



HB25-1014 Increase Efficiency in DWR Processes

Rep. Johnson & Lukens, Sen. Simpson & Roberts

ELIMINATING UNNECESSARY PERMITTING REQUIREMENTS, REDUCING FEES, AND STREAMLINING WORK PROCESSES

DNR's Division of Water Resources (DWR), also known as the Office of the State Engineer, is responsible for administering water rights, issuing water well permits and licenses for well drillers, monitoring streamflow and water use, approving construction and repair of dams and wells, and maintaining numerous databases of Colorado water information, among other important duties.

In its day-to-day operations, DWR has identified opportunities to simplify, modernize and streamline various work processes related to well construction permitting, the water rights abandonment process, and groundwater permitting. These changes will save stakeholders, DWR, and Attorney General staff time and money.

Modernizing Well Construction Permit Expiration

All water well permits are issued with a construction timeframe. Once that time passes, a well cannot be constructed legally under that permit. Drillers are required to submit a construction report, and if no well construction report is received, it is DWR's responsibility to update the well permit file and database indicating the well was not constructed and the permit is expired.

DWR has been required by statute to rely on certified mail to notify individuals of permit expirations for non-exempt and large capacity wells, but this notification method is not cost effective and has been inadequate, particularly as addresses for older well permits are often out-of-date.

This bill mirrors the expiration process used for exempt and small capacity wells and applies it to non-exempt and large capacity wells by allowing DWR to programmatically expire well construction permits once the construct-by date passes. If an exempt well owner provides proof that the well was constructed within the construction timeframe, the well permit may be reinstated. This process eliminates the requirement for a well owner to request and the State Engineer to approve a one-year extension to the timeframe for constructing a well (removing the \$60 extension fee), and removes the requirement for staff to mail a certified letter to the owner of record before the permit can be formally expired. The current \$30 late construction report filing fee is replaced by a \$30 reinstatement fee.



Streamlining the Water Rights Abandonment Process

Under current law, every 10 years, DWR is required to present a list of water rights that meet the criteria of abandonment to the water court. "Abandonment" is defined as the termination of an absolute water right in whole or in part as a result of the intent of the owner to permanently discontinue the use of the water under that water right. This process is intended to provide administrative stability on the stream to the benefit of active water rights by canceling water rights that water users do not intend to use. Completing the decennial abandonment process for all water divisions simultaneously creates a sudden spike in workload for the Attorney General's Office, DWR staff, and water attorneys across the state, so this bill splits the decennial abandonment process into two batches grouped by water division, spaced five years apart (beginning with 2030 and 2035). This does not change the public notification, abandonment objection, or any substantive parts of the process, and all Divisions would continue on a 10-year cycle following 2035.

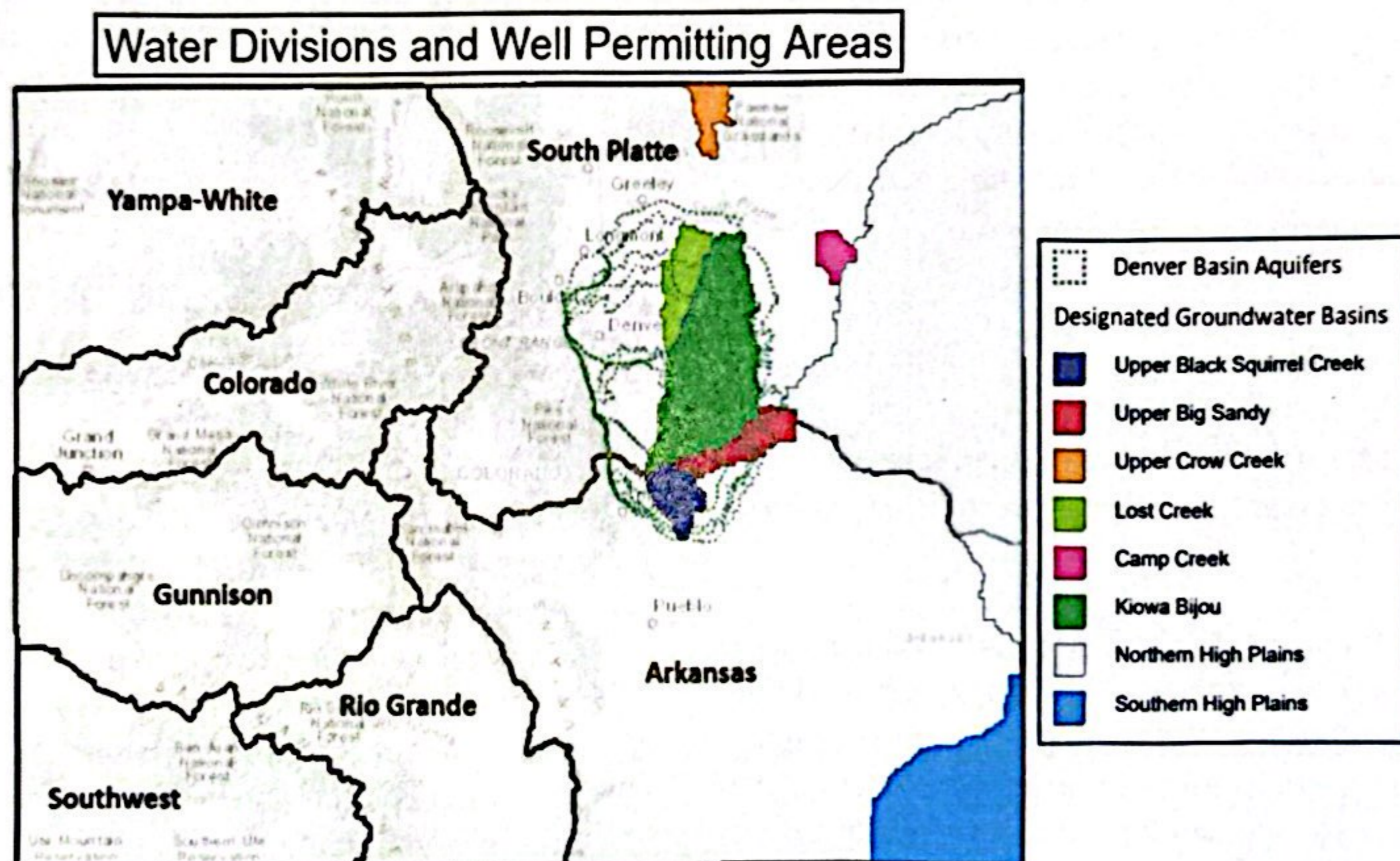


Eliminate Final Permitting Requirements for Non-Denver Basin Bedrock Aquifer Wells

There are 8 Designated Groundwater Basins in the eastern plains of Colorado where little surface water exists and water users have to rely primarily on groundwater. Designated groundwater is excluded from the definition of "waters of the state" and therefore designated groundwater rights are administered separately from water rights outside of Designated Basins. Groundwater allocations from Bedrock aquifers, including the Denver Basin, aren't subject to change based on the use of the allocation like other water rights across the state. However, there is still a misalignment of final permitting requirements between Non-Denver Basin Bedrock wells and Denver Basin wells. In addition to being redundant, obtaining a final permit requires well owners in the Non-Denver Basin to consume water, even if it is not yet needed, submit a statement of beneficial use, and pay for newspaper publication. Removing the final permit steps for Non-Denver Basin Bedrock wells would create a consistent and equitable approach to groundwater withdrawals from all Bedrock aquifers, remove the incentive to waste water, and reduce paperwork and costs for both the agency and the well owner.

This change applies to the following aquifers within each of the listed Designated Basins according to the Designated Basin Rules:

1. Kiowa-Bijou - Castle Rock conglomerate, Laramie formation, Pierre Shale and Dakota sandstone
2. Upper Big Sandy - Ogallala formation, Dakota formation and Cheyenne formation
3. Upper Black Squirrel Creek - Laramie formation
4. Northern High Plains - Niobrara, Benton, Dakota and Morrison formations
5. Upper Crow Creek - Upper Laramie aquifer and Laramie-Fox Hills aquifer



Note: The removal of final permitting requirements in this bill would apply to the Designated Groundwater Basins. These requirements already don't apply to withdrawals from Denver Basin aquifers.

Questions?

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