

CHAPTER 106

WATER AND IRRIGATION

HOUSE BILL 18-1199

BY REPRESENTATIVE(S) Catlin and McLachlan, Covarrubias, Arndt, Becker J., Becker K., Buckner, Coleman, Danielson, Esgar, Exum, Garnett, Hamner, Hansen, Herod, Jackson, Kennedy, Lee, Liston, Lontine, Melton, Michaelson Jenet, Rankin, Roberts, Rosenthal, Salazar, Sias, Singer, Valdez, Young, Duran;
also SENATOR(S) Coram, Cooke, Crowder, Donovan, Fenberg, Jahn, Kerr, Merrifield, Priola, Sonnenberg, Tate.

AN ACT

CONCERNING A PROCESS FOR THE GROUND WATER COMMISSION TO USE FOR APPROVING AQUIFER STORAGE-AND-RECOVERY PLANS, AND, IN CONNECTION THEREWITH, REQUIRING THAT THE GROUND WATER COMMISSION PROMULGATE RULES GOVERNING ITS IMPLEMENTATION OF THE PROCESS.

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

SECTION 1. In Colorado Revised Statutes, **add** 37-90-107.6 as follows:

37-90-107.6. Aquifer storage-and-recovery plans - publication - objection - hearing - rules. **IF** A PERSON SEEKS TO OBTAIN AN APPROVAL OF AN AQUIFER STORAGE-AND-RECOVERY PLAN WITHIN THE BOUNDARIES OF A DESIGNATED GROUNDWATER BASIN, THE PERSON MUST APPLY TO THE COMMISSION IN A FORM AND MANNER DETERMINED BY THE COMMISSION BY RULE. **WHEN** SUBMITTING THE APPLICATION TO THE COMMISSION, THE APPLICANT MUST ALSO SUBMIT A SUMMARY OF THE APPLICATION TO THE COMMISSION FOR PUBLICATION. **IF** THE COMMISSION DETERMINES THAT THE APPLICATION IS COMPLETE, THE APPLICATION SHALL BE PUBLISHED PURSUANT TO SECTION **37-90-112** WITHIN SIXTY DAYS AFTER THE FILING OF THE COMPLETED APPLICATION. **IF** AN OBJECTION TO THE APPLICATION IS FILED, THE COMMISSION SHALL HOLD A HEARING ON THE APPLICATION PURSUANT TO SECTION **37-90-113**. THE COMMISSION SHALL APPROVE AN AQUIFER STORAGE-AND-RECOVERY PLAN IF THE COMMISSION DETERMINES THAT THE AQUIFER STORAGE-AND-RECOVERY PLAN MEETS THE REQUIREMENTS OF THIS ARTICLE **90** AND RULES ADOPTED BY THE COMMISSION. **AN** AQUIFER STORAGE-AND-RECOVERY PLAN SHALL NOT BE USED AS A VEHICLE FOR AVOIDING LIMITATIONS ON EXISTING WELLS, INCLUDING BUT NOT LIMITED TO RESTRICTIONS ON CHANGE OF WELL LOCATION. **THEREFORE, BEFORE APPROVING ANY AQUIFER STORAGE-AND-RECOVERY PLAN THAT**

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

INCLUDES EXISTING WELLS, THE COMMISSION SHALL REQUIRE INDEPENDENT COMPLIANCE WITH ALL RULES GOVERNING THOSE EXISTING WELLS IN ADDITION TO COMPLIANCE WITH ANY GUIDELINE OR RULES GOVERNING AQUIFER STORAGE-AND-RECOVERY PLANS.

SECTION 2. Act subject to petition - effective date. 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 8, 2018, if adjournment sine die is on May 9, 2018); 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 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 9, 2018