

STATE OF COLORADO
OFFICE OF THE STATE ENGINEER
DIVISION OF WATER RESOURCES
1313 Sherman St., Room 821, Denver, CO 80203
Phone (303) 866-3581, www.water.state.co.us

NONTRIBUTARY GROUND WATER CONSENT CLAIM

AQUIFER: _____

I (we) (Please Print) _____,
claim and say that I (we) have the consent of the owner(s) of _____ acres of overlying land in the
County of _____, State of Colorado, described below, to withdraw ground
water from the aquifer indicated above. (insert the property's legal description)

I (we) further claim that such consent is made by virtue of (check one of the following):

- Expressed written consent, pursuant to C.R.S. 37-90-137(4)(b)(II)(A) if outside a Designated Ground Water Basin, or Commission Rules 5.3.2.1 and 2 if within a Designated Ground Water Basin.

NOTE 1: A copy of a deed, containing a legal description of the overlying land, recorded in the county (or counties) in which the land is located, evidencing that the applicant has the right to withdraw the ground water, must be provided for all applications.

NOTE 2: A Nontributary Landownership or Consent Verification of Notice (form GWS-43) must also be provided for all applications submitted outside of a Designated Ground Water Basin.

NOTE 3: A Nontributary Groundwater Consent Landownership Statement (form GWS-3B) must also be provided for all applications submitted inside of a Designated Ground Water Basin.

- A municipal ordinance or quasi-municipal district resolution in effect prior to January 1, 1985, pursuant to C.R.S. 37-90-137(4)(b)(II)(B) outside a Designated Ground Water Basin.

NOTE: A copy of the ordinance or resolution and a copy of the water court application certified by the water court must be provided.

- Deemed consent by a municipality or quasi-municipality, pursuant to C.R.S. 37-90-137(4)(b)(II)(C) and 137(8) if outside a Designated Ground Water Basin, or Commission Rule 5.3.10 if within a Designated Ground Water Basin.

NOTE: A copy of the ordinance or resolution and a copy of a detailed map showing the land area for which consent is deemed to have been given must be provided with all applications, unless previously filed with the State Engineer in which case by signing this form the claimant verifies that that information is still true and correct.

Further, I (we) claim and say that I (we) have read the statement made herein; know the contents thereof; and that the same are true to my (our) knowledge. Pursuant to Section 24-4-104(13)(a), C.R.S., the making of false statements herein constitutes perjury in the second degree and is punishable as a Class 1 misdemeanor.

Signature

Date

Signature

Date

INSTRUCTIONS: Nontributary Ground Water Consent Claim

This form is to be submitted with all applications indicated below, when the applicant is not the owner of the overlying land.

1. Well permits to withdraw ground water outside a Designated Ground Water Basin pursuant to C.R.S. 37-90-137(4), consisting of any ground water from the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifers, or where the applicant believes or claims that the water to be withdrawn is nontributary ground water.
2. Determinations of Water Rights of ground water inside a Designated Ground Water Basin pursuant to C.R.S. 37-90-107(7) consisting of any ground water from the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifers, or any application for water rights from other Designated Basin bedrock aquifers pursuant to Designated Basin Rule 5.4.

If claim of the right to withdraw the water is based on expressed written consent, the statement must be accompanied by a deed demonstrating that the claimant is the owner of the right to withdraw the subject water. The name of the claimant must be the same as the name of the owner of the right as shown on the deed.

The statement must be signed by the applicant. 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.

The aquifer from which the ground water is to be withdrawn must be indicated. The applicant shall provide a separate statement for each aquifer being applied for.

The number of acres and legal description of overlying land must be indicated. In areas of the state that are not surveyed, the State Engineer will accept an alternate description 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.

If the legal description is too lengthy for the space provided on the statement, please refer to an attached legal description in the space provided and attach the complete legal description.

If the attached copy of the deed provides an adequate legal description, that deed may be referenced in the space provided.

The legal descriptions and maps must be complete and legible. Descriptions that are illegible or incomplete (e.g. that reference exclusions without legal descriptions) may be returned.