

Colorado

# Stream Lines

QUARTERLY NEWSLETTER OF THE OFFICE OF THE STATE ENGINEER  
COLORADO DIVISION OF WATER RESOURCES

1313 Sherman St. Room 818, Denver, CO 80203 - (303) 866-3581

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## *South Platte Lower River Group Activities*

The South Platte Lower River Group (SPLRG) was established in 1995 as a grass roots organization to identify and evaluate water resources management and development opportunities in the lower South Platte River basin in Colorado, former Water District 64. Participation in the group includes the Lower South Platte River Water Conservancy District, the Northern Colorado Water Conservancy District, the Platte River Project, the Ground Water Appropriators of the South Platte, state representatives from the Colorado Water Conservation Board (CWCB), the State Engineer's Office, the Division of Wildlife, and participants from water conservancy and irrigation districts, ditch companies and cities. The CWCB approved a grant in 1995 for \$75,000 which provided a majority of the funding for the group. In addition to CWCB money, the Lower South Platte River Water Conservancy District, the Northern Colorado Water Conservancy District, the Platte River Project, and the Ground Water Appropriators of the South Platte each contributed \$5000 toward the investigation. These monies were further supplemented by performance of significant in-kind services by these and other participating entities.

The SPLRG group has primarily focused on recharge projects in former Water District 64 to retine excess flows in the winter and spring so they return at times of need in the summer. Pilot projects have been initiated at the Tamarack and Pony Express Wildlife areas, along the Pawnee ditch, in the Julesburg Irrigation District, and on the Liddle Ditch. In addition to these recharge demonstration projects, several water court applications have been recently filed to allow for additional recharge. Many of these applications are due in large part to SPLRG group efforts. Recent applicants include:

1. Albert and Bessie Fritzler (95CW101) - recharge to lakes along the Springdale Ditch (decreed).
2. Bijou Irrigation Company (Case No. 95CW246) - recharge along the Bijou Canal and in a recharge site (decreed).
3. Farmers' Pawnee Canal Company (Case No. 95CW263) - recharge along the Farmers' Pawnee Canal.
4. Harry Bostrom (Case No. 95CW264) - recharge to ponds off the Farmers' Pawnee Canal.
5. GASP (Case Nos. 95CW273 and 96CW1162) - recharge and storage near the South Reservation Ditch.
6. Julesburg Irrigation District (Case No. 95CW283) - recharge in the Peterson ditch and other sites on the Julesburg system.

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7. North Sterling Irrigation District (Case No. 96CW1034) - recharge to the North Sterling Canal and to a recharge reservoir.
8. Colorado Division of Wildlife (Case Nos. 96CW1062 and 96CW1063) - pilot recharge projects at both the Pony Express and Tamarack Wildlife areas.

Based upon the need and early successes of the SPLRG group, the CWCB has approved a grant of an additional \$300,000 for additional investigation and implementation of water resources management and development opportunities in the Lower South Platte River basin. Much of this money will be earmarked for additional recharge development at the Pony Express and Tamarack wildlife areas. In addition, each of the entities originally contributing have contributed another \$5000 for this work. The SPLRG group is also looking for possible sources of funds from other entities.

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### ***What Coloradoans Need to Know About Water Well Construction***

The Colorado Water Well Contractors Association, in cooperation with the American Ground Water Trust, have published a very informative booklet entitled, "What Coloradoans Need to Know about Water Well Construction". The 14 page booklet provides a wealth of needed information concerning ground water, the hydrologic cycle, permitting and legal ramifications of well drilling, costs, and water well contractors.

The Colorado Well Contractors Association is a nonprofit organization in existence since 1931, with members that include water well drilling and pump contractors, geologists, hydrologists, engineer and ground water industry suppliers and manufacturers. They are devoted to providing continuing education to its members and the public regarding the quantity, quality, and availability of Colorado's water resources. They also maintain lists of all licensed Colorado well contractors and can refer callers to local contractors who are recognized as professionals in the ground water industry.

For further information on the Colorado Well Contractors Association, or to obtain a copy of their pamphlet, please contact: CWWCA 1540 S. Holly, Suite 5, Denver, CO 80222. Phone (303) 759-1756.

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NON-EXEMPT WELL PERMIT APPLICATIONS  
IN THE DENVER BASIN AQUIFERS OUTSIDE DESIGNATED GROUND WATER BASINS

As a service to our readers, the following describes the requirements for filing well permit applications pursuant to C.R.S. 37-90-137(4) and the Statewide Nontributary Ground Water Rules, 2 CCR 402-7, and offers suggestions for providing information to assist in evaluation of the application. In addition to suggestions regarding standard applications, there are also suggestions made concerning filing after the water has been decreed by the water court, or when a case is pending but not yet decreed. Some scenarios have proven to be problematic for applicants in the past and it is hoped that this will assist the public in obtaining the well permit sought with as little stress as possible.

The information below is not intended to be an exhaustive summary of all the requirements and pitfalls of applying for Denver Basin Aquifer non-exempt well permit applications, but can allow applicants to avoid some of the mistakes that slows down the permitting process. For further information, or if you have a specific question concerning your well permit application, please contact the Division's Ground Water Information Desk at 303.866.3587.

**Scenario 1- - NO COURT DECREE OR PENDING CASE**

The following should be filed:

1. A properly completed **well permit application** form and \$60 nonrefundable filing fee. Usually General Purpose Form GWS-45 would be used, but in some cases Residential Form GWS-44 would be appropriate.
2. A properly completed **Nontributary Ground Water Landownership Statement** Form GWS-1 is required. This should include a complete legal description of the property owned under which the ground water to be withdrawn is claimed. You may attach a copy of your property deed that includes the legal description, and for complex or lengthy description you should include an accurate map or plat.
3. A properly completed **Nontributary Landownership or Consent Verification of Notice** Form GWS-43 is required. This form must show that notice of the applicant's intent to obtain a well permit was given to every person with an ownership interest in the land under which the water is to be withdrawn at least 10 days prior to submitting the well permit application. This form is required even if there are no others with an ownership interest. State on the form that the land is owned without lien or mortgage.
4. If the applicant does not own the land under which ground water is to be withdrawn, but has consent of the overlying landowner to withdraw the water, two additional forms and supporting documents are required. These are the **Nontributary Ground Water Consent Claim** Form GWS-3A (signed by the well permit applicant) and **Nontributary Ground Water Consent Landownership Statement** Form GWS-3B (signed by the landowner from which consent has been obtained). A recorded county deed or other recorded document authorizing the applicant's withdrawal of the ground water must be attached to this form.

All forms must have original signatures. Well permit applications signed by an authorized agent must be accompanied by a letter (with applicant's original signature) authorizing the agent to act and sign on behalf of the applicant.

**Scenario 2 - AFTER THE WATER HAS BEEN DECREED**

Applications for new well permits that are subject to the terms and conditions of a decree entered by the water court do not require submittal of the forms described in items 2, 3, and 4 above. However, an applicant who was not named as the applicant in the court decree must submit a copy of their deed describing the property and indicates the amount of ground water, including



the aquifer, conveyed with the property. Where property has been transferred more than once, the applicant must provide documents to show conveyance of the decreed ground water all the way through to the present transaction. Rulings of the Referee are subject to protest and are not Decrees until signed by the Water Court Judge.

### Scenario 3 - AFTER COURT CASE FILED / NO SIGNED DECREE

Frequently, well permit applications are filed prior to a decree having been entered in water court. In this case the document requirements are the same as for "scenario 1" applications above. In addition, it is recommend that the court case number, if known, be referenced on the well permit application and that the application be accompanied by a cover letter stating that the water claimed is the same water as being claimed in the water court case. This assures that the amount authorized for withdrawal under the well permit will be included in the amount ultimately adjudicated by the water court, that no confusion exists regarding the total amount available for withdrawal under the decree, and no misunderstanding concerning the terms and conditions of the decree that will apply to the withdrawal of water under the permit.

In some cases, the applicant for the well permit is not the same as the applicant in the pending water court case. This situation is commonly associated with new subdivisions where lots are sold prior to the developer obtaining a decree for the water underlying the subdivision. Often the developer (applicant in water court) has deeded a portion of the ground water underlying the development to a lot purchaser who then applies for the well permit. Because there is already an application in water court claiming this water, it raises the question of who has the right to the ground water and who should be the applicant for the permit or the water right. To avoid this problem, it is recommend that the developer apply for the well permit and that after the decree is entered, the permit can be transferred to the lot purchaser by filing a Change in Ownership (Form GWS-11).

### Scenario 4 - NOT-NONTRIBUTARY APPLICATIONS

Well permit applications requesting the withdrawal of not-nontributary ground water have the same filing requirements as discussed for Scenarion 1-3, except no water can be withdrawn without a court approved plan for augmentation [C.R.S. 37-90-137(9)(c)]. Therefore, well permits cannot be approved for these wells until the judge has signed a decree for the plan for augmentation to remedy injury to other water rights. It is recommended that when filing with the water court for the plan for augmentation that the water rights for the water to be withdrawn also be sought if not previously decreed. If the water rights are not quantified in a decree, but the plan for augmentation has been approved, the well permit filing requirements as stated for Scenarion 1 would apply and may complicate the evaluation of the well permit application.

### EXEMPT WELL APPLICATIONS

Water that has been decreed by the water court or is part of a pending water court application and subject to appropriation in accordance with C.R.S. 37-90-137(4), cannot be permitted for withdrawal under an exempt permit in accordance with C.R.S. 37-92-602. If the water court applicant intends to seek exempt wells for certain lots (i.e., 35-acre parcels), they should specifically exclude sufficient ground water underlying these lots from the water court application. If a decree has already been signed, it will be necessary to have the water court vacate all of the necessary portions of the original decree. A copy of that court order must accompany the well permit application. Ideally, the exclusion or vacation has occurred prior to the conveyance of the property to someone other than the water court applicant.

## ***Decentralized Well Permitting Program Nears Completion***

The State Engineer's decentralized well permitting program is nearing completion after beginning as a pilot program in the Durango office in 1995. In October of 1996, the Alamosa and Montrose offices were added to the program and in February of 1997, Steamboat was brought into the system. Division 5 (Glenwood Springs) is expected to be fully operational in the very near future.

The program allows for individuals to apply for residential and livestock well permits at the local division office level. They are then evaluated and issued or denied from those division offices. Ease of filing and response times (often within 2 weeks as opposed to longer evaluation times from the Denver office) are some of the benefits of the program. Evaluation from a more local level also allows for a better evaluation of the application because the local offices are more familiar with the area they are evaluating. Applications filed with the main Denver office will still be accepted. Due to volume concerns, the program is not expected to be implemented in the Greeley or Pueblo offices at this time.

Physical and mailing addresses for the division offices participating in the program are as follows:

Water Division 3  
422 Fourth St.  
P.O. Box 269  
Alamosa, CO 81101  
719.589.6683

Water Division 4  
1540 E. Niagra  
P.O. Box 456  
Montrose, CO 81402  
970.249.8728

Water Division 5  
50633 US Hwy 6 & 24  
P.O. Box 396  
Glenwood Springs, CO 81602  
970.945.5665

Water Division 6  
625 S. Lincoln, Ste 103  
P.O. Box 773450  
Steamboat Springs, CO 80477  
970.879.0272

Water Division 7  
1474 Main Ave.  
P.O. Box 1880  
Durango, CO 81302-1880  
970.247.1845



## CALENDAR OF EVENTS

- March 27            Annual Rio Grande Compact Meeting; Austin, Texas. Contact Marta Ahrens, DWR at 303.866.3581 for more information.
- April 1             Board of Examiners Meeting, Room 719, Centennial Building 1313 Sherman Street, Denver, CO. Contact Marta Ahrens, DWR at 303.866.3581 for more information.
- May 12 & 13       Colorado Water Conservation Board, Meeting. Centennial Building 1313 Sherman Street, Denver, CO. Contact Susan Maul, CWCB at 303.866.3441 for more information.
- May 16             Ground Water Commission Meeting, Room 318, Centennial Building 1313 Sherman Street, Denver, CO. Contact Marta Ahrens, DWR at 303.866.3581, for more information.
- June 3             Board of Examiners Meeting, Room 615, Centennial Building 1313 Sherman Street, Denver, CO. Contact Marta Ahrens, DWR at 303.866.3581, for more information.

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