

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0329.01 Richard Sweetman x4333

HOUSE BILL 20-1069

HOUSE SPONSORSHIP

Saine and Titone,

SENATE SPONSORSHIP

Sonnenberg and Coram,

House Committees

Rural Affairs & Agriculture
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE INSPECTION OF WATER WELLS, AND, IN CONNECTION**
102 **THEREWITH, MAKING AN APPROPRIATION.**

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/>.)

Water Resources Review Committee. The bill requires the state engineer to employ a minimum of 4 water well inspectors in the state's water well inspection program.

The bill requires the state board of water well construction and pump installation contractors, on or before November 1, 2020, to promulgate rules for identifying high-risk water wells that should be

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

prioritized for inspection. Thereafter, the state engineer shall use the rules to identify high-risk water wells and shall prioritize the inspection of high-risk water wells.

The bill clarifies that money in the well inspection cash fund shall be appropriated to and expended by the state engineer only for the well inspection program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-91-113, **amend**
3 (1); and **add** (4) as follows:

4 **37-91-113. Well inspection program - high-risk wells - rules.**

5 (1) The state engineer shall monitor compliance with this ~~article~~ ARTICLE
6 91, including by inspecting water well construction and pump installation.
7 ~~and may~~ ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS
8 AMENDED, THE STATE ENGINEER SHALL ~~employ~~ A MINIMUM OF FOUR
9 inspectors for ~~such~~ THIS purpose. AT LEAST ONE INSPECTOR MUST BE
10 PRIMARILY CONCERNED WITH THE INSPECTION OF WATER WELL
11 CONSTRUCTION AND PUMP INSTALLATION IN WATER DIVISION 1, AS
12 DEFINED IN SECTION 37-92-201 (1)(a), AND AT LEAST ONE INSPECTOR
13 MUST BE PRIMARILY CONCERNED WITH THE INSPECTION OF WATER WELL
14 CONSTRUCTION AND PUMP INSTALLATION IN WATER DIVISION 2, AS
15 DEFINED IN SECTION 37-92-201 (1)(b). THE STATE ENGINEER SHALL PAY
16 the costs of ~~such~~ monitoring and inspection ~~shall be paid~~ from the well
17 inspection cash fund created ~~by~~ IN section 37-80-111.5.

18 (4) ON OR BEFORE NOVEMBER 1, 2020, THE BOARD SHALL
19 PROMULGATE RULES FOR IDENTIFYING HIGH-RISK WELLS THAT SHOULD BE
20 PRIORITIZED FOR INSPECTION. THEREAFTER, THE STATE ENGINEER SHALL:

21 (a) USE THE RULES TO IDENTIFY HIGH-RISK WELLS; AND

22 (b) PRIORITIZE THE INSPECTION OF HIGH-RISK WELLS.

1 **SECTION 2.** In Colorado Revised Statutes, 37-80-111.5, **amend**
2 (1)(d) as follows:

3 **37-80-111.5. Fees - rules - satellite monitoring system cash**
4 **fund - well inspection cash fund - created.** (1) (d) Of each fee collected
5 pursuant to sections 37-90-105 ~~(3)(a)(I) and (4)(a) (3)(a)(I)(C) AND~~
6 ~~(4)(a)(II); 37-90-107 (7)(d)(I) (7)(d)(I)(C); 37-90-116 (1)(a), (1)(c), and~~
7 ~~(1)(h) (1)(a)(II), (1)(c)(II), AND (1)(h)(II); 37-90-137 (2)(a) (2)(a)(II);~~
8 and 37-92-602 ~~(3)(a) and (5), forty (3)(a)(II) AND (5)(b),~~ SEVENTY-FIVE
9 dollars shall be credited to the well inspection cash fund, which fund is
10 hereby created. ~~Moneys~~ MONEY in the well inspection cash fund shall be
11 appropriated to and expended by the state engineer ONLY for the purposes
12 established in section 37-91-113. Any ~~moneys~~ MONEY credited to the well
13 inspection cash fund and unexpended at the end of any given fiscal year
14 ~~remain~~ REMAINS in the fund and ~~do~~ DOES not revert to the general fund.
15 All interest derived from the deposit and investment of ~~this~~ MONEY IN THE
16 fund ~~remain~~ REMAINS in the fund and ~~do~~ DOES not revert to the general
17 fund.

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

20 **37-90-105. Small capacity wells.** (3) (a) (I) (C) Effective July 1,
21 2006, wells of the type described in this section may be constructed only
22 upon the issuance of a permit in accordance with ~~the provisions of this~~
23 ~~section.~~ A fee of one hundred THIRTY-FIVE dollars ~~shall accompany~~ IS
24 REQUIRED WITH any application for a new well permit under this section.
25 A fee of ~~sixty~~ NINETY-FIVE dollars ~~shall accompany~~ IS REQUIRED WITH
26 any application for a replacement well of the type described in subsection
27 (1) of this section.

1 (4) (a) (II) Effective July 1, 2006, any wells of the type described
2 by this section that were put to beneficial use prior to May 8, 1972, and
3 any wells that were used exclusively for monitoring and observation
4 purposes prior to August 1, 1988, not of record in the office of the state
5 engineer, may be recorded in that office upon written application,
6 payment of a processing fee of one hundred THIRTY-FIVE dollars, and
7 permit approval. The record shall MUST include the date the water is
8 claimed to have been first put to beneficial use.

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

11 37-90-107. Application for use of groundwater - publication
12 of notice - conditional permit - hearing on objections - well permits.

13 (7) (d) (I) (C) Effective July 1, 2006, any person desiring a permit for a
14 well to withdraw groundwater for a beneficial use from the Dawson,
15 Denver, Arapahoe, or Laramie-Fox Hills aquifers shall make application
16 to the commission on a form to be prescribed by the commission. A fee
17 of one hundred THIRTY-FIVE dollars shall MUST be submitted with the
18 application, which sum shall not be refunded.

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

21 37-90-116. Fees. (1) The state engineer or the commission shall
22 collect the following fees:

23 (a) (II) Effective July 1, 2006, with an application for the use of
24 groundwater, one hundred THIRTY-FIVE dollars, which sum shall not be
25 refunded.

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

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

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

7 **37-90-137. Permits to construct wells outside designated**
8 **basins - fees - permit no groundwater right - evidence - time**
9 **limitation - well permits - rules.** (2) (a) (II) Effective July 1, 2006, upon
10 receipt of an application for a replacement well or a new, increased, or
11 additional supply of groundwater from an area outside the boundaries of
12 a designated groundwater basin, accompanied by a filing fee of one
13 hundred THIRTY-FIVE dollars, the state engineer shall make a
14 determination as to whether or not the exercise of the requested permit
15 will materially injure the vested water rights of others.

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

18 **37-92-602. Exemptions - presumptions - legislative declaration**
19 **- definitions.** (3) (a) (II) Effective July 1, 2006, wells of the type
20 described in ~~paragraphs (b) to (d) of subsection (1)~~ SUBSECTIONS (1)(b)
21 ~~TO (1)(d) of this section may be constructed only upon the issuance of a~~
22 ~~permit in accordance with the provisions of this subsection (3).~~ A person
23 desiring to use such a well shall submit an application for a permit
24 accompanied by a fee of ~~sixty~~ NINETY-FIVE dollars for an application
25 under ~~paragraph (c) of this subsection (3)~~ SUBSECTION (3)(c) OF THIS
26 SECTION and a fee of one hundred THIRTY-FIVE dollars for an application
27 under ~~paragraph (b) of this subsection (3)~~ SUBSECTION (3)(b) OF THIS

1 SECTION.

2 (5) (b) Effective July 1, 2006, any wells exempted by this section
3 that were put to beneficial use prior to May 8, 1972, and any wells that
4 were used exclusively for monitoring and observation purposes prior to
5 August 1, 1988, not of record in the office of the state engineer may be
6 recorded in that office upon written application, payment of a processing
7 fee of one hundred THIRTY-FIVE dollars, and permit approval. The record
8 shall MUST include the date the water is claimed to have been
9 appropriated or first put to beneficial use.

10 **SECTION 8. Appropriation.** (1) For the 2020-21 state fiscal
11 year, \$143,789 is appropriated to the department of natural resources for
12 use by the division of water resources. This appropriation is from the well
13 inspection cash fund created in section 37-80-111.5 (1)(d), C.R.S. To
14 implement this act, the division may use this appropriation as follows:

15 (a) \$109,769 for personal services, which amount is based on an
16 assumption that the division will require an additional 1.8 FTE;

17 (b) \$30,100 for operating expenses;

18 (c) \$3,920 for vehicle lease payments.

19 (2) For the 2020-21 state fiscal year, \$3,920 is appropriated to the
20 department of personnel. This appropriation is from reappropriated funds
21 received from the department of natural resources under subsection (1)(c)
22 of this section. To implement this act, the department of personnel may
23 use this appropriaion for vehicle replacement lease/purchase.

24 **SECTION 9. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2020 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.