



SB20-155

SHORT TITLE: Keep Presumption Noninjury Well on Divided Land

LONG TITLE: 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.

SPONSORS: Sen. Sonnenberg/Rep. Pelton

COMMITTEES: Senate Agriculture & Natural Resources Committee

PURPOSE OF THE BILL: To maintain the rebuttable presumption of non-injury to other vested water rights or other wells when land on which an exempt well used for domestic purposes is subdivided into multiple parcels.

PROponents OF THE BILL: Sen. Sonnenberg

POTENTIAL STAKEHOLDERS: Other water right owners, county planning and zoning authorities(?), and developers.

BACKGROUND: Under existing law water wells that are exempt from state engineer's administration and used for domestic purposes carry a rebuttable presumption of non-injury to other vested water right owners and other water wells on the same property. That presumption is lost if the land is subdivided into multiple parcels. This bill comes from a specific situation in Morgan county where a party with a house and domestic well wishes to split off a parcel with another house and potential well. The sponsor has worked with the State Engineer on this bill although the State Engineer takes no position.

How does the bill change current law? It extends the rebuttable presumption subsequent to subdividing the land provided that the well is used only on the single parcel and is the only well on that parcel, that the well continues to be limited to the domestic use and amount set forth in statute under which it is exempt, and that the permit holder continues to provide return flows to the stream system in which the well is located.

How is the bill implemented? It is possible that the State Engineer may need to change some rules.

Does the bill affect prior appropriation? It should not, provided the conditions are met.

Practical considerations: Does the bill refer to land that is divided or subdivided? Will each parcel need its own well? The second well will be required to augment and would not be exempt.

Fiscal Impact: There is no fiscal note.