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HOUSE BILL 25-1014

BY REPRESENTATIVE(S) Johnson and Lukens, Bacon, Bird, Boesenecker, Brown, Caldwell, Duran, Joseph, Keltie, Lieder, Lindsay, Martinez, Mauro, McCormick, Richardson, Smith, Stewart K., Story, Titone, Willford, Winter T., McCluskie;
also SENATOR(S) Roberts and Simpson, Amabile, Catlin, Cutter, Jodeh, Kipp, Michaelson Jenet, Winter F.

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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b) The ~~applicant~~ PERMIT HOLDER, upon completion of the well, shall furnish information to the commission, in the form AND WITHIN THE TIME FRAME prescribed by the commission BY RULE, as to the depth of the well, the water-bearing formations intercepted by the well, and the maximum sustained pumping rate in gallons per minute.

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

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

(e) SUBSECTION (1)(d) OF THIS SECTION DOES NOT APPLY TO A PERMIT THAT WAS FORMALLY EXPIRED THROUGH AN ORDER ISSUED PRIOR TO SEPTEMBER 1, 2025, OR DUE TO LACK OF EVIDENCE THAT WATER WAS PLACED TO BENEFICIAL USE.

(2) (a) If the well or wells described in a conditional permit have been constructed in compliance with subsection (1) of this section, the ~~applicant~~ PERMIT HOLDER, within three years after the date of the issuance of ~~said~~ THE permit, shall furnish by sworn affidavit, in the form prescribed by the commission, evidence that water from ~~such~~ THE well or wells has been put to beneficial use; except that this ~~paragraph (a)~~ SUBSECTION (2)(a)

does not apply to a well described in a conditional permit to withdraw designated groundwater from ~~the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifers~~ A BEDROCK AQUIFER.

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

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

(d) If the well described in a conditional permit issued to withdraw designated groundwater from ~~the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifers~~ A BEDROCK AQUIFER has been constructed in compliance with subsection (1) of this section, the ~~applicant~~ PERMIT HOLDER shall file a notice with the commission of commencement of beneficial use on a form prescribed by the commission within ~~thirty~~ THIRTY-FIVE days after the first beneficial use of any water withdrawn from the well.

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

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

(4) The procedural requirement that a statement of beneficial use ~~shall be filed shall apply~~ APPLIES to all permits wherein the water ~~was~~ HAS BEEN put to beneficial use since May 17, 1965. ~~If information pertaining to completion of the well as required in subsection (1) of this section has been received but~~ evidence that water has been placed to beneficial use has not been received as of three years after the date of issuance of the conditional permit, the commission shall ~~so~~ notify the ~~applicant~~ PERMIT HOLDER by certified mail. IN the notice, THE COMMISSION shall give the ~~applicant~~ PERMIT HOLDER the opportunity to submit proof that the water was put to beneficial use prior to three years after the date of issuance of the conditional permit. IF INFORMATION PERTAINING TO COMPLETION OF THE WELL AS REQUIRED IN SUBSECTION (1) OF THIS SECTION HAS NOT BEEN RECEIVED, THE COMMISSION SHALL, IN THE NOTICE, GIVE THE PERMIT HOLDER THE OPPORTUNITY TO SUBMIT PROOF OF WELL COMPLETION ALONG WITH THE STATEMENT OF BENEFICIAL USE. The proof must be received by the commission within ~~twenty~~ TWENTY-ONE days after receipt of the notice by the ~~applicant~~ PERMIT HOLDER, and, if the conditional permit was issued on or after July 14, 1975, the ~~proof~~ STATEMENT OF BENEFICIAL USE must be accompanied by a filing fee of thirty dollars. If the commission finds the proof to be satisfactory, the conditional permit ~~shall remain~~ REMAINS in force and effect AND MAY BE REINSTATED PURSUANT TO SUBSECTION (1)(d) OF THIS SECTION. IF A RESPONSE TO THE NOTICE IS NOT RECEIVED OR THE PROOF IS UNSATISFACTORY, THE CONDITIONAL PERMIT EXPIRES AND CANNOT BE REINSTATED. The commission shall consider any records of the commission and any evidence provided to the commission and all other matters set forth in this section in determining whether the conditional permit should remain in force and effect.

(6) The procedural requirement that the well completion information required by ~~subsection (1)~~ SUBSECTION (1)(b) of this section be furnished to the commission ~~shall apply~~ APPLIES to all permits issued after May 17, 1965. ~~If the well has been constructed within twenty-four months after the~~

~~date of issuance of the permit where the permit was issued before June 7, 1979, or within twelve months after the date of issuance of the permit where the permit was issued on or after June 7, 1979, or by the expiration date of the permit, including any extension, but the completion information has not been furnished to the commission within six months after said allowable time for the well completion, the commission shall so notify the applicant by certified mail. The notice shall give the applicant the opportunity to submit proof that the well was completed within the time specified above or by the expiration date of the permit and to submit the information required by subsection (1) of this section and a showing that, due to excusable neglect, inadvertence, or mistake, the applicant failed to submit the evidence and information on time. The proof and information must be received by the commission within twenty days after receipt of the notice by the applicant and must be accompanied by a filing fee of thirty dollars. If the commission finds the proof to be satisfactory, the permit shall remain in force and effect. The commission shall consider any records of the commission and any evidence provided to the commission and all other matters set forth in this section in determining whether the permit should remain in force and effect.~~

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

37-90-137. Permits to construct wells outside designated basins - fees - permit no groundwater right - evidence - time limitation - well permits - rules. (3) (a) (I) A permit to construct a well outside the boundaries of a designated groundwater basin issued on or after April 21, 1967, ~~shall expire one year after issuance unless, before the expiration and on forms as may be prescribed by the state engineer, the applicant to whom the permit was issued, or the well construction contractor, furnishes to the state engineer:~~ EXPIRES TWO YEARS AFTER ISSUANCE UNLESS THE WELL IS CONSTRUCTED BEFORE THE EXPIRATION OF THE PERMIT.

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

~~(B) A showing of good cause as to why the well has not been constructed nor the pump installed and an estimate of time necessary to complete the tasks, upon which the state engineer may extend the permit for only one additional period, not to exceed one year. The limitation on the~~

~~extension of well permits provided in this sub-subparagraph (B) shall not apply to well permits for federally authorized water projects contained in paragraph (d) of this subsection (3). The state engineer shall charge a fee of two hundred dollars for the extension; except that, on and after July 1, 2006, the state engineer shall charge a fee of sixty dollars for the extension.~~

(c) ~~If evidence that the well has been constructed and that the pump was installed, as required pursuant to paragraph (a) of this subsection (3), WITHIN TWO YEARS AFTER THE DATE THAT THE PERMIT WAS ISSUED has not been received as of the expiration date of the permit to construct a well FURNISHED TO THE STATE ENGINEER WITHIN THE TIME FRAME PRESCRIBED BY RULES ADOPTED PURSUANT TO SECTION 37-91-104, THE WELL PERMIT EXPIRES. The state engineer shall so notify the applicant by certified mail. The notice shall give the applicant the opportunity to submit evidence that the well was constructed and that the pump was installed before the expiration date. The evidence must be received by the state engineer within twenty-one days after receipt of the notice by the applicant and must be accompanied by a filing fee of thirty dollars. If the state engineer finds the evidence to be satisfactory, the permit shall remain in force and effect. The state engineer shall consider any records available in the state engineer's office, any evidence provided to the state engineer, and all other matters set forth in this section in determining whether the permit should remain in force and effect~~ PERMIT HOLDER AND, IF APPLICABLE, THE CONTRACTOR LISTED ON THE PERMIT APPLICATION THAT THE WELL PERMIT IS EXPIRED.

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

(e) THE STATE ENGINEER MAY REINSTATE AN EXPIRED WELL PERMIT IF THE STATE ENGINEER RECEIVES SATISFACTORY EVIDENCE THAT THE WELL WAS CONSTRUCTED WITHIN TWO YEARS AFTER THE DATE THAT THE PERMIT

WAS ISSUED, ACCOMPANIED BY A FILING FEE OF THIRTY DOLLARS. THE STATE ENGINEER SHALL CONSIDER RECORDS OF THE STATE ENGINEER AND EVIDENCE PROVIDED TO THE STATE ENGINEER IN DETERMINING WHETHER THE PERMIT SHOULD BE REINSTATED.

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

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

37-90-107. Application for use of groundwater - publication of notice - conditional permit - hearing on objections - well permits - rules.

(7) (a) The commission shall allocate, upon the basis of the ownership of the overlying land, any designated groundwater contained in ~~the Dawson, Denver, Arapahoe, or Laramie-Fox Hills~~ BEDROCK aquifers. Permits issued pursuant to this subsection (7) ~~shall~~ MUST allow withdrawals on the basis of an aquifer life of one hundred years. The commission shall adopt the necessary rules to carry out ~~the provisions of~~ this subsection (7).

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

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

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

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

37-90-109. Priority - discontinuance orders - grounds. (4) After establishing the proposed priority date and after receiving the information required by section 37-90-108 (5) for the final permit on claims for the beneficial use of designated groundwater, the commission shall order the state engineer to issue a final permit to appropriate designated groundwater in the manner and pursuant to the standards set forth in section 37-90-108 for final permits; except that a final permit is not required to be issued for a well described in a conditional permit issued on or after July 1, 1991, to withdraw designated groundwater from ~~the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifers~~ A BEDROCK AQUIFER and except that this section ~~shall not apply~~ DOES NOT APPLY to any final priority lists established by the commission prior to January 1, 1985, and any final permits issued pursuant to said lists.

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

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

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

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

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

37-92-401. Tabulations of priorities and decennial abandonment lists. (1) (a) (I) The division engineer of each division with the approval of the state engineer shall maintain a tabulation in order of seniority of all decreed water rights and conditional water rights in ~~his or her division~~ THEIR DIVISIONS. The tabulations must describe each water right and conditional water right by some appropriate means and must set forth the priority and amount thereof as established by court decrees. In making the tabulations, the division engineer may use such system of numbering and listing water rights and conditional water rights in order of seniority as is suited to the administrative needs of the particular division or portion ~~thereof~~ OF THE DIVISION.

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

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

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

(2) (b) ~~No later than July 31, 1990, and every tenth anniversary thereafter~~ 2030, FOR WATER DIVISIONS 1, 2, AND 3, AND JULY 31, 2035, FOR WATER DIVISIONS 4, 5, 6, AND 7, AND NO LATER THAN JULY 31 OF EVERY SUBSEQUENT TENTH ANNIVERSARY, RESPECTIVELY, the division engineer shall mail a copy of the respective decennial abandonment list by certified

mail, return receipt requested, to the owner or last-known owner or claimant, if known, of every absolute water right that the division engineer has found to have been abandoned in whole or in part. The division engineer shall make an appropriate examination to determine the owner or claimant of such absolute water rights. The division engineer shall also publish the respective portion of the decennial abandonment list in each county in which the points of diversion of any absolute water rights on the list are located. The publication shall be continued for four successive weeks and shall be published, if possible, in a newspaper published in the county where the decreed point of diversion of the water right is located. The publication and mailing requirements of this subsection (2)(b) apply only to absolute water rights or portions of absolute water rights that previously have not been adjudged to have been abandoned.

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

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

(b) Repealed.

(c) The division engineer shall file the decennial abandonment list,

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

(d) If the decennial abandonment list is revised, the water clerk, in cooperation with the division engineer, ~~not~~ NO later than January 31, 1992, and every tenth anniversary thereafter 2032, FOR WATER DIVISIONS 1, 2, AND 3, AND JANUARY 31, 2037, FOR WATER DIVISIONS 4, 5, 6, AND 7, AND NO LATER THAN JANUARY 31 OF EVERY SUBSEQUENT TENTH ANNIVERSARY, RESPECTIVELY, shall provide notice of the revision in the resume described in section 37-92-302 (3) of cases filed in the respective water divisions during the month of December, stating that the revision may be inspected or a copy ~~thereof~~ OF THE REVISION obtained as specified in subsection (4)(c) of this section. In addition, the water clerk shall publish the notice as is necessary to obtain general circulation once in each county or the portion of the county that is in the division.

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

The fee for filing ~~such~~ THE protest with the water clerk ~~shall be~~ IS forty-five dollars.

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

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

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

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

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

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

(c) Any person ~~who~~ THAT may be affected by the subject matter of a protest or by ~~any~~ A ruling ~~thereon~~ ON A PROTEST shall be permitted to participate in the hearings, either in person or by counsel, upon timely entry of appearance. Such entry of appearance shall identify the portion of the decennial abandonment list with respect to which the appearance is being

made. The water judge may continue the hearings as required to ~~insure~~ ENSURE that all parties may be heard and their interests adequately protected, and, in this connection, the water judge shall permit such additional protests and order such service of notice and such additional publication of the decennial abandonment list or portions ~~thereof~~ OF THE LIST as will serve the ends of justice, it being the intent of the general assembly that the water judge shall have wide discretion in the conduct of such hearings so that the owners of water rights will be protected.

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

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

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

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

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

(5.5) "DESIGNATED BASIN BEDROCK AQUIFER" MEANS A DESIGNATED GROUNDWATER AQUIFER DEFINED AS A BEDROCK AQUIFER PURSUANT TO RULES ADOPTED BY THE GROUND WATER COMMISSION, WHERE WATER IS ALLOCATED ON THE BASIS OF OWNERSHIP OF THE OVERLYING LAND AND THE AVAILABLE GROUNDWATER VOLUME BENEATH THE OVERLYING LAND.

SECTION 9. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the

general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to well permit applications that are pending before, on, or after the applicable effective date of this act and to valid well permits in existence before, on, or after the applicable effective date of this act.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO