

RULES FOR SMALL CAPACITY WELL PERMITS IN DESIGNATED GROUND WATER BASINS

Rule 1. Authority: These rules are promulgated pursuant to Sections 37-80-102 (1)(g) and 37-90-105(2), C. R. S.

Rule 2. Scope and Purpose:

These rules shall be applicable to all well permits issued by the State Engineer pursuant to Section 37-90-105, C.R.S. for small capacity wells in the Designated Ground Water Basins.

These rules are intended to establish a fair and impartial method for validation and expiration of well permits issued by the State Engineer pursuant to Section 37-90-105, C.R.S. These rules shall be construed to carry out this purpose.

Rule 3. New Permits - Permit Validation - Evidence of Beneficial Use: A small capacity well permit issued on or after the effective date of these rules shall be considered valid provided the well is constructed timely and a well construction and test report is filed with the State Engineer in accordance with the Water Well Construction Rules (2 CCR 402-2). Evidence of beneficial use shall not be required for such a permit. If evidence of beneficial use is filed with the State Engineer it shall not, in any way, alter the terms of the permit.

Rule 4. Previously Issued Permits - Permit Validation - Evidence of Beneficial Use: A small capacity well permit issued prior to the effective date of these rules shall be considered valid provided the well is constructed timely and a well construction and test report is filed with the State Engineer in accordance with the Water Well Construction Rules (2 CCR 402-2). The requirement of evidence of beneficial use, if it was required under a previous rule, shall be considered waived. If a permit condition refers to a potential limitation on allowed annual acre-feet due to a requirement of evidence of beneficial use under a previous rule, that limitation shall also be considered waived. If evidence of beneficial use is filed with the State Engineer it shall not, in any way, alter the terms of the permit.

Rule 5. Restrictions by District Rules: As provided by Section 37-90-105, C.R.S., the ground water management districts within the designated ground water basins have been authorized, by rules and regulations, to further restrict or expand the limitations for issuance of small

capacity well permits within their respective districts. The State Engineer shall implement such limitations established by valid management district rules.

Rule 6. Replacement of Previous Rule: The previous rule titled “Rules for Small-Capacity Well Permits in Designated Ground Water Basins”, 2 CCR 402-4, adopted by the State Engineer effective November 1, 1991, shall be replaced by these rules on the effective date of these rules.

Rule 7. Severability: If any portion of these rules is found to be invalid, the remaining portion of the rules shall remain in force and unaffected.

Rule 8. Variance: When the strict application of any provision of these rules or previous versions of these rules present practical difficulty or unusual hardship, the State Engineer may grant a variance for a specific instance provided a written request for the variance is made to the State Engineer and the State Engineer finds the request justifiable.

Rule 9. Statement of basis and purpose incorporated by reference: the statement of basis and purpose for these rules for small capacity well permits is incorporated by reference as part of these rules.

Rule 10. Effective Date: These rules shall become effective on July 1, 1999.