



## **Guideline 2017-1: Evaluating Applications for Permits to use an Existing Well, Requests to Reinstate Expired Permits, and Acceptable Evidence of Pump Installation**

**Amended August 2025**

### **Purpose**

One of the purposes of the Rules and Regulations for Water Well Construction, Pump Installation, Cistern Installation, and Monitoring and Observation Well/Hole Construction (“Construction Rules”) adopted by the Board of Examiners (“BOE”) is to safeguard the public health of the people of the State of Colorado and to protect the groundwater resources of the State of Colorado (see Construction Rule 4.2).

For this reason, beginning on September 1, 2016, the Construction Rules require a Post-Construction Well Inspection Report (form GWS-68) to be submitted for wells constructed on or after May 8, 1972<sup>1</sup>, if a Well Construction and Yield Estimate Report (form GWS-31) has not been submitted for the well. The objective of this guideline is to establish standard procedures for processing applications for permits to use an existing well and requests to reinstate expired permits. The Construction Rules require the Post-Construction Well Inspection Report to be signed by a licensed contractor or authorized individual.

This guideline revokes and supersedes the following guidelines:

- Guideline 2003-1, Evaluating Permit Applications for Existing Wells;
- Guideline 2003-2, Evaluating Permit Reinstatements; and
- Guideline 2003-3, Evaluating Permit Applications for Existing Wells with Decreed Absolute Water Rights

<sup>1</sup>This date is based on section 37-92-602(5) and section 37-90-105(4), C.R.S., which provide for registration of wells that were put to beneficial use prior to May 8, 1972.

## Guideline

In order to confirm an existing, unpermitted well constructed on or after May 8, 1972 was properly constructed, applications to use an existing well must provide a properly completed Well Construction and Yield Estimate Report (form GWS-31). If a Well Construction and Yield Estimate Report is not available, a properly completed Post-Construction Well Inspection Report (form GWS-68) must be provided.

### 1. Evaluating Applications for Permits to Use an Existing Well

#### A. Well Construction and Yield Estimate Report Provided

When an application to use an unpermitted well constructed on or after May 8, 1972 is submitted with a Well Construction and Yield Estimate Report, a copy of the application and the Well Construction and Yield Estimate Report is to be provided by the Water Supply/permit evaluation staff to the Chief Well Inspector to confirm if the reported well construction meets the minimum standards of the Construction Rules. A permit or denial should not be issued before well construction has been reviewed by the Chief Well Inspector.

If the reported well construction is acceptable, the Chief Well Inspector (or other member of the Hydrogeological Services team) will provide written confirmation of acceptance to the permit evaluator. If the permit application meets statutory and DWR requirements, the permit should be issued and a copy of the confirmation of acceptable well construction should be retained in the permit file. If the permit evaluator determines that additional information is required before the evaluation can be completed, or the application does not meet statutory requirements and must be denied, a copy of the confirmation of acceptable construction should be retained in the pending application file or denial file.

If construction is not found to be acceptable, but the well can be repaired or modified to become acceptable, the Chief Well Inspector will provide a written description of the required repairs/modifications to the permit evaluator. This will typically be in the form of a letter from the Chief Well Inspector on behalf of the BOE ("BOE letter"). If the permit application meets statutory and DWR requirements, the permit should be issued and a copy of the BOE letter should be retained in the permit file. The permit must include a condition of approval that requires repairs or modifications to be completed as described by the BOE letter. The Chief Well Inspector or the BOE will be responsible for follow-up on the required repairs or modifications. If the permit evaluator determines that additional information is required before the evaluation can be completed, or the application does not meet statutory requirements and must be denied, a copy of the BOE letter should be retained in the pending application file or denial file.

If construction is not found to be acceptable and the well cannot be repaired or modified to become acceptable, the BOE may issue an order to plug the well. In this situation, a permit to use the existing well should not be issued. If the application meets statutory requirements, and the applicant confirms they wish to change the application from "Use an existing well" to "Construct a new well", then a permit to construct a new well may be

issued.

The above procedures also apply to applications to use unpermitted wells that have decreed absolute water rights; however, for non-exempt wells, the 600-foot spacing requirement will not be considered.<sup>2</sup>

## B. Post-Construction Well Inspection Report Provided

When an application to use an unpermitted well (constructed on or after May 8, 1972) is submitted and a Well Construction and Yield Estimate Report has not been provided, the applicant must provide a Post-Construction Well Inspection Report. A copy of the Post-Construction Well Inspection Report and the permit application is to be provided by the Water Supply/permit evaluation staff to the Chief Well Inspector to confirm if the reported well construction meets the minimum standards of the Construction Rules. A permit should not be issued or denied before well construction has been reviewed by the Chief Well Inspector.

If the reported well construction is acceptable, the Chief Well Inspector (or other member of the Hydrogeological Services team) will sign the form or provide other written confirmation of acceptance to the permit evaluator. If the permit application meets statutory and DWR requirements, the permit should be issued and a copy of the confirmation of acceptable well construction should be retained in the permit file. If the permit evaluator determines that additional information is required before the evaluation can be completed, or the application does not meet statutory requirements and must be denied, a copy of the confirmation of acceptable construction should be retained in the pending application file or denial file.

If construction is not found to be acceptable, but the well can be repaired or modified to become acceptable, the Chief Well Inspector will provide a written description of the required repairs/modifications to the permit evaluator ("BOE letter"). If the permit application meets statutory and DWR requirements, the permit should be issued and a copy of the BOE letter should be retained in the permit file. The permit must include a condition of approval that requires repairs or modifications to be completed as required by the BOE letter. The Chief Well Inspector or the BOE will be responsible for follow-up on the required repairs or modifications. If the permit evaluator determines that additional information is required before the evaluation can be completed, or the application does not meet statutory requirements and must be denied, a copy of the confirmation of acceptable construction should be retained in the pending application file or denial file.

If construction is not found to be acceptable and the well cannot be repaired or modified to become acceptable, the BOE may issue an order to plug the well. In this situation, a permit to use the existing well should not be issued. If the application meets statutory requirements, and the applicant confirms they wish to change the application from "Use an existing well" to "Construct a new well", then a permit to construct a new well may be issued.

The above procedures also apply to applications to use unpermitted wells that have decreed absolute water rights; however, for non-exempt wells, the 600-foot spacing requirement will

<sup>2</sup>Guideline 2003-3 provided that 600-foot spacing did not apply in this situation and this Guideline includes that same consideration.

not be considered.

C. Situations that may not require a Well Construction and Yield Estimate Report or Post-Construction Well Inspection Report

Applications to use an unpermitted well constructed on or after May 8, 1972 may not require a Well Construction and Yield Estimate Report or Post-Construction Well Inspection Report to be submitted if the well was properly constructed under the authority of another agency (for example an oil & gas well constructed under a permit issued by the Colorado Oil and Gas Conservation Commission, now the Energy and Carbon Management Commission). For this type situation, the Chief Well Inspector should be consulted to determine if a Well Construction and Yield Estimate Report or Post-Construction Well Inspection Report is required.

Applications to use unpermitted gravel pit ponds, or other groundwater ponds do not require a Well Construction and Yield Estimate Report or Post-Construction Well Inspection Report. Construction reports for gravel pit ponds, or other groundwater ponds are to be submitted according to the requirements of Construction Rule 17.1.7.

Applications submitted to register an unpermitted well constructed before May 8, 1972 for historical uses [pursuant to section 37-92-602(5) for exempt wells, or pursuant to section 37-90-105(4) for small capacity wells], do not require submittal of a Well Construction and Yield Estimate Report or Post-Construction Well Inspection Report.

Applications to use an unpermitted well constructed before May 8, 1972, for uses that exceed the historical, pre-May 8, 1972 uses, do not require submittal of Well Construction and Yield Estimate Report or Post-Construction Well Inspection Report; however, the applicant must identify the date of first beneficial use of the well. If the well was previously registered/permited for pre-May 8, 1972 uses, the beneficial use date from the registration may be used to confirm the well was constructed before May 8, 1972. If the first beneficial use date of the well was not previously identified by registration/permit, then the applicant must complete and submit the Statement for Wells Constructed Prior to May 8, 1972 (form GWS-81). The permit evaluator shall use their best judgment when accepting the applicant's claimed date of first use. If the permit evaluator has reason to question the applicant's claimed date of first use, the permit evaluator may request the applicant provide additional information to verify the first beneficial use date.

## 2. Evaluating permit reinstatements

Exempt well permits (outside Designated Basins) and small capacity permits (within Designated Basins) that have been expired may be reinstated if the well owner submits a completed Well Construction and Yield Estimate Report or Post-Construction Well Inspection Report that documents well construction occurred on or prior to the expiration date of the permit. If well construction occurred after the expiration date of the permit, the permit cannot be reinstated and the applicant should be directed to apply for a permit to use an existing well.

A well permit application and fee is not required for reinstatement of an exempt or small-capacity well permit.

Questions regarding the validity of non-exempt permits are to be addressed using section 37-90-137(3)(e) and Guideline 2005-1. For non-exempt wells that do not have acceptable evidence of well completion on file, the permit is expired but may be able to be reinstated in accordance with the provisions of section 37-90-137(3)(e) if the well owner submits a completed Well Construction and Yield Estimate Report or Post-Construction Well Inspection Report that documents well construction occurred on or prior to the expiration date of the permit.

Similarly, a large capacity well permit that was expired due to lack of acceptable evidence of well completion may be able to be reinstated in accordance with the provisions of section 37-90-108(1)(d) if the well owner submits a completed Well Construction and Yield Estimate Report or Post-Construction Well Inspection Report that documents well construction occurred on or prior to the expiration date of the permit. However, a large capacity permit that was expired due to lack of evidence that water was placed to beneficial use cannot be reinstated.

A \$30 filing fee is required for reinstatement of a non-exempt or large capacity well permit. Pursuant to statute, a non-exempt or large capacity permit that was formally expired through an order issued prior to September 1, 2025 cannot be reinstated.

#### A. Well Construction and Yield Estimate Report provided

When a request to reinstate an expired permit for a well constructed on or after May 8, 1972 is submitted with Well Construction and Yield Estimate Report, a copy of the reinstatement request and Well Construction and Yield Estimate Report is to be provided by the Water Supply/permit evaluation staff to the Chief Well Inspector to confirm if the reported well construction meets the minimum standards of the Construction Rules. Approval or denial of the permit reinstatement request should not occur before the well construction has been reviewed by the Chief Well Inspector.

If the reported well construction is acceptable, the Chief Well Inspector (or other member of the Hydrogeological Services team) will provide written confirmation of acceptance to the permit evaluator. If the permit qualifies for reinstatement, the permit should be reinstated. A copy of the confirmation of acceptable well construction is to be retained in the permit file, whether reinstated or not.

If construction is not found to be acceptable, but the well can be repaired or modified to become acceptable, the Chief Well Inspector will provide a written description of the required repairs/modifications to the permit evaluator ("BOE letter"). If the permit qualifies for reinstatement, the permit should be reinstated and the evaluator must add a condition to the reinstated permit that requires repairs or modifications to be completed as described by the BOE letter. The Chief Well Inspector or the BOE will be responsible for follow-up on the required repairs or modifications. A copy of the BOE letter should be retained in the permit file, whether reinstated or not.

If construction is not found to be acceptable and the well cannot be repaired or modified to become acceptable, the BOE may issue an order to plug the well. In this situation, the permit should not be reinstated. A copy of a BOE Order to plug the well should be retained in the permit file. If the applicant wants to use a well, they should be directed to apply for a permit to construct a new well.

## B. Post-Construction Well Inspection Report provided

When a request to reinstate an expired permit for a well constructed on or after May 8, 1972 is submitted and a Well Construction and Yield Estimate Report has not been provided, the applicant must provide a Post-Construction Well Inspection Report. A copy of the reinstatement request and Post-Construction Well inspection Report is to be provided by the Water Supply/permit evaluation staff to the Chief Well Inspector to confirm if the reported well construction meets the minimum standards of the Construction Rules. Approval or denial of the permit reinstatement request should not occur before the well construction has been reviewed by the Chief Well Inspector.

If the reported well construction is acceptable, the Chief Well Inspector (or other member of the Hydrogeological Services team) will sign the form or provide other written confirmation of acceptance to the permit evaluator. If the permit qualifies for reinstatement, the permit should be reinstated. A copy of the confirmation of acceptable well construction is to be retained in the permit file, whether reinstated or not.

If construction is not found to be acceptable, but the well can be repaired or modified to become acceptable, the Chief Well Inspector will provide a written description of the required repairs/modifications to the permit evaluator ("BOE letter"). If the permit qualifies for reinstatement, the permit should be reinstated and the evaluator must add a condition to the reinstated permit that requires repairs or modifications to be completed as described by the BOE letter. The Chief Well Inspector or the BOE will be responsible for follow-up on the required repairs or modifications. A copy of the BOE letter should be retained in the permit file, whether reinstated or not.

If construction is not found to be acceptable and the well cannot be repaired or modified to become acceptable, the BOE may issue an order to plug the well. In this situation, the permit should not be reinstated. A copy of a BOE Order to plug the well should be retained in the permit file. If the applicant wants to use a well, they should be directed to apply for a permit to construct a new well.

## 3. Evidence of pump installation

House Bill 25-1014, effective August 6, 2025, removed the requirement that a pump be installed in a non-exempt well prior to the permit expiration date in order for the permit to remain valid.

Prior to this date, DWR may have accepted a Statement of Pump Installation (form GWS-68A) in lieu of a Pump Installation and Production Equipment Test Report (form GWS-32) as evidence that a pump had been installed in a well for the purposes of maintaining a valid non-exempt well permit. Form GWS-68A does not provide evidence or confirmation that a pump was installed in accordance with the Construction Rules. A Post-Construction Well Inspection Report (form GWS-68) that provided a pump installation date may also have been accepted in lieu of a Pump Installation and Production Equipment Test Report (form GWS-32) or Statement of Pump Installation (GWS-68A) for the purposes of maintaining a valid non-exempt well permit.

As of August 6, 2025, evidence of pump installation is not needed to issue a permit to use an existing well. A pump installation report must still be submitted in accordance with the Construction Rules upon installation of the pump.



## Background

State law prohibits the construction of a well without a permit issued by the State Engineer. See sections 37-90-105(3); 37-90-107(1); 37-90-137(1); 37-90-138(3); and 37-92-602(3)(a). This requirement ensures that the State Engineer can assess whether the withdrawal of groundwater will materially injure the vested water rights of others. See sections 37-90-137(2)(b)(I) and 37-90-138(1). Another purpose of the permitting requirement is to ensure that wells are constructed consistent with the minimum standards of the State Board of Examiners of Water Well and Ground Heat Exchanger Contractors (see section 37-91-101). Additionally, the State Engineer has the authority to “order the cessation of the use of a well pending the correction of any defect” and to “commence actions to enjoin the illegal opening or excavation of wells”. See sections 37-90-110(d) & (e) and 37-90-138(2).

In response to permit applications that proposed to use an existing well and no construction report or evidence of well construction was available or had been provided to the Division of Water Resources (“DWR”), DWR adopted Policy 2002-1. Policy 2002-1 provided guidance for evaluating applications for permits for existing wells and for reinstatement of permits for existing wells where a well construction report (GWS-31) was not available. The policy prohibited the issuance of a well permit for exempt wells constructed on or after May 8, 1972, or nonexempt wells constructed on or after May 17, 1965<sup>3</sup>, if a permit was not originally obtained prior to the construction of the well; and further, this led to the requirement that the well be plugged and abandoned.

Due to the difficulty to consistently apply Policy 2002-1, the policy was revoked and three guidelines for the evaluation of applications for existing wells and permit reinstatement requests were adopted as follows:

Guideline 2003-1 dealt with the evaluation of permit applications for existing wells. If a well construction report (GWS-31) was not available, the well owner was required to complete a well inspection form. If the reported well construction appeared deficient, and a well permit could be issued, the well permit would include conditions to require the deficient well construction to be corrected or repaired.

Guideline 2003-2 dealt with the requests for permit reinstatement where a well construction report

<sup>3</sup>See section 37-90-137(1), C.R.S.

was not available. The well owner was required to complete a well inspection form, and if the claimed date of well construction occurred on or prior to the expiration date of the permit, then the permit could be reinstated. If the reported well construction appeared deficient, and the permit could be reinstated, the well permit would include conditions to require the deficient well construction to be corrected or repaired.

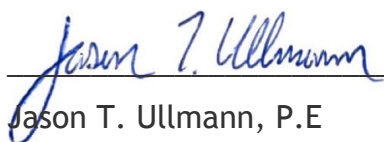
Guideline 2003-3 dealt with evaluation of applications for existing wells with decreed absolute water rights. Similar to Guideline 2003-1, if a well construction report was not available, the well owner was required to complete a well inspection form. If the reported well construction appeared deficient, and a well permit could be issued, the well permit would include conditions to require the deficient well construction to be corrected or repaired.

The basic concepts of Guidelines 2003-1, 2003-2, and 2003-3 are retained by this guideline; however, this guideline incorporates the requirements of Construction Rule 17.1.9 and the Post-Construction Well Inspection Report (form GWS-68).

The requirements of Construction Rule 17.1.9 are limited to well construction and do not apply to pump installation, therefore, this guideline also established form GWS-68A, Statement of Pump Installation, for use in situations where evidence of pump installation is required, but form GWS-32 has not been submitted and cannot reasonably be obtained. With the passage of House Bill 25-1014, evidence of pump installation is no longer required to keep a non-exempt permit from expiring, and the use of form GWS-68A has been discontinued.

## Approval

This guideline may be modified or revoked only in writing by the State Engineer. This guideline originally became effective August 31, 2017. It was amended on August 18, 2025 to reflect statutory changes due to the passage of House Bill 25-1014 and updates to the Construction Rules and administrative guidance.



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