

Form no. **COLORADO GROUND WATER COMMISSION**
 DBB-23 **DIVISION OF WATER RESOURCES**
 (5-2019) **DEPARTMENT OF NATURAL RESOURCES**
 1313 Sherman St, Room 821, Denver, CO 80203
 (303) 866-3581, www.water.state.co.us, dwrpermitsonline@state.co.us

**APPLICATION FOR AN AQUIFER STORAGE AND RECOVERY PLAN
 WITHIN A DESIGNATED GROUND WATER BASIN**

NOTE: This application may only be used to request Ground Water Commission approval of an aquifer storage and recovery plan within a Designated Ground Water Basin pursuant to Section 37-90-107.6, C.R.S. Review the instructions on the reverse of this form. This form must be completed, signed, dated and submitted to the Commission with a non-refundable \$100 filing fee. Type or print in black ink.

1. APPLICANT INFORMATION	
Name of Applicant	
Mailing Address	
Telephone Number (include area code)	Email
2. AQUIFER AND GENERAL DESCRIPTION OF THE LOCATION OF THE PLAN	
Aquifer in which the plan will operate: _____	
County: _____ Section _____, Township _____ N / S, Range _____ W	
3 THE FOLLOWING MUST BE PROVIDED AS ATTACHEMENTS TO THIS APPLICATION	
A. A report containing all information required to be submitted for an aquifer storage and recovery plan as required by Designated Basin Rules 5.8.3 (Rule 5.8.3 is provided as an attachment to this form).	
4. SIGNATURE – Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge.	
Signature	Date:
Print name and title:	
FOR OFFICE USE ONLY	
DIV _____ CO _____ WD _____ BASIN _____ MD _____	

INSTRUCTIONS - APPLICATION FOR AN AQUIFER STORAGE AND RECOVERY PLAN

ITEM 1 - APPLICANT INFORMATION - Provide the applicant's name, telephone number, mailing address and email where all correspondence will be sent.

ITEM 2 – AQUIFER AND GENERAL DESCRIPTION OF THE LOCATION OF THE PLAN – Identify the aquifer in which the plan will operate and the general location where water will be withdrawn and replacement water provided.

ITEM 3 – REQUIRED ATTACHEMENTS TO THIS APPLICATION

- A. - The report is typically prepared by an engineer and/or attorney.
- Designated Basin Rule 5.8.1 states the applicant shall have the burden of proving the adequacy of the plan in all respects. Therefore, the applicant and/or the applicant's consultant should review all of Rule 5.8 to ensure the plan considers and addresses all requirements for approval and operation of an aquifer storage and recovery plan, and that the plan is adequate to prevent any material injury to water rights of other appropriators and will not cause unreasonable impairment of water quality.
- The Designated Basin Rules are available on the Ground Water Commission's webpage at: <http://water.state.co.us/groundwater/CGWC/CGWCDocs/Pages/CGWCRulesandRegs.aspx>

Be advised:

- Section 37-90-107.6, C.R.S, requires the applicant to submit a summary of the application to the Commission for publication. Pursuant Designated Basin Rule 5.8.3.A.12, the written summary of the application may be required to be provided in electronic form to facilitating publication of the application. The applicant will be contacted via email to provide the electronic form of the summary. If the Commission determines the application for replacement plan to be complete, the summary will be published in a newspaper in each county of concern (e.g. each county involving withdrawals, replacement water deliveries, etc.) once each week for two successive weeks, followed by a 30-day objection period. The applicant is responsible for, and will be billed for, the actual cost of such publication.
- Pursuant to Rule 5.8.3.A.5, if required by Commission Staff the applicant must submit a ground water model evidencing no material injury to vested rights or unreasonable impairment of water quality will result from operation of the plan, maintenance of dominion and control over the water, and the timing and amount of recharged and stored water available to permitted wells other than the recovery wells identified in the plan.

ITEM 4 - SIGNATURE OF APPLICANT – The application must be signed. If the applicant is a company, corporation, organization, etc., the statement must be signed by an official of the company who must indicate his/her position or capacity that grants authorization to sign. An applicant's authorized agent or attorney may sign the application if a letter signed by the applicant is submitted with the application authorizing them to act as agent for the specific purpose of applying for a determination of water right.

IF YOU HAVE ANY QUESTIONS - call the Division of Water Resources - Ground Water Information Desk - at 303-866-3587

**APPLICATION FOR A REPLACEMENT PLAN -
DESIGNATED BASIN RULE 5.8.3 (page 1)**

5.8.3 Form of ASR Applications.

- A. All applications for ASR Plans must contain the following:
1. Name, mailing address, email address and telephone number of Applicant(s).
 2. Name of designated basin, ground water management district (if any), and aquifer in which the plan will operate.
 3. Evidence that the plan will not injure other water rights.
 4. A detailed description of the plan and its operation, including the following.
 - a. A general description of the ASR project location and ASR Boundary.
 - b. The purpose of the ASR Plan.
 - c. The description of the ASR Source Water (see Rule 5.8.3.A.8).
 - d. The description of how the ASR Source Water is delivered to the ASR project for recharge.
 - e. The method, location, timing, and amount of ASR Source Water being recharged into the aquifer including without limitation identification of the structures that will recharge the ASR Source Water, such as by recharge through a well or through a pond.
 - f. The maximum volume of water that would be stored in the aquifer at any one time.
 - g. Whether the Applicant proposes to use structures or methods to restrict or direct the underground flow of the water.
 - h. The method, location, timing, and amount of recovery of the ASR Source Water, including without limitation identification of the structures that will recover the stored water, legal descriptions of their locations, and identification and copies of all decrees, permits, findings and orders and determinations issued by the Commission and Courts involving the structures.
 - i. The proposed use of the ASR Source Water after it is recovered and where the use will occur if the use is not on the site of the ASR project.
 - j. The proposed plan to monitor both water quantity and water quality.
 - k. The approximate cost of the ASR project and the approximate date construction will begin and end.
 - l. An estimate of the amount of ASR Source Water that will be pumped by wells other than the recovery wells identified in the plan, and an explanation of how that estimate was made.
 - m. An estimate of the amount of ASR Source Water over which the Applicant will lose dominion and control, and an explanation of how that estimate was made.
 - n. Proposed terms and conditions required to prevent injury to other water rights.
 5. If required by Commission Staff, the Applicant shall submit a ground water model evidencing: (a) that no material injury to vested rights or unreasonable impairment of water quality will result from operation of the plan, (b) maintenance of dominion and control over the water, (c) the timing and amount of recharged and stored water available to permitted wells other than the recovery wells identified in the plan.
 6. Maps (either USGS topographic base map or other base map as appropriate) showing the following information:
 - a. A depiction of the project location and ASR Boundary, including a depiction of land owned by the Applicant within the boundaries.

**APPLICATION FOR A REPLACEMENT PLAN -
DESIGNATED BASIN RULE 5.8.3 (page 2)**

- b. The locations of all structures involved in the ASR Plan, including all recharge and recovery wells, recharge ponds and other structures involved in recharging and recovering the ASR Source Water, all structures involved in delivering the ASR Source Water to the project location, and all structures involved in delivering the recovered ASR Source Water to its end use.
 7. The amount of storage space available in the aquifer within the ASR Boundary, how that amount was calculated, the amount of that available storage space the ASR Plan will utilize, the depth to water within the ASR Boundary prior to operation of the ASR Plan and the projected minimum depth to water during operation of the plan.
 8. A detailed description of the physical and legal source of all proposed ASR Source Water, including without limitation identifying the amount of water available from each source, and providing copies of all decrees, permits, findings and orders and determinations issued by the Commission and Courts. If a proposed source of ASR Source Water is not legally available for storage, recovery, and subsequent use in the plan at the time the application is submitted, the Applicant must identify any applications it has or is submitting, or actions it has or is taking, to make the water legally available. Applicant must also provide information demonstrating the Applicant's right to use all proposed ASR Source Water and that the ASR Source Water will not be used by any other person.
 9. Evidence that the plan does not cause unreasonable impairment of ground water quality. Such evidence shall include water quality for the source water and the water quality of the receiving aquifer unless 5.8.1.B.1.a applies.
 10. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which structures that recharge and withdraw water involved in the plan are located. The Applicant must notify these owners that the Applicant is applying for the ASR Plan, and provide proof to the Commission that the Applicant has done so, no later than 14 days after filing the application. Applicant may rely on the records maintained by the applicable County, including records available online, to determine the owner(s) or reputed owner(s), unless Applicant has actual knowledge or information of others not identified in said records.
 11. Information regarding other water rights diverted from the structures involved in the plan.
 12. A summary of the application for publication. If required by the Commission, the summary must be submitted in an electronic form that can be provided to the newspaper in which publication occurs.
- B. All ASR applications pursuant to Rule 5.8.2 must contain the following:
1. The items required by Rule 5.8.3.A.
 2. A report summarizing the hydrological conditions in the aquifer, including, but not limited to, evidence as to whether the aquifer is confined or unconfined at the artificial recharge well(s) and any Remote Recovery Well(s) and any location between those wells, static water levels, and aquifer hydraulic gradient. The report must identify all large capacity wells of record in the State Engineer's office allowing the withdrawal of ground water from the aquifer within one (1) mile of the proposed recovery site(s) that are subject to Rule 5.3.3, and identify the cylinder of appropriation of those wells as calculated pursuant to Rule 4.2.15.