



COLORADO

Division of Water Resources

Department of Natural Resources

Guideline 2003-4

CONCERNING THE RETENTION OF APPLICATIONS THAT ARE WITHDRAWN BY THE APPLICANT OR FOR WHICH ADDITIONAL INFORMATION WAS REQUESTED IN ORDER TO PROCESS THE APPLICATION

Purpose:

The purpose of this guideline is to clarify the retention process for well permit and other types of applications, including applications within the Designated Basins for determination of water rights, replacement plans and change of water rights (together “Applications”) that have been withdrawn by the applicant. This guideline further provides information on when Applications will be considered withdrawn in situations where additional information was needed to process the Application, such information was requested from the applicant (“Applicant”) and the requested information was not provided for an extended period of time. This guideline is needed to provide for the consistent processing of Applications.

Guideline with respect to Withdrawn Well Permit Applications

1. As of the date of this guideline, it is the position of the State Engineer’s Office, as the official record keeper for the State of Colorado of well permits and Designated Basin determination of water rights, replacement plans and change of water rights, to retain documentation associated with Applications that have been withdrawn by the applicant. Requests to withdraw an Application must be made in writing by the Applicant or a party authorized to act on the Applicant’s behalf, such as an authorized agent or attorney. At such time as an Application is withdrawn, the Application and associated documents will be added to the Division of Water Resource’s (“DWR”) Electronic Content Management (“ECM”) System (e.g. scanned into DWR’s database) under the Application receipt number or associated permit number as applicable.

Guideline with respect to Applications Returned to the Applicant for additional information

1. As of April 29, 2024, the effective date of this amended guideline, any correspondence by email or mail requesting information from the Applicant that is needed to process the Application shall provide notice to the Applicant in writing that the application(s) will be considered withdrawn by DWR if the requested information is not submitted within one (1) year from the date the request for information was sent. If the evaluator exchanges correspondence with the applicant one or more times, the initial one year period identified to the applicant does not need to be updated with each exchange of correspondence. If the correspondence occurs in the last two months of the one year period, the evaluator should inquire with the applicant if they will need more than two months to provide the remaining requested information. If the applicant confirms that they need more than two months to provide the subject information, the evaluator should extend the initial one year period by six months. In accordance with Item #3 below, multiple extensions may be granted.



2. If the notice described in paragraph 1 above was provided, and the requested additional information is received by DWR more than one year from the date the request for information was sent, DWR Staff shall return the Application(s) to the Applicant via email or mail and direct the Applicant that they must file new Application(s) with the appropriate fee(s). It is the Applicant's responsibility to ensure that the email address and/or mailing address provided to DWR is accurate and up-to-date. DWR Staff shall update the status of Applications that are returned to the Applicant to "withdrawn" and add the Application and associated documents to DWR's ECM System under the Application receipt number or associated permit number as applicable.
3. If the Applicant provides a written explanation within the one year period that justifies a request for an extension of time, DWR Staff *may* approve an additional six month extension of time, or such other period as Staff deems appropriate. Multiple extensions may be granted if the Applicant provides written justification for further extensions.

Notice to be provided by DWR Staff

When requesting additional information pursuant to subparagraph (b) above, include the following notice language after describing the additional information that is needed to process the Application:

"Please be advised that the aforementioned criteria must be addressed and received by this office by {one year after the return date} to retain active status of the {specify application type} application. Information submitted after that date will require a new application and will be assessed the appropriate fee."

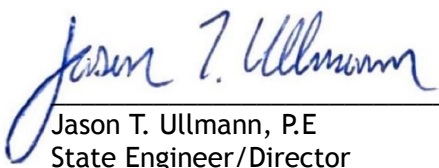
Exceptions

This guideline does not apply to well permit applications held as a result of an associated application that DWR is processing or legal action that DWR is aware of and which must be completed in order to process the well permit application (e.g. pending administrative hearing; application for an augmentation plan; application for a substitute water supply plan; or application for a change of water right, Determination of Water Right or Replacement Plan within the Designated Basins). If well permit applications are held for the above described reasons, DWR shall retain a copy of the original application and all associated documentation and the applications will not be considered withdrawn without written notice from the Applicant or their authorized agent/attorney.

This guideline is not to apply to Designated Basin applications for determination of water rights, replacement plans and change of water rights that have been published.

Approval

This guideline may only be modified or revoked in writing by the State Engineer. This guideline originally became effective March 31, 2003. It was amended on April 29, 2024 to provide background information and clarify the current retention process.



Jason T. Ullmann, P.E
State Engineer/Director