

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0586.01 Thomas Morris

SENATE BILL 10-067

SENATE SPONSORSHIP

Hodge, Shaffer B.

HOUSE SPONSORSHIP

(None),

Senate Committees
Agriculture and Natural Resources

House Committees

A BILL FOR AN ACT

101 CONCERNING THE EXEMPTION OF CERTAIN SCHOOL WELLS FROM THE
102 LAWS GOVERNING THE ADMINISTRATION OF WATER RIGHTS.

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>.)

The bill exempts public school wells that pump 15 gallons per minute or less, are located in a school district that serves a population of 25,000 or less, and are used only for irrigation from the "Water Right Determination and Administration Act of 1969".

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.

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

2 **SECTION 1.** The introductory portion to 37-92-602 (1), Colorado
3 Revised Statutes, is amended, and the said 37-92-602 (1) is further
4 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

5 **37-92-602. Exemptions - presumptions - legislative**
6 **declaration.** (1) ~~The provisions of~~ This article, except for sections
7 37-92-201 and 37-92-202, ~~shall DOES not be applicable~~ APPLY to:

8 (h) (I) A WELL THAT:

9 (A) DOES NOT EXCEED FIFTEEN GALLONS PER MINUTE;

10 (B) IS OWNED BY A SCHOOL DISTRICT, AS DEFINED IN SECTION
11 22-30-103, C.R.S., THAT SERVES A POPULATION OF TWENTY-FIVE
12 THOUSAND PEOPLE OR LESS, OR A PUBLIC SCHOOL, AS DEFINED IN SECTION
13 22-1-101, C.R.S., THAT IS PART OF A SCHOOL DISTRICT THAT SERVES A
14 POPULATION OF TWENTY-FIVE THOUSAND PEOPLE OR LESS;

15 (C) IS USED ONLY FOR IRRIGATION; AND

16 (D) IS SUBJECT TO A CONFIRMATION ISSUED BY THE STATE
17 ENGINEER THAT THE EXEMPTION SPECIFIED IN THIS PARAGRAPH (h)
18 APPLIES.

19 (II) THE STATE ENGINEER SHALL ISSUE A CONFIRMATION TO A
20 SCHOOL DISTRICT OR PUBLIC SCHOOL THAT APPLIES FOR AND QUALIFIES
21 FOR AN EXEMPTION PURSUANT TO THIS PARAGRAPH (h).

22 **SECTION 2. Act subject to petition - effective date -**
23 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
24 following the expiration of the ninety-day period after final adjournment
25 of the general assembly (August 11, 2010, if adjournment sine die is on
26 May 12, 2010); except that, if a referendum petition is filed pursuant to

1 section 1 (3) of article V of the state constitution against this act or an
2 item, section, or part of this act within such period, then the act, item,
3 section, or part shall not take effect unless approved by the people at the
4 general election to be held in November 2010 and shall take effect on the
5 date of the official declaration of the vote thereon by the governor.

6 (2) The provisions of this act shall apply to exemption
7 applications filed on or after the applicable effective date of this act.