

San Luis Creek Response Area Well Owners Information Sheet
(Revised January 11, 2016)

- 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. Participate in a 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; or
 3. Cease any groundwater withdrawals.
- The State has assigned/grouped non-exempt wells in Water Division 3 into “Response Areas”. Non-exempt wells in the San Luis Creek Response Area that are decreed or permitted for irrigation use will have an opportunity to participate in this subdistrict. This subdistrict is commonly referred to as subdistrict #6.
- Non-exempt wells in the San Luis Creek Response Area that do not have irrigation as a decreed or permitted use (such as commercial, industrial and municipal wells) may have an opportunity to participate by individually-negotiated contract after the subdistrict has been formed.
- This group of non-exempt wells have a collective impact to a couple of 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 (a “Response Function”) to determine the groundwater withdrawal impacts of these non-exempt wells on surface streams.
- Along with stream impacts, all non-exempt wells in this Response Area will have to meet certain sustainable aquifer requirements outlined by the State.
- A number of the non-exempt well owners in this Response Area (Workgroup) 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. Participation in this Subdistrict 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. The subdistrict will be a “checkerboard” of parcels with no parcels forced to be included.

- Immediately after formation of the subdistrict the well owners within the subdistrict will nominate representatives to sit as a Board of Managers (BOM). The Rio Grande Water Conservation District will formally appoint the nominees to the BOM. BOM will work from the conceptual Plan of Water Management to develop and submit a detailed Plan of Water Management (PWM) outlining how the subdistrict will operate to remedy injurious depletions to stream 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 streams.
- 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 administrative fee per well-WDID and an annual usage 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 be included in the fee calculations in the near future.
- Owners need to decide which non-exempt wells, if any, they would like to petition into the subdistrict. If the decision is made to include wells in the subdistrict, the owner must also decide which properties (county parcels) associated with the participating wells to include in the subdistrict.
- The Rio Grande Water Conservation District has agreed to pay for expenses incurred while forming this Subdistrict. The subdistrict will have to reimburse the Rio Grande Water Conservation District for expenses incurred after subdistrict formation but prior to fees being collected.
- Non-exempt well owners will be responsible for current year stream depletions resulting from current year and prior year subdistrict well withdrawals. The State has determined that it can take as long as 10 years for impacts from groundwater withdrawals in the San Luis Creek Response Area to fully accrue to (arrive at) the surrounding stream systems. We will also be responsible for future stream depletions resulting from current and prior year subdistrict well groundwater withdrawals.

- Non-exempt wells decreed or permitted for irrigation with little or no metered use can still petition into the subdistrict. Options might exist with the State to consider changing decrees for these wells, limit their use and make them EXEMPT wells – possibly relieving them from State rules and regulations.
- Well owners are being encouraged to work with RGWCD staff to organize their wells and associated irrigated farm ground or other county-assessed parcels into a Farm Plan for subdistrict participation. Creation of a Farm Plan does not obligate you to join the subdistrict, but is necessary in the event you do decide to participate. You can contact Cleave Simpson, Amber Pacheco, Chris Ivers or Rose Vanderpool (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.
- Subdistrict Workgroup Members: Jerry Berry, Dick Blumenhein, David Frees, Kelly Smith, Jack Uhlenbrock and Jeremy Uhlenbrock
- **PLEASE MARK YOUR CALENDAR AND PLAN ON ATTENDING AN INFORMATIONAL MEETING FOR SAN LUIS CREEK RESPONSE AREA WELL OWNERS SCHEDULED FOR WEDNESDAY FEBRUARY 3RD STARTING AT 5:00PM AT MOFFAT SCHOOL.**
- Information about the subdistrict formation including the conceptual Plan of Water Management is available online at the District website www.rgwcd.org under the San Luis Creek Response Area tab. You can also contact the District office (719-589-6301) and request copies for your review.

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.