

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

INTRODUCED

LLS NO. 25-0523.01 Clare Haffner x6137

HOUSE BILL 25-1014

HOUSE SPONSORSHIP

Johnson and Lukens,

SENATE SPONSORSHIP

Roberts and Simpson,

House Committees

Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO INCREASE EFFICIENCY IN DIVISION OF**
102 **WATER RESOURCES PROCESSES.**

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>.)

The division of water resources in the department of natural resources (division) is responsible for administering water rights and issuing water well permits, among other duties.

Under current law, after having received a permit to appropriate designated groundwater or construct a well outside the boundaries of a designated groundwater basin, a permit holder is required to construct the

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

well within one year after the date of issuance of the permit. If the well is not constructed within one year, the permit expires; except that the ground water commission (commission) in the division or the state engineer, as applicable, may grant a single one-year extension.

The bill extends the time frame for construction of a well to 2 years, eliminating the need for the commission or the state engineer to approve a one-year extension to the initial one-year construction time frame, except for permits issued for federally authorized water projects. The bill also removes the requirement that the commission or state engineer must mail a certified letter to the permit holder before a permit can be formally expired. The bill allows the commission or state engineer to reinstate an expired permit if the applicant for reinstatement of the permit can show that the well was completed in a timely manner and submits a \$30 fee.

Under current law, the division engineer of each water division is required to decennially present to the water court a list of water rights that meet the criteria for abandonment. The bill splits this decennial abandonment process into 2 batches, grouped by water division and spaced 5 years apart, beginning with 2030 and 2035. The bill maintains the requirement that the abandonment process be performed every 10 years in each water division.

The bill extends certain time frames relating to the well permitting process. Lastly, the bill eliminates final permitting requirements for non-Denver Basin bedrock aquifer wells in the designated basins.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-90-108, **amend**
3 (1), (2), (3)(a), (4), and (6) as follows:

4 **37-90-108. Final permit - evidence of well construction and**
5 **beneficial use - limitations - rules.** (1) (a) After having received a
6 conditional permit to appropriate designated groundwater, ~~the applicant~~
7 A PERMIT HOLDER, within ~~one year from~~ TWO YEARS AFTER the date of the
8 issuance of ~~said~~ THE permit, shall construct the well or other works
9 necessary to apply the water to a beneficial use.

10 (b) The ~~applicant~~ PERMIT HOLDER, upon completion of the well,
11 shall furnish information to the commission, in the form AND WITHIN THE

1 TIME FRAME prescribed by the commission BY RULE, as to the depth of the
2 well, the water-bearing formations intercepted by the well, and the
3 maximum sustained pumping rate in gallons per minute.

4 (c) If the well described in the conditional permit is not
5 constructed within ~~one year from~~ TWO YEARS AFTER the date of the
6 issuance of the conditional permit as provided in this subsection (1), the
7 conditional permit ~~shall expire~~ EXPIRES and ~~be of~~ HAS no force or effect.
8 ~~except that, upon a showing of good cause, the commission may grant~~
9 ~~one extension of time only for a period not to exceed one year.~~ If
10 EVIDENCE THAT the well has been constructed ~~timely but the completion~~
11 ~~information required by this subsection (1)~~ WITHIN TWO YEARS AFTER THE
12 DATE THAT THE PERMIT WAS ISSUED has not been furnished to the
13 commission WITHIN THE TIME FRAME PRESCRIBED BY THE COMMISSION BY
14 RULE, the ~~procedures specified in subsection (6) of this section shall apply~~
15 CONDITIONAL PERMIT EXPIRES. THE COMMISSION SHALL NOTIFY THE
16 PERMIT HOLDER AND, IF APPLICABLE, THE CONTRACTOR LISTED ON THE
17 PERMIT APPLICATION THAT THE PERMIT IS EXPIRED.

18 (d) THE COMMISSION MAY REINSTATE AN EXPIRED CONDITIONAL
19 PERMIT IF THE COMMISSION RECEIVES SATISFACTORY EVIDENCE THAT THE
20 WELL WAS CONSTRUCTED WITHIN TWO YEARS AFTER THE DATE THAT THE
21 CONDITIONAL PERMIT WAS ISSUED, ACCOMPANIED BY A FILING FEE OF
22 THIRTY DOLLARS. THE COMMISSION SHALL CONSIDER RECORDS OF THE
23 COMMISSION AND EVIDENCE PROVIDED TO THE COMMISSION IN
24 DETERMINING WHETHER THE CONDITIONAL PERMIT SHOULD BE
25 REINSTATED.

26 (e) SUBSECTION (1)(d) OF THIS SECTION DOES NOT APPLY TO A
27 PERMIT THAT WAS FORMALLY EXPIRED THROUGH AN ORDER ISSUED PRIOR

1 TO SEPTEMBER 1, 2025, OR DUE TO LACK OF EVIDENCE THAT WATER WAS
2 PLACED TO BENEFICIAL USE.

3 (2) (a) If the well or wells described in a conditional permit have
4 been constructed in compliance with subsection (1) of this section, the
5 ~~applicant~~ PERMIT HOLDER, within three years after the date of the issuance
6 of ~~said~~ THE permit, shall furnish by sworn affidavit, in the form
7 prescribed by the commission, evidence that water from ~~such~~ THE well or
8 wells has been put to beneficial use; except that this ~~paragraph (a)~~
9 SUBSECTION (2)(a) does not apply to a well described in a conditional
10 permit to withdraw designated groundwater from ~~the Dawson, Denver,~~
11 ~~Arapahoe, or Laramie-Fox Hills aquifers~~ A BEDROCK AQUIFER.

12 (b) ~~Such affidavit shall be~~ THE AFFIDAVIT IS prima facie evidence
13 of the matters contained ~~therein but shall be~~ IN THE AFFIDAVIT BUT IS
14 subject to objection by others, including ground water management
15 districts, claiming to be injured thereby and to such verification and
16 inquiry as the commission ~~shall consider~~ CONSIDERS appropriate in each
17 particular case.

18 (c) If ~~such~~ THE required affidavit is not furnished to the
19 commission within the time and as provided in this subsection (2), the
20 conditional permit ~~shall expire~~ EXPIRES and ~~be of~~ HAS no force or effect
21 except as provided in subsection (4) of this section.

22 (d) If the well described in a conditional permit issued to
23 withdraw designated groundwater from ~~the Dawson, Denver, Arapahoe,~~
24 ~~or Laramie-Fox Hills aquifers~~ A BEDROCK AQUIFER has been constructed
25 in compliance with subsection (1) of this section, the ~~applicant~~ PERMIT
26 HOLDER shall file a notice with the commission of commencement of
27 beneficial use on a form prescribed by the commission within ~~thirty~~

1 THIRTY-FIVE days after the first beneficial use of any water withdrawn
2 from the well.

3 (3) (a) (I) To the extent that the commission finds that water has
4 been put to a beneficial use and that the other terms of the conditional
5 permit have been complied with and after publication of the information
6 required in the final permit, as provided in section 37-90-112, the
7 commission shall order the state engineer to issue a final permit to use
8 designated groundwater, containing ~~such~~ THE limitations and conditions
9 ~~as~~ the commission deems necessary to prevent waste and to protect the
10 rights of other appropriators. In determining the extent of beneficial use
11 for the purpose of issuing final permits, the commission may use the same
12 criteria for determining the amount of water used on each acre that has
13 been irrigated that is used in evaluating the amount of water available for
14 appropriation under section 37-90-107. This ~~subparagraph~~ (I)
15 SUBSECTION (3)(a)(I) does not apply to a well described in a conditional
16 permit issued to withdraw designated groundwater from ~~the Dawson,~~
17 ~~Denver, Arapahoe, or Laramie-Fox Hills aquifers~~ A BEDROCK AQUIFER.

18 (II) A final permit is not required to be issued for a well described
19 in a conditional permit to withdraw designated groundwater from ~~the~~
20 ~~Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifers~~ A BEDROCK
21 AQUIFER. For such a well, a conditional permit, subject to the conditions
22 of issuance of ~~such a~~ THE permit, ~~shall be~~ IS considered a final
23 determination of a well's water right if the well is in compliance with all
24 other applicable requirements of this ~~article~~ ARTICLE 90.

25 (4) The procedural requirement that a statement of beneficial use
26 ~~shall be filed shall apply~~ APPLIES to all permits wherein the water ~~was~~ HAS
27 BEEN put to beneficial use since May 17, 1965. If ~~information pertaining~~

1 to completion of the well as required in subsection (1) of this section has
2 been received but evidence that water has been placed to beneficial use
3 has not been received as of three years after the date of issuance of the
4 conditional permit, the commission shall so notify the applicant PERMIT
5 HOLDER by certified mail. IN the notice, THE COMMISSION shall give the
6 applicant PERMIT HOLDER the opportunity to submit proof that the water
7 was put to beneficial use prior to three years after the date of issuance of
8 the conditional permit. IF INFORMATION PERTAINING TO COMPLETION OF
9 THE WELL AS REQUIRED IN SUBSECTION (1) OF THIS SECTION HAS NOT BEEN
10 RECEIVED, THE COMMISSION SHALL, IN THE NOTICE, GIVE THE PERMIT
11 HOLDER THE OPPORTUNITY TO SUBMIT PROOF OF WELL COMPLETION
12 ALONG WITH THE STATEMENT OF BENEFICIAL USE. The proof must be
13 received by the commission within ~~twenty~~ TWENTY-ONE days after receipt
14 of the notice by the applicant PERMIT HOLDER, and, if the conditional
15 permit was issued on or after July 14, 1975, the ~~proof~~ STATEMENT OF
16 BENEFICIAL USE must be accompanied by a filing fee of thirty dollars. If
17 the commission finds the proof to be satisfactory, the conditional permit
18 ~~shall remain~~ REMAINS in force and effect AND MAY BE REINSTATED
19 PURSUANT TO SUBSECTION (1)(d) OF THIS SECTION. IF A RESPONSE TO THE
20 NOTICE IS NOT RECEIVED OR THE PROOF IS UNSATISFACTORY, THE
21 CONDITIONAL PERMIT EXPIRES AND CANNOT BE REINSTATED. The
22 commission shall consider any records of the commission and any
23 evidence provided to the commission and all other matters set forth in this
24 section in determining whether the conditional permit should remain in
25 force and effect.

26 (6) The procedural requirement that the well completion
27 information required by ~~subsection (1)~~ SUBSECTION (1)(b) of this section

1 be furnished to the commission ~~shall apply~~ APPLIES to all permits issued
2 after May 17, 1965. If the well has been constructed within twenty-four
3 months after the date of issuance of the permit where the permit was
4 issued before June 7, 1979, or within twelve months after the date of
5 issuance of the permit where the permit was issued on or after June 7,
6 1979, or by the expiration date of the permit, including any extension, but
7 the completion information has not been furnished to the commission
8 within six months after said allowable time for the well completion, the
9 commission shall so notify the applicant by certified mail. The notice
10 shall give the applicant the opportunity to submit proof that the well was
11 completed within the time specified above or by the expiration date of the
12 permit and to submit the information required by subsection (1) of this
13 section and a showing that, due to excusable neglect, inadvertence, or
14 mistake, the applicant failed to submit the evidence and information on
15 time. The proof and information must be received by the commission
16 within twenty days after receipt of the notice by the applicant and must
17 be accompanied by a filing fee of thirty dollars. If the commission finds
18 the proof to be satisfactory, the permit shall remain in force and effect.
19 The commission shall consider any records of the commission and any
20 evidence provided to the commission and all other matters set forth in this
21 section in determining whether the permit should remain in force and
22 effect.

23 **SECTION 2.** In Colorado Revised Statutes, 37-90-137, **amend**
24 (3)(a)(I), (3)(c), and (3)(d); and **add** (3)(e) and (3)(f) as follows:

25 **37-90-137. Permits to construct wells outside designated**
26 **basins - fees - permit no groundwater right - evidence - time**
27 **limitation - well permits - rules.** (3) (a) (I) A permit to construct a well

1 outside the boundaries of a designated groundwater basin issued on or
2 after April 21, 1967, ~~shall expire one year after issuance unless, before~~
3 ~~the expiration and on forms as may be prescribed by the state engineer,~~
4 ~~the applicant to whom the permit was issued, or the well construction~~
5 ~~contractor, furnishes to the state engineer:~~ EXPIRES TWO YEARS AFTER
6 ISSUANCE UNLESS THE WELL IS CONSTRUCTED BEFORE THE EXPIRATION OF
7 THE PERMIT.

8 (A) ~~Evidence that the well was constructed and that the pump was~~
9 ~~installed; or~~

10 (B) ~~A showing of good cause as to why the well has not been~~
11 ~~constructed nor the pump installed and an estimate of time necessary to~~
12 ~~complete the tasks, upon which the state engineer may extend the permit~~
13 ~~for only one additional period, not to exceed one year. The limitation on~~
14 ~~the extension of well permits provided in this sub-subparagraph (B) shall~~
15 ~~not apply to well permits for federally authorized water projects contained~~
16 ~~in paragraph (d) of this subsection (3). The state engineer shall charge a~~
17 ~~fee of two hundred dollars for the extension; except that, on and after July~~
18 ~~1, 2006, the state engineer shall charge a fee of sixty dollars for the~~
19 ~~extension.~~

20 (c) ~~If evidence that the well has been constructed and that the~~
21 ~~pump was installed, as required pursuant to paragraph (a) of this~~
22 ~~subsection (3);~~ WITHIN TWO YEARS AFTER THE DATE THAT THE PERMIT
23 WAS ISSUED has not been ~~received as of the expiration date of the permit~~
24 ~~to construct a well~~ FURNISHED TO THE STATE ENGINEER WITHIN THE TIME
25 FRAME PRESCRIBED BY RULES ADOPTED PURSUANT TO SECTION 37-91-104,
26 THE WELL PERMIT EXPIRES. The state engineer shall ~~so~~ notify the applicant
27 by certified mail. The notice shall give the applicant the opportunity to

1 ~~submit evidence that the well was constructed and that the pump was~~
2 ~~installed before the expiration date. The evidence must be received by the~~
3 ~~state engineer within twenty-one days after receipt of the notice by the~~
4 ~~applicant and must be accompanied by a filing fee of thirty dollars. If the~~
5 ~~state engineer finds the evidence to be satisfactory, the permit shall~~
6 ~~remain in force and effect. The state engineer shall consider any records~~
7 ~~available in the state engineer's office, any evidence provided to the state~~
8 ~~engineer, and all other matters set forth in this section in determining~~
9 ~~whether the permit should remain in force and effect~~ PERMIT HOLDER
10 AND, IF APPLICABLE, THE CONTRACTOR LISTED ON THE PERMIT
11 APPLICATION THAT THE WELL PERMIT IS EXPIRED.

12 (d) In the case of federally authorized water projects wherein well
13 permits are required by this section and have been secured, the expiration
14 dates ~~thereof~~ OF THE PROJECTS may be extended for additional periods,
15 NOT TO EXCEED ONE YEAR PER EXTENSION, based upon a finding of good
16 cause by the state engineer following a review of any such project at least
17 annually by the state engineer. THE STATE ENGINEER MAY EXTEND THE
18 EXPIRATION OF A PERMIT IF THE PERSON TO WHOM THE PERMIT WAS
19 ISSUED, ON FORMS AS MAY BE PRESCRIBED BY THE STATE ENGINEER,
20 FURNISHES TO THE STATE ENGINEER A SHOWING OF GOOD CAUSE AS TO
21 WHY THE WELL HAS NOT BEEN CONSTRUCTED AND AN ESTIMATE OF TIME
22 NECESSARY TO COMPLETE CONSTRUCTION.

23 (e) THE STATE ENGINEER MAY REINSTATE AN EXPIRED WELL
24 PERMIT IF THE STATE ENGINEER RECEIVES SATISFACTORY EVIDENCE THAT
25 THE WELL WAS CONSTRUCTED WITHIN TWO YEARS AFTER THE DATE THAT
26 THE PERMIT WAS ISSUED, ACCOMPANIED BY A FILING FEE OF THIRTY
27 DOLLARS. THE STATE ENGINEER SHALL CONSIDER RECORDS OF THE STATE

1 ENGINEER AND EVIDENCE PROVIDED TO THE STATE ENGINEER IN
2 DETERMINING WHETHER THE PERMIT SHOULD BE REINSTATED.

3 (f) SUBSECTION (3)(e) OF THIS SECTION DOES NOT APPLY TO A
4 WELL PERMIT THAT FORMALLY EXPIRED THROUGH AN ORDER ISSUED PRIOR
5 TO SEPTEMBER 1, 2025.

6 **SECTION 3.** In Colorado Revised Statutes, 37-90-107, **amend**
7 (7)(a), (7)(c)(I)(C), (7)(d)(I)(C), and (7)(d)(III) as follows:

8 **37-90-107. Application for use of groundwater - publication**
9 **of notice - conditional permit - hearing on objections - well permits**
10 **- rules.** (7) (a) The commission shall allocate, upon the basis of the
11 ownership of the overlying land, any designated groundwater contained
12 in ~~the Dawson, Denver, Arapahoe, or Laramie-Fox Hills~~ BEDROCK
13 aquifers. Permits issued pursuant to this subsection (7) ~~shall~~ MUST allow
14 withdrawals on the basis of an aquifer life of one hundred years. The
15 commission shall adopt the necessary rules to carry out ~~the provisions of~~
16 this subsection (7).

17 (c) (I) (C) ~~Effective July 1, 2006,~~ Rights to designated
18 groundwater in ~~the Dawson, Denver, Arapahoe, or Laramie-Fox Hills~~
19 BEDROCK aquifers to be allocated pursuant to ~~paragraph (a) of this~~
20 ~~subsection (7) may~~ SUBSECTION (7)(a) OF THIS SECTION MUST be
21 determined in accordance with ~~the provisions of~~ this section. ~~Any~~ A
22 person desiring to obtain such a determination shall make application to
23 the commission in a form to be prescribed by the commission. A fee of
24 sixty dollars shall be submitted with the application for each aquifer,
25 which sum shall not be refunded. The application ~~may~~ MUST also include
26 a request for approval of a replacement plan if one is required under
27 commission rules to replace any depletions ~~to alluvial aquifers~~ caused due

1 to withdrawal of groundwater from ~~the Dawson, Denver, Arapahoe, or~~
2 ~~Laramie-Fox Hills~~ BEDROCK aquifers.

3 (d) (I) (C) ~~Effective July 1, 2006, any~~ A person desiring a permit
4 for a well to withdraw groundwater for a beneficial use from ~~the Dawson,~~
5 ~~Denver, Arapahoe, or Laramie-Fox Hills~~ aquifers A BEDROCK AQUIFER
6 shall make application to the commission on a form to be prescribed by
7 the commission. A fee of one hundred dollars shall be submitted with the
8 application, which sum shall not be refunded.

9 (III) The application for a well permit ~~shall~~ MUST also include a
10 replacement plan if one is required under commission rules to replace any
11 depletions ~~to alluvial aquifers~~ caused due to withdrawal of groundwater
12 from ~~the Dawson, Denver, Arapahoe, or Laramie-Fox Hills~~ aquifers A
13 BEDROCK AQUIFER and the required plan has not been approved pursuant
14 to ~~paragraph (c) of this subsection (7)~~ SUBSECTION (7)(c) OF THIS
15 SECTION. The publication and hearing requirements of this section ~~shall~~
16 apply to an application for such a replacement plan.

17 **SECTION 4.** In Colorado Revised Statutes, 37-90-109, **amend**
18 (4) as follows:

19 **37-90-109. Priority - discontinuance orders - grounds.**

20 (4) After establishing the proposed priority date and after receiving the
21 information required by section 37-90-108 (5) for the final permit on
22 claims for the beneficial use of designated groundwater, the commission
23 shall order the state engineer to issue a final permit to appropriate
24 designated groundwater in the manner and pursuant to the standards set
25 forth in section 37-90-108 for final permits; except that a final permit is
26 not required to be issued for a well described in a conditional permit
27 issued on or after July 1, 1991, to withdraw designated groundwater from

1 ~~the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifers~~ A
2 BEDROCK AQUIFER and except that this section ~~shall not apply~~ DOES NOT
3 APPLY to any final priority lists established by the commission prior to
4 January 1, 1985, and any final permits issued pursuant to said lists.

5 **SECTION 5.** In Colorado Revised Statutes, 37-90-111, **amend**
6 (5) as follows:

7 **37-90-111. Powers of the ground water commission -**
8 **limitations.** (5) Notwithstanding any other provision of this ~~article~~
9 ARTICLE 90, the commission shall allocate, upon the basis of ownership
10 of the overlying land, any designated groundwater contained in ~~the~~
11 ~~Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifers~~ A BEDROCK
12 AQUIFER. Permits issued pursuant to this subsection (5) ~~shall~~ MUST allow
13 withdrawals on the basis of an aquifer life of one hundred years.

14 **SECTION 6.** In Colorado Revised Statutes, 37-90-112, **amend**
15 (3) as follows:

16 **37-90-112. Notice - publication.** (3) The time for filing any
17 written objections to notices described in this ~~article shall extend~~ ARTICLE
18 90 EXTENDS to ~~thirty~~ THIRTY-FIVE days following the last publication of
19 the notice.

20 **SECTION 7.** In Colorado Revised Statutes, 37-92-401, **amend**
21 (1)(a), (2)(b), (3), (4), (5), (6), and (7) as follows:

22 **37-92-401. Tabulations of priorities and decennial**
23 **abandonment lists.** (1) (a) (I) The division engineer of each division
24 with the approval of the state engineer shall maintain a tabulation in order
25 of seniority of all decreed water rights and conditional water rights in ~~his~~
26 ~~or her division~~ THEIR DIVISIONS. The tabulations must describe each water
27 right and conditional water right by some appropriate means and must set

1 forth the priority and amount thereof as established by court decrees. In
2 making the tabulations, the division engineer may use such system of
3 numbering and listing water rights and conditional water rights in order
4 of seniority as is suited to the administrative needs of the particular
5 division or portion thereof OF THE DIVISION.

6 (II) ~~He or she~~ THE DIVISION ENGINEER shall also prepare
7 decennially ~~no later than July 1, 1990, and each tenth anniversary~~
8 ~~thereafter~~, a separate abandonment list comprising all absolute water
9 rights that ~~he or she has~~ THEY HAVE determined to have been abandoned
10 in whole or in part and that previously have not been adjudged to have
11 been abandoned. THE DIVISION ENGINEER SHALL PREPARE THE LIST:

12 (A) FOR WATER DIVISIONS 1, 2, AND 3, AS ESTABLISHED IN SECTION
13 37-92-201 (1)(a) TO (1)(c), NO LATER THAN JULY 1, 2030, AND NO LATER
14 THAN JULY 1 OF EVERY SUBSEQUENT TENTH ANNIVERSARY; AND

15 (B) FOR WATER DIVISIONS 4, 5, 6, AND 7, AS ESTABLISHED IN
16 SECTION 37-92-201 (1)(d) TO (1)(g), NO LATER THAN JULY 1, 2035, AND
17 NO LATER THAN JULY 1 OF EVERY SUBSEQUENT TENTH ANNIVERSARY.

18 (2) (b) ~~No later than July 31, 1990, and every tenth anniversary~~
19 ~~thereafter~~ 2030, FOR WATER DIVISIONS 1, 2, AND 3, AND JULY 31, 2035,
20 FOR WATER DIVISIONS 4, 5, 6, AND 7, AND NO LATER THAN JULY 31 OF
21 EVERY SUBSEQUENT TENTH ANNIVERSARY, RESPECTIVELY, the division
22 engineer shall mail a copy of the respective decennial abandonment list
23 by certified mail, return receipt requested, to the owner or last-known
24 owner or claimant, if known, of every absolute water right that the
25 division engineer has found to have been abandoned in whole or in part.
26 The division engineer shall make an appropriate examination to determine
27 the owner or claimant of such absolute water rights. The division engineer

1 shall also publish the respective portion of the decennial abandonment list
2 in each county in which the points of diversion of any absolute water
3 rights on the list are located. The publication shall be continued for four
4 successive weeks and shall be published, if possible, in a newspaper
5 published in the county where the decreed point of diversion of the water
6 right is located. The publication and mailing requirements of this
7 subsection (2)(b) apply only to absolute water rights or portions of
8 absolute water rights that previously have not been adjudged to have been
9 abandoned.

10 (3) ~~Any~~ A person wishing to object to the manner in which a
11 water right or conditional water right is listed in the tabulation or to the
12 omission of a water right or conditional water right from the tabulation,
13 and ~~not~~ NO later than July 1, 1991, ~~and every tenth anniversary thereafter,~~
14 ~~any~~ 2031, FOR WATER DIVISIONS 1, 2, AND 3, AND JULY 1, 2036, FOR
15 WATER DIVISIONS 4, 5, 6, AND 7, AND NO LATER THAN JULY 1 OF EVERY
16 SUBSEQUENT TENTH ANNIVERSARY, RESPECTIVELY, A person wishing to
17 object to the inclusion of any absolute water right or portion ~~thereof~~ OF
18 AN ABSOLUTE WATER RIGHT in the decennial abandonment list ~~must~~
19 SHALL file a statement of objection in writing with the division engineer.

20 (4) (a) ~~Not~~ NO later than December 31, 1991, ~~and every tenth~~
21 ~~anniversary thereafter~~ 2031, FOR WATER DIVISIONS 1, 2, AND 3, AND
22 DECEMBER 31, 2036, FOR WATER DIVISIONS 4, 5, 6, AND 7, AND NO LATER
23 THAN DECEMBER 31 OF EVERY SUBSEQUENT TENTH ANNIVERSARY,
24 RESPECTIVELY, the division engineer shall make any revisions ~~he or she~~
25 ~~deems~~ THEY DEEM proper to the decennial abandonment list. In
26 considering the matters raised by statements of objection, the division
27 engineer may consult with any interested person. The division engineer

1 shall consult with the state engineer and shall make any revisions in the
2 decennial abandonment list determined by the state engineer to be
3 necessary or advisable.

4 (b) Repealed.

5 (c) The division engineer shall file the decennial abandonment
6 list, together with any revisions, signed by the division engineer and the
7 state engineer or ~~his or her~~ THE STATE ENGINEER'S duly authorized deputy,
8 with the water clerk as promptly as possible, but ~~not~~ NO later than
9 December 31, ~~1991, and every tenth anniversary thereafter~~ 2031, FOR
10 WATER DIVISIONS 1, 2, AND 3, AND DECEMBER 31, 2036, FOR WATER
11 DIVISIONS 4, 5, 6, AND 7, AND NO LATER THAN DECEMBER 31 OF EVERY
12 SUBSEQUENT TENTH ANNIVERSARY, RESPECTIVELY. Each respective
13 division engineer AND water clerk and the state engineer shall make a
14 copy of the decennial abandonment list, together with any revisions,
15 available for inspection in their offices at any time during regular office
16 hours, as well as on the state engineer's website, and the division engineer
17 shall furnish or mail a copy to anyone requesting a copy upon payment of
18 a fee in an amount set in accordance with section 24-72-205 (1)(b) and
19 (5).

20 (d) If the decennial abandonment list is revised, the water clerk,
21 in cooperation with the division engineer, ~~not~~ NO later than January 31,
22 ~~1992, and every tenth anniversary thereafter~~ 2032, FOR WATER DIVISIONS
23 1, 2, AND 3, AND JANUARY 31, 2037, FOR WATER DIVISIONS 4, 5, 6, AND 7,
24 AND NO LATER THAN JANUARY 31 OF EVERY SUBSEQUENT TENTH
25 ANNIVERSARY, RESPECTIVELY, shall provide notice of the revision in the
26 resume described in section 37-92-302 (3) of cases filed in the respective
27 water divisions during the month of December, stating that the revision

1 may be inspected or a copy thereof OF THE REVISION obtained as specified
2 in subsection (4)(c) of this section. In addition, the water clerk shall
3 publish the notice as is necessary to obtain general circulation once in
4 each county or the portion of the county that is in the division.

5 (5) (a) ~~Any~~ A person ~~who~~ THAT wishes to protest the inclusion of
6 ~~any~~ A water right in a decennial abandonment list after its revision by the
7 division engineer shall file a written protest with the water clerk and with
8 the division engineer. All ~~such~~ protests to the decennial abandonment list
9 ~~shall~~ MUST be filed ~~not~~ NO later than June 30, ~~1992, or the respective~~
10 ~~tenth anniversary thereafter. Such~~ 2032, FOR WATER DIVISIONS 1, 2, AND
11 3, AND JUNE 30, 2037, FOR WATER DIVISIONS 4, 5, 6, AND 7, AND NO LATER
12 THAN JUNE 30 OF EVERY SUBSEQUENT TENTH ANNIVERSARY,
13 RESPECTIVELY. A protest shall set forth in detail the factual and legal
14 basis ~~therefor~~ FOR THE PROTEST. Service of a copy of the protest or any
15 other documents is not necessary for jurisdictional purposes, but the water
16 judge may order service of a copy of the protest or any other document on
17 any person and in any manner ~~which he or she~~ THAT THE WATER JUDGE
18 may deem appropriate. The fee for filing ~~such~~ THE protest with the water
19 clerk ~~shall be~~ IS forty-five dollars.

20 (b) Fees collected pursuant to ~~paragraph (a) of this subsection (5)~~
21 SUBSECTION (5)(a) OF THIS SECTION shall be transmitted to the state
22 treasurer and divided as follows:

23 (I) Twenty dollars shall be deposited in the general fund;

24 (II) Fifteen dollars shall be deposited in the judicial stabilization
25 cash fund created in section 13-32-101 (6); ~~€R.S.;~~ and

26 (III) Ten dollars shall be deposited in the justice center cash fund
27 created in section 13-32-101 (7)(a). ~~€R.S.~~

1 (6) (a) Commencing on the September ~~or October~~ term-day of
2 ~~1992~~ 2032 FOR WATER DIVISIONS 1, 2, AND 3 AND THE SEPTEMBER OR
3 OCTOBER TERM-DAY OF 2037 FOR WATER DIVISIONS 4, 5, 6, AND 7, as
4 provided in section 37-92-304 (1), and every SUBSEQUENT tenth
5 anniversary ~~thereafter, and~~ OF THE RESPECTIVE TERM-DAY, continuing for
6 as long as may be necessary, the water judge of each division shall
7 conduct hearings on the decennial abandonment list filed by the division
8 engineer and any protests that have been filed with respect ~~thereto~~ TO THE
9 DECENNIAL ABANDONMENT LIST. The hearings shall be conducted in
10 accordance with the Colorado rules of civil procedure, the Colorado rules
11 of evidence, and any applicable local rules of court; except that ~~no~~
12 pleadings other than the protest shall NOT be required. The protestant
13 shall appear either in person or by counsel in support of the protest. The
14 division engineer shall appear in support of the decennial abandonment
15 list, and, if requested by the division engineer, the attorney general shall
16 represent the division engineer.

17 (b) The water judges of the various divisions shall arrange their
18 hearings, if necessary in their discretion, to accommodate counsel and
19 other persons ~~who~~ THAT may be involved in hearings in more than one
20 division.

21 (c) Any person ~~who~~ THAT may be affected by the subject matter
22 of a protest or by ~~any~~ A ruling ~~thereon~~ ON A PROTEST shall be permitted
23 to participate in the hearings, either in person or by counsel, upon timely
24 entry of appearance. Such entry of appearance shall identify the portion
25 of the decennial abandonment list with respect to which the appearance
26 is being made. The water judge may continue the hearings as required to
27 ~~insure~~ ENSURE that all parties may be heard and their interests adequately

1 protected, and, in this connection, the water judge shall permit such
2 additional protests and order such service of notice and such additional
3 publication of the decennial abandonment list or portions thereof OF THE
4 LIST as will serve the ends of justice, it being the intent of the general
5 assembly that the water judge shall have wide discretion in the conduct
6 of such hearings so that the owners of water rights will be protected.

7 (d) After the hearings are concluded, the water judge shall enter
8 a judgment and decree ~~which shall~~ THAT either incorporate the
9 abandonment list of the division engineer as filed or incorporate such list
10 with such modifications and conditions as the water judge may determine
11 proper after the hearings.

12 (7) If no protests have been filed, then promptly after July 1, ~~1992,~~
13 ~~and every tenth anniversary thereafter~~ 2032, FOR WATER DIVISIONS 1, 2,
14 AND 3, AND JULY 1, 2037, FOR WATER DIVISIONS 4, 5, 6, AND 7, AND AFTER
15 JULY 1 EVERY SUBSEQUENT TENTH ANNIVERSARY, RESPECTIVELY, the
16 water judge shall enter a judgment and decree incorporating and
17 confirming the decennial abandonment list of the division engineer
18 without modification.

19 **SECTION 8.** In Colorado Revised Statutes, 37-90-103, **add** (3.5)
20 and (5.5) as follows:

21 **37-90-103. Definitions - rules- repeal.** As used in this article 90,
22 unless the context otherwise requires:

23 (3.5) "BEDROCK AQUIFER" MEANS A DESIGNATED BASIN BEDROCK
24 AQUIFER.

25 (5.5) "DESIGNATED BASIN BEDROCK AQUIFER" MEANS AN AQUIFER
26 DEFINED AS A BEDROCK AQUIFER PURSUANT TO RULES ADOPTED BY THE
27 GROUND WATER COMMISSION.

1 **SECTION 9. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2026 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.