

## CHAPTER 226

---

**WATER AND IRRIGATION**

---

## SENATE BILL 20-155

BY SENATOR(S) Sonnenberg, Bridges, Cooke, Crowder, Donovan, Gardner, Hisey, Lee, Lundeen, Marble, Moreno, Rankin, Rodriguez, Scott, Smallwood, Tate, Todd, Garcia;  
also REPRESENTATIVE(S) Pelton, Arndt, Bockenfeld, Champion, Esgar, Liston, McCluskie, McKean, McLachlan, Roberts, Soper, Valdez D., Will, Woodrow, Young.

## AN ACT

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

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

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

**37-92-602. Exemptions - presumptions - legislative declaration - definitions.**

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

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

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

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

---

*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.*

(C) WITH RESPECT TO THE PARCEL OF THE LAND THAT THE WELL STILL SERVES, THE PERMIT HOLDER CONTINUES TO USE THE WELL IN ACCORDANCE WITH SUBSECTIONS (1)(b) AND (3)(b)(II)(A) OF THIS SECTION; AND

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

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

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

Approved: July 2, 2020