

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0228.01 Kate Meyer

SENATE BILL 10-052

SENATE SPONSORSHIP

Brophy, Hodge

HOUSE SPONSORSHIP

Curry,

Senate Committees
Agriculture and Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF THE GROUNDWATER COMMISSION TO**
102 **ALTER THE BOUNDARIES OF A DESIGNATED GROUNDWATER**
103 **BASIN.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Under current law, the groundwater commission (commission) may alter periodically the areas contained in a designated groundwater basin. This bill will allow the commission to revise the boundaries of a designated groundwater basin to omit previously included areas only if

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

the revision would not exclude any wells for which conditional or final permits have been issued.

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

2 **SECTION 1.** 37-90-106 (1) (a), Colorado Revised Statutes, is
3 amended, and the said 37-90-106 (1) is further amended BY THE
4 ADDITION OF A NEW PARAGRAPH, to read:

5 **37-90-106. Determination of designated groundwater basins**
6 **- exception - legislative declaration - repeal.** (1) (a) The commission
7 shall, from time to time as adequate factual data ~~becomes~~ BECOME
8 available, determine designated ~~ground-water~~ GROUNDWATER basins and
9 subdivisions thereof by geographic description. ~~and, as future conditions~~
10 ~~require and~~ IF factual data OBTAINED AFTER THE DESIGNATION OF A
11 GROUNDWATER BASIN justify, ~~shall~~ THE COMMISSION MAY alter the
12 boundaries or description ~~thereof~~ OF THAT DESIGNATED GROUNDWATER
13 BASIN BY ADDING LANDS TO THE BASIN. AFTER A DETERMINATION OF A
14 DESIGNATED GROUNDWATER BASIN BECOMES FINAL, THE COMMISSION
15 MAY ALTER THE BOUNDARIES TO EXCLUDE LANDS FROM THAT BASIN ONLY
16 IF FACTUAL DATA JUSTIFY THE ALTERATION AND THE ALTERATION WOULD
17 NOT EXCLUDE FROM THE DESIGNATED GROUNDWATER BASIN ANY WELL
18 FOR WHICH A CONDITIONAL OR FINAL PERMIT TO USE DESIGNATED
19 GROUNDWATER HAS BEEN ISSUED. THE GENERAL ASSEMBLY HEREBY
20 FINDS, DETERMINES, AND DECLARES THAT ALLOWING ALTERATIONS TO
21 EXCLUDE LANDS FROM A DESIGNATED GROUNDWATER BASIN ONLY UNDER
22 SUCH CIRCUMSTANCES AS SET FORTH IN THIS PARAGRAPH (a) REAFFIRMS,
23 RATHER THAN ALTERS, THE GENERAL ASSEMBLY'S ORIGINAL INTENT THAT
24 THERE BE A CUT-OFF DATE BEYOND WHICH THE LEGAL STATUS OF
25 GROUNDWATER INCLUDED IN A DESIGNATED GROUNDWATER BASIN

1 CANNOT BE CHALLENGED, AND THAT SUCH CUT-OFF DATE WAS INTENDED
2 TO BE THE DATE OF FINALITY FOR THE ORIGINAL DESIGNATION OF THE
3 BASIN. AFTER THIS CUT-OFF DATE HAS PASSED, ANY REQUEST TO EXCLUDE
4 WELLS THAT ARE PERMITTED TO USE DESIGNATED GROUNDWATER FROM
5 AN EXISTING GROUNDWATER BASIN SHALL CONSTITUTE AN IMPERMISSIBLE
6 COLLATERAL ATTACK ON THE ORIGINAL DECISION TO DESIGNATE THE
7 BASIN.

8 (a.5) NOTHING IN SENATE BILL 10-052, ENACTED IN 2010, SHALL
9 AFFECT LITIGATION BROUGHT UNDER THIS SECTION THAT IS PENDING ON
10 JANUARY 1, 2010.

11 **SECTION 2. Act subject to petition - effective date.** This act
12 shall take effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part shall not take effect
18 unless approved by the people at the general election to be held in
19 November 2010 and shall take effect on the date of the official
20 declaration of the vote thereon by the governor.