINS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

To withdraw groundwater within a designated basin, current law requires a permit issued by the ground water commission, and typically a portion of the groundwater must be replaced. The bill exempts a drain from the permit and replacement obligations if the drain is for residential, commercial, or industrial development or utility lines installed to serve such development; the drain does not penetrate a confining layer; the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

removed groundwater is not put to any use other than collecting and removing groundwater from soils; and the removed groundwater is discharged essentially where the drain is located.

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

2           **SECTION 1.** In Colorado Revised Statutes, 37-90-107, **amend**  
3 (1) as follows:

4           **37-90-107. Application for use of groundwater - publication**  
5 **of notice - conditional permit - hearing on objections - well permits.**

6 (1) (a) ~~Any~~ EXCEPT AS SPECIFIED IN SUBSECTION (1)(b) OF THIS SECTION,  
7 A person desiring to appropriate groundwater for a beneficial use in a  
8 designated groundwater basin ~~shall make application~~ MUST APPLY to the  
9 commission in a form ~~to be~~ prescribed by the commission. The applicant  
10 ~~shall~~ MUST specify the particular designated groundwater basin or  
11 subdivision thereof from which water is proposed to be appropriated, the  
12 beneficial use to which it is proposed to apply ~~such~~ THE water, the  
13 location of the proposed well, the name of the owner of the land on which  
14 ~~such~~ THE well will be located, the estimated average annual amount of  
15 water applied for in acre-feet, the estimated maximum pumping rate in  
16 gallons per minute, and, if the proposed use is irrigation, the description  
17 of the land to be irrigated and the name of the owner thereof, together  
18 with such other reasonable information as the commission may designate  
19 on the form prescribed. The amount of water applied for shall ~~only~~ be  
20 utilized ONLY on the land designated on the application. The place of use  
21 shall not be changed without first obtaining authorization from the ground  
22 water commission.

23           (b) NEITHER A PERMIT NOR A REPLACEMENT PLAN IS REQUIRED FOR  
24 AN UNDERGROUND DRAIN OR SYSTEM OF UNDERGROUND DRAINS THAT

1 COLLECTS AND REMOVES GROUNDWATER FROM SOIL IN CONNECTION WITH  
2 RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL DEVELOPMENT OR UTILITY  
3 LINES INSTALLED TO SERVE SUCH DEVELOPMENT, IF:

4 (I) THE UNDERGROUND DRAIN OR SYSTEM OF UNDERGROUND  
5 DRAINS DOES NOT PENETRATE A CONFINING LAYER;

6 (II) THE REMOVED GROUNDWATER, IN SO FAR AS IT IS NOT LEGALLY  
7 REUSABLE, IS NOT PUT TO ANY USE OTHER THAN COLLECTING AND  
8 REMOVING GROUNDWATER FROM SOILS; AND

9 (III) THE REMOVED GROUNDWATER IS DISCHARGED WITHIN ONE OR  
10 MORE DRAINAGE BASINS IN WHICH ALL OR A SUBSTANTIAL PORTION OF THE  
11 UNDERGROUND DRAIN OR SYSTEM OF UNDERGROUND DRAINS IS LOCATED,  
12 OR IS INFILTRATED INTO THE UNDERLYING GROUNDWATER, ALL WITHIN  
13 THE SAME DESIGNATED GROUNDWATER BASIN.

14 **SECTION 2. Applicability.** This act applies to the collection,  
15 removal, and discharge of designated groundwater through underground  
16 drains occurring on or after the applicable effective date of this act,  
17 regardless of whether the underground drains have previously been  
18 permitted or are subject to a pending or approved replacement plan.

19 **SECTION 3. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, and safety.