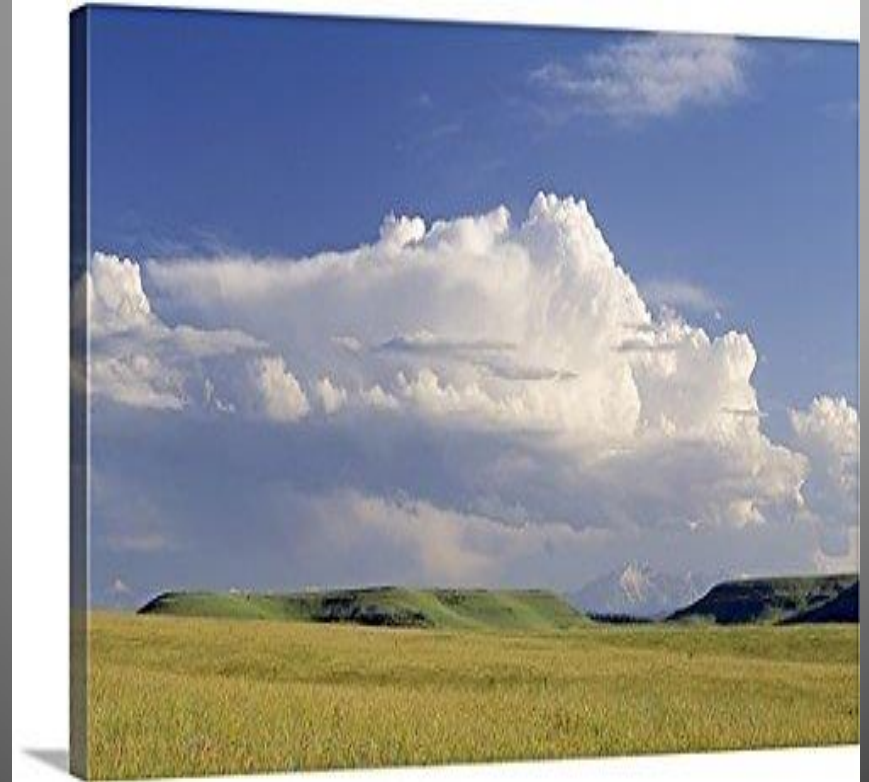


# Adjudicating Denver Basin Ground Water

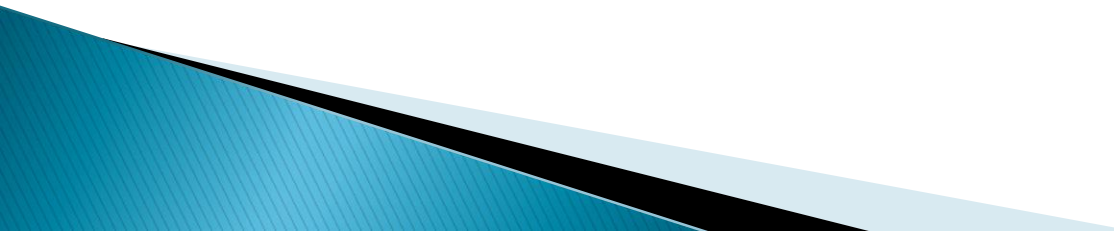
Sarah A. Klahn, Esq.  
White & Jankowski, LLP  
October 19, 2016

# Agenda

- ▶ Organizing principles
- ▶ Overview of physical resource
- ▶ Overview of legal entitlement to Denver Basin ground water
- ▶ Overview of adjudication procedures and tools
- ▶ Is adjudication right for you?
- ▶ Questions



# Disclaimer

- ▶ I am here to provide an overview of the adjudication process.
  - ▶ Not here to form an attorney–client relationship!
  - ▶ If you have specific legal questions about your situation, you should contact a qualified attorney.
- 

# Framework of our discussion tonight

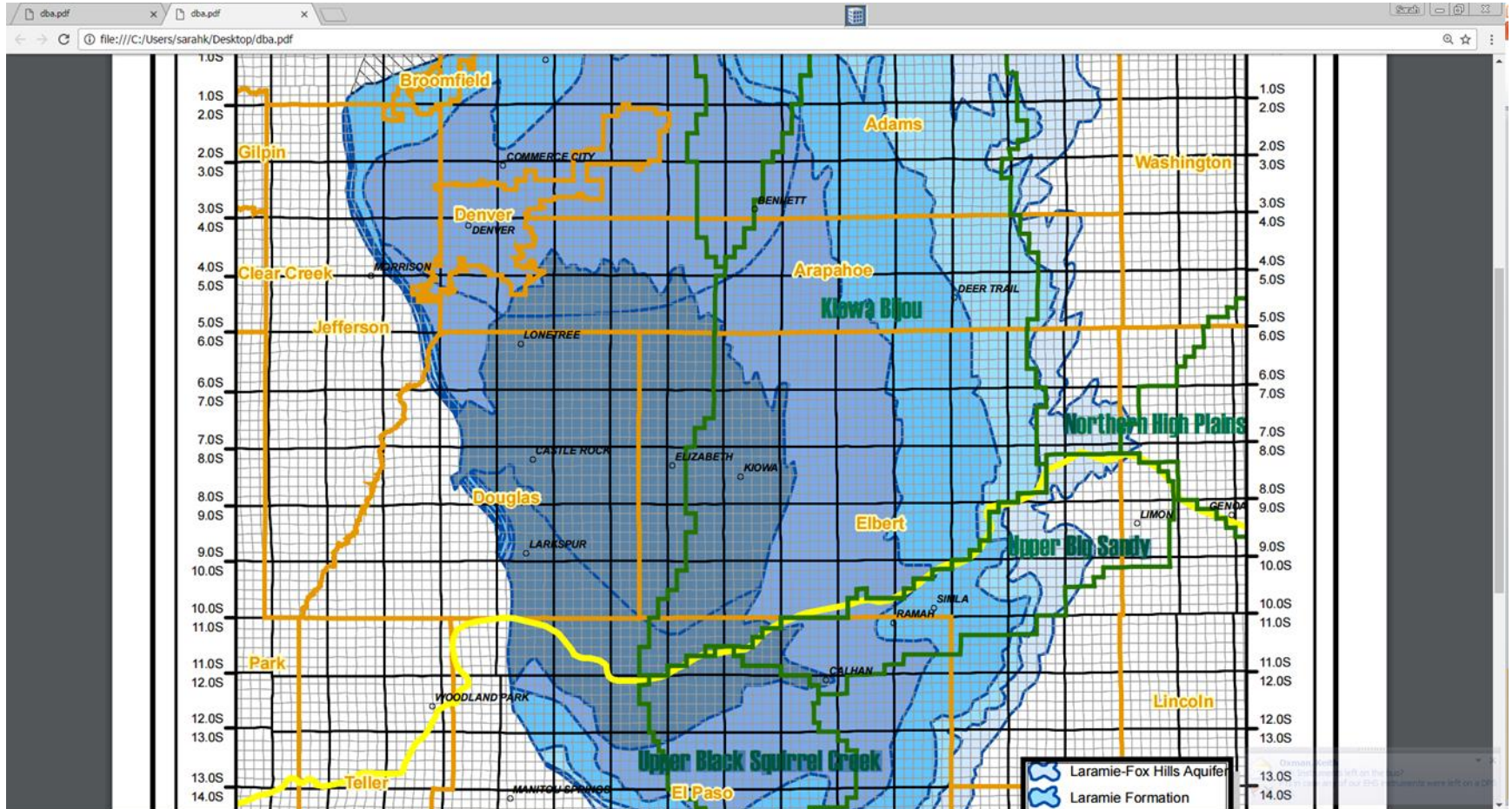
- ▶ Unlike tributary surface and ground water, Denver Basin ground water is distributed based on statutory provisions that entitle the overlying landowner to the divert (or pump) the water consistent with various rules.
  - This does **not** mean you can pump as much as you want!
- ▶ Presentation tries to highlight the differences between:
  - **Legally** available Denver Basin ground water
  - **Physically** available Denver Basin ground water
  - **Economically** available Denver Basin ground water

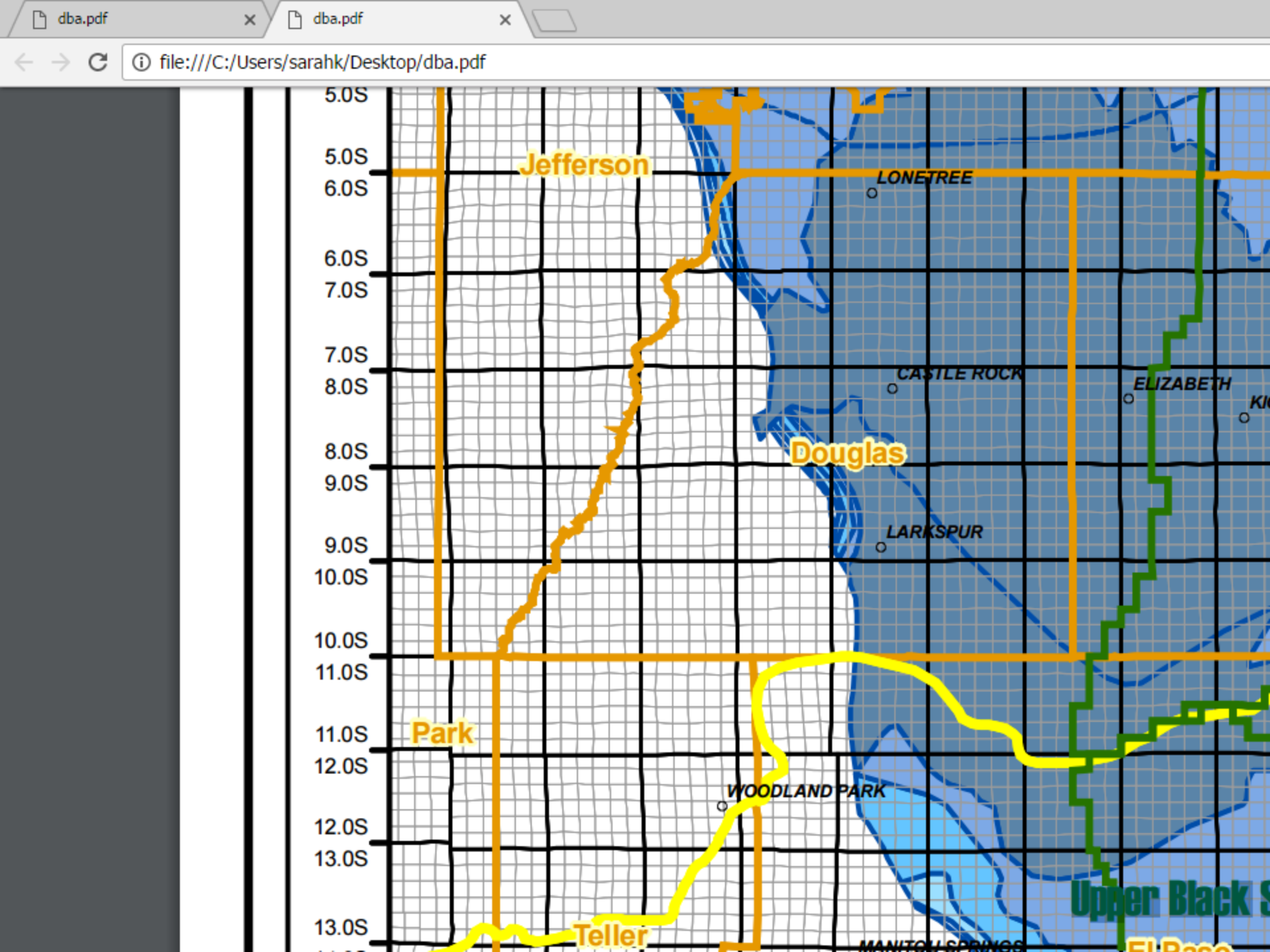
# Denver Basin Aquifer vocabulary:

- ▶ Aquifer names:
  - Dawson
    - Lower Dawson
    - Upper Dawson
  - Denver
  - Arapahoe
  - Laramie–Fox Hills
- ▶ Non-tributary
- ▶ Not non-tributary (typically shallower aquifers but depends on location)
- ▶ Tributary (with some exceptions, all ground water that is not Denver Basin)

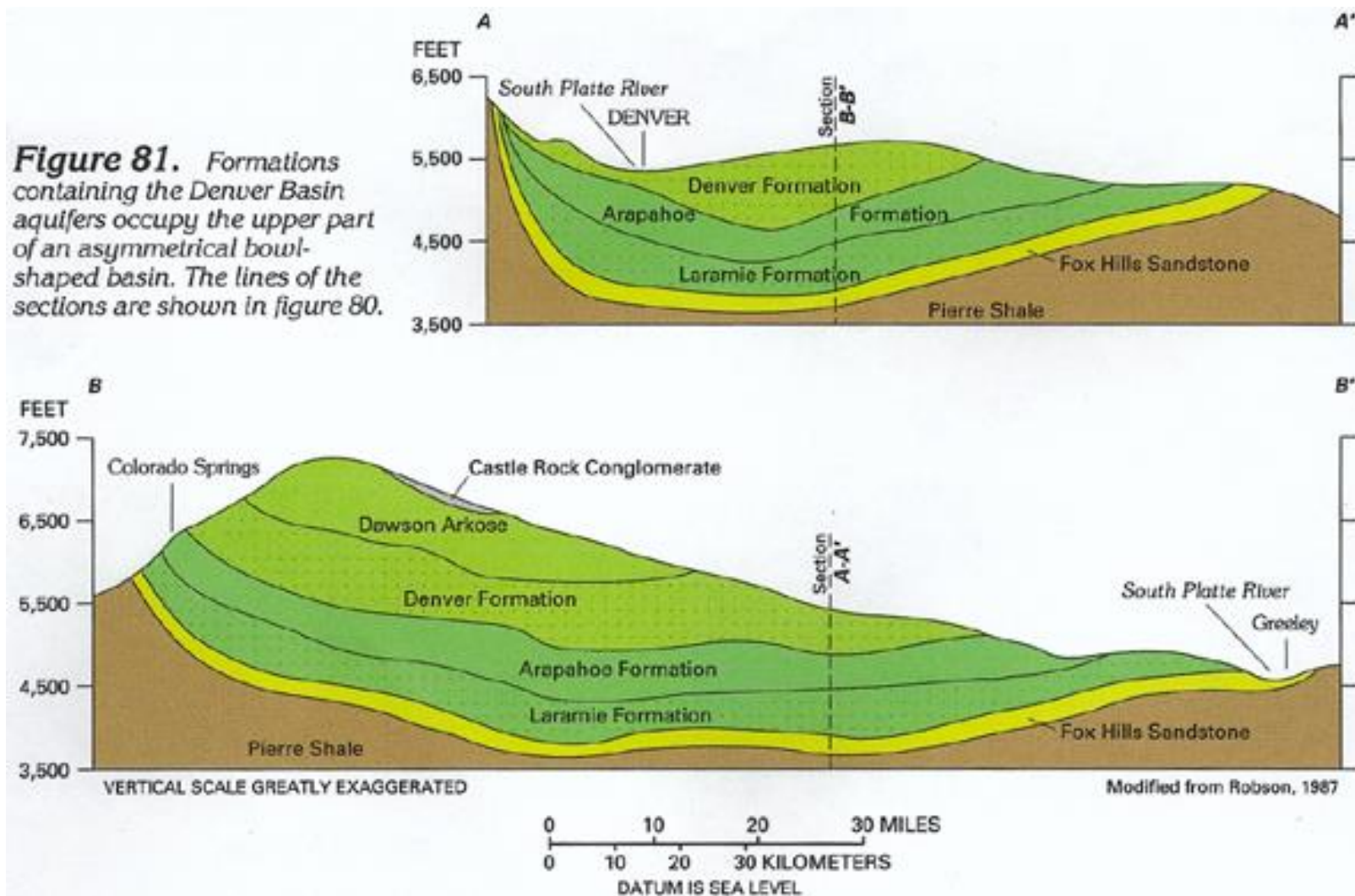


# Denver Basin Ground Water Map





**Figure 81.** Formations containing the Denver Basin aquifers occupy the upper part of an asymmetrical bowl-shaped basin. The lines of the sections are shown in figure 80.





# These maps begin to suggest:

- ▶ What and where is Denver Basin ground water physically available?
- ▶ And where is it economically available?

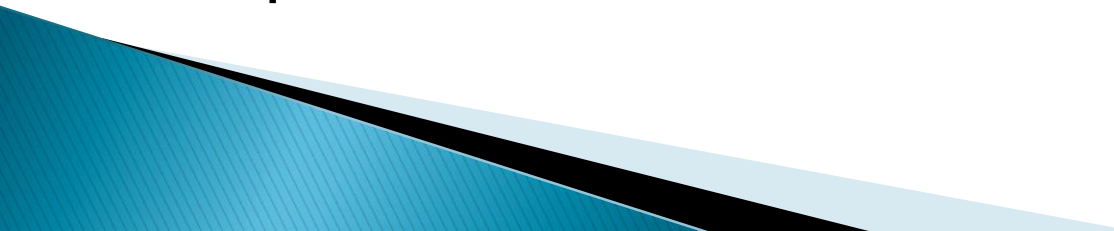
# Legal entitlement to Denver Basin ground water

»» Framework for “legal  
availability”

# Overlying land ownership=entitled to withdraw Denver Basin GW

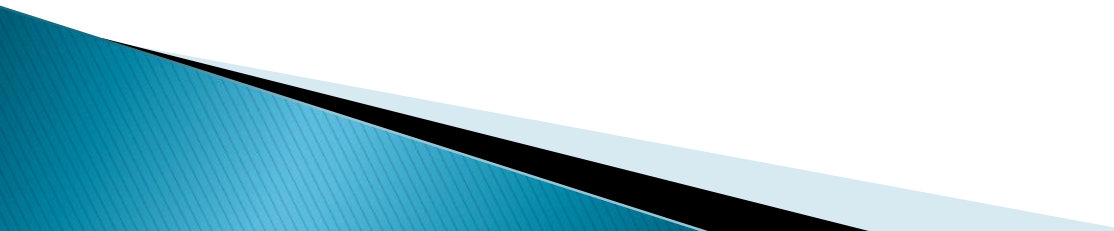
- ▶ Under Colorado statute 37-90-137(4), adopted in 1973:
  - The right to withdraw non-tributary ground water resides with the owner of the land overlying the aquifer.
  - The amount of non-tributary ground water that can be withdrawn by the landowner is limited to the total amount under the landowner's property, at a rate no greater than 1% per year of that total amount.

# Policy behind section 37–90–137(4):

- ▶ To facilitate development of south suburban areas including Douglas County, the General Assembly authorized “mining” of Denver Basin aquifers
  - ▶ All Denver Basin wells, whether adjudicated or not, are authorized to pump a volume of water based on an assumed 100 year life of the well
  - ▶ This is the maximum legally available—whether the water is physically available, or, if physically available, it can be economically extracted are separate issues
- 



# Denver Basin availability analysis

- ▶ Division of Water Resources (SEO) uses a ground water model to predict yields from various parts of the Denver Basin
  - ▶ Whether applying for a permit OR to adjudicate Denver Basin ground water, DWR uses the ground water model to estimate the volume available beneath the legal description of your property
- 

# Adjudication tools and procedures

- » Enhances, but is not essential, to evaluating legal availability

# Adjudication tools:

Online Survey Software | C x Luke's Senior Photos by Ni x Senior-Picture-Packet.pdf x Luke's Senior Photos by Ni x 20160826-Final-Order-Cot x Well Permitt 20160921-Amended-Final x

water.state.co.us/groundwater/wellpermit/Pages/default.aspx

Colorado Department of Natural Resources Colorado.gov | Contact Us | Help | Search

**COLORADO**  
Division of Water Resources  
Department of Natural Resources

Home Ground Water Surface Water Data & Maps Documents & Forms Division Offices

> Ground Water > Well Permitting

**Well Permitting**

The Division of Water Resources (DWR) has several types of well permit application forms to assist you in obtaining a permit to construct a new or replacement well. Using the correct form will greatly assist you in obtaining the documentation you require to proceed with the construction or replacement of a well in a timely fashion. For additional information, read the [Guide to Well Permits, Water Rights, and Water Administration](#).

First, it is important to know if you are located within one of the following: [The Denver Basin](#), [The Denver Basin AND a Designated Ground Water Basin](#), or [A Designated Ground Water Basin](#).

For [residential uses](#) there are generally three types of uses, depending on your particular needs and physical land situation. [Form G115-44](#) may be used for all these types of uses.

- Household Use Only
- Livestock Watering Only
- Residential Use (may include lawn/garden irrigation and/or domestic animal watering)

For more information, please see the [Residential or Household Use](#) page. All residential real estate transactions that include a well transfer require a [Change of Owner Name/Address](#) form to be completed and [existing wells must be registered](#).

For all other situations and types of uses the forms to use are:

- [Commercial Wells](#) - Click here to determine correct forms
- [Dewatering Well](#)
- [Dewatering System](#)
- [Gravel Pits](#)
- [Irrigation, Municipal, Industrial, and Other Large Capacity Wells](#)
- [Monitoring and Observation Hole \(temporary\)](#)
- [Monitoring and Observation Well \(permanent\)](#)
- [Recovery/Remediation Well](#)
- [Registration of an Existing Well](#) (construction prior to 1972)
- [Test Hole](#)

Well permits for most non-residential wells, such as irrigation, municipal, industrial, commercial, dewatering, remediation, and gravel pit ponds, are prohibited from being issued if they will be located within 600 feet of any existing well, unless allowed pursuant to a hearing held pursuant to procedural rules in 2CCR 402-5. For further information, see the [600-foot Spacing Requirements document](#).

DWR will act upon emergency requests for well permit approval for some replacement well situations, some location changes, and some changes in source/aquifer. See the document, ["Emergency Well Permit Procedures"](#) for additional information.

**Well Permitting Tools**

- Map Search (AquaMap)
- Well Permit Search

**Fees, Forms & Rules**

- Board of Examiners for Well Contractors (BOE)
- Denver Basin Rules
- Designated Basins Rules (CGWC)
- Well Permitting Fees
- Well Permitting Forms

**Reference Guides**

- Guide to Well Permits, Water Rights, and Water Administration
- Permit Suffix Code Explanations
- Records Research Page Link

**Resources**

- Variances and Waivers

**Designated Basins (CGWC)**

- Ground Water Administration
- Ground Water Levels
- Well Contractor Licensing (BOE)

**Well Permitting**

- Abandonment of Wells
- Change Owner Name/Address
- Commercial Wells
- Dewatering Well or System
- Gravel Pit
- Geothermal Wells and Geoechange Systems
- Graywater and Storm Water
- Hazardous Waste Remediation
- Irrigation, Municipal, Industrial and Other Large Capacity (Non-Exempt) Wells
- Observation, Monitoring, Testing, or Recovery Well
- Oil and Gas Wells that Produce Ground Water
- Online Form Submittal
- Rainwater Collection
- Registering an Existing Residential Well
- Residential or Household Use
- Wells and Dividing Land

# Adjudication tools (con't):

The screenshot displays the Colorado Judicial Branch website. The browser's address bar shows the URL [https://www.courts.state.co.us/Self\\_Help/watercases/](https://www.courts.state.co.us/Self_Help/watercases/). The website's header includes the Colorado Judicial Branch logo and a search bar. A navigation menu with the following items is visible: Courts, Probation, Jury, Self Help/Forms (which is the active page), Careers, Media, and Administration. Below the navigation menu, a breadcrumb trail reads 'Home > Self Help >'. The main content area is titled 'Water Cases Categories' and contains two links: 'Filing an Application in Water Court' and 'Opposing a Water Court Application'. The background of the website is a large, high-angle photograph of a modern, circular court building interior with a curved bench and multiple levels of galleries. In the bottom left corner, there is an orange banner that says 'important announcement'. In the bottom right corner, there is a link to 'contact us' followed by 'interpreters', 'faq', 'photos', and 'holidays'.

Colorado Judicial Branch

Search

Courts Probation Jury Self Help/Forms Careers Media Administration

Home > Self Help >

## Water Cases Categories

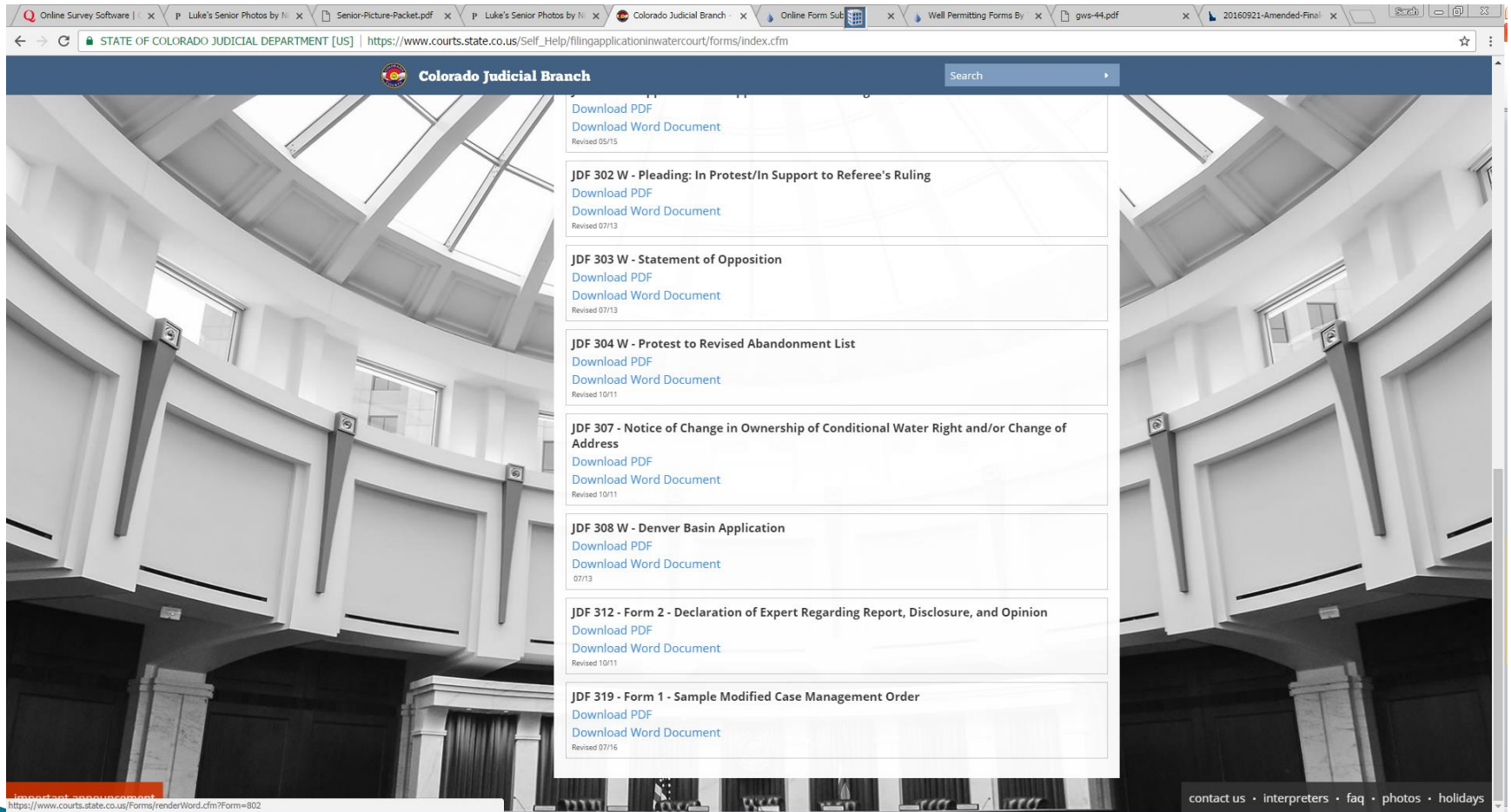
- Filing an Application in Water Court >
- Opposing a Water Court Application >

important announcement

contact us • interpreters • faq • photos • holidays



# Adjudication tools (con't):



The screenshot displays the Colorado Judicial Branch website. The browser's address bar shows the URL: [https://www.courts.state.co.us/Self\\_Help/filingapplicationinwatercourt/forms/index.cfm](https://www.courts.state.co.us/Self_Help/filingapplicationinwatercourt/forms/index.cfm). The website header includes the Colorado Judicial Branch logo and a search bar. The main content area features a list of forms available for download, each with a 'Download PDF' and 'Download Word Document' link. The forms listed are:

- JDF 302 W - Pleading: In Protest/In Support to Referee's Ruling**  
Download PDF  
Download Word Document  
Revised 05/15
- JDF 303 W - Statement of Opposition**  
Download PDF  
Download Word Document  
Revised 07/13
- JDF 304 W - Protest to Revised Abandonment List**  
Download PDF  
Download Word Document  
Revised 10/11
- JDF 307 - Notice of Change in Ownership of Conditional Water Right and/or Change of Address**  
Download PDF  
Download Word Document  
Revised 10/11
- JDF 308 W - Denver Basin Application**  
Download PDF  
Download Word Document  
07/13
- JDF 312 - Form 2 - Declaration of Expert Regarding Report, Disclosure, and Opinion**  
Download PDF  
Download Word Document  
Revised 10/11
- JDF 319 - Form 1 - Sample Modified Case Management Order**  
Download PDF  
Download Word Document  
Revised 07/16

The background of the website features a large, high-angle photograph of a modern, multi-story building with a glass and steel facade. At the bottom of the page, there is a footer with the text 'contact us • interpreters • faq • photos • holidays'.

# Application

Online Survey Software x Luke's Senior Photos x Senior-Picture-Packet x Luke's Senior Photos x Colorado Judicial Branch x Form Submittal x Well Permitting Forms x gws-44.pdf x 20160921-Amended-F x

STATE OF COLORADO JUDICIAL DEPARTMENT [US] | <https://www.courts.state.co.us/Forms/PDF/JDF%20308W%20Denver%20basin%20application%20R%207-13.pdf>

District Court, Water Division _____, Colorado Court Address: _____		▲ COURT USE ONLY ▲	
CONCERNING THE APPLICATION FOR WATER RIGHTS OF			
Applicant: _____			
In the _____ River or its Tributaries In _____ COUNTY			
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		Case Number: _____ Division: _____ Courtroom: _____	
<b>APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS</b>			

1. Name, address, email address, and telephone number of applicant(s) (if there are multiple applicants, and the space provided is not adequate to list all of the applicants, the names, addresses, telephone numbers and available email addresses must be provided as an attachment):

Name of Applicant	Address	Email address	Telephone Number

If multiple applicants are listed the following must be completed:

☐ All of the applicants listed have joint ownership of the parcel(s), and/or joint consent to withdraw the water underlying the parcel(s), which is/are the subject of this application.

☐ The Applicants own separate parcels of land, and/or have consent to withdraw the water underlying separate parcels of land, and request that this Court determine that Applicants have the right to withdraw all of the legally available groundwater lying below all of the subject parcels of land, through a single well or multiple wells constructed at any location on the subject parcels of land. In addition the applicant claims:

☐ All of the parcels of land claimed in this application are contiguous (that is, no part of land claimed in the application is physically separate from the rest of the land), or

☐ The parcels are non-contiguous but could satisfy Rule 11.B of the Statewide Nontributary Ground Water Rules (2 CCR 402-7) as demonstrated by the attached information (documentation of such claim must be attached). Please see the instructions regarding this Rule if the applicant has questions.

JDF 308W R 7-13 APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN Page 1 of 6

# Resume publication

06\_2016.pdf 1 / 23 denver 1 of 4

**DISTRICT COURT, WATER DIVISION 1, COLORADO**  
**JUNE 2016 WATER RESUME PUBLICATION**

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN WATER DIV. 1  
Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications and certain amendments filed in the Office of the Water Clerk during the month of JUNE 2016 for each County affected.

**16CW16 BRUCE B AND JANET S CALDER, 25541 CR 74, Eaton, CO 80615. 970-454-3790. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.** Date of original decree: 4-21-04 in case 97CW5, WD1. Subsequent decrees: Date of decree 6-18-10 in case 10CW95, WD1. Calder Well located SW1/4, NE1/4, S15, T9S, R74W of the 6<sup>th</sup> PM, 606 Copenhaver Drive, Lost Park Ranch Subdivision, Lot 246. Source: Groundwater. Appropriation date: 6-30-77. Amount: 0.033 cfs (15 gpm), Conditional. Use: Household only in a single family dwelling.

**16CW17 MARCIA J LOGAN REVOCABLE TRUST, Marcia J Logan, 1360-C Raven Circle, Estes Park, CO 80517. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.** Date of original decree: 3-25-04 in case 96CW968, WD1. Subsequent decrees: Date of decree 6-25-10 in case 10CW108. Logan Well located NE1/4, SE1/4, S8, T10S, R75W, 6PM at a distance 2630 ft. from S and 220 ft. from E. 8212 Remington Rd., Elkhorn Ranches Subdivision; Filing 2, Lot 99. Source: Groundwater. Appropriation date 2-28-75. Amount: .033 cfs (15 gpm), Conditional. Use: Household for single family dwelling, no irrigation.

**16CW18 WILLIAM G. WORTHAM, 2902 Albia Dr., San Antonio, TX 78209. 210-364-6683 APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.** Date of original decree 6-3-10 in case 10CW55, WD1. Well located NE1/4, NE1/4, S26, T9S, R75W of the 6<sup>th</sup> pm. Indian Mountain subdivision, Lot 214, filing 27. 510 Nez Perce Rd. Source: Groundwater. Appropriation date: 3-31-73. Amount: 15 gpm. Use: Household inside single family dwelling, not including irrigation.

**16CW19 JAN AND KAREN SCHENCK, 302 Berthoud Way, Golden, CO 80401. 303-279-8285. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.** Date of original decree: 1-15-04 in case 96CW509, WD1. Subsequent decree: 6-3-10 in case 10CW47, WD1. Schenck Well located SE1/4, SW1/4, S34, T9S, R75W of the 6<sup>th</sup> PM at a point approximately 160 ft. from S and 1870 ft. from W. Indian Mountain subdivision, Lot 67, Filing 18. 2671 Warrior Circle, Como, CO. Source: Groundwater. Appropriation date: 3-31-73. Amount: None listed. Use: Household, 1 single family dwelling.

**16CW20 PATRICK TOVAAS, 302 Maestes St., Johnstown, CO 80534. 303-898-4289. APPLICATION TO MAKE ABSOLUTE IN WHOLE OR IN PART IN LARIMER COUNTY.** Date of original decree: 6-10-10 in case 09CW103, WD1. Tovaas Spring located E1/2 of SE1/4, NW1/4, S28, T8N, R70W of the 6<sup>th</sup> PM at a distance 1515 ft. from N and 2039 ft. from W. Agricultural Land Parcel #08280-00-062, Schedule #R0694983. Source: Spring. Appropriation date: 7-1-08. Amount: 5gpm. Use: Water for livestock.

**16CW21 HOLLY NICHOLSON-KLUTH AND ARLAN KLUTH, 7456 Chipmunk Pl., Littleton, CO 80125. 303-880-6696 or 303-880-0099. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.** Date of original decree: 3-8-04 in case 96CW561, WD1. Subsequent decree: 6-4-10 in case 10CW72, WD1. Kluth Well located NE1/4 NW1/4, S23, T9S, R75W of the 6<sup>th</sup> PM. Indian Mountain subdivision, Filing 9, Lot 5. 312 Thunder Lane. Source: Groundwater.

# Example of Denver Basin resume notice

Online Survey Software x Luke's Senior Photos x Senior-Picture-Packet x Luke's Senior Photos x Colorado Judicial Branch x 06\_2016.pdf x Form Submittal x Well Permitting Forms x gws-44.pdf x 20160921-Amended-F x

STATE OF COLORADO JUDICIAL DEPARTMENT [US] | https://www.courts.state.co.us/Courts/Water/Resumes/Div1/06\_2016.pdf

denver 1 of 4

**16CW3081, Irving Chang, 22479 E. Fair Place, Aurora, CO 80015** (James J. Petrock, Petrock & Fendel, 700 17<sup>th</sup> Street, #1800, Denver, CO 80202), APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND FOR APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY UPPER AND LOWER ARAPAHOE AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY DENVER AQUIFERS, ADAMS COUNTY. 142.3 acres generally located in the NW1/4 and the W1/2NE1/4 of Section 6, T3S, R64W of the 6th P.M., as described and shown on Attachment A hereto ("Subject Property"). Source of Water Rights: The Denver aquifer is not nontributary as described in Sections 37-90-103(10.7), C.R.S., and the Upper and Lower Arapahoe and Laramie-Fox Hills aquifers are nontributary as described in Section 37-90-103(10.5), C.R.S. Estimated Amounts: Denver: 26 acre-feet (reduced amount for use through exempt wells), Upper Arapahoe: 29 acre-feet, Lower Arapahoe: 18 acre-feet, Laramie-Fox Hills: 34 acre-feet. Proposed Use: Domestic, commercial, industrial, irrigation, livestock watering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. Groundwater to be augmented: Approximately 26 acre-feet per year or the annual amount available to be decreed of the Denver aquifer groundwater as requested herein. Water rights for augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary ground water. Statement of plan for augmentation: The Denver aquifer water will be used for inhouse use in up to 6 single family residences, use in barns and buildings, irrigation of lawn, garden, trees, pasture and hay on the Subject Property, stockwatering, fire protection, and storage. Applicant reserves the right to revise the amount and uses without having to amend the application or republish the same. Sewage treatment for inhouse use will be provided by non-evaporative septic systems and return flow from inhouse and irrigation use will be approximately 90% and 15% of that use, respectively. During pumping Applicant will replace an amount equal to 4% of the annual amount withdrawn to the affected stream system pursuant to Section 37-90-137(9)(c.5), C.R.S. Applicant estimates that depletions occur to the Box Elder Creek stream system. Return flows accrue to the South Platte River stream system, and those return flows are sufficient to replace the required amount while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post pumping augmentation requirements. Further, Applicant prays that this Court grant the application and for such other relief as seems proper in the premises. (6 pages).

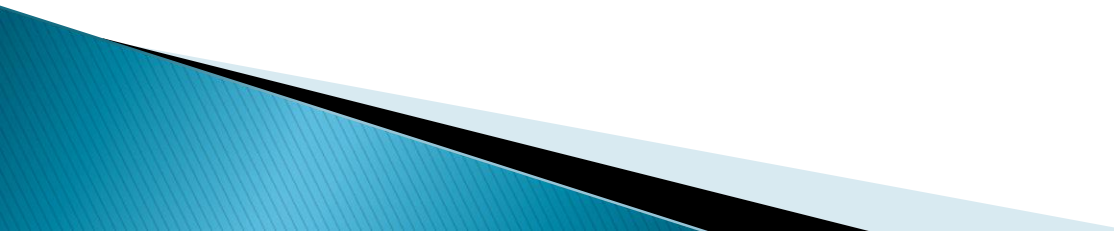
**16CW3082 (10CW57). Susan C. Pyne ("Applicant") 8262 South Peninsula Drive, Littleton, CO 80120. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHT ABSOLUTE IN PARK COUNTY, COLORADO.** . CONCERNING THE APPLICATION FOR WATER RIGHTS OF SUSAN C. PYNE. DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, 901 9<sup>th</sup> Avenue, Greeley, CO 80631. 1. Name and address of Applicant: Susan C. Pyne ("Applicant") 8262 South Peninsula Drive, Littleton, CO 80120. Direct all pleadings to: Steven J. Bushong, Corina A. Hach, Porzak Browning & Bushong LLP, 2120 13<sup>th</sup> Street, Boulder, CO 80302. 2. Name of Structure: Pyne Well (formerly known as the DePriest Well). 3. Description of Conditional Water Right: A. Original Decree. The DePriestWell was originally decreed by the District Court in and for Water Division No. 1 (the "Water Court") in Case No. 96CW611 on March 16, 2004. A subsequent finding of reasonable diligence was made in Case No. 10CW57, in which the name of the well was changed to the Pyne Well. B. Legal Description of Structure. The decreed location of Pyne Well is in the SE1/4 of the SE1/4 of Section 15, Township 9 South, Range 74 West, 6<sup>th</sup> P.M., Park County, Colorado, in Lot 263, Filing 2, Lost Park Ranch Subdivision, having no physical address. C. Decreed Source. Groundwater. D. Date of Appropriation. June 30, 1977. E. Amount. 0.33 cubic feet per second (15 gallons per minute), conditional. F. Use. Household use only inside a single-family dwelling, not including irrigation. The return flow from such use shall be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located. G. Remarks. The subject well is covered under the augmentation plan approved in Case No. W-8573, dated October 30, 1978. In addition, Lot 263 in the Lost Park Ranch Subdivision

4



# Protecting your adjudicated water right

## ▶ Step 3: Statements of Opposition

- Must be filed by the last day of the calendar month following publication in the resume.
  - Make the objector a party to the case for purposes of protecting interests.
  - Does require either investment of time or money (or both).
- 

If you are filing in Divisions 5 and 7 (check instructions for locations), you are required to file the original plus three copies.

District Court, Water Division _____ County, Colorado Court Address:		
<b>CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicant:</b>		
IN _____ COUNTY		
If Represented by an Attorney, Attorney's Name and Address:		▲ COURT USE ONLY ▲ Case Number:
Phone Number: FAX Number:	E-mail: Atty. Reg. #:	Division: Courtroom:
<b>STATEMENT OF OPPOSITION</b>		

1. Name, address, and home telephone number of Opposer:

Name	Address	Home Phone Number

2. State facts as to why the application should not be granted or why it should be granted only in part or on certain conditions: (Add additional sheets as necessary.)

---

---

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---

\_\_\_\_\_  
Signature of Opposer (or Attorney)

I, \_\_\_\_\_, state under oath that I have read this Statement of Opposition and verify its content.


\_\_\_\_\_  
Signature of Opposer

Subscribed and affirmed, or sworn to before me in the County of \_\_\_\_\_, State of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public/Clerk

# Course of a nontributary or not–nontributary adjudication case

- ▶ File application
  - ▶ Statements of opposition are filed—typically few filed if the water is Denver Basin nontributary
  - ▶ Division Engineer issues summary of consultation which makes initial determinations of facts regarding the claims
  - ▶ Applicant must address DEO issues in proposed decree
  - ▶ Submit proposed decree
- 

# Course of adjudication (con't):

- ▶ If pro se, Referee at the Water Court will work with applicant to refine decree
- ▶ If significant opposition, case may be referred immediately to the Water Judge



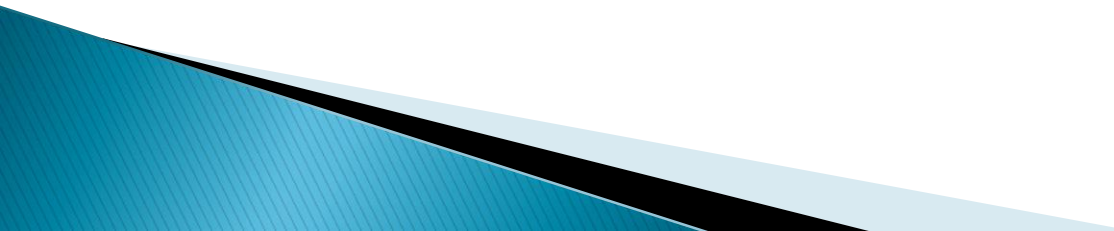
Is adjudication of Denver  
Basin GW worthwhile? Some  
considerations:



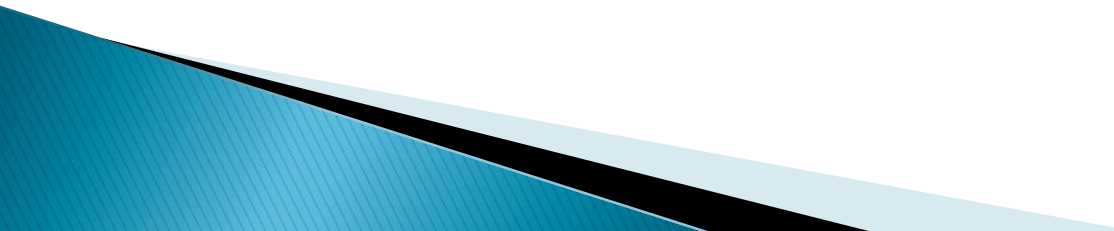
# Some things to think about

- ▶ Go back to our three organizing principles: legal, physical and/or economically available?
- ▶ Goals of adjudicating?
  - Value add for your property?
  - Protect legal availability?
  - Protect physical availability?
- ▶ Costs
  - Money
  - Time
  - Anxiety
- ▶ Three possible scenarios:
  - Property without existing well; Property with existing well; interest in subdividing or selling Property

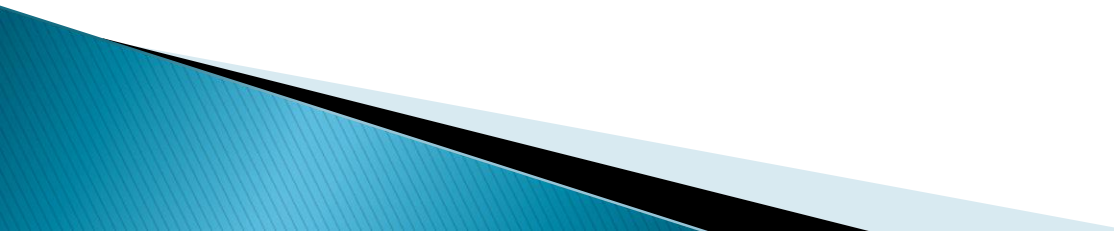
# 1. Property without an existing well

- ▶ The right to divert Denver Basin ground water arises from overlying land ownership.
  - ▶ That right can be exercised by obtaining a well permit and drilling a well
  - ▶ It can also be exercised by first going to Water Court, obtaining a decree authorizing the drilling of a well, and then obtaining a well permit and drilling the well.
  - ▶ Note that Water Court adjudication is not required to divert *non-tributary Denver Basin* ground water, although it may be required to divert *not non-tributary Denver Basin* ground water.
- 

## 2. Property with a permitted Denver Basin well

- ▶ The well permit reflects the amounts you are entitled to pump.
  - ▶ **Water Court adjudication is not required to operate an existing, permitted Denver Basin well.**
  - ▶ If your well is in a not non-tributary aquifer (such as the Upper Dawson Aquifer), it may only be operated if you have obtained an augmentation from in a Water Court adjudication.
- 

### 3. You are planning to subdivide or sell your property

- ▶ If the property has an existing, permitted well, no adjudication is necessary.
  - ▶ If the property has no existing wells and you are going through a subdivision process, you may be required to quantify the available Denver Basin ground water beneath the subject property. This can be done with the assistance of the Division of Water Resources.
- 



Questions?