

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

INTRODUCED

LLS NO. 23-0765.01 Sarah Lozano x3858

HOUSE BILL 23-1125

HOUSE SPONSORSHIP

Lukens and Winter T.,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT

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

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.

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.

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. Applicability.** This act applies to closing
25 transactions occurring on or after the effective date of this act.

26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.