

August 30, 2011

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Did you know?

The Arkansas river is the longest river in Colorado stretching more than 300 miles from its headwaters near Leadville to the Kansas state line.

Facts



Get the **TOP 10 facts** you should know **BEFORE** purchasing water rights!

WATER COLORADO IS THE ANSWER TO ALL OF YOUR WELL RIGHTS QUESTIONS

Colorado residents that live where they are unable to connect to a municipal water supply often rely on wells for household and other water uses. Just as you must purchase surface [water rights](#) to use water from Colorado's waterways, you must also have water rights to use ground water.

According to Colorado law, every well that has been put into use since May 8, 1972 that diverts ground water must have a well permit. To obtain a permit for a new well or an existing one that is unregistered, you must file an application for approval of a permit with the State Engineer.

For each permit application, the State Engineer's office staff determines the amount of water available at the location and determines if there is potential for injury to other existing water rights following statutory guidelines before they will issue a well permit. Different permits are available depending on the intended use for the water, including:

- Household-Use Only Well (exempt*): Issued for ordinary household use for a single-family dwelling and does not allow for outside or livestock watering.
- Replacement Well (exempt*): This permit is for the purpose of replacing or deepening an existing well, which allows the uses for the original well to transfer to the new well.
- Domestic and Livestock Well (exempt*): For land tracts of more than 35 acres where the well will be the only well on the tract or on land tracts less than 35 acres in locations where the well use will have minimal impact on surface water rights. Depending on the provisions of the permit, the well may be able to serve up to three single-family dwellings, irrigate one acre or less of lawn and garden, and provide water for the permit holder's domestic animals and livestock.
- Unregistered Existing Well (exempt*): Available for a well put into use before May 8, 1972 that must be registered in order to sell the property or redrill the well. The permit will allow for the historic uses of the well provided that the uses are no greater than those allowed for a domestic and livestock well permit.
- Non-exempt Well: In over-appropriated areas of the state, non-exempt wells must have augmentation water available in order to prevent injury to senior water right holders. This augmentation water must replace the amount of water consumed through non-exempt uses. The most common non-exempt wells are for irrigation, commercial, municipal, and industrial purposes.

** An exempt well is exempt from water rights administration and doesn't fall under Colorado's water-use priority system. This means that as long as you use the well for its intended purpose, you don't have to augment the water you use.*

Well permit forms are available from the Colorado Division of Water Resources website at <http://water.state.co.us/pubs/forms.asp#III>. When you consider purchasing property with a well, there are questions you should ask to ensure you know what water rights you will be receiving with your purchase and the quality of the water those rights produce.

- Does the well have a permit? If the well was built before May 8, 1972, it may not, but it should be registered before you take possession of the property. The permit information will tell you what kind of restrictions there are on your well water use.
- What is the well pumping rate? You need to be sure the well will provide enough water for your needs. Generally, figure 75 gallons per person per day for a household-use well. You may want to have a qualified well tester determine the pumping rate.
- What is the current water quality of the well? Consider having the water tested by a state-certified laboratory or the county health department.

- Have you visually inspected the well? Is it located on the property you are considering to purchase? Does it allow for easy access for maintenance and repair? Does the well appear to be in a sanitary condition with a weather-tight seal? How close is it to septic systems or other sources of contaminants (should be more than 100 feet from the nearest source of contaminants or 50 feet from a septic tank or sewer line)?

If you purchase the property, make sure you submit a "Change in Ownership/Address" form to the Colorado Division of Water Resources to update ownership information on the well permit.

For more information on well rights in Colorado, follow these links:

[Colorado Ground Water Commission](#) – Regulatory and adjudicatory body authorized by the General Assembly to manage and control designated ground water resources within Colorado.

[Well Permit Guide](#) – Information on well permits and how to obtain them from the Colorado Division of Water Resources

[State Engineer's Office contact information](#) – Names and numbers for members of the Division of Water Resources

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