



Statewide Nontributary Groundwater Rules Update and Current Litigation April 2021

The Division of Water Resources (DWR) began an update to the [1986 Statewide Nontributary Groundwater Rules](#) in October 2020. A disagreement over the law directing allocation of nontributary water caused confusion and hampered progress in finalizing the revised rules. Specifically, several water users disagree with DWR that section 37-90-137(4)(b)(II), C.R.S. limits total groundwater withdrawals to the amount of water underlying the subject property. DWR, under its authority and responsibility to issue well permits, has regarded this as a limit since it was legislated in 1973. Those water users believe that pumping under annual limits, which are equal to 1 percent of the total quantity underlying the land, may continue even after the cumulative amount pumped exceeds the total volume quantified.

On April 12, 2021, Parker Water filed a complaint in Division 1 water court case no. 21CW3046 due to conditions of approval on Denver Basin well permits issued in the prior month. DWR terminated the rulemaking through a filing with the Colorado Secretary of State on April 15, 2021. DWR anticipates a future rulemaking following resolution of the disagreement.

