

# STATE OF COLORADO

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**WATER DIVISION FOUR**  
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## **GENERAL INFORMATION ABOUT WELL PERMITS IN DIVISION IV**

Colorado water law provides for the approval of various types of well permits, depending on the size of parcel, the intended use of the water, and the possibility of injury to other water rights.

The Gunnison and Uncompahgre Rivers, as well as most of the San Miguel River, their tributaries and tributary ground water in the Gunnison Basin are generally assumed to be over-appropriated. For this reason, no new irrigation, industrial, or large capacity commercial permits have been issued in recent years, without the support of a court-approved plan for augmentation or change of water right. Application to Water Court to change those existing rights to the intended uses or obtaining augmentation water can be a time consuming and expensive process.

There are several kinds of well permits still available in the Gunnison basin. Known as exempt permits, these are Domestic, Household-Use-Only, Stock, Fire, and Exempt Commercial. Only one exempt permit can generally be issued for a particular tract of land.

A current deed to the property in question will need to be submitted with the well permit application. The application fee for any new well permit is currently **\$100.00**. The application fee to replace an exempt well is **\$60.00** and the application fee to replace a non-exempt (-F & -R permits) is **\$100.00**. The legislative authority for these permits is contained in Section 37-92-602, Colorado Revised Statutes, 1973. *Due to some of the provisions of this section, it is not possible to guarantee that a permit will be issued for any particular tract of land. The only way to know for certain is to submit an application for evaluation.*

**DOMESTIC WELL PERMITS** are generally available to property owners who have 35 acres or more that can be designated to the new permit. This permit allows up to three homes to be served, allows the irrigation of up to one acre of home lawn and garden, the watering of domestic animals and the watering of livestock. The maximum legal pumping rate for these wells is 15 gallons per minute (gpm). If you are in the boundaries of a water service provider, you will need to include a letter from the water service provider with your application stating they are not opposed to you having a well in their service area or they have no more taps available.

**HOUSEHOLD-USE-ONLY WELL PERMITS** may be available on tracts of land of less than 35 acres. One of two provisions regarding the parcel or lot must be met. *Either* the particular tract of land must have been in legal existence prior to June 1, 1972, *or* if created after that date, the parcel must have been granted a subdivision exemption by the respective Board of County Commissioners. In either case, documentary proof must be provided with the well permit application. Only one home may be served and no outside use of water is permitted. The maximum pumping rate is 15 gpm.

**STOCK WATERING WELL PERMITS** may generally be obtained on parcels of 35 acres or more and are used for the watering of livestock on farms and ranches. These wells are also limited to 15 gpm. These wells may not be used to serve stockyards or feedlots, which are considered non-exempt commercial uses.

**FIRE WELL PERMITS** may generally be issued for any size tract of land provided they do not violate the conditions of approval of any other well permit. These wells are to be used exclusively for fire-fighting purposes. They must be capped, locked, and available for use only in fighting fires.

**EXEMPT COMMERCIAL PERMITS** are for drinking and sanitary purposes in individual commercial businesses. If the tract of land is smaller than 35 acres, then the same parcel and lot creation provisions apply as for the Household-Use-Only permit. These wells may not exceed 15 gpm and one-third acre-foot (approximately 108,600 gallons) per year and no outside use of water is permitted. There may be other requirements to qualify for this type of well.

If your parcel does not meet any of the criteria listed above and you still wish to pursue obtaining a well permit, you may be able to do so with a court-approved plan for augmentation or by securing water through one of the basin-wide augmentation plans currently in place. Your options will be dictated by your parcel's general location and any decreed water rights you may have. Please contact our office so we may assist you and put you in contact with the appropriate individuals (conservancy districts, consultants, etc.) to help you.

If you need additional information or assistance, contact the Division of Water Resources at 1871 East Main Street, Montrose, CO 81401 or at (970) 249-6622.