

CHAPTER 342

WATER AND IRRIGATION

SENATE BILL 93-241

BY SENATORS Bird, Norton, and Tebedo;
also REPRESENTATIVES Entz, Eisenach, George, Jerke, Moellenberg, and Reeser.

AN ACT

CONCERNING EXTENSION OF THE STATUTORY PROVISIONS WHICH CREATE A PRESUMPTION OF NO MATERIAL INJURY TO WATER RIGHTS OR TO ANY EXISTING WELL FOR WELLS ON RESIDENTIAL SITES WHICH ARE USED FOR SPECIFIED LIMITED PURPOSES.

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

SECTION 1. 37-92-602 (3) (b) (II), Colorado Revised Statutes, 1990 Repl. Vol., as amended, is amended to read:

37-92-602. Exemptions - presumptions - legislative declaration.
(3) (b) (II) (A) If a permit is sought by a user for a well exempted under paragraph (b) of subsection (1) of this section which will be the only well on a residential site, which well will be used solely for ordinary household purposes inside a single-family dwelling ~~and for the watering of the user's domestic animals not to be used for commercial purposes~~ and will not be used for irrigation or will be the only well on a tract of land of thirty-five acres or more and will be used solely for the purposes specified in paragraph (b) of subsection (1) of this section, and the return flow from such uses shall be returned to the same stream system in which the well is located, there shall be a presumption that there will not be material injury to the vested water rights of others or to any other existing well resulting from such well, which presumption may be rebutted by evidence sufficient to show such material injury.

(B) ~~Permits issued prior to May 17, 1988, may be amended to provide for the watering of the user's domestic animals not to be used for commercial purposes upon application by the user to the state engineer and upon payment of a twenty-five-dollar fee. Such fee shall be credited to the ground water management cash fund, which fund is created in section 37-80-111.5 (1) (d).~~

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

(C) ~~This subparagraph (H) is repealed, effective July 1, 1993.~~

SECTION 2. Effective date. This act shall take effect July 1, 1993.

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

Approved: June 9, 1993