

STATE OF COLORADO

GROUND WATER COMMISSION

Division of Water Resources
Department of Natural Resources

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April 13, 1999

POLICY MEMORANDUM 99-3

APPROVED BY THE COMMISSION ON AUGUST 13, 1999

POLICY OF THE COLORADO GROUND WATER COMMISSION CONCERNING THE PUBLICATION OF CERTAIN VARIANCE REQUESTS TO THE COLORADO GROUND WATER COMMISSION'S RULES AND REGULATIONS FOR THE MANAGEMENT AND CONTROL OF DESIGNATED GROUND WATER.

1. SCOPE

- 1.1 This policy is applicable to variance requests for all applications for new appropriations and for change applications for high capacity wells located in Designated Ground Water Basins that require Commission action pursuant to Rule 5 and Rule 7 of the Rules and Regulations for the Management and Control of Designated Ground Water.
- 1.2 This policy does not apply to variance requests made under other Rules of the Colorado Ground Water Commission's Rules and Regulations for the Management and Control of Designated Ground Water. However, if an application is filed for a replacement well pursuant to Rule 6 and the application includes a variance request to allow the well to be relocated to a place greater than the distance allowed for replacement wells as specified in Rule 6, said request shall be interpreted by the Staff as a request for a change of water right and the Staff shall, consistent with Rule 6.1, evaluate such request pursuant to the provisions of Rule 7 and Section 37-90-111 (1)(g), C.R.S..

2. REQUIREMENTS FOR VARIANCE REQUESTS FROM RULES 5 AND 7

- 2.1 Before consideration of any request for a variance from Rule 5 or Rule 7, the Staff must receive an application for a new appropriation (Rule 5) or for a change in water right (Rule 7). An applicant seeking a variance pursuant to the criteria set forth in Commission Rule 11 may submit the variance request at the time of application for either the new appropriation or change in water right. The applicant may also submit a variance request after a new appropriation or change in water right application has been submitted, provided the Staff has not acted on the application. However, if the Staff has already acted on the application (i.e. denied the application) the applicant must file a new application and request for a variance.

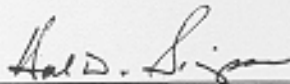
- 2.2 The Executive Director of the Commission or his staff shall have the authority to initially review all variance requests and determine whether they are complete and ready for Commission consideration. If not, the variance request will be returned to the applicant with a written description of the deficiencies and defining the applicant's opportunity to cure them. Once the variance request is deemed complete and ready for Commission consideration, it will be published.
- 2.3 Publication of a variance request will follow the provisions of Section 37-90-112, C.R.S.
- 2.4 Any hearing scheduled on the variance request will not be held until at least 7 days after the end of the statutory objection period.
- 2.5 The Applicant requesting the variance shall be required to pay for all publication costs associated with the variance. The Commission will not hear the request for variance unless, at least seven days prior to the time set for the hearing, the applicant has paid all publication costs for the variance request.

3. COMPLIANCE

Failure to comply with any portion of this policy may subject the applicant to a denial of its variance request by the Commission.

EFFECTIVE DATE

This policy is effective as of August 13, 1999. This policy can only be amended or revoked by action of the Commission.



Hal D. Simpson, Executive Director
Colorado Ground Water Commission