

STATE OF
COLORADO

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>

Re: Notice of Application Consideration for Permit: M2024034

1 message

Dickinson - DNR, Wenli <wenli.dickinson@state.co.us>

Fri, Jul 19, 2024 at 8:24 AM

To: nikie.gagnon@state.co.usCc: "Division of Reclamation, Mining and Safety" <dnr_drms_permitadmin@state.co.us>, Alec Hernandez - DNR <alec.hernandez@state.co.us>

Hi Nikie,

Attached are DWR's comments on M-2024-034. Note that we have concerns that currently irrigation tailwater is illegally being collected and used for livestock and that the applicant/landowner may need to have a long-term SWSP or permanent augmentation plan even after reclamation if the reservoir will collect stormwater runoff.

Please let me know if you have any questions.

Regards,

Wenli Dickinson, P.E.
Water Resource Engineer

**COLORADO**
Division of Water Resources
Department of Natural Resources**New Phone # 303.607.8206**

1313 Sherman St, Suite 821, Denver, CO 80203

wenli.dickinson@state.co.us | dwr.colorado.gov[DWR Customer Satisfaction Survey](#)

On Mon, Jul 15, 2024 at 12:41 PM Division of Reclamation, Mining and Safety <dnr_drms_permitadmin@state.co.us> wrote:

Please see attached correspondence from the Division of Reclamation, Mining and Safety.

DO NOT REPLY to this email message. This mailbox is not monitored for incoming messages. Please refer to the attached document to locate the email address of the sender.

3 attachments**M-2024-034 Marcovich Mining Resource - DWR Comments.pdf**

129K

**124421.pdf**

200K

**Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado.pdf**

199K



Response to Reclamation Permit Application Consideration

DATE: July 19, 2024

TO: Nikie Gagnon, Division of Reclamation, Mining & Safety (DRMS), nikie.gagnon@state.co.us

CC: Alec Hernandez, Lead District 2 Water Commissioner, alec.hernandez@state.co.us

FROM: Wenli Dickinson, P.E., State Engineer's Office (SEO), wenli.dickinson@state.co.us

RE: **Marcovich Mining Resource, File No. M-2024-034**

Applicant: Asphalt Specialties Co., Inc. c/o Daniel Hunt
345 W. 62nd Ave., Denver, CO 80216
(303) 289-8555

Permitting Contact: Greg Geras, Land Resource Manager
345 W. 62nd Ave., Denver, CO 80216
(303) 289-8555

Location: Part of the S ½ of Section 7, Township 1 North, Range 66 West, 6th P.M., Weld County

CONDITIONS FOR APPROVAL

The proposed operation will consume groundwater by: ☒ evaporation, ☒ dust control, ☒ dewatering, ☒ water removed in the mined product, ☐ washing, ☐ concrete production and ☐ reclamation.

- ☒ Prior to initiation of these uses of groundwater, the Applicant will need to obtain either a gravel pit or other type of well permit, as applicable.
 - ☒ Prior to obtaining a well permit, an approved substitute water supply plan or decreed plan for augmentation is required.
 - ☒ Prior to approving a well permit, the Applicant must conduct a field inspection of the site and document the locations of all wells within 600 feet of the permit area. The Applicant must then obtain a waiver of objection from all well owners with wells within 600 feet of the permit area or or the State Engineer must provide written notice to all well owners within 600 feet of the permit area, which may request a hearing before the State Engineer.
-

COMMENTS: The subject application is for an aggregate mining operation on approximately 57.28 acres located in the S ½ of Section 7, Township 1 North, Range 66 West, 6th P.M., Weld County. The property is currently used for agricultural purposes, with an irrigation ditch running east to west over the property and dams/stock ponds filled with return irrigation water from the parcel to the south (presumably the 38-acre parcel no. [147107000016](#)). The application states that such ponds will be removed prior to mining. In the meantime, **the Applicant and the landowner should be aware that surface water cannot legally be stored**



by the dams or livestock ponds except under free river conditions; additionally, out-of-priority diversions or lagged depletions from exposed groundwater must be covered by a substitute water supply plan (SWSP) or a court-approved augmentation plan.

The mining plan calls for an average excavation of 700,000 tons of sand and gravel per year for an estimated 7.3 years. The primary materials to be mined at the site are sand and gravel. Mining will occur in the alluvium of the South Platte River. Estimated depth to groundwater is 5 feet below grade. Mining will be accomplished by dry-mining method within a slurry wall to be installed prior to mining. Groundwater will be consumed by dewatering during the initial mining operations, dust control, water removed in the mined product, and evaporation incidental to such uses.

Prior to the use or exposure of any groundwater, the Applicant must first obtain a well permit, subject to 600-foot spacing required by section 37-90-137(2)(b), C.R.S., and an SWSP or decreed plan for augmentation to replace depletions caused by groundwater consumption. The site must continue to be operated under a SWSP until such time as the proposed reservoirs are lined (lining approved by this office, backfilling is completed, and replacement of lagged depletions shall continue until there is no longer an effect on stream).

The area will be reclaimed as a lined storage reservoir and rangeland. The application also states that all water that “enters the site will drain to the water storage pond in the center of the site.” If the reservoir does not qualify as a stormwater detention facility as described in DWR’s [Administrative Statement Regarding the Management of Storm Water Detention Facilities](#), attached, and such water is not stored under free river conditions, **the water collected in the reclaimed reservoir must be operated under a court-approved augmentation plan.**

Additionally, in certain areas of the South Platte River Basin, SEO staff have observed groundwater problems that appear to be related to the lining of gravel pits located near streams, and in particular, these problems occur when multiple liners are located adjacent to each other. DRMS should consider the siting and design of lined gravel pits to ensure that they will not individually or cumulatively result in impacts to the timing and quantity of groundwater flow from upgradient locations back to the stream system. In addition to impacts to property, such as flooding upgradient and reduced water levels downgradient of the liner, there are decrees of the court that specify the timing, quantity, and amount of water depleted from the streams by wells and accreted to the stream through recharge operations. The installation of a gravel pit liner should not result in changes to the timing, location, and amount of such groundwater flow. In anticipation of mounding, the Applicant proposes to submit a groundwater model prior to installation of a slurry wall and to install a French drain system if necessary to mitigate mounding.

Lastly, a review of our records shows well permit no. 124421, attached, may be located on the subject property. Use of this well is limited to ordinary household use in up to three single-family dwellings, domestic animal and livestock watering, and the irrigation of not more than one (1) acre of home lawns and gardens. As permitted, the well cannot be used for any commercial or industrial purposes. If the well will be plugged and abandoned, it must be done in accordance with the Well Construction Rules and an abandonment report (GWS-09) must be filed with this office at DWRpermitsonline@state.co.us.

Please contact Wenli Dickinson in Denver at Wenli.Dickinson@state.co.us or (303) 607-8206 or the Lead Water Commissioner, Alec Hernandez, at Alec.Hernandez@state.co.us or at (970) 381-0828 with questions.

THIS FORM MUST BE SUBMITTED
WITHIN 60 DAYS OF COMPLETION
OF THE WORK DESCRIBED HERE-
ON. TYPE OR PRINT IN BLACK
INK.

COLORADO DIVISION OF WATER RESOURCES

1313 Sherman Street - Room 818
Denver, Colorado 80203

RECEIVED

JUN 07 1983

WATER RESOURCES
STATE ENGINEER
2002

WELL COMPLETION AND PUMP INSTALLATION REPORT

PERMIT NUMBER 124421

WELL OWNER JOSEPH LELL SW ¼ of the SE ¼ of Sec. 7

ADDRESS BOX 222 FT. LUTON COLO 80621 T. 1 N. R. 66 W. 16 TH. P.M.

DATE COMPLETED APRIL 20 - 1983, 19

HOLE DIAMETER

8 in. from 0 to 20 ft.

6 in. from 20 to 34 ft.

_____ in. from _____ to _____ ft.

DRILLING METHOD

CASING RECORD: Plain Casing

Size 6 IN & kind STEEL from 0 to 6 ft.

Size 5 IN & kind PLASTIC from 0 to 25 ft.

Size _____ & kind _____ from _____ to _____ ft.

Perforated Casing

Size 5 IN & kind PLASTIC from 25 to 34 ft.

Size _____ & kind _____ from _____ to _____ ft.

Size _____ & kind _____ from _____ to _____ ft.

GROUTING RECORD

Material #2 CEMENT

Intervals DOWN 20 FT

Placement Method POURED

GRAVEL PACK: Size _____

Interval _____

TEST DATA

Date Tested MAY 25 - 1983, 19

Static Water Level Prior to Test 3 ft.

Type of Test Pump SUB

Length of Test 2 HRS

Sustained Yield (Metered) 15 G.P.M.

Final Pumping Water Level 4 FT.

WELL LOG

From	To	Type and Color of Material	Water Loc.
0	3	TOP SOIL	
3	33	GRAVEL	X
33	34	SHALE	
TOTAL DEPTH <u>34 FT</u>			

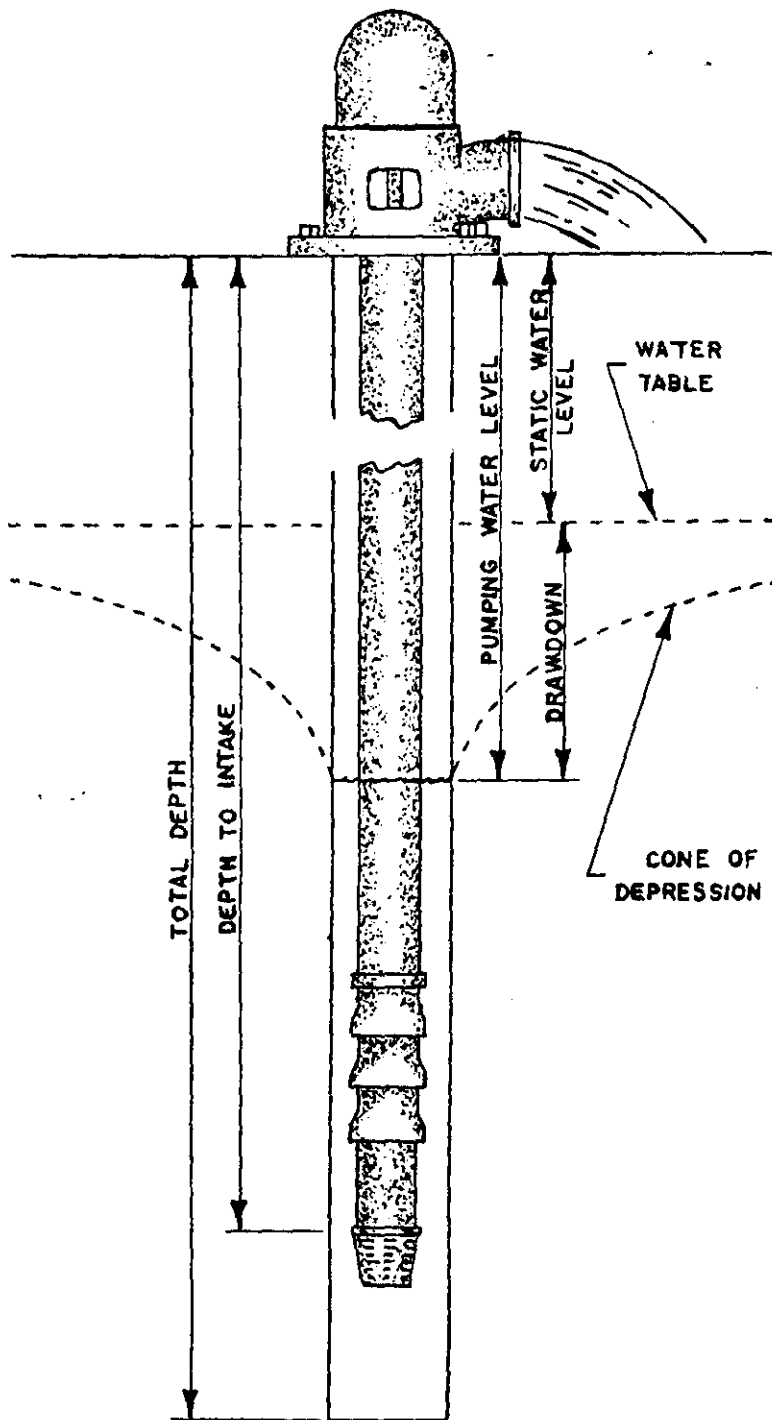
Use additional pages necessary to complete log.

PUMP INSTALLATION REPORT

Pump Make COULDS
 Type SWD
 Powered by ELECTRIC HP 1/2
 Pump Serial No. 10ET
 Motor Serial No. _____
 Date Installed MAY 25 - 1983
 Pump Intake Depth 22 FT
 Remarks _____

WELL TEST DATA WITH PERMANENT PUMP

Date Tested MAY 25 1983
 Static Water Level Prior to Test 3 FT
 Length of Test 2 Hours
 Sustained yield (Metered) 15 GPM
 Pumping Water Level 4 FT
 Remarks _____



CONTRACTORS STATEMENT

The undersigned, being duly sworn upon oath, deposes and says that he is the contractor of the well or pump installation described hereon; that he has read the statement made hereon; knows the content thereof, and that the same is true of his own knowledge.

Signature Ernest Glover License No. _____
 State of Colorado, County of Weld SS
 Subscribed and sworn to before me this 25th day of May, 19 83.
 My Commission expires: May 27, 19 84.
 Notary Public Beverly B Rudy

FORM TO BE MADE OUT IN QUADRUPPLICATE: WHITE FORM must be an original copy on both sides and signed. WHITE AND GREEN copies must be filed with the State Engineer. PINK COPY is for the Owner and YELLOW COPY is for the Driller.

COLORADO DIVISION OF WATER RESOURCES
300 Columbine Bldg., 1845 Sherman St., Denver, Colorado 80203

PERMIT APPLICATION FORM

Application must be complete where applicable. Type or print in **BLACK INK**. No overstrikes or erasures unless initialed.

(X) A PERMIT TO USE GROUND WATER
(X) A PERMIT TO CONSTRUCT A WELL
FOR: (X) A PERMIT TO INSTALL A PUMP

() REPLACEMENT FOR NO. _____

() OTHER _____

WATER COURT CASE NO. _____

RECEIVED

MAR 05 1982

**WATER RESOURCES
ENGINEER**

23N

NA
TOP

(1) APPLICANT - mailing address

NAME JOSEPH. LELL
STREET Box 222
CITY FT LUTTON, COLO. 80621
(State) (Zip)
TELEPHONE NO. 872 0340

(2) LOCATION OF PROPOSED WELL

County Weld
SW 1/4 of the SE 1/4, Section 7
Twp. 1 N, Rng. 66 W, 6 E P.M.
(N.S) (E.W)

(3) WATER USE AND WELL DATA

Proposed maximum pumping rate (gpm) 15
Average annual amount of ground water to be appropriated (acre-feet): 1
Number of acres to be irrigated: 1
Proposed total depth (feet): 60 FT.
Aquifer ground water is to be obtained from:
PLATE LAD.

Owner's well designation HOUSEHOLD USE

GROUND WATER TO BE USED FOR:

() HOUSEHOLD USE ONLY - no irrigation (0)
(X) DOMESTIC (1) () INDUSTRIAL (5)
() LIVESTOCK (2) () IRRIGATION (6)
() COMMERCIAL (4) () MUNICIPAL (8)
() OTHER (9) _____

DETAIL THE USE ON BACK IN (11)

(4) DRILLER

Name Ghoran's Drilling
Street 2261 W.C. Rd 31
City FT LUTTON COLO 80621
(State) (Zip)
Telephone No. 852-2041 Lic. No. 503

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 24112

Basin _____ Dist. _____

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

APPROVED PURSUANT TO CRS 1973, 37-92-602
(3)(b)(II) AS THE ONLY WELL ON A TRACT
OF 35 ACRES OR MORE DESIGNATED AS 55
ACRES IN PORTION OF S 1/2 SEC 7,
T 1 N, R 66 W, 6 E.

THE MUNICIPAL OR COUNTY GOVERNMENT
SHALL BE CONSULTED WHEN LOCATING
THIS WELL, AND THEIR REGULATIONS
SHALL BE COMPLIED WITH.

APPLICATION APPROVED

PERMIT NUMBER 124421

DATE ISSUED MAR 17 1982

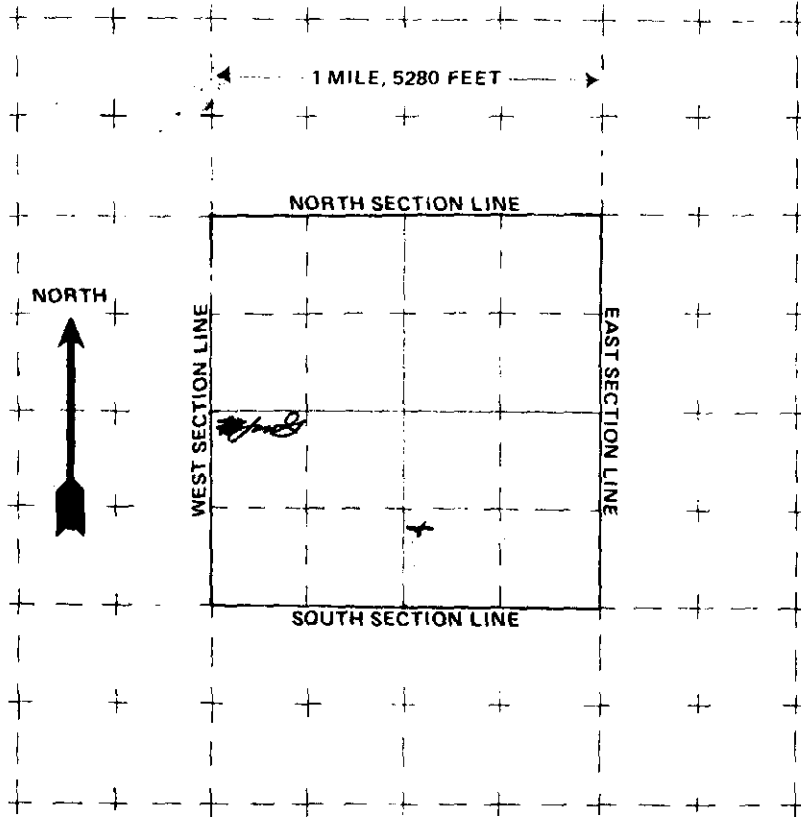
EXPIRATION DATE MAR 17 1984

Robert G. Longmeyer
(STATE ENGINEER)

Assistant
BY Debra R. Rhoads

I.D. 1-02 COUNTY 62

(5) THE LOCATION OF THE PROPOSED WELL and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.



The scale of the diagram is 2 inches = 1 mile
Each small square represents 40 acres.

WATER EQUIVALENTS TABLE (Rounded Figures)

An acre-foot covers 1 acre of land 1 foot deep
1 cubic foot per second (cfs) . . . 449 gallons per minute (gpm)
A family of 5 will require approximately 1 acre-foot of water per year.
1 acre-foot . . . 43,560 cubic feet . . . 325,900 gallons.
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(6) THE WELL MUST BE LOCATED BELOW by distances from section lines.

1280 ft. from South sec. line
(north or south)
2490 ft. from EAST sec. line
(east or west)

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

(7) TRACT ON WHICH WELL WILL BE LOCATED Owner: Lell

No. of acres 55 Will this be
the only well on this tract? yes

(8) PROPOSED CASING PROGRAM

Plain Casing

5 in. from 0 ft. to 40 ft.

_____ in. from _____ ft. to _____ ft.
Perforated casing

5 in. from 40 ft. to 60 ft.
_____ in. from _____ ft. to _____ ft.

(9) FOR REPLACEMENT WELLS give distance and direction from old well and plans for plugging it:

N/A

(10) LAND ON WHICH GROUND WATER WILL BE USED:

Owner(s): JOSEPH LELL

No. of acres: 55

Legal description: SW 1/4, SE 1/4, SEC 9, T21N, R2966W, 6th PM

(11) DETAILED DESCRIPTION of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.

HOUSEHOLD USE

SEPTIC TANK + LEACH FIELD

(12) OTHER WATER RIGHTS used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right

Used for (purpose)

Description of land on which used

6 shares Fulten

irrigation

Same as item 10

Ditch irrigation

(13) THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.

Joseph V Lell
SIGNATURE OF APPLICANT(S)

STATE OF COLORADO
DIVISION OF WATER RESOURCES

RECEIVED

MAR 05 1982

WATER RESOURCES
STATE ENGINEER
C.O.D.

STATE OF COLORADO

COUNTY OF Denver

SS

AFFIDAVIT

The affiant(s) Joseph Lell whose
mailing address is Box 222, Ft. Lupton,
(Street) (City)
CO, 80621, being duly sworn upon oath
(State) (Zip Code)

deposes and says that he (she) (they) is (are) the owner(s) of the following
described property situate in the County of Webb State of
Colorado: (insert or attach one of the following types of legal description
for your specific acreage: metes and bounds; survey plat; or lot No., block
No., filing No., and subdivision name.)

SW SE 7 Twp. 1 North Rng. 66 W 6 PM.

Further, the affiant(s) depose(s) and say(s) that he (she) (they) has (have)
read the statements made herein; knows the contents hereof; and that the same are
true of his (her) (their) own knowledge.

Joseph I Lell

Subscribed and sworn to before me this 5th day of March, 19 82

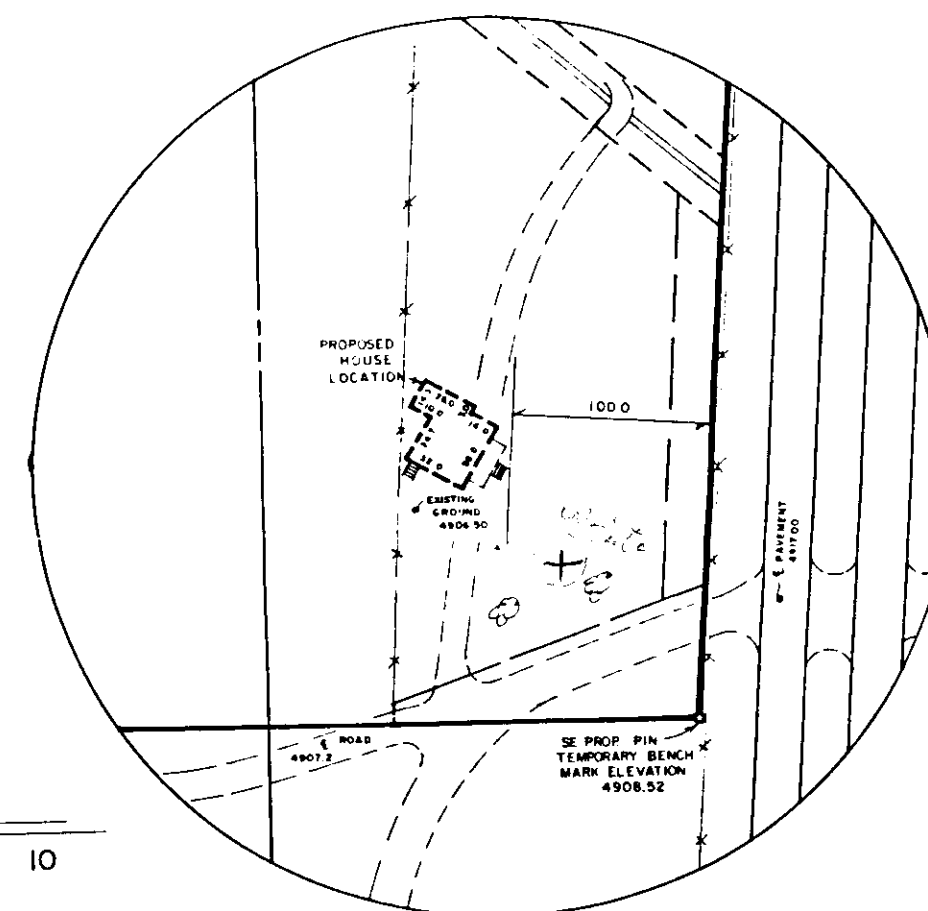
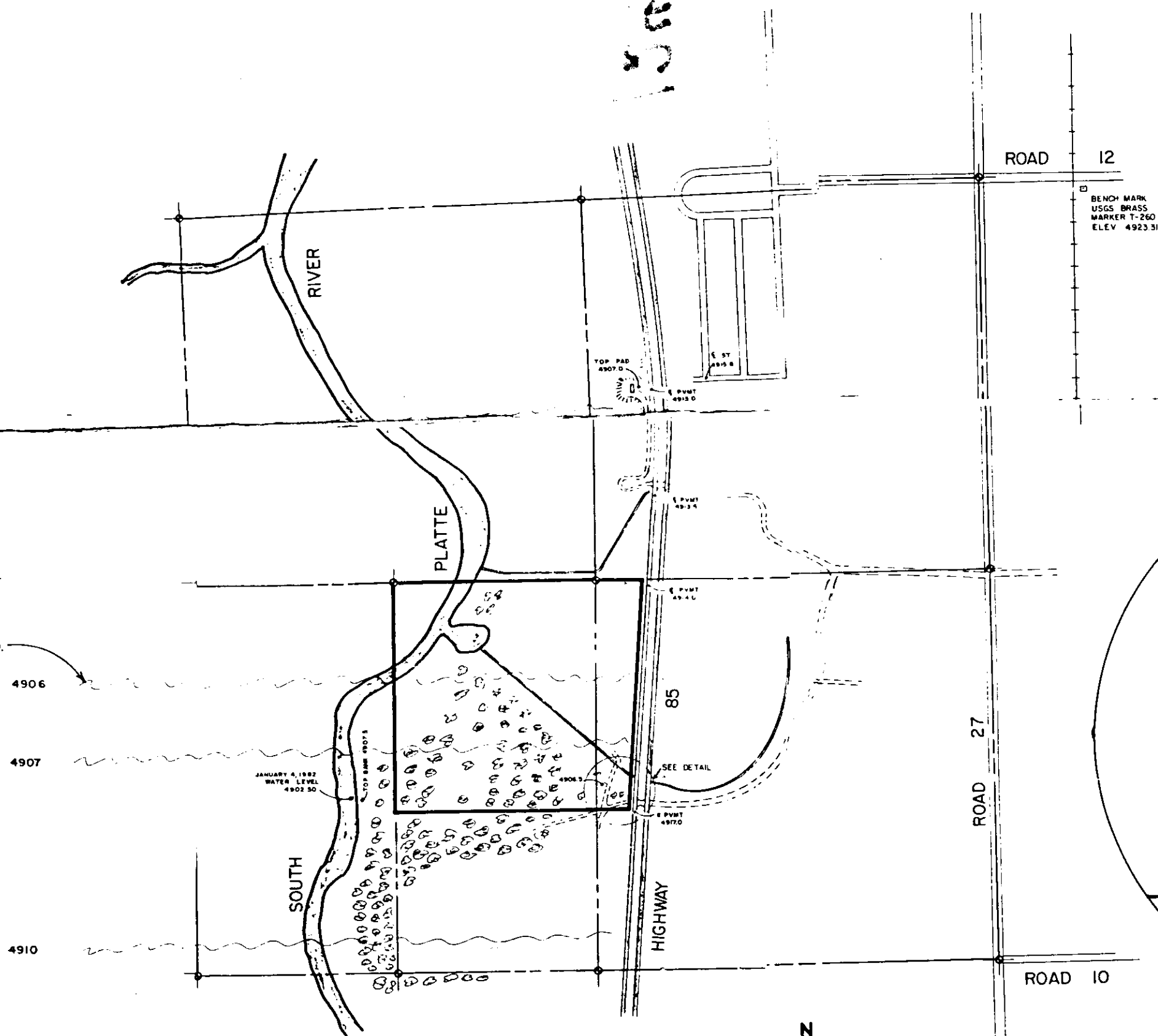
My Commission expires: My Commission Expires July 31, 1983

John W. Bickley
Notary Public

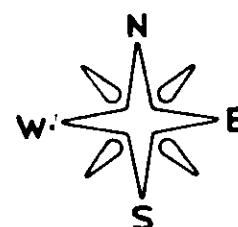
124421
6224112

155491

GOOD PLAIN ELEVATIONS ARE
SHOWN ON U.S. DEPT. OF
HOUSING & URBAN DEVELOPMENT
NATIONAL FLOOD INSURANCE
PROGRAM RATE MAP COMMUN-
DINEL NUMBER 080266 0981 E
EFFECTIVE DATE: MARCH 18, 1982



SECTION 7, T1N, R66W
SCALE: 1" = 500'



PLOT PLAN W/ ELEVATIONS OF PART
OF THE S 1/2 OF SECTION 7, T1N, R66W,
WELD COUNTY, COLORADO.

ALPHA ENGINEERING
P.O. BOX 392 617-5th STREET
FORT Lupton, COLORADO 80821

Scale: NOTED: 1"=500' 30' 60' 120' 240' 480' 960' 1920' 3840' 7680' 15360' 30720' 61440' 122880' 245760' 491520' 983040' 1966080' 3932160' 7864320' 15728640' 31457280' 62914560' 125829120' 251658240' 503316480' 1006632960' 2013265920' 4026531840' 8053063680' 16106127360' 32212254720' 64424509440' 128849018880' 257698037760' 515396075520' 1030792151040' 2061584302080' 4123168604160' 8246337208320' 16492674416640' 32985348833280' 65970697666560' 131941395333120' 263882790666240' 527765581332480' 1055531162664960' 2111062325329920' 4222124650659840' 8444249301319680' 16888498602639360' 33776997205278720' 67553994410557440' 135107988821114880' 270215977642229760' 540431955284459520' 1080863910568919040' 2161727821137838080' 4323455642275676160' 8646911284551352320' 17293822569102704640' 34587645138205409280' 69175290276410818560' 138350580552821637120' 276701161105643274240' 553402322211286548480' 1106804644422573096960' 2213609288845146193920' 4427218577690292387840' 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Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado

February 11, 2016

The Division of Water Resources (DWR) has previously administered storm water detention facilities based on DWR's "Administrative Approach for Storm Water Management" dated May 21, 2011. Since the passage of Colorado Senate Bill 15-212, that administrative approach has been superseded. This document describes SB 15-212, codified in section 37-92-602(8), Colorado Revised Statutes (C.R.S.), and how the law directs administrative requirements for storm water management. The document is for informational purposes only; please refer to section 37-92-602(8) for comprehensive language of the law.

Pursuant to section 37-92-602(8), storm water detention facilities and post-wildland fire facilities shall be exempt from administration under Colorado's water rights system only if they meet specific criteria. The provisions of SB15-212 apply to surface water throughout the state. SB15-212 *only* clarifies when facilities may be subject to administration by the State Engineer; all facilities may be subject to the jurisdiction of other government agencies and must continue to obtain any permits required by those agencies.

Storm Water Detention Facilities

Pursuant to section 37-92-602(8), a storm water detention and infiltration facility ("Detention Facility") is a facility that:

- Is owned or operated by a government entity or is subject to oversight by a government entity, including those facilities that are privately owned but are required by a government entity for flood control or pollution reduction.
- Operates passively and does not subject storm water to any active treatment process.
- Has the ability to continuously release or infiltrate at least 97 percent of all of the water from a rainfall event that is equal to or less than a five-year storm within 72 hours of the end the rainfall event.
- Has the ability to continuously release or infiltrate at least 99 percent of all of the water from a rainfall event that is greater than a five-year storm within 120 hours of the end the rainfall event.
- Is operated solely for storm water management.



In addition, to qualify for the allowances provided in SB-212, the facility:

- Must not be located in the Fountain Creek watershed, unless the facility is required by or operated pursuant to a Colorado Discharge Permit System Municipal Separate Storm Sewer System Permit issued by the Department of Public Health and Environment pursuant to Article 8 of Title 25, C.R.S.
- Must not use water detained in the facility for any other purpose nor release it for subsequent diversion by the person who owns, operates, or has oversight over the facility. The facility cannot be operated as the basis for a water right, credit, or other water use right.
- Must not expose ground water.
- May include a structure or series of structures of any size.

If the Detention Facility was constructed *on or before* August 5, 2015 and meets all the requirements listed above, it does not cause material injury to vested water rights and will not be subject to administration by the State Engineer.

If the Detention Facility is constructed after August 5, 2015, meets the requirements listed above, and the operation of the detention facility does not cause a reduction to the natural hydrograph as it existed prior to the upstream development, it has a rebuttable presumption of non-injury pursuant to paragraph 37-92-602(8)(c)(II). A holder of a vested water right may bring an action in a court of competent jurisdiction to determine whether the operation of the detention facility is in accordance with paragraph 37-92-602(8)(c)(II)(A) and (B) has caused material injury. If the court determines that the vested water rights holder has been injured, the detention facility will be subject to administration.

In addition, for Detention Facilities constructed after August 5, 2015, the entity that owns, operates, or has oversight for the Detention Facility must, prior to the operation of the facility, provide notice of the proposed facility to the Substitute Water Supply Plan (SWSP) Notification List for the water division in which the facility is located. Notice must include: the location of proposed facility, the approximate surface area at design volume of the facility, and data that demonstrates that the facility has been designed to comply with section 37-92-602(8)(b) paragraphs (B) and (C). The State Engineer has not been given the statutory responsibility to review notices, however, DWR staff may choose to review notices in the course of their normal water administration duties. Not reviewing notices does not preclude the Division Engineer from



taking enforcement action in the event that the above criteria are not met in design and/or operation.

To satisfy the notification requirement, operators are encouraged to use the Colorado Stormwater Detention and Infiltration Facility Notification Portal developed by Urban Drainage and Flood Control District (“UDFCD”), located at:

<https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>.

Types of detention Facilities contemplated under this statute include underground detention vaults, permanent flood detention basins,¹ extended detention basins,² and full spectrum detention basins.³ Storm Water Best Management Practices⁴ (BMPs) not contemplated above, including all Construction BMPs and non-retention BMPs, do not require notice pursuant to SB-212 and are allowed at the discretion of the Division Engineer. Green roofs are allowable as long as they intercept only precipitation that falls within the perimeter of the vegetated area. Green roofs should not intercept or consume concentrated flow, and should not store water below the root zone. BMPs that rely on retention, such as retention ponds and constructed wetlands, will be subject to administration by the State Engineer.

Any detention facility that does not meet all of the statutory criteria described above, in design or operation, is subject to administration by the State Engineer.

¹ Flood detention basin: An engineered detention basin designed to capture and slowly release peak flow volumes to mitigate flooding (Urban Drainage and Flood Control, 2010).

² Extended detention basin: An engineered detention basin with an outlet structure designed to slowly release urban runoff over an extended time period (Urban Drainage and Flood Control, 2010).

³ Full spectrum detention basin: An extended detention basin designed to mimic pre-development peak flows by capturing the Excess Urban Runoff Volume and release it over a 72 hour period (Urban Drainage and Flood Control, 2010).

⁴ Best management practice: A technique, process, activity, or structure used to reduce pollutant discharges in stormwater (Urban Drainage and Flood Control, 2010).



Post-Wildland Fire Facilities

Pursuant to section 37-92-602(8), a post-wildland fire facility is a facility that:

- Includes a structure or series of structures that are not permanent.
- Is located on, in or adjacent to a nonperennial stream⁵.
- Is designed and operated to detain the least amount of water necessary, for the shortest duration of time necessary, to achieve the public safety and welfare objectives for which it is designed.
- Is designed and operated solely to mitigate the impacts of wildland fire events that have previously occurred.

In addition, to qualify for the allowances provided in SB-212, the facility:

- Must be removed or rendered inoperable after the emergency conditions created by the fire no longer exist, such that the location is returned to its natural conditions with no detention of surface water or exposure of ground water.
- Must not use water detained in the facility for any other purpose nor release it for subsequent diversion by the person who owns, operates, or has oversight over the facility. The facility will not be operated as the basis for a water right, credit, or other water use right.

If the post-wildland fire facility meets the requirements listed above, it does not cause material injury to vested water rights. While DWR recognizes that post-wildland fire facilities are essential to the protection of public safety and welfare, property, and the environment, DWR may, from time to time, request that the person who owns, operates, or has oversight of the post-wildland fire facility supply information to DWR to demonstrate they meet the criteria set forth above.

If a post-wildland fire facility does not meet all the criteria set forth above, it will be subject to administration by the State Engineer.

⁵ DWR may use the National Hydrography Dataset or other reasonable measure to determine the classification of a stream



Resources and References

Colorado Stormwater Detention and Infiltration Facility Notification Portal:

<https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>

Colorado Senate Bill15-212:

http://www.leg.state.co.us/CLICS/CLICS2015A/csl.nsf/fsbillcont3/13B28CF09699E67087257DE8006690D8?Open&file=212_enr.pdf

United States Geological Survey National Hydrography Dataset: <http://nhd.usgs.gov/>

Urban Drainage and Flood Control District 37-92-602(8) explanation memo and FAQ's:

<http://udfcd.org/crs-37-93-6028-explanation-memo-and-faqs/>

Urban Drainage and Flood Control District. (2010). *Urban Storm Drainage Criteria Manual: Volume 3, Best Management Practices*, updated November 2015. Located at:

<http://udfcd.org/volume-three>

