

REGULATIONS FOR THE USE, CONTROL AND CONSERVATION OF GROUND WATER  
WITHIN THE NORTH IOWA BIJOU MANAGEMENT DISTRICT

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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.
2. Permits should not be issued for new wells, unless accompanied by a recommendation in writing by the district board for the approval of such permit.
3. 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 should be determined from estimates of transmissibility, pumping rate, length of pumping season and any other pertinent data.
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 300 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. 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.
7. No permit shall be granted for the drilling of wells within foxhills or alluvial sands until the district shall have completed a study of available ground water supplies within the management district concerning the relationship and passage of waters between the alluvium and foxhills sands and the effect each has on the other. Said study shall be commenced within six months and proceeded with in due diligence. Pending completion of the study and report, no permit shall be issued for any well, other than for replacement wells. Said studies will be directed toward making a determination of pumping levels that can be maintained within each sand that will be most feasible and beneficial to the economy of the district.
8. No permit for any well or wells shall be granted where the proposed use thereof individually, or as part of a larger plan would unreasonably affect the established economic pattern of the lands contained within the district.
9. No permit shall be granted for any well or wells, to be used within the boundaries of the district where the proposed use of such well will not result in at least twenty per cent of the waters extracted from such well returning to the basin as natural recharge.
10. The board shall hold a hearing on any application for such use, said hearing and notice thereof shall be in accordance with the by-laws of said district.
11. It is prohibited to use or transport ground water obtained within the district outside the boundaries of the district.
12. 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.
13. The district board may commence actions to enjoin the illegal opening or excavation of wells or unreasonable withdrawal or use of waters when the well owner or applicant has not shown to the satisfaction of the district board that such actions would not unreasonably deplete or contaminate available ground water resources within the boundaries of the district.
14. The district board is to receive a copy of any approved or disapproved well permits by the Ground Water Commission and the reason for such action.
15. The board will review its policy from time to time and will revise, delete or add to the above statements of policy as the need arises.
16. 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 to compel compliance with the provisions thereof.



A. The following regulations of said district to be amended to read as follows:

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.
5. Granting of permits for replacement wells should be automatic. A replacement well should not be more than 50 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.
16. 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 to compel compliance with the provisions thereof.

B. The following are additional and new regulations:

17. That 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.
- \* 18. That any permits for new or replacement wells within the district shall require flow meters be installed upon completion of said well in the manner as approved by the district and the owner shall furnish to the district at least annually the meter readings.
19. That 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.
20. No well completed in the Fox Hills Aquifer within the Fox Hills outcrop-subcrop area or within 12,000 feet of the west edge of the Fox Hills subcrop area (as said West area of the subcrop area as shown, described, and set forth in Plate II as prepared by Willard Owens Associates as a part of Hydrologic Study of Bedrock Aquifers North Kiowa Bijou Ground Water Management District, Colorado, Project 70-G-010, April, 1971, copies of which are available and on file in the office of the secretary of the said district at Hoyt, Colorado), shall be allowed to produce greater than 15 gallons per minute.
21. No well completed in the bedrock aquifers shall be allowed to produce greater than 200 gallons per minute.
22. 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.
23. 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.
24. 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 hole, pilot hole or well shall be submitted to the district.
25. No discharge or injection of water, gases, liquids or solids into any fresh water aquifer shall be allowed except for fresh water recharge purposes as approved by the Board of Directors of the North Kiowa Bijou Management District.
26. 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 plug 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.
27. 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 alluvium sands.

\*Paragraph 18 was amended by resolution adopted April 2, 1975, as follows:

"RESOLVED that it is the policy of the Board that a moratorium be had concerning the enforcement of the regulation of the district to have meters placed upon replacement wells until such time as the relative benefits and detriments can be more clearly evaluated and determined. BE IT FURTHER RESOLVED that all replacement applications shall continue to have placed thereon requirement for the installation of meters, however, all applications and well drillers should be advised that it is not necessary to install such meters prior to placing said replacement well to beneficial use, but that the construction of said wells shall be such as to permit the installation of a meter at such further time as the Board may request in writing to the Applicant."



NORTH KIOWA BIJOU MANAGEMENT DISTRICT POLICY AND GUIDELINES FOR  
REPLACEMENT WELLS

Under the existing rules of the District, the following Rule #5 pertaining to granting of replacement wells states:

"Granting of permits for replacement wells should be automatic. A replacement well should not be more than 50 feet from the original well, unless specific approval is given by the District Board. The replacement 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."

The policies and regulations of the State Ground Water Commission provide that applications for replacement wells in excess of 300 ft. from the original location require publication and in the event an objection is filed, that a hearing thereon must be had by the State Commission pursuant to the statutes, rules and regulations of the Commission.

Based upon information presently in existence and available by the District Board by its own geologist and by information obtained from the Engineers in the State Engineer's office, the District Board feels that they should for the benefit of water users within the District set forth its policies and guidelines for replacement wells in light of the present known geological information pertaining to the district, its rules and the rules and regulations of the State Commission. Although all replacement applications have in the past and will in the future continue to be investigated, studied and ruled upon in each individual case, the following policies and guidelines are applicable within the District in order to:

- (1) to provide for the spacing of wells producing from the ground water aquifer or subdivision thereof, and to regulate the production therefrom so as to minimize as far as practicable the lowering of the water table or the reduction of the artesian pressure.
- (2) To promulgate reasonable rules and regulations for the purpose of conserving, preserving, protecting, and recharging the ground water of the ground water aquifer or subdivision thereof, in conformity with the provisions of this article.

A. Replacement wells within 50 ft.

These replacement wells within a distance of 50 ft. of the original well as provided by the district regulations can be granted without hearing by the approval of the Director of each division. By definition such replacement well is an emergency situation and is truly a "replacement" as covered by the rules as being automatic and would not have the affect of depleting the aquifer or interference with adjacent wells.

B. Replacement wells at a distance in excess of 50 ft. and less than 300 ft.

The Board has jurisdiction to act upon such replacement wells on an individual basis. However, to insure that said replacement wells will not have an injurious effect upon the aquifer or adjacent well, the following procedure must be followed:

1. The applicant shall include on said application or attach thereto the names and addresses of all water users within 1/2 mile radius of the proposed new location.
2. The district shall send notice by certified mail to all of said users advising them of the date and place of hearing on said application, and likewise, such notice of the date and place of hearing shall be sent to the applicant by certified mail. Said hearing to be held not less than 20 days from the date of notification of hearing.
3. The burden of proof shall be on the applicant to establish that no material damage would be suffered by the adjacent wells as a result of the change of place of use.
4. That at said hearing, all objectors shall be given an opportunity to be heard and offer evidence as will the applicant, and in the event the board deems it advisable or necessary, additional professional advice can be sought by the Board in connection with said applications.

C. Replacement wells at a distance greater than 300 ft.

Such replacement wells are subject to jurisdiction of the Ground Water Commission under its existing policies, guidelines, regulations and state statutes, which provide for notice and hearing by the Colorado Ground Water Commission; provided, however, that a hearing upon said applications shall first be had by the district, subject to the same procedures as provided in paragraph B above. The Board, however, in ruling upon any of said applications shall consider historic use and production records for a period of 10 years on the existing well to be replaced, and the applicant shall be offered an opportunity to limit the production from the replacement well at a distance greater than 300 ft. to the average 10 year production of the original well, and such replacement at a distance greater than 300 ft. may be granted by the Board upon the conditions and limitation of the average historic use of the original well over said ten year period.