

STATE OF COLORADO

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Division of Water Resources
Department of Natural Resources

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February 14, 1994

POLICY MEMORANDUM 93-5

SUBJECT: In Over-Appropriated Basins - Expanding the use of a Pre-May 8, 1972 well on an intact Pre-June 1, 1972 Lot of Less Than 35 acres - to Add a Water Supply for ONE Single Family Dwelling.

This policy becomes effective February 14, 1994 and shall be modified or revoked only in writing.

SUBDIVISION REVIEW

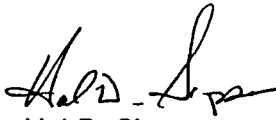
When a county referral proposes to allow adding one single family dwelling to an intact pre-1972 lot with an existing pre-1972 well as the proposed water supply, we will respond that we have no objection to approval if the following conditions can be met:

1. The applicant can document that the property was recorded with the county prior to June 1, 1972, or the date the county adopted Senate Bill 35 rules, and the well will be the only exempted well on the tract.
2. The property has not been previously subdivided or exempted since June 1, 1972.
3. The well that is proposed as the supply was constructed and put to use prior to May 8, 1972.
4. The only expansion of use of the well will be for ordinary household purposes inside one single family dwelling, and return flows will be to the same stream system in which the well is located.
5. The waste water disposal system for the added dwelling must be of the non-evaporative type.
6. The applicant must apply for and obtain a new well permit for the expanded use of the well.
7. Our letter to the county must state that no additional well permits will be issued under Section 37-92-602, as the water supply for any new lots created from the subject property by either subdivision or exemption, as long as the permit for the expanded use discussed above is in force.

WELL PERMITTING

In the case of an application for a well permit received under the same circumstance as described above, A NEW WELL PERMIT CAN BE ISSUED FOR THE EXPANDED USE OF THE WELL UNDER 37-92-602(3)(b)(I), WHEN THE FOLLOWING CONDITIONS ARE MET:

- a. The applicant provides documentation that the property the well is located on was recorded with the county prior to June 1, 1972 or the date the county adopted Senate Bill 35 rules, and that the property has not been subdivided or exempted since June 1, 1972 or the date the county adopted Senate Bill 35 rules.
- b. The applicant must provide documentation that the well was constructed and put to use prior to May 8, 1972. A well permit issued prior to May 8, 1972 will constitute adequate documentation.
- c. A field inspection report from the Water Commissioner will be required to detail the existing and historic uses of the well specifically addressing the number of dwellings served, area historically irrigated, and number of domestic animals watered. Total single family dwellings served may not exceed three and irrigated garden and lawn may not exceed 1 acre.
- d. The waste water disposal system for the added dwelling must be of the non-evaporative type and the return flow must be to the same stream system as the well in located in.
- e. The expanded use is limited to ordinary household purposes inside one single family dwelling. No expanded outside use will be allowed under the new permit.
- f. Permit conditions must be included to limit well use to historic pre-May 8, 1972 uses plus the additional use for ordinary household purposes inside one additional single family dwelling, not to exceed three single family dwellings.
- g. The pumping rate will be limited to 15 GPM. [Section 37-92-602 (1)(b)]
- h. A Permit condition shall be added to state that "No additional well permits will be issued under Section 37-92-602, as the water supply for any new lots created from the subject property by either subdivision or exemption, as long as this permit is in force.


Hal D. Simpson
State Engineer

CONSIDERATIONS AND BACKGROUND FOR POLICY MEMO 93-5

PROBLEM

The Engineering Section has recommended approval of county referrals which requested serving one additional dwelling on to a pre 72' lot, served by a pre-72' well. This recommendation paralleled our practice of informing the counties that one additional in-house use well permit could be available for a one time split by exemption of 1 lot from an original pre-72' parcel. However we have not established a corresponding policy on how to handle a new well permit application for this expanded use of the well.

DISCUSSION

In the past our letter to the county indicated that we would have no objection to approval of one (1) additional single family dwelling being served by a pre-May 8, 1972 well on an intact pre-June 1, 1972 parcel. However if the applicant attempted to late register the well or obtain a new permit for the expanded use, such application may have been denied under the provisions of Section 37-92-602 (3)(b)(l). This caused the appearance of a lack of coordination within the State Engineer's office.

SOLUTION

Three options appear to be available.

1. Continue as in the past.
2. Inform the counties that we could not recommend approval on this type of application unless the lot is split by exemption, then we could issue an in-house use well permit for the second lot.
3. Adopt a policy allowing a one time expansion of use of a pre-72' well to serve one additional single family dwelling in lieu of issuing one (1) additional in-house use well permit for a one time split of a pre-June 1, 1972 parcel.

RECOMMENDATION

The third option appears to be the preferred choice because it completes the actions necessary to carry out our established procedure in responding to this particular type of land use referral from the counties.