

CHAPTER 56

WATER AND IRRIGATION

HOUSE BILL 94-1242

BY REPRESENTATIVES Jerke, Chlouber, Entz, Moellenberg, Owen, Reeser, Salaz, Anderson, Eisenach, and George;
also SENATORS Ament, Bishop, Mutzebaugh, Norton, R. Powers, and Tebedo.

AN ACT

**CONCERNING THE PRESUMPTION THAT THE RELOCATION OF A WELL WILL NOT CHANGE
SUBSTANTIALLY THE USAGE OF WATER.**

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

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

37-92-602. Exemptions - presumptions - legislative declaration. (3) (c) (I) If any person wishes to relocate an existing well of the type specified in paragraphs (b) to (e) of subsection (1) of this section, ~~he~~ SUCH PERSON shall file an application pursuant to this subsection (3) for the construction of a well and shall state in such application ~~his~~ SUCH PERSON'S intent to abandon the existing well which is to be relocated.

(II) (A) If such relocated well will not change substantially the usage of water which can lawfully be made by means of the existing well, a permit to construct and use the relocated well shall be issued, and the existing well shall be abandoned within ninety days after the completion of the relocated well.

(B) FOR PURPOSES OF THIS SUBPARAGRAPH (II), ABSENT A SHOWING BY A PREPONDERANCE OF THE EVIDENCE, A RELOCATED WELL WILL BE PRESUMED NOT TO CHANGE SUBSTANTIALLY THE USAGE OF WATER IF THE EXISTING WELL WAS CONSTRUCTED PURSUANT TO A PERMIT ISSUED BY THE STATE ENGINEER, THE LOCATION OF THE RELOCATED WELL WILL BE WITHIN TWO HUNDRED FEET OF THE EXISTING WELL, THE WELL WILL BE CONSTRUCTED INTO THE SAME AQUIFER, THE HISTORICAL USE OF WATER FROM THE WELL WILL NOT CHANGE, THE ANNUAL VOLUME OF USE OF THE RELOCATED WELL WILL BE THE SAME AS OR LESS THAN THE ANNUAL

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

PERMITTED VOLUME OF USE OF THE EXISTING WELL, AND THE GALLONS PER MINUTE FLOW OF THE RELOCATED WELL WILL BE THE SAME AS OR LESS THAN THE PERMITTED GALLONS PER MINUTE FLOW OF THE EXISTING WELL.

SECTION 2. 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: March 29, 1994