

DEPARTMENT OF NATURAL RESOURCES

Division of Water Resources

RULES AND REGULATIONS APPLYING TO WELL PERMITS TO WITHDRAW GROUND WATER PURSUANT TO SECTION 37-90-137(4), C.R.S.

2 CCR 402-7

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Rule 1. Title:

The title of these rules and regulations is "The Rules and Regulations Applying to Applications For Well Permits to Withdraw Ground Water Pursuant to Section 37-90-137(4), C.R.S." The short title for these rules and regulations is "The Statewide Nontributary Ground Water Rules" and they may be referred to herein collectively as the "rules" or referred to individually as a "rule."

Rule 2. Authority:

These rules are promulgated pursuant to the authority granted the State Engineer in Sections 37-90-137(9)(a) and 37-80-102(1)(g), C.R.S.

Rule 3. Scope and Purpose:

- A. These rules apply to the evaluation and processing of all well permit applications for the withdrawal of ground water from wells described in Section 37-90-137(4), C.R.S. and to replacement permits for wells described in Rule 13, below, granted or denied on or after the effective date of these rules.
- B. The purpose of these rules is to make the State Engineer's consideration of well permit applications for the withdrawal of ground water from wells described in Section 37-90-137(4), C.R.S. more certain and expeditious by prescribing reasonable criteria and procedures for the application for, and the evaluation, issuance, extension, and administration of, such well permits.
- C. These rules apply to all applications and permits for the withdrawal of ground water from wells described in Section 37-90-137(4), C.R.S. regardless of the particular aquifer or portion thereof from which the well produces. In addition, other rules of the State Engineer may apply to applications for well permits in certain locations. These rules do not apply to a permit sought pursuant to the provisions of Section 37-90-137(7), C.R.S.
- D. As to any application for a well permit to withdraw nontributary ground water or any ground water from the Dawson, Denver, Arapahoe, Laramie-Fox Hills, or Dakota Aquifer which is the subject of an existing water court decree, in the event of a conflict between terms and conditions specified in the decree and terms and conditions that would be required by these rules, then the water court decree shall control.

Rule 4. Definitions:

- A. The following definitions are applicable to these Statewide Nontributary Ground Water Rules:
 - 1) "Additional Well" means a well permitted pursuant to Section 37-90-137(10), C.R.S. An additional well, together with the previously permitted or decreed wells withdrawing

ground water as described in Section 37-90-137(4), C.R.S., may withdraw the allowed average annual amount of withdrawal of the previously permitted or decreed wells.

- 2) "Allowed Annual Amount of Withdrawal" means the maximum amount of water in acre-feet that a permittee may withdraw from a well in a calendar year.
- 3) "Allowed Average Annual Amount of Withdrawal" means the amount of water in acre-feet that a permittee may withdraw from a well in a calendar year subject to the provisions of Rules 8.A. and 14 and notwithstanding the provisions of Rule 12.
- 4) "Annual Appropriation," as used in these rules for the purpose of deriving a cylinder of appropriation as defined in Rule 4.A.7), means a decreed or permitted volume of water in acre-feet per year. If both the decree and permit for a well meeting the requirements of Section 37-90-137(5), C.R.S. specify only a pumping rate in gallons per minute or cubic feet per second, then the annual appropriation shall be calculated assuming that the well is operated at that pumping rate continuously for a full year, unless the water court has determined some other annual volumetric limitation or entitlement for the well, or unless a valid statement of beneficial use specifies a lesser annual volumetric amount.
- 5) "Applicant" means that person or entity who applies to the State Engineer for a well permit pursuant to Section 37-90-137(4), C.R.S.
- 6) "Contiguous Parcel" means that portion of the overlying land that is in contact with itself so that no part is totally separated.
- 7) "Cylinder of Appropriation" means a hypothetical cylinder centered around the location of an existing or proposed well which, for the specific aquifer, contains a volume of water equal to one hundred times the annual appropriation of an existing well or the allowed average annual amount of withdrawal of a proposed well. The radius of the cylinder of appropriation is computed from the following formula:

Radius of Cylinder (ft.) = the square root of:

$$\frac{43,560 \text{ (ft. sq./acre)} \times \text{withdrawal (acre ft./yr.)} \times 100 \text{ (yr.)}}{\text{specific yield} \times \text{saturated aquifer materials (ft.)} \times 3.1416}$$

where: withdrawal means either the annual appropriation or allowed average annual amount of withdrawal, whichever is appropriate.

- 8) "Overlying Land" means that land owned by the applicant or by another who has consented to the applicant's withdrawal of ground water which overlies ground water as described in Section 37-90-137(4), C.R.S., and which the applicant requests be considered in determining the allowed average annual amount of withdrawal sought in the application.
- 9) "Permittee" means the holder of an unexpired well permit granted pursuant to Section 37-90-137(4), C.R.S.
- 10) "Saturated Aquifer Material(s)" means those aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use.
- 11) "Specific Yield" means the ratio of the volume of water which can be drained by gravity from a saturated volume of aquifer material divided by that volume of material and expressed as a percentage.

- 12) "State Engineer" means that person appointed pursuant to Section 37-80-101, C.R.S. or any person acting on his behalf pursuant to Section 37-80-102(2), C.R.S.
 - 13) "Well Field" means two or more wells, all of which were permitted on or after July 6, 1973, producing ground water from the same aquifer on a contiguous parcel of land or on non-contiguous parcels of land that are permitted together under Rule 11.B.
- B. Any term used in these Statewide Nontributary Ground Water Rules that is defined in Sections 37-90-103 or 37-92-103, C.R.S. is used with the meaning given therein.
- C. Any term used in these Statewide Nontributary Ground Water Rules, if not defined herein, that is defined in other Rules and Regulations of the State Engineer is used with the meaning given therein.

Rule 5. Information to be Submitted on or with the Well Permit Application:

- A. An applicant for a well permit to be evaluated pursuant to Section 37-90-137(4), C.R.S. shall, as a minimum, provide the following information on a form prepared by the State Engineer:
- 1) The name, mailing address, and telephone number of the applicant;
 - 2) The name of the owner of the land on which the well will be located;
 - 3) The district court and case number or numbers of any applications or decrees for a determination of a right to the ground water which is sought to be withdrawn from the well or wells applied for;
 - 4) The name of the aquifer from which water is to be withdrawn;
 - 5) The location of the proposed well by legal description identifying the section, township, range, and prime meridian, and the location of the proposed well by feet from the nearest north/south section line and the nearest east/west section line, or, in areas of the state that are not surveyed, an alternate description of the location of the proposed well sufficient to locate the well;
 - 6) The requested average annual amount of water in acre-feet per year;
 - 7) The proposed maximum pumping rate in gallons per minute;
 - 8) The proposed beneficial use of the water;
 - 9) If the proposed use is agricultural irrigation, a description of the land to be irrigated;
 - 10) The proposed total depth of the well;
 - 11) The legal description and the number of acres of overlying land. In areas of the state that are not surveyed, the State Engineer will accept an alternate description of the location of the overlying land sufficient to identify and locate the land. For legal descriptions of irregularly shaped parcels (where the boundaries do not follow or parallel section lines) or where there are exclusions of land within the total parcel, the applicant must submit a map having a scale of 1:24,000 or larger (e.g., 1:10,000) which accurately depicts the overlying land; and
 - 12) The name and license number of the Colorado licensed water well contractor or name of the private driller as defined by Section 37-91-102(12), C.R.S. who will construct the well. If

the name and license number of the licensed water well contractor or name of the private driller who will drill the well is not known at the time the permit application is submitted, or the listed licensed water well contractor or private driller who will drill the well is changed prior to construction, the permittee shall notify the State Engineer in writing of the name and license number of the new water well contractor or name of the private driller ten days prior to the commencement of construction of the well.

- 13) If any of the information provided to the State Engineer pursuant to Rule 5.A.1) changes after the permit has been issued, the permittee shall inform the State Engineer of the changes in writing within thirty days.
- B. If the applicant has geologic or hydrologic data available that support the application, or if the applicant's consultant(s) has/have generated or used such data on behalf of the applicant, the applicant shall submit the data to the State Engineer with the application for a well permit, or as soon thereafter as the data become available. In the event that the data provided contain trade secrets, privileged information, or confidential commercial, financial, geological, or geophysical data, the State Engineer shall deny the right of inspection of such data to any person and keep the data confidential pursuant to Section 24-72-204(3)(a)(IV), C.R.S. upon request of the applicant.
- C. The applicant shall submit the following evidence of ownership or consent:
- 1) If the applicant owns the overlying land, the applicant shall execute a statement, on a form supplied by the State Engineer, that the overlying land upon which the permit application is based is owned by the applicant and that the ground water in the particular aquifer that is sought to be withdrawn has not been conveyed or reserved to another, nor has consent been given to its withdrawal by another.
 - 2) If the applicant claims consent of the owner(s) of the overlying land, he shall submit, with his permit application, a statement, on a form supplied by the State Engineer, stating whether consent is claimed pursuant to paragraphs a), b) or c) following:
 - a) If the applicant relies on Section 37-90-137(4)(b)(II)(A), C.R.S., a written consent from the owner to the applicant and evidence of the ownership of land by a statement, as required in Rule 5.C.1) above. The written consent must be a copy of a deed or other document recorded in the county or counties in which the land is located and which includes a legal description of the land for which consent has been given and the aquifers for which consent has been given.
 - b) If the applicant relies on Section 37-90-137(4)(b)(II)(B), C.R.S., a certified copy of the ordinance or resolution and a copy of the water court application certified by the water court; and
 - c) If the applicant relies on Section 37-90-137(4)(b)(II)(C), C.R.S., a certified copy of the ordinance or resolution and a certified copy of a detailed map showing the land area as to which consent is deemed to have been given, as required by Section 37-90-137(8), C.R.S. If such a map has been previously filed with the State Engineer, the applicant need not file another map, but shall reference that map and certify that the information thereon is still true and correct.
- D. The applicant shall submit, with the application for a well permit, the fee required by statute.
- E. The applicant or his authorized agent shall sign and date the application for a well permit certifying that the information set forth thereon is true to the best of his knowledge.

- F. The requirements of this Rule 5 shall not apply to applications for well permits submitted prior to the effective date of these rules.

Rule 6. Issuance or Denial of a Well Permit:

- A. If the application for a well permit meets the requirements of Section 37-90-137(4), C.R.S., these rules, and any other applicable rules and regulations, the State Engineer shall issue the well permit, subject to appropriate terms and conditions. The State Engineer shall mail four copies to the applicant's mailing address. The permittee shall retain one copy and shall provide two copies to the named licensed water well contractor or private driller and one copy to the licensed pump installer or private pump installer, as defined by Section 37-91-102(12.5), C.R.S. The original permit shall be retained by the State Engineer. The State Engineer may, in the permit, reserve the determination of the allowed average annual amount of withdrawal until after the well or wells on a contiguous parcel are constructed to allow consideration of the geophysical logs and specific yield data obtained at the time of construction.
- B. If the application for a well permit is denied, the State Engineer shall mail a copy of the denied application with a copy of the Findings of the State Engineer to the applicant. The original denied application and the original Findings of the State Engineer shall be retained by the State Engineer.
- C. In the event an application for a well permit is submitted on or after the effective date of these rules without the necessary information, fee, or signature as specified in Rules 5.A., B., C., D., and E. above, the State Engineer shall notify the applicant by regular mail of the deficiencies within twenty days after receipt of the application and shall allow the applicant an additional fifteen days to submit the necessary information, fee, or signature. If the applicant fails to remedy the deficiencies within fifteen days, the State Engineer shall return the application and the application fee shall be forfeited.

Rule 7. Information to be Submitted After a Well Permit is Issued:

- A. If a well is completed for which a valid permit exists, the permittee shall submit prior to the expiration of the permit the following information on a form prescribed by the State Engineer, together with such other information as is required as a condition of approval on the well permit:
- 1) The permit number;
 - 2) The name, mailing address, and phone number of the applicant;
 - 3) The well location as constructed by identifying the section, township, range, and prime meridian, and the well location as constructed in feet from the nearest north/south section line and from the nearest east/west section line, or, in areas of the state that are not surveyed, an alternate description of the well location sufficient to locate the well;
 - 4) The date completed;
 - 5) The name and license number of the water well contractor; and
 - 6) Any other information, including, but not limited to, the results of specific yield tests, that is required as a condition of approval on the permit, except that such information shall not be required to be submitted prior to the expiration of the permit if another submission date is stated in these rules or in the permit.
- B. The licensed water well contractor and/or pump installer shall submit to the State Engineer the information required by Section 37-90-138, C.R.S. and Sections 37-91-101 to 112, C.R.S., the

information required by the Rules and Regulations of the State Board of Examiners of Water Well Construction and Pump Installation Contractors, any information required of the water well contractor or pump installer on the permit, and any other information required by applicable laws or rules and regulations.

- C. The permittee shall submit to the State Engineer a Notice of Commencement of Beneficial Use on a form provided by the State Engineer within thirty days of the first beneficial use of any water withdrawn from a well permitted pursuant to Section 37-90-137(4), C.R.S. The following information shall be provided:
- 1) The permit number;
 - 2) The name, mailing address, and phone number of the applicant;
 - 3) The well location by legal description identifying section, township, range, and prime meridian and the well location in feet from the nearest north/south section line and from the nearest east/west section line, or, in areas of the state that are not surveyed, an alternate description of the well location sufficient to locate the well;
 - 4) The date water was first used beneficially; and
 - 5) The use of the water.
- D. If a well permitted pursuant to Section 37-90-137(4), C.R.S. will not be constructed prior to the expiration of the permit, the permittee may submit to the State Engineer a request for an extension on a form provided by the State Engineer. The request for extension must be received by the State Engineer on or before the date of expiration. The permittee shall provide the following:
- 1) The permit number;
 - 2) The name, mailing address, and phone number of the applicant;
 - 3) The estimated completion date of the well;
 - 4) A statement of good cause as to why the well has not been completed, as required by Section 37-90-137(3)(a)(II), C.R.S.; and
 - 5) A payment of \$25.00.

Rule 8. Determination of Allowed Annual Amount of Withdrawal:

The allowed annual amount of withdrawal from a well permitted pursuant to Section 37-90-137(4), C.R.S. shall be determined based on the following criteria:

- A. The allowed average annual amount of withdrawal shall be based on an aquifer life of 100 years in accordance with Section 37-90-137(4)(b)(I), C.R.S. The allowed average annual amount of withdrawal for all of the wells on the overlying land shall not exceed one percent of the total amount of water, exclusive of artificial recharge, recoverable from a specific aquifer beneath the overlying land. However, the allowed annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of water withdrawn from the well or wells does not exceed the product of the number of years since the date or dates of issuance of the well permit or permits or the date or dates of determination or determinations of right to ground water by the water court, whichever comes first, times the allowed average annual amount of withdrawal.

- B. The total amount of water recoverable from a specific aquifer from a well or wells shall be determined by multiplying the number of acres of overlying land as adjusted by Rule 8.C., if necessary, by the average number of feet of saturated aquifer materials in the aquifer underlying those lands by the average specific yield of those saturated aquifer materials. The allowed average annual amount of withdrawal shall be 1% of the total recoverable water. In the case of aquifers to which the above formula does not apply, e.g., fractured formations, the total amount of water recoverable shall be determined in accordance with an appropriate methodology, as determined by the State Engineer.
- C. If the cylinder or cylinders of appropriation of a well or wells meeting the requirements of Section 37-90-137(5), C.R.S. overlap the overlying land claimed in the application, the number of acres of overlying land claimed in the application shall be reduced by the number of acres of the cylinder or cylinders of appropriation which overlap the land, unless the water court has determined some other acreage to represent the cylinder or cylinders of appropriation which overlap the land. The area of the cylinder of appropriation of a well meeting the requirements of Section 37-90-137(5), C.R.S. shall be computed as defined in Rule 4.A.7), making the following assumptions, if necessary:
- 1) In the event that the well meeting the requirements of Section 37-90-137(5), C.R.S. does not fully penetrate the aquifer, the radius of the cylinder of appropriation for that well shall be calculated assuming that it does fully penetrate that aquifer.
 - 2) In the event that a well meeting the requirements of Section 37-90-137(5), C.R.S. is constructed so as to produce water from more than one aquifer, cylinders of appropriation shall be calculated for each aquifer. The production of the well from each aquifer shall be allocated in proportion to the historical production of the well from each aquifer. If no data are available to show what the production from each aquifer was, the production shall be divided equally between the aquifers.
 - 3) In the event that the specific yield for a well meeting the requirements of Section 37-90-137(5), C.R.S. has not been specified by decree, it shall be assumed to be the same as for the well for which an application for a permit is being evaluated, absent site specific data for the existing well.
 - 4) In the event that the thickness of saturated aquifer materials for a well meeting the requirements of Section 37-90-137(5), C.R.S. has not been specified by decree, the thickness of saturated aquifer materials shall be assumed to be that thickness existing at the time of the issuance of the permit, registration of the well with the State Engineer, or decree, whichever was earlier.
 - 5) In the event that a well meets the exemptions specified in Section 37-92-602(1), C.R.S., the area of the cylinder of appropriation shall be considered to be zero.
- D. The specific yield value to be used in calculating the allowed average annual amount of withdrawal must be an average value representative of the ground water which underlies the overlying land and must be a weighted average for the saturated aquifer materials within the specific aquifer. If the State Engineer has established the specific yield of an aquifer or portion thereof by rule, an applicant or permittee may submit to the State Engineer site specific data which were obtained pursuant to either Rules 8.D.1), 2), 3) or 4), and the State Engineer shall consider those data in determining the allowed average annual amount of withdrawal. If the State Engineer has not established the specific yield of an aquifer or portion thereof by rule, he may require, as a condition of approval on the well permit, the applicant to obtain site specific data for specific yield pursuant to Rules 8.D.1), 2), 3) or 4). If a permittee is unable to obtain site specific data, the State Engineer shall assign a specific yield value. Specific yield data must be submitted to the State Engineer within sixty days of the tests. Specific yield tests must be done in accordance with the following criteria:

- 1) If cores are collected, the depths for collecting either side hole or down hole vertical cores shall be selected by the applicant or his consultant, but they must be obtained from within that portion of the aquifer materials which are claimed to be saturated. Laboratory tests must be conducted on a minimum of three samples from each well within the total claimed saturated aquifer materials from each well.
 - 2) Laboratory tests for specific yield must be made on undisturbed samples which can be cut from either sidewall or vertical cores. The particular procedure for sample preparation and testing of coarse and medium textured materials shall comply with the American Society for Testing and Materials (ASTM) Standards as described by ASTM Designation D 2325-68, as reapproved in 1981, which appears on pages 363 through 369 in the 1985 Annual Book of ASTM Standards Volume 04.08 Soils and Rock; Building Stones, and which is hereby incorporated by reference into this rule. This rule does not include later amendments to or editions of the incorporated material. Certified copies of the complete text of the material incorporated shall be maintained by the Office of the State Engineer and shall be available for public inspection during regular business hours. Certified copies of the material incorporated shall be provided at cost upon request. The title and address of the employee of the Office of the State Engineer who will provide information regarding how the incorporated material may be obtained or examined is: Assistant State Engineer for Ground Water, 1313 Sherman Street, Room 818, Denver, Colorado 80203. The number of tests conducted on a sample and the specific negative pressures may vary, but, as a minimum, values must be obtained at tensions (negative pressures) of 10, 30, 100, 300, and 450 feet of water. Laboratory test data shall be plotted as a moisture content-tension curve. The appropriate value of specific yield for the sample will be the lesser of the specific yield for the test conducted at the greatest negative pressure or the value coinciding for the negative pressure in feet which is equal to the thickness of the aquifer or portion thereof at the well site.
 - 3) In unconfined aquifers, the State Engineer shall accept an aquifer or well test ascertaining the specific yield of the aquifer at the location of the well.
 - 4) The applicant, prior to well construction, may request the State Engineer to consider the use of substitute laboratory procedures for determining specific yield, the use of geophysical logging procedures which measure specific yield directly, or the use of other methods to determine specific yield. The State Engineer shall evaluate the request and either approve or disapprove the alternate method and inform the applicant accordingly.
- E. The number of feet of saturated aquifer materials shall be determined as follows: 1) The number of feet of saturated aquifer materials from a specific aquifer will be calculated from analysis of geophysical logs meeting the minimum log requirement described in Rule 9 or by application of valid Rules & Regulations applying to a particular aquifer. The appropriate value for use in determining the allowed average annual amount of withdrawal will be an average value for the saturated aquifer materials which underlie the overlying land. The applicant may be required to demonstrate that the individual aquifer materials are in fact saturated in order to claim those zones in the calculation of saturated aquifer materials.
- F. The State Engineer shall require an applicant or permittee who wishes to submit site specific data to establish the average specific yield value or average number of feet of saturated aquifer materials underlying the overlying land to furnish data obtained from more than one site, if necessary, to determine an average value for the land. Data obtained for a specific site shall be presumed to be representative of aquifer characteristics within 1,320 feet of that site.

Rule 9. Geophysical Logs:

- A. Geophysical logs will be required for all wells permitted pursuant to Section 37-90-137(4), C.R.S. unless there is an existing geophysical log from that aquifer located within 1,320 feet of the

proposed well which is acceptable to the State Engineer and is representative of aquifer conditions at the location of the permitted well. The permittee will be responsible for obtaining and submitting a copy of the existing geophysical log unless it is currently available at the Office of the State Engineer.

- B. If the new well is geophysically logged, the permittee is responsible for obtaining and submitting those required geophysical logs to the State Engineer's Office. The minimum requirement will be for both resistivity and spontaneous potential (SP) logs, which must be obtained prior to the installation of well casing. The resistivity log must record values at approximately one- and three-foot depths of investigation. The vertical scale shall be either one inch equals twenty feet or one inch equals fifty feet. If additional types of logs, including gamma, neutron, porosity, sonic, single-point resistance, and caliper, are obtained, copies of these logs shall also be submitted to the State Engineer's Office. The entire set of logs must be submitted to the State Engineer's Office within sixty days following collection of the data. If a permittee, or an applicant drilling a test hole, desires to use other geophysical logs to meet the minimum requirement, he must apply in writing to the State Engineer and get the approval of the State Engineer prior to well construction. In the event that the data provided contain trade secrets, privileged information, or confidential commercial, financial, geological or geophysical data, the State Engineer shall deny the right of inspection of such data to any person and keep the data confidential pursuant to Section 24-72-204(3)(a)(IV), C.R.S. provided the applicant notifies the State Engineer in writing requesting such protection.
- C. The State Engineer may require the applicant to submit the geophysical well logs prior to the casing of the production well in order to determine the appropriate producing interval. In such a case, the State Engineer shall inform the applicant of the appropriate producing interval within two working days of receipt by the State Engineer of the geophysical logs.

Rule 10. Test Holes:

If the State Engineer is unable to determine, because of a lack of existing data, whether an application for a well permit should be evaluated pursuant to Section 37-90-137(4), C.R.S., the applicant may drill and geophysically log a test hole pursuant to Rule 9.B. at the proposed well site and furnish the information which supports the application to the State Engineer.

Rule 11. Well Location:

- A. All wells, including additional wells applied for pursuant to Section 37-90-137(10), C.R.S., must be located on the overlying land as defined at Rule 4.A.8).
- B. If the applicant has identified non-contiguous parcels of overlying land, he may withdraw the total allowed annual amount of withdrawal from one or more wells, provided that the well or wells are located so that the cylinder or cylinders of appropriation for at least one of the well or wells overlap, at least in part, each of the non-contiguous parcels. In determining the cylinder of appropriation, the acreage from the non-contiguous parcels shall be included in the calculation.
- C. Any well will be considered to have been constructed at the permitted location if it is constructed within 200 feet of the permitted location, provided that it is still located on the overlying land, and provided that a well shall not be constructed within 600 feet of any permitted or existing well, including a well that meets the exemptions specified in Section 37-92-602(1), C.R.S., in the same aquifer except as provided in Rule 11.D., below. If, for any reason, the location of the well is to be more than 200 feet from the permitted location, the State Engineer must approve the change in location prior to construction.

- D. A permit shall not be issued if a well is to be located within 600 feet of an existing well, including a well that meets the exemptions specified in Section 37-92-602(1), C.R.S., in the same aquifer unless the State Engineer issues the permit pursuant to the provisions of Section 37-90-137(2), C.R.S.

Rule 12. Permits for Additional Wells:

- A. An applicant for a permit for an additional well pursuant to Section 37-90-137(10), C.R.S. shall provide the following information on a form prepared by the State Engineer:
- 1) The well permit numbers of all previously issued permits; and
 - 2) All of the information required by Rules 5.A.1), 2), 3), 4), 5), 6), 7), 8), 9), 10), and 12).
- B. An additional well shall not have an independent allowed average annual amount of withdrawal. The permit for an additional well shall reiterate the allowed average annual amount of withdrawal for the previously permitted or decreed well or wells and shall state that the additional well may withdraw some or all of that amount.
- C. An additional well may be located anywhere on the overlying land, limited only by the provisions of Rules 11.B. and 11.D. above.

Rule 13. Replacement Permits For Existing Wells Completed in Two or More Aquifers:

In the event a replacement permit is sought for an existing well completed in two or more aquifers, then, unless the rules for a specific aquifer or aquifers provide otherwise, the State Engineer shall issue replacement permits requiring that each of the wells be completed in only one aquifer. Upon proper application, a replacement permit shall be issued for a well in each of the aquifers from which the existing well produced water. The allowed average annual amount of withdrawal for the existing well shall be divided equally among the replacement wells unless data are available which support a claim that the existing well produced water from the aquifers in a different ratio.

Rule 14. Well Fields:

A permittee having a well field may withdraw the total allowed annual amount of withdrawal for the wells in the well field (determined pursuant to Rules 8 and 12) from any combination of the wells in the well field, unless such withdrawal would conflict with the terms and conditions of an existing water court decree or well permit.

Rule 15. Metering and Reporting of Withdrawals from Wells Permitted Pursuant to Section 37-90-137(4):

In order to administer wells permitted pursuant to Section 37-90-137(4), C.R.S., the State Engineer shall:

- A. Require the permittee to install and maintain a totalizing flow meter to measure all withdrawals from the well. As a minimum, the meters shall be installed according to manufacturer's recommendations and shall contain sufficient recording digits to assure that "roll over" to zero does not occur within three years. The meters shall be maintained by the permittee so as to provide a continuous, accurate record of withdrawals. If the meter is not operational, the well shall not be pumped. The State Engineer may approve a substitute totalizing measuring device if it is capable of recording or can be used to calculate the total volume pumped.
- B. The permittee shall report the amount of withdrawal from the permitted well as reasonably required by the State Engineer.

Rule 16. Severability:

If any portion of these Statewide Nontributary Ground Water Rules is found to be invalid, the remaining portion of the rules shall remain in force and unaffected.

Rule 17. Revision:

The State Engineer may revise these Statewide Nontributary Ground Water Rules in accordance with Section 24-4-103, C.R.S. Such revisions may be the result of new data and/or the submittal of a petition by an interested person pursuant to Section 24-4-103(7), C.R.S. and 2 C.C.R. 402-5 1.1.3.B.2).

Rule 18. Statement of Basis and Purpose Incorporated by Reference:

The Statement of Basis and Purpose for the Adoption of Statewide Nontributary Ground Water Rules is incorporated by reference as part of these rules.

Rule 19. Effective Date:

These rules shall become effective on March 3, 1986.

Editor's Notes

History