



November 4, 2019

Policy 2019-3

DELIBERATE OBSTRUCTION OF THE WELL INSPECTION PROCESS

Background

The well inspection program was instituted for the protection of public health and groundwater resources of the State of Colorado through enforcement of minimum well construction and pump installation standards. The program was created under Senate Bill 03-045.

This policy derives from the recommendations of an audit by the Office of the State Auditor, found in the report, [Water Well Inspection Program, Performance Audit, May 2019](#). This policy addresses Recommendation 2D of that report.

Discussion

Well inspectors have encountered situations where contractors or well owners have locked gates, stopped work, and vacated a well construction site to prevent a successful well inspection. Per statute (§37-90-110 C.R.S.) State Engineer personnel have the right to access public and private land to inspect wells and diversion structures.¹ With the proposed implementation of BOE Policy 2020-2, licensed contractors, authorized individuals, and private drillers/pump installers will need to provide the well inspectors with dates and times of key phases of well construction or pump installation. Open, accurate, and timely communication between the individuals on site and the well inspectors is key to the inspectors' ability to be present for key phases of well construction, and pump and cistern installation, thus maintaining an effective well inspection program.

¹ **37-90-110. Powers of the state engineer.** (1) In the administration and enforcement of this article and in the effectuation of the policy of this state to conserve its groundwater resources and for the protection of vested rights, the state engineer, either in the state engineer's own capacity or as the executive director of the commission, is empowered:

... (c) To go upon all lands, both public and private, for the purpose of inspecting wells, pumps, casings, pipes, fittings, and measuring devices, including wells used or claimed to be used for domestic or stock purposes; ...



Policy

It is a violation of Colorado statute, Section 37-90-110 C.R.S. to obstruct a well inspection performed by State Engineer personnel. Well inspectors will keep written records of instances where they feel a licensed contractor, authorized individual, private driller or pump installer, or landowner has deliberately obstructed a well inspection. If the inspector believes the actions are deliberate, they will submit written documentation of the obstruction(s) to the Board for their consideration. The Board will review the submitted information and decide if subsequent action is necessary.

Approval

This policy may only be modified or revoked in writing by the Board of Examiners of Water Well Construction and Pump Installation Contractors.

Approved 11-4-2019

Keith Branstetter
Keith Branstetter, Chairperson
Board of Examiners of Water Well Construction
and Pump Installation Contractors