



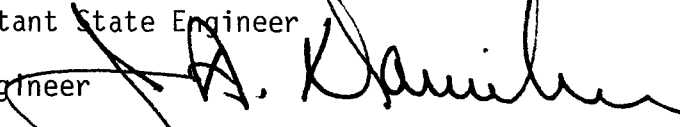
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES

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Denver, Colorado 80203
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July 23, 1986

MEMORANDUM

TO: Robert A. Longenbaugh, Assistant State Engineer

FROM: Jeris A. Danielson, State Engineer 

RE: Policy concerning the moving of registered and/or decreed wells of the type described in Section 37-92-602(1)(b)&(e), C.R.S. and which are no longer needed at their original location

Section 37-92-602(3)(c), C.R.S. (1973) provides for the relocation of existing wells where "the relocated well will not change substantially the usage of water which can lawfully be made by means of the existing well," and requires that the existing well be plugged and abandoned within ninety days of construction of the new well. There are, however, several questions concerning the relocation of existing wells to new sites where the existing well is no longer needed and the water right has been conveyed to someone else. These cases usually involves moving "domestic" wells to locations which are currently limited to "household use only."

In order to assist in the evaluation and provide for approval of this type of well permit, the following policies shall apply:

1. The applicant must provide an affidavit from the previous or current owner (where the transfer has not yet been completed) relinquishing all claims to the well and affirming that the existing well will be plugged and abandoned according to the Rules and Regulations for Water Well Construction and Pump Installation Contractors.
2. The applicant must provide a complete and detailed description of both the historic use and the proposed new use. This must be verified via a field inspection by Division of Water Resources personnel. The change shall not result in an expanded use of ground water.
3. The applicant shall provide evidence that the well to be relocated has not been abandoned by physically plugging the well and has been used within the last 10 years.

4. The new well or use of an existing "household use only" well must be located in and must divert water from the same source without affecting other vested water rights of record not impacted at the present location. These changes are limited to wells which withdraw ground water as defined in Section 37-92-103(11)&(13), C.R.S. (1973).
5. A "domestic use" cannot be transferred to any parcel with a subdivision where the water supply plan was approved by this office under the provisions of Section 30-28-136, C.R.S. (1973) or where permits are issued pursuant to court approved augmentation plans.
6. Where the well to be moved has been adjudicated, the use of the new point of diversion greater than 200 feet from the decreed point the applicant must apply to the water court for a change in water right prior to submitting a permit application.
7. To be considered acceptable, the existing well must have been put to beneficial use prior to May 8, 1972.
8. Such changes are not acceptable where permits have been approved under the provisions of Section 37-90-137(4), C.R.S. for the proposed location or in the case of non-tributary aquifer wells.

This policy becomes effective immediately and shall be modified or revoked only in writing.

JAD/BJD:pdt

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