

HB1069\_L.001

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Rural Affairs & Agriculture.HB20-1069 be amended as follows:

1 Amend printed bill, page 3, strike lines 4 through 6 and substitute:  
 2 "pursuant to sections 37-90-105 ~~(3)(a)(I) and (4)(a)~~ **(3)(a)(I)(C)** AND  
 3 **(4)(a)(II)**; 37-90-107 ~~(7)(d)(I)~~ **(7)(d)(I)(C)**; 37-90-116 ~~(1)(a), (1)(c), and~~  
 4 ~~(1)(h)~~ **(1)(a)(II), (1)(c)(II), AND (1)(h)(II)**; 37-90-137 ~~(2)(a)~~ **(2)(a)(II)**;  
 5 and 37-92-602 ~~(3)(a) and (5)~~, **forty (3)(a)(II) AND (5)(b)**, SEVENTY dollars  
 6 shall be credited to the well inspection cash".

7 Page 3, after line 14, insert:

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

10 **37-90-105. Small capacity wells.** (3) (a) (I) (C) Effective July 1,  
 11 2006, wells of the type described in this section may be constructed only  
 12 upon the issuance of a permit in accordance with ~~the provisions of this~~  
 13 section. A fee of one hundred THIRTY dollars ~~shall accompany~~ IS  
 14 REQUIRED WITH any application for a new well permit under this section.  
 15 A fee of ~~sixty~~ NINETY dollars ~~shall accompany~~ IS REQUIRED WITH any  
 16 application for a replacement well of the type described in subsection (1)  
 17 of this section.

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

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

28 **37-90-107. Application for use of groundwater - publication**  
 29 **of notice - conditional permit - hearing on objections - well permits.**  
 30 (7) (d) (I) (C) Effective July 1, 2006, any person desiring a permit for a  
 31 well to withdraw groundwater for a beneficial use from the Dawson,  
 32 Denver, Arapahoe, or Laramie-Fox Hills aquifers shall make application  
 33 to the commission on a form to be prescribed by the commission. A fee  
 34 of one hundred THIRTY dollars ~~shall~~ MUST be submitted with the  
 35 application, which sum shall not be refunded.

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

38 **37-90-116. Fees.** (1) The state engineer or the commission shall  
 39 collect the following fees:

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

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

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

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

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

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

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

33 (5) (b) Effective July 1, 2006, any wells exempted by this section  
34 that were put to beneficial use prior to May 8, 1972, and any wells that  
35 were used exclusively for monitoring and observation purposes prior to  
36 August 1, 1988, not of record in the office of the state engineer may be  
37 recorded in that office upon written application, payment of a processing  
38 fee of one hundred THIRTY dollars, and permit approval. The record ~~shall~~  
39 **MUST** include the date the water is claimed to have been appropriated or  
40 first put to beneficial use."

41 Renumber succeeding section accordingly.

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