

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**ENGROSSED**

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

LLS NO. 23-0765.01 Sarah Lozano x3858

**HOUSE BILL 23-1125**

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**HOUSE SPONSORSHIP**

**Lukens and Winter T.,**

**SENATE SPONSORSHIP**

**Simpson and Marchman,**

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**House Committees**

Agriculture, Water & Natural Resources

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE MODERNIZATION OF THE PROCESS TO CHANGE**  
102 **GROUNDWATER WELL OWNER CONTACT INFORMATION.**

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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>.)*

Current law requires that the owner of a groundwater well (well) permit file any change in name or mailing address with the state engineer in person, by mail, or by fax. The bill removes the requirement that the filing be in person, by mail, or by fax.

Current law requires the buyers of certain wells to complete a change in owner name form before the closing of the transaction. The bill

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

HOUSE  
Amended 2nd Reading  
February 17, 2023

removes the requirement that the form be submitted before the closing of the transaction.

The bill clarifies that if an existing well being sold has not been registered with the division of water resources (division), the buyer of the well must submit a registration of existing well form to the division within 63 days after closing the transaction.

Current law states that the division is responsible for obtaining the necessary well registration information from the buyer after the purchase of a well. The bill removes this requirement and clarifies that a person who provides a closing service in connection with the purchase of a well must submit a change in owner name form for the well to the division, even if the well has not yet been registered with the division.

If a change in owner name form does not include a well permit number, the bill requires the division to instruct the buyer of a well to complete a new change in owner name form or registration of existing well form and requires the buyer to submit the applicable form to the division.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-90-143, **amend**  
3 (2) as follows:

4 **37-90-143. Owners of well permits - update for name and**  
5 **contact information.** (2) Effective January 1, 1995, any owner of an  
6 unexpired well permit issued pursuant to this ~~article~~ ARTICLE 90 or article  
7 92 of this ~~title~~ TITLE 37 who changes a name or ~~mailing address~~ CONTACT  
8 INFORMATION from that on file with the state engineer shall file ~~in person,~~  
9 ~~by mail, or by fax,~~ an update with the state engineer within sixty-three  
10 days after the date of the change, on a form prescribed by the state  
11 engineer.

12 **SECTION 2.** In Colorado Revised Statutes, 38-30-102, **amend**  
13 (3)(b)(I) and (3)(c)(I)(A); and **add** (3)(c)(III) as follows:

14 **38-30-102. Water rights conveyed as real estate - well permit**  
15 **transfers - legislative declaration - definitions.** (3) (b) (I) On and after  
16 January 1, 2009, when a buyer of residential real estate enters into a

1 transaction that results in the transfer of ownership of a small capacity  
2 well listed in section 37-90-105 (1)(a) or (1)(b) ~~C.R.S.~~, or a domestic  
3 exempt water well used for ordinary household purposes that is listed in  
4 section 37-92-602 (1)(b) or (1)(e), ~~C.R.S.~~, the buyer shall ~~prior to or at~~  
5 ~~closing of the transaction~~, complete a change in ownership OWNER NAME  
6 form for the well in compliance with section 37-90-143; ~~C.R.S.~~; except  
7 that, if an existing well has not yet been registered with the division, the  
8 buyer shall complete a registration of existing well form for the well  
9 WITHIN SIXTY-THREE DAYS AFTER CLOSING THE TRANSACTION.

10 (c) (I) If a person provides a closing service in connection with a  
11 residential real estate transaction subject to this subsection (3), that person  
12 shall:

13 (A) Within sixty days after closing, submit the appropriate  
14 CHANGE IN OWNER NAME form to the division with as much information  
15 as is available, ~~and the division shall be responsible for obtaining the~~  
16 ~~necessary well registration information directly from the buyer~~; EVEN IF  
17 THE WELL HAS NOT YET BEEN REGISTERED WITH THE DIVISION; and

18 (III) IF THE CHANGE IN OWNER NAME FORM DESCRIBED IN  
19 SUBSECTION (3)(c)(I)(A) OF THIS SECTION DOES NOT INCLUDE A VALID  
20 WELL PERMIT NUMBER, THE DIVISION SHALL INSTRUCT THE BUYER TO  
21 COMPLETE A NEW CHANGE IN OWNER NAME FORM OR REGISTRATION OF  
22 EXISTING WELL FORM, AS APPLICABLE, AND THE BUYER SHALL SUBMIT THE  
23 APPLICABLE FORM TO THE DIVISION.

24 **SECTION 3. Act subject to petition - effective date -**  
25 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
26 the expiration of the ninety-day period after final adjournment of the  
27 general assembly; except that, if a referendum petition is filed pursuant

1 to 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 will not take effect unless approved by the people at the  
4 general election to be held in November 2024 and, in such case, will take  
5 effect on the date of the official declaration of the vote thereon by the  
6 governor.

7 (2) This act applies to closing transactions on or after the  
8 applicable effective date of this act.