

REGULATIONS FOR THE USE, CONTROL AND CONSERVATION OF GROUND
WATER WITHIN THE LOST CREEK GROUND WATER MANAGEMENT DISTRICT

As amended March 28, 2013.

1. All applications for any wells shall be presented in writing to the Board and acted upon in the manner as prescribed in the by-laws of the district and subject to these regulations except wells not exceeding 15 g.p.m.
2. Permits should not be issued for new wells in locations where they will interfere excessively with nearby wells. In making such a determination, no fixed distance should be applied, but rather the spacing be determined from estimates of transmissibility, pumping rate, length of pumping season and any other pertinent data.
3. Permits for new wells should not be issued if they would excessively lower the water table or shorten the economic life of the aquifer. It shall be the burden of the applicant for any drilling permit to establish to the satisfaction of the directors of this district that the granting of such permit will not substantially lower the water table, shorten the economic life of the aquifer, or result in withdrawing the ground water supply at a rate materially in excess of the reasonably anticipated average rate of future recharge.
4. Permits shall not be issued for supplemental wells.
5. Granting of permits for replacement wells should be automatic. A replacement well should not be more than 100 feet from the original well, unless specific approval is given by the district board. The replaced well must be abandoned and filled in or capped with concrete. Any such replacement well shall not be permitted to materially interfere with existing adjacent wells.
6. Any applicant for a replacement well must complete the installation of the replacement well within ninety (90) days after the application is granted. In the event that installation is not completed within the said ninety (90) days, then the application is of no further force and effect, unless an extension thereof is granted by the district upon application made within said ninety (90) day period.
7. The amount of water of any existing well permit or any new well or replacement well shall be utilized only on the lands designated on the original application and the right to withdraw water shall be limited to the aquifer designated in the original application. That further any such withdrawal shall be limited to the amount of gallons per minute and annual acre feet as designated in such application. The place of such use, amount of use, and type of use, may not be changed or altered without first obtaining the written approval of the district.
8. The District Board may prohibit the use of any well used or operated in violation of these regulations, pending the correction of such use or operation.
9. The district shall prohibit, after affording an opportunity for hearing before the Board of the District and presentation of evidence, the use of ground water outside the boundaries

of the district, where such use materially affects the rights acquired by permit of any such owner or operator of land within the district. For the purpose of this rule, transportation and use of ground water outside the boundaries of the district shall include such transportation or use below the aquifer from which the water is withdrawn.

10. No discharge or injection of water, gases, effluent, liquids or solid into any fresh water aquifer shall be allowed except for fresh water recharge purposes approved by the Board of Directors of the Lost Creek Ground Water Management District. Persons desiring to introduce fresh water recharge into any aquifer within the boundaries of the Lost Creek Ground Water Management District shall make application to the Board. All recharge projects shall comply with the standards and procedures applicable to “Domestic Use- Quality” and “Agricultural Use- Quality” groundwater set forth in the then current Colorado Department of Health and Environment Water Quality Control Commission Regulation No. 41, “Basic Standards for Groundwater.” 5 CCR 1002-41. The point or points of compliance for each recharge site or project shall be a monitoring well or wells in close proximity to the recharge site or project, in locations established by the Board.
11. No well shall be completed in the bedrock aquifers which would be allowed to produce greater than 50 gallons per minute closer than 3,000 feet from any other well completed in the same aquifer without a variance therefor in writing by the district board.
12. The design of all wells completed in the bedrock aquifers shall include cemented-in surface casing to extend from the surface to a depth of at least one-third of the total depth of the well. All wells completed in the Fox Hills Aquifer shall have cemented-in casing set from ground surface to at least 5 feet into the aquifer.
13. Each test hole, pilot hole or well drilled into or through any of the bedrock aquifers shall be logged accurately with respect to geologic materials encountered during drilling, including but not limited to, rock type, color description and particle size. Copies of said logs shall be prepared by the driller or geologist at the site during drilling or from samples taken during drilling. These logs shall be submitted to the district within sixty (60) days after drilling of the test hole, pilot hole or well. When available, geophysical logs of the test hold, pilot hole or well shall be submitted to the district.
14. All exploratory, seismic, test, pilot, oil, gas and other holes not completed as water wells or other engineering structures shall be completed to protect all aquifers. This shall be done by the installation of an acid-resistant cement plus from the bottom of the hole to the ground surface or at intervals extending from at least 50 feet above to 50 feet below any fresh water aquifer encountered.
15. Any person violating any of the rules, regulations or policies of the district shall be subject to an action brought by the Board of the District in the District Court of the county wherein the subject well or water use is located or contamination is occurring to compel compliance with the provisions thereof.
16. Definitions. For the purpose of these rules and regulations, the following words or terms used herein shall be construed and defined as follows:

- a. Bedrock Aquifer shall be referred to as describing all water bearing aquifers within said district, except the alluvial sands.

17. Export Applications

- a. Any party seeking to export water from District shall file an application with the District (hereinafter the “Application”) consisting of the following:
 - i. A report, prepared by a registered Colorado professional engineer, describing the proposed export, and setting forth the reasons Applicant believes that the export will not cause material injury to existing rights within the basin.
 - ii. For Denver Basin water rights, a copy of the determination of water rights and any well permits issued based upon the determination. The determination of water rights application shall be fully completed (including appeal) at the Colorado Ground Water Commission level prior to the filing of the export application with the District.
 - iii. For wells withdrawing from the Lost Creek alluvium, a copy of the permits for the wells and any change in use order entered by the Colorado Ground Water Commission. For wells requiring a change in use prior to export, the change in use proceeding shall be fully completed (including appeal) at the Colorado Ground Water Commission level prior to the filing of the export application with the District.
- b. Applicant shall publish notice of the Application in a newspaper of general circulation in the District once each week for two consecutive weeks. The published notice shall contain:
 - i. For Denver Basin water rights, a legal description of the lands upon which the appropriation is based, a summary of the amount of water approved for withdrawal by the Colorado Ground Water Commission, a reference to the case number of the Determination of Water Rights, and a description of the lands outside the basin where the water is proposed to be applied to beneficial use.
 - ii. For Lost Creek alluvial water rights, a legal description of the lands upon which the well has historically been used, a summary of historical consumptive use approved by the Colorado Ground Water Commission, the permit number of the well or wells involved, and the Colorado Ground Water Commission case number for the change in use application for the wells.
- c. Any person opposing an application for export shall file a statement of objection that identifies the objecting party, the water right or rights claimed to be affected by the export application and reasons for the objection no later than 15 days following the date of the last publication. Objectors may file a report prepared by a registered Colorado engineer in support of the objection for consideration by the Board.

- d. The export Applicant or any Objector may request a hearing before the board pursuant to section 37-90-130(2)(f) C.R.S.
 - i. If the Applicant or any Objector requests a hearing, the Board shall set one to occur within 60 days of the request. The board may require pre-hearings with the parties to identify the issues to be determined, to determine the amount of time needed for the hearing, and to address other preliminary issues. Hearing procedures shall generally follow those set out in section 37-90-131 (1)(c) C.R.S. While the District is not bound by section 24-4-105 C.R.S., the Board will follow the provisions of that statute to the extent the same is applicable to the hearing before the Board and to the extent it would so promote fairness and justice. The Board shall cause the proceedings to be recorded by a reporter or by an electronic recording device, which cost shall be borne by the Applicant.
 - ii. If no hearing is requested within 15 days following the final deadline for objection, the Board shall consider the matter based upon the materials submitted by the Applicant and any Objectors and shall issue a decision.
 - iii. The fact that neither the Applicant nor any Objector requests a hearing before the Board shall not be prejudicial to any party in any appeal of the decision of the Board.
- e. In all export proceedings under this rule, the Applicant shall bear the ultimate burden of demonstrating by a preponderance of the evidence that the proposed export would not materially affect any right acquired by permit by any owner or operator of land within the district.

Rule 17 Adopted March 27, 2008

18. SMALL CAPACITY WELLS. All small capacity wells permitted or proposed to be permitted pursuant to §37-90-105, C.R.S., including any change to an existing permit requesting increased withdrawals or service of additional residences, after the effective date of this Rule 18 shall be subject to the provisions of this Rule.

- a. No wells shall be permitted to withdraw water from the Lost Creek alluvial aquifer or the Denver aquifer.
- b. New wells may be permitted for withdrawals from the Arapahoe and Laramie-Fox Hills aquifers on the following terms and conditions:
 - i. For all wells, the rate of withdrawal shall not exceed 15 gallons per minute.
 - ii. For wells not yet permitted but located within a Subdivision or cluster development which has received final approval prior to the effective date of this rule, permitted withdrawals shall be limited to the amount set forth

in the most recent Subdivision Water Supply letter issued by the State Engineer pursuant to §30-28-136(h)(I) or cluster development for the Subdivision in which the State Engineer makes a finding of no injury. In the absence of a letter issued pursuant to §30-28-136(h)(I), permitted withdrawals shall be limited as set forth in subsection (B)(3) of this rule. In no event shall withdrawals exceed 15 gallons per minute or 1 acre foot per year.

- iii. For §37-90-105(a) wells proposed for use in one or more single family residences, for which no Subdivision Water Supply letter has been issued by the State Engineer pursuant to §30-28-136(h)(I), withdrawals shall be limited to the lesser of: (a) the amount available for withdrawal had the applicant sought and received a determination of water rights under §37-90-107, C.R.S., assuming a 300 year aquifer life, or (b) .4 acre feet per residence. No more than one well permit may be issued per parcel, regardless of parcel size. A single well located on a parcel may serve up to two residences on the same parcel.
- iv. For §37-90-105(b) wells proposed for use for stock watering purposes withdrawals shall not exceed 15 gallons per minute or 1 acre foot per year. No more than 1 such well shall be issued for each 160 acres owned by the applicant.
- v. For wells proposed for commercial use pursuant to §37-90-105(c), C.R.S., withdrawals shall be limited to 15 gallons per minute and 1 acre foot per year.
- vi. All wells shall be fitted with a District approved, calibrated totalizing flow meter at the well owners' cost. Well owners shall report the amount of water withdrawn from the well to the District on an annual basis no later than January 31. The well owner shall provide District personnel access to the meter for inspection upon reasonable notice.
- vii. The District is hereby authorized to assess each well owner an annual per meter fee to be used to offset the costs of inspection, meter reading and enforcement performed by the District. Said fee shall be fixed by the Board on an annual basis.