

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 20-0937.01 Jennifer Berman x3286

SENATE BILL 20-155

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A BILL FOR AN ACT

101 **CONCERNING THE CONTINUED PRESUMPTION OF NONINJURY TO WATER**
102 **RIGHTS REGARDING THE USE OF AN EXEMPT WELL FOR**
103 **DOMESTIC PURPOSES AFTER THE LAND ON WHICH THE WELL IS**
104 **LOCATED HAS BEEN DIVIDED INTO MULTIPLE PARCELS.**

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>.)

Under current law, a well that is exempt from the state engineer's administration and is used for domestic purposes is afforded a rebuttable presumption that the use of the well will not cause material injury to

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
February 20, 2020

SENATE
2nd Reading Unamended
February 19, 2020

others' vested water rights or to any other existing well. If the land on which the exempt well is located is later divided into multiple parcels, the well loses that presumption. The bill maintains the presumption of noninjury to vested water rights or other wells when the land on which the well is located is later divided and use of the well continues to meet certain requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-92-602, **amend**
3 (3)(b)(III); and **add** (3)(b)(IV) as follows:

4 **37-92-602. Exemptions - presumptions - legislative declaration**
5 **- definitions.** (3) (b) (III) EXCEPT AS SPECIFIED IN SUBSECTION (3)(b)(IV)
6 OF THIS SECTION, if the application is for a well, as defined in
7 ~~subparagraph (II) of this paragraph (b)~~ SUBSECTION (3)(b)(II) OF THIS
8 SECTION, which will be located in a subdivision, as defined in section
9 30-28-101 (10), ~~C.R.S.~~, and approved on or after June 1, 1972, pursuant
10 to article 28 of title 30, ~~C.R.S.~~, for which the water supply plan has not
11 been recommended for approval by the state engineer, the cumulative
12 effect of all such wells in the subdivision shall be considered in
13 determining material injury.

14 (IV) IF AN EXISTING WELL WAS PERMITTED UNDER THE
15 PRESUMPTION SET FORTH IN SUBSECTION (3)(b)(II)(A) OF THIS SECTION,
16 THE PRESUMPTION IS NOT LOST IF:

17 (A) THE LAND ON WHICH THE WELL IS LOCATED IS DIVIDED INTO
18 MULTIPLE PARCELS;

19 (B) THE WELL IS USED ON ONLY A SINGLE PARCEL OF THE DIVIDED
20 LAND AND REMAINS THE ONLY WELL SERVING THAT PARCEL;

21 (C) WITH RESPECT TO THE PARCEL OF THE LAND THAT THE WELL
22 STILL SERVES, THE PERMIT HOLDER CONTINUES TO USE THE WELL IN

1 ACCORDANCE WITH SUBSECTIONS (1)(b) AND (3)(b)(II)(A) OF THIS
2 SECTION; AND

3 (D) THE PERMIT HOLDER PROVIDES RETURN FLOWS IN
4 ACCORDANCE WITH SUBSECTION (3)(b)(II)(A) OF THIS SECTION.

5 **SECTION 2. Applicability.** This act applies to conduct occurring
6 on or after the effective date of this act.

7 **SECTION 3. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety.