

Alamosa-LaJara Response Area Non-Exempt Well Owners Information Sheet

- The Colorado Division of Water Resources (the State) has submitted to the District Water Court a set of Rules Governing the Withdrawal of Groundwater in Water Division No. 3 for non-exempt wells. Once the Rules become effective, non-exempt well owners will have three options for their wells:
 1. Be a participant of State and Court approved subdistrict with an approved Plan of Water Management for groundwater withdrawals.
 2. Prepare and submit to the Court an augmentation plan to remedy injurious depletions to streams from use of your non-exempt wells and comply with aquifer sustainability standards.
 3. Cease any groundwater withdrawals.
- The State has assigned/grouped wells together to form response areas (which can become subdistricts). You can check with the Division of Water Resources or the Rio Grande Water Conservation to see if your well(s) are in a response area.
- These groups of wells have a collective impact to a number of river and stream systems as calculated by the States' groundwater model. Well owners have a responsibility to remedy any injurious impacts in the appropriate volume, time and location of the modeled injury. The State has provided us with a "tool" (response function) to predict the groundwater withdrawal impacts of these wells on surface waters.
- Along with stream/river impacts well owners in response areas will have to meet sustainable aquifer requirements outlined by the State.
- Some non-exempt well owners in these response areas, functioning as a work group, have met and created a conceptual Plan of Water Management that generalizes how a subdistrict would function and the benefits of participating in the subdistrict. Subdistrict participation will be strictly voluntary. This means that only lands that sign petitions will be included in the subdistrict. Well owners who don't sign a petition to join will not have their property included in the subdistrict, nor will their well receive subdistrict participation benefits.
- Subdistrict formation will be approved by the District Court by means of individual petitions asking to create the subdistrict.
- Immediately after formation of the subdistrict the well owners within the subdistrict will nominate representatives to sit as a Board of Managers. The Rio Grande Water Conservation District will formally appoint the nominees to the Board of Managers (BOM). BOM will develop and submit a detailed Plan of Water Management (PWM) outlining how the subdistrict will operate to remedy injurious depletions to river systems and meet sustainability requirements. The PWM will have to be approved by the Rio Grande Water Conservation District, the State Engineer and possibly Water Court prior to any assessment being collected or replacements made to the river.

- Board of Managers will annually prepare a budget of anticipated costs to remedy injurious stream depletions and comply with sustainability standards. They will then set an assessment (fees) assigned to property within the subdistrict to generate revenue to advance the goals of the subdistrict. Fees will be included in subdistrict property owners' annual property tax statements.
- Fees are anticipated to include an annual fee per well-WDID and an annual fee based on the volume of groundwater withdrawn. Fees assessed are limited to expenditures specified in the annual budget. It is a reasonable assumption that groundwater withdrawals made in 2015 and 2016 will possibly impact the fee calculations in the near future.
- The subdistrict will allow participation of irrigation, commercial and industrial non-exempt well property owners.
- The subdistrict will allow contracting of non-exempt wells not eligible to be subdistrict members.
- Owners need to know which non-exempt wells they desire subdistrict representation and which properties (county parcels) are associated with those wells to include in the subdistrict.
- Well(s) with multiple owners can petition to join the subdistrict only if owners have agreement on and acceptance of 100% of the well(s) impacts to streams and sustainability.
- Well owners will be responsible for depletions from prior years and current year depletions resulting from subdistrict groundwater withdrawals. We will also be accountable for future depletions resulting from current and prior year groundwater withdrawals.
- Wells with little or no metered use can still petition into the subdistrict. Options might exist with the DWR to consider changing decrees for these wells, limit their use and make them EXEMPT wells – possibly relieving them from metering and rules and regulations.
- Well owners are being encouraged to organize a time to sit with RGWCD staff to organize their wells and associated irrigated farm ground into a Farm Unit for subdistrict participation. You can contact Cleave Simpson, Amber Pacheco or Chris Ivers (719-589-6301) at RGWCD to facilitate. This process helps well owners better understand how the subdistrict will operate and prepare them for petitioning the formation of the subdistrict.

Alamosa-LaJara response area work group: Virginia Christensen, Peter Clark, Mario Curto, Gerald Faucette, Gale Heersink, Ted Heersink, Bill Kolb, Dwight Martin, John Noffske, Rod Reinhardt, Ron Reinhardt, Martin Reynolds, Charles Sykes, Steve Valdez and Virgil Valdez.

Next public meeting for this response area is still to be determined.

Exempt Well Definition

1. Wells not exceeding fifteen gallons per minute of production and used for ordinary household purposes, fire protection, the watering of poultry, domestic animals, and livestock on farms and ranches and for the irrigation of not over one acre of home gardens and lawns but not used for more than three single-family dwellings;
2. Wells not exceeding fifteen gallons per minute of production and used for drinking and sanitary facilities in individual commercial businesses;
3. Wells to be used exclusively for fire-fighting purposes if said Wells are capped, locked, and available for use only in fighting fires;
4. Wells not exceeding fifty gallons per minute which are in production as of May 22, 1971, and were and are used for ordinary household purposes for not more than three single-family dwellings, fire protection, the watering of poultry, domestic animals, and livestock on farms and ranches and for the irrigation of not over one acre of gardens and lawns; and
5. Wells to be used exclusively for monitoring and observation purposes if said Wells are capped and locked and used only to monitor water levels or for water quality sampling.
6. Wells exempted under paragraph 1 that are the only Well on a residential site, that are used solely for ordinary household purposes inside a single-family dwelling and are not used for irrigation or are the only Well on a tract of land of thirty-five acres or more or are the only Well on a cluster development lot, serving one single-family residence, where the ratio of water usage in the cluster development does not exceed one acre-foot of annual withdrawals for each thirty-five acres within the cluster development and is used solely for the purposes specified in paragraph 1, and the return flow from such uses are returned to the same stream system in which the Well is located.