

Subdistrict #5 Well Owners Information Sheet (revised December 15, 2015)

- 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 only 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 non-exempt wells together to form Response Areas (which can become subdistricts). Non-exempt wells in the Saguache Response Area are often referred to as subdistrict #5.
- This group of non-exempt wells has a collective impact to a number of river and stream systems as calculated by the States' groundwater model. Non-exempt 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 non-exempt wells on surface waters.
- Along with stream/river impacts this response area will have to meet sustainable aquifer requirements outlined by the State.
- A number of the non-exempt well owners in this Response Area have met and worked out a conceptual Plan of Water Management that generalizes how this subdistrict would function and the benefits of participating in a subdistrict. Subdistrict participation will be strictly voluntary. Subdistrict formation will be approved by our District Court by means of individual petitions asking to create the subdistrict. This subdistrict will be formed via an opt-in process. This process 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.
- 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 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 will possibly be included in the fee calculations in the near future.
- The subdistrict will allow participation of irrigation, commercial and industrial well 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.
- The subdistrict will have to reimburse the Rio Grande Water Conservation District for some of the subdistricts organization costs.
- Non-exempt well owners will be responsible for depletions from prior years and current year depletions resulting from subdistrict groundwater withdrawals. We will also be responsible for future depletions resulting from current and prior year groundwater withdrawals.
- Non-exempt 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.
- Any non-exempt well not represented by a parcel in the subdistrict will not have coverage benefits of subdistrict participants.
- Well owners are being encouraged to organize a time to sit with RGWCD staff to organize their wells and associated irrigated farm ground or other parcels 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.