



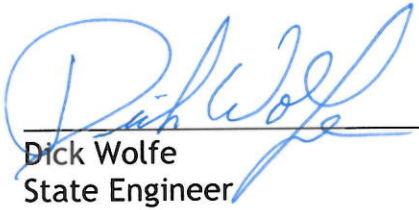
COLORADO
Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 821
Denver, CO 80203

POLICY 2013-01

**CONCERNING THE AVERAGE ANNUAL VOLUMETRIC PUMPING LIMITS OF NON-EXEMPT
WELLS IN THE RIO GRANDE BASIN, WATER DIVISION NO.3**

This policy is hereby **revoked**, effective immediately.



Dick Wolfe
State Engineer

4-5-2016

Date





DIVISION OF WATER RESOURCES

John W. Hickenlooper
Governor

Mike King
Executive Director

Dick Wolfe, P.E.
Director/State Engineer

POLICY 2013-01

CONCERNING THE AVERAGE ANNUAL VOLUMETRIC PUMPING LIMITS OF NON-EXEMPT WELLS IN THE RIO GRANDE BASIN, WATER DIVISION NO. 3

Objective

The objective of this policy is to give guidance to the Colorado Division of Water Resources' ("DWR") staff and well owners on how to determine the appropriate average annual volumetric pumping limits for non-exempt wells and what action will be taken by DWR in the event a limit is exceeded. The intent of this policy is only to clarify the basis of an average annual volumetric limit. This policy does not supersede additional limitations contained in a decree or permit, including but not limited to the maximum annual volumetric limit and limitations in combination with other wells. The DWR anticipates that some wells within Water Division No. 3 are approaching their average annual volumetric pumping limits or will have exceeded their volumetric pumping limits when this policy takes effect and thus will not be able to pump a like amount as in prior years.

Policy

This policy applies to non-exempt wells in the Rio Grande Basin, Water Division No. 3. Exempt wells are not subject to this policy; however, they must still continue to comply with applicable law including any applicable permit or decree conditions.

The Division Engineer shall determine each well's average annual volumetric pumping limit(s) on a case-by-case basis. A well's average annual volumetric pumping limit(s) is (are) the average annual volumetric limit(s) specified in the applicable permit file or decree file, NOT the amount of recent historical pumping based on meter readings. Where the applicable permit file or decree file specifies an **average annual volumetric pumping limit(s) and is silent regarding the period of time** for determining the average annual volumetric pumping limit(s), the well's annual volumetric pumping limit(s) will be based on a **five-year rolling average**. That is, the allowable volume of pumping in any individual year shall be calculated as five times the average annual limitation less the sum of the pumping within the previous four years. Please see Attachment A for sample scenarios. Anyone who wishes to provide documentation or additional information regarding the average annual volumetric limit(s) of a particular well may work directly with the Division Engineer and his staff at any time.

Well users operating in violation of the annual volumetric limitations will be subject to cease and desist orders issued by the Division Engineer pursuant to section 37-92-502, C.R.S. Any person who diverts groundwater contrary to a valid order of the State Engineer or a Division Engineer issued pursuant to section 37-92-502, C.R.S. shall forfeit and pay a sum not to exceed \$500 per structure for each day such violation continues and may be subject to the cost of any legal proceedings including reasonable allowances of attorneys fees (section 37-92-503(6), C.R.S.).

Office of the State Engineer

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DIVISION OF WATER RESOURCES

Basis for Policy

The State Engineer must administer non-exempt wells in accordance with the constitution of the State of Colorado and all applicable statutes. Section 37-92-501(1), C.R.S. Consequently, the State Engineer has a duty to ensure that all non-exempt wells within the Rio Grande Basin are operated pursuant to their well permit conditions and decrees and do not exceed their volumetric pumping limits. The Colorado General Assembly has directed the State Engineer to regulate groundwater use in the Rio Grande Basin so as to maintain a sustainable water supply in the unconfined and confined aquifers and to avoid interfering with the ability of the State of Colorado to fulfill its obligations under the Rio Grande Compact (section 37-92-501(4)(a)(I),(V), C.R.S.).


Compliance with decreed and permitted volumetric limitations is necessary to prevent illegal expansion of use of non-exempt wells within Water Division No. 3. Measurement of non-exempt well production within Water Division No. 3 is the subject of Water Court Case No. 05CW12. This policy does not modify the provisions of that decree.

Effective Date

This policy will take effect on January 1, 2014. For wells whose average annual volumetric pumping limit(s) is (are) based on a five-year running average, the first year of the five-year period will be 2010.

Except as described herein, this policy may be modified or revoked only in writing by the State Engineer.

Approved this 6th day of May, 2013.


Dick Wolfe, P.E.
Director/State Engineer

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Attachment A

- The average annual volumetric limit is 250 acre-feet and no period of time is defined in the well permit or decree.
- Pursuant to SEO Policy 2013-01, a period of five years for calculation of rolling averages will be used.
- "Period Volume Available" is calculated by multiplying the "Average Annual Volumetric Limit" by the "Period."
- "2014 Available" is calculated by subtracting the four previous years actual pumping from the "Period Volume Available."
- AF = acre-feet

Scenario	Avg. Annual Vol. Limit (AF)	Period (years)	Period Volume Available (AF)	2010 Actual (AF)	2011 Actual (AF)	2012 Actual (AF)	2013 Actual (AF)	2014 Available (AF)
1	250	5	1,250	275	275	275	275	150
2	250	5	1,250	325	300	300	325	0