



MEMORANDUM

To: Well users in newly over-appropriated areas
From: Megan Sullivan, Water Supply Group Team Leader, Divisions 4, 5, 6
Date: January 19, 2022
Subject: Application process to permit or register wells in newly over-appropriated areas of the Yampa River basin

As a follow up to the January 19, 2022 [memo from Kevin Rein](#) determining over-appropriation status for the Yampa River upstream of the Little Snake River as of March 1, 2022, this memo directs water users within the newly over-appropriated areas to the correct forms to use to permit or register wells (including pond wells). Wells outside of the newly over-appropriated areas should follow DWR's standard guidance, which does not include special consideration for the time period March 1, 2022 through December 31, 2022. Application forms can be found on DWR's eForms Dashboard webpage (<https://dwr.state.co.us/eforms>).

This memo describes the special considerations for well permit applications received during the March 1, 2022 through December 31, 2022 period for locations within the newly over-appropriated areas of the Yampa River basin (as mapped in the over-appropriation memo from Kevin Rein). Part A provides direction on the forms to permit construction of a new well or change the uses of an existing well. Part B provides direction on the forms to permit an existing well.

The intent of this memo is to give guidance; it does not guarantee the issuance of a well permit. The ability to obtain a well permit is determined at the time that a complete well permit application and filing fee is submitted to and reviewed by DWR staff. If you have questions, please contact us through [AskDWR](#) (available on DWR's website at dwr.colorado.gov) or by calling the Groundwater Information Line, Monday-Friday, 9am-4pm, at 303-866-3587.

PART A: CONSTRUCT A NEW WELL OR EXPAND/CHANGE THE USE OF AN EXISTING WELL

1. To apply to construct a new well or to expand/change the use of an existing well for one of the following uses (Exempt Uses):



- **Residential Use:** ordinary household purposes inside 1 to 3 single family dwellings, the irrigation of home lawn and gardens, the watering of poultry, domestic animals and livestock on farms and ranches
- **Stock watering:** the watering of livestock on farms or ranches; animals whose primary feed source is through grazing on open pasture and not animals confined in stalls or pens where they are fed at the place of confinement

Use form: GWS-44 Residential Well Permit Application

- **Commercial drinking and sanitary:** supplying the drinking/sanitary facilities inside commercial businesses only (no outside uses such as landscaping or large animal watering).

Use forms: GWS-45 General Purpose Well Permit Application AND GWS-57 Commercial Drinking and Sanitary Well Worksheet

For applications received after March 1, 2022, a determination of non-injury may be required. Please see the Exempt Well section in the [Beginner's Guide to Well Permits](#) (available on the DWR Website at: dwr.colorado.gov) for additional information on the qualifications needed for an exempt well permit.

For wells that do not meet all of the requirements to qualify for an exempt well permit, the well must operate under either a State Engineer approved substitute water supply plan or a court approved plan for augmentation to offset the impact the well has on the stream system. Please see the [Beginner's Guide to Augmentation Plans](#) available on the DWR website at: dwr.colorado.gov

2. To apply to construct a new well or to expand/change the use of an existing well for uses not listed as Exempt Uses in Item 1 above, including:

Groundwater ponds, central wells serving more than 3 single family dwellings, filling a hot tub or swimming pool, crop irrigation, industrial purposes, commercial purposes in addition to or other than drinking and sanitary facilities, horse boarding operations, dairy or feedlot operations, etc...:

Use form: GWS-45 General Purpose Well Permit Application

Groundwater Ponds Only:

Site plan and cross section drawings showing the extent of intended excavation must also be provided.

PART B: REGISTER OR PERMIT AN EXISTING WELL

1. To apply to register an existing well constructed and put to use prior to MAY 8, 1972 and continuously used for the one of the following Exempt Uses:

- **Residential Use:** ordinary household purposes inside 1 to 3 single family dwellings, the irrigation of home lawn and gardens, the watering of poultry, domestic animals and livestock on farms and ranches
- **Stock watering:** the watering of livestock on farms or ranches; animals whose primary feed source is through grazing on open pasture and not animals confined in stalls or pens where they are fed at the place of confinement

Use forms: GWS-12: Registration of Existing Well AND GWS-12A: Statement of Historical Use.

- **Commercial drinking and sanitary:** supplying the drinking/sanitary facilities inside commercial businesses only (no outside uses such as landscaping or large animal watering).

Use forms GWS-12: Registration of Existing Well, GWS-12A: Statement of Historical Use, AND GWS-57: Commercial Drinking and Sanitary Well Worksheet

2. To apply to permit an existing well constructed and put to use prior to MAY 8, 1972 for purposes not listed as Exempt Uses in above in Item 1, including:

Groundwater ponds, central wells serving more than 3 single family dwellings, crop irrigation, industrial purposes, commercial purposes in addition to or other than drinking and sanitary facilities, horse boarding operations, dairy or feedlot operations, etc...:

Use forms: GWS-45 General Purpose Well Permit Application AND

Evidence or an affidavit confirming construction prior to May 8, 1972 must be provided.

Groundwater ponds only:

Site plan and cross section drawings showing the extent of excavation, the maximum depth of the pit or pond, the initial static water level, and the date of initial groundwater exposure to the atmosphere, must also be provided.

QUALIFICATIONS FOR A PERMIT:

For applications submitted on or before December 31, 2022: Applicant must provide evidence of use demonstrating that the well/pond well and its uses existed prior to March 1, 2022. If the well and its uses did not exist prior to March 1, 2022, then the well must operate under either a State Engineer approved substitute water supply plan or a court approved plan for augmentation to offset the impact the well has on the stream system.

For applications submitted on or after January 1, 2023: The well must operate under either a State Engineer approved substitute water supply plan or a court approved plan for augmentation to offset the impact the well has on the stream system. Please see the [Beginner's Guide to Augmentation Plans](http://dwr.colorado.gov) available on the website at: dwr.colorado.gov

3. To apply to permit an existing well constructed and put to use after MAY 8, 1972 for one of the following Exempt Uses:

- **Residential Use:** ordinary household purposes inside 1 to 3 single family dwellings, the irrigation of home lawn and gardens, the watering of poultry, domestic animals and livestock on farms and ranches
- **Stock watering:** the watering of livestock on farms or ranches; animals whose primary feed source is through grazing on open pasture and not animals confined in stalls or pens where they are fed at the place of confinement

Use form: GWS-44: Residential Well Permit Application.

- **Commercial:** supplying the drinking/sanitary facilities inside commercial businesses only (no outside uses such as landscaping or large animal watering).

**Use forms: GWS-45 General Purpose Well Permit Application AND
GWS-57 Commercial Drinking and Sanitary Well Worksheet**

For all types of wells listed above:

GWS-68: Post Construction Well Inspection completed by a licensed water well contractor or a copy of a well construction report completed by the licensed water well contractor at the time the well was completed must be provided.

QUALIFICATIONS FOR A PERMIT:

For applications submitted on or before December 31, 2022: In order to permit beneficial uses of water pursuant to a finding of no material injury from the well, Applicant must provide evidence of use demonstrating that the well and its uses existed

prior to March 1, 2022. If evidence of pre-March 1, 2022 use is not available, the application will be evaluated similar to the applications described in Part A, No. 1.

4. To apply to permit an existing well constructed and put to use after MAY 8, 1972 for purposes not listed as an Exempt Use in Item 3 above, including:

Groundwater ponds, central wells serving more than 3 single family dwellings, crop irrigation, industrial purposes, commercial purposes in addition to or other than drinking and sanitary facilities, horse boarding operations, dairy or feedlot operations, etc...:

Use form: GWS-45: General Purpose Well Permit Application AND GWS-68: Post Construction Well Inspection completed by a licensed water well contractor or a copy of a well construction report completed by the licensed water well contractor at the time the well was completed must be provided. GWS-68 is not required for groundwater ponds.

Groundwater ponds only:

Site plan and cross section drawings showing the extent of excavation, the maximum depth of the pit or pond, the initial static water level, and the date of initial groundwater exposure to the atmosphere, must be provided.

QUALIFICATIONS FOR A PERMIT:

For applications submitted on or before December 31, 2022: Applicant must provide evidence of use demonstrating that the well and its uses existed prior to March 1, 2022. If the well and its uses did not exist prior to March 1, 2022, then the well must operate under either a State Engineer approved substitute water supply plan or a court approved plan for augmentation to offset the impact the well has on the stream system.

For applications submitted on or after January 1, 2023: The well must operate under either a State Engineer approved substitute water supply plan or a court approved plan for augmentation to offset the impact the well has on the stream system. Please see the [Beginner's Guide to Augmentation Plans](#) available on the DWR website at: dwr.colorado.gov