

**Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 18-0638.01 Jennifer Berman x3286

**HOUSE BILL 18-1199**

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**HOUSE SPONSORSHIP**

**Catlin and McLachlan**, Covarrubias, Arndt, Becker J.

**SENATE SPONSORSHIP**

**Coram,**

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**House Committees**

Agriculture, Livestock, & Natural Resources

**Senate Committees**

Agriculture, Natural Resources, & Energy

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**A BILL FOR AN ACT**

101      **CONCERNING A PROCESS FOR THE GROUND WATER COMMISSION TO**  
102                    **USE FOR APPROVING AQUIFER STORAGE-AND-RECOVERY PLANS,**  
103                    **AND, IN CONNECTION THEREWITH, REQUIRING THAT THE**  
104                    **GROUND WATER COMMISSION PROMULGATE RULES GOVERNING**  
105                    **ITS IMPLEMENTATION OF THE PROCESS.**

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**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://leg.colorado.gov>.)*

The bill authorizes a person to apply to the ground water commission (commission) for approval of an aquifer

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

SENATE  
3rd Reading Unamended  
March 29, 2018

SENATE  
2nd Reading Unamended  
March 28, 2018

HOUSE  
3rd Reading Unamended  
March 6, 2018

HOUSE  
Amended 2nd Reading  
March 5, 2018

storage-and-recovery plan and requires the commission to promulgate rules governing the application process and the requirements that an aquifer storage-and-recovery plan must meet to be approved.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 37-90-107.6 as  
3 follows:

4           **37-90-107.6. Aquifer storage-and-recovery plans - publication**  
5 **- objection - hearing - rules.** IF A PERSON SEEKS TO OBTAIN AN  
6 APPROVAL OF AN AQUIFER STORAGE-AND-RECOVERY PLAN WITHIN THE  
7 BOUNDARIES OF A DESIGNATED GROUNDWATER BASIN, THE PERSON MUST  
8 APPLY TO THE COMMISSION IN A FORM AND MANNER DETERMINED BY THE  
9 COMMISSION BY RULE. WHEN SUBMITTING THE APPLICATION TO THE  
10 COMMISSION, THE APPLICANT MUST ALSO SUBMIT A SUMMARY OF THE  
11 APPLICATION TO THE COMMISSION FOR PUBLICATION. IF THE COMMISSION  
12 DETERMINES THAT THE APPLICATION IS COMPLETE, THE APPLICATION  
13 SHALL BE PUBLISHED PURSUANT TO SECTION 37-90-112 WITHIN SIXTY  
14 DAYS AFTER THE FILING OF THE COMPLETED APPLICATION. IF AN  
15 OBJECTION TO THE APPLICATION IS FILED, THE COMMISSION SHALL HOLD  
16 A HEARING ON THE APPLICATION PURSUANT TO SECTION 37-90-113. THE  
17 COMMISSION SHALL APPROVE AN AQUIFER STORAGE-AND-RECOVERY PLAN  
18 IF THE COMMISSION DETERMINES THAT THE AQUIFER  
19 STORAGE-AND-RECOVERY PLAN MEETS THE REQUIREMENTS OF THIS  
20 ARTICLE 90 AND RULES ADOPTED BY THE COMMISSION. AN AQUIFER  
21 STORAGE-AND-RECOVERY PLAN SHALL NOT BE USED AS A VEHICLE FOR  
22 AVOIDING LIMITATIONS ON EXISTING WELLS, INCLUDING BUT NOT LIMITED  
23 TO RESTRICTIONS ON CHANGE OF WELL LOCATION. THEREFORE, BEFORE  
24 APPROVING ANY AQUIFER STORAGE-AND-RECOVERY PLAN THAT INCLUDES

1 EXISTING WELLS, THE COMMISSION SHALL REQUIRE INDEPENDENT  
2 COMPLIANCE WITH ALL RULES GOVERNING THOSE EXISTING WELLS IN  
3 ADDITION TO COMPLIANCE WITH ANY GUIDELINE OR RULES GOVERNING  
4 AQUIFER STORAGE-AND-RECOVERY PLANS.

5           **SECTION 2. Act subject to petition - effective date.** This act  
6 takes effect at 12:01 a.m. on the day following the expiration of the  
7 ninety-day period after final adjournment of the general assembly (August  
8 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
9 referendum petition is filed pursuant to section 1 (3) of article V of the  
10 state constitution against this act or an item, section, or part of this act  
11 within such period, then the act, item, section, or part will not take effect  
12 unless approved by the people at the general election to be held in  
13 November 2018 and, in such case, will take effect on the date of the  
14 official declaration of the vote thereon by the governor.