



**Policy 2014-01
(Amended March 2019)
CONCERNING THE DIVISION OF WATER RESOURCES'
RESPONSE TO COMPLAINTS REGARDING WATER USE FOR
WHICH THE DIVISION HAS ADMINISTRATIVE
RESPONSIBILITY**

Objective

This policy describes Division of Water Resources ("DWR") staff responsibilities when receiving complaints from the public, including those forwarded from the Citizen's Advocate Office, those received by individual employees by phone or email, and those received in writing or through website feedback. For the purposes of this policy, a complaint is a request from the public for DWR to investigate or correct improper use of groundwater or surface water, expressing concerns with the safety of dams, or expressing concerns with well construction. Routine daily inquiries and advisement of issues with water users are not considered complaints subject to this policy.

As a regulatory agency, DWR takes seriously the fact that water users will be knowledgeable when it comes to water administration and the use of water in the state. Water users that comply with the provisions of their water rights or well permits, or have gone to the time and expense to obtain plans for augmentation, will expect some response if they see that other water users are able to use water without the same accountability to water administration. While DWR has limited resources to investigate complaints, we do have a responsibility to evaluate complaints and where discretion allows, investigate complaints or at a minimum provide feedback to citizens that have observed water users' actions that are out of compliance with the law or detrimental to the water resources of the state.

The objective of this policy is to guide DWR staff in taking complaints and to ensure that, while not all complaints can be investigated, we do, at a minimum, provide timely response to citizens that have brought valid concerns to our attention.

Policy

A central log of all complaints falling under this policy will be maintained by the DWR Public Information Officer ("PIO"), primarily relying on the log of complaints and responses maintained by the AskDWR tool. The log is generated automatically when DWR staff or the public use AskDWR to submit complaints. The PIO and other DWR delegates specified in



HBDMC¹ are notified by AskDWR when a complaint is submitted. AskDWR saves the text of the complaint and the DWR response to the complaint in HydroBase. Attachments submitted through AskDWR are transmitted in the original notice email to the PIO and other DWR delegates. The attachment will be saved to a file by the PIO as it is not saved in HydroBase.

PIO's responsibility and routing of complaints

Depending on the nature of the complaint, the PIO will address the complaint, in consultation with the State Engineer, or the PIO will coordinate with the other DWR delegates regarding an appropriate response. A written response will be completed through HBDMC and any phone response will be noted in HBDMC, resulting in a complete record of the complaint and response. The PIO will forward a report of the result to the Citizen's Advocate Office if the complaint was received from that office.

The Division Engineer is the default delegate for complaints in each respective division office, although they may identify an alternate or may route individual complaints to the appropriate staff member through HBDMC. Division office staff may request assistance from Denver office employees in investigating or resolving the complaint as necessary.

The PIO will coordinate with the State Engineer for all complaints likely to result in notification of legislators, the Governor's Office, or the media.

Information to be provided by Complainants

DWR staff may receive complaints in person, over the phone, and through written correspondence received by mail or email. The DWR contact will create a record of formal complaints received in the AskDWR system as either a [general water use complaint](#) or a Board of Examiners [well construction complaint](#). The DWR contact should enter the complainant's name, the details of the incident, whether the complainant does not want their name disclosed, whether the complainant wishes to be informed of the outcome, and all other relevant information. Hard copy and emailed complaints should be added as an attachment in AskDWR.

Complainants' may request to file a complaint without leaving their name (anonymous complaint) or to file a complaint and leave a name for the purposes of getting feedback but not have their name publicly disclosed (request for confidentiality).

DWR would prefer that a complainant identify themselves when filing a complaint. However, if a complainant asks to file a complaint without identifying themselves², DWR will gather the information and treat it as any other complaint with the exception that, while

¹ HBDMC is the program used by DWR employees to access the HydroBase database including assigning the routing of AskDWR complaints and providing responses to AskDWR inquiries.

² For confidential complaints entered in AskDWR by DWR staff, the name field should be "Anonymous" and the email entered should be the employee's email address.

DWR will investigate the matter at its discretion, feedback to the complainant will not occur.

If a complainant asks to file a complaint and desires feedback and, therefore, leaves their name, but asks that their name not be disclosed, DWR will gather the information and treat it as any other complaint with the exception that the person taking the information will include the name and “Confidential” in the AskDWR name field and will inform the party that DWR will investigate the matter at its discretion, per this policy. DWR will provide feedback to the complainant as warranted. The person taking the complaint will further inform the complainant that DWR will not disclose their name as part of the investigation even if asked by another party. The person taking the complaint will also inform the complainant that, while DWR agrees to not reveal their name, as part of a public document, the information related to the investigation, including the complainant's name, is subject to review by the public and may be disclosed if required by law under any relevant public open record request.

In summary:

1. Anonymous complaint -the applicant does not leave a name and does not expect feedback
 - DWR will investigate like any other complaint, at its discretion
2. Complaint with request for confidentiality- the applicant leaves a name and requests feedback but does not want their name disclosed
 - DWR will investigate like any other complaint, at its discretion
 - DWR will not disclose the name during the investigation, even if asked by another party
 - The details of the investigation, including the complainant's name, are public and subject to review and may be disclosed under a CORA request or in a legal proceeding

Making the decision to investigate a complaint

In the case of a complaint regarding the improper use of groundwater or surface water, the Division Engineer, the delegate, or the water commissioner will make the decision whether to investigate a complaint. The decision to investigate a complaint will be based on the type of diversion and the amount of water involved weighed against the workload of the division employees and their availability to spend time investigating the complaint. If a complainant has requested feedback and the Division Engineer, the delegate, or the water commissioner decides to not investigate the complaint, the person making the decision shall contact the complainant as soon as possible to inform them that our current staffing levels and workload do not allow DWR to investigate the complaint.

In the case of complaints concerning the safety of dams, the Chief of Dam Safety will make the decision whether to investigate the complaint, taking into account the severity of the

matter with due regard for current workload. For complaints concerning well construction, staff of the Board of Examiners of Water Well Construction and Pump Installation shall follow the Board's published [Complaint Process and Procedure](#), using AskDWR as the tracking tool in coordination with the PIO.

The PIO shall be notified of all decisions to investigate a complaint. The PIO will consult with the State Engineer as appropriate.

This policy replaces Policy 2001-4. Policy 2014-01 originally became effective January 1, 2014 and was updated in 2019 to direct the use of AskDWR as the tracking tool.

Approval

This policy may only be modified or revoked in writing by the State Engineer.

Approved this 1st day of March, 2019.

A handwritten signature in black ink, reading "Kevin G. Rein". The signature is written in a cursive, flowing style.

Kevin G. Rein, P.E.
State Engineer/Director