



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

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April 5, 2010

La Plata West Water Authority
Roy Horvath, President
P.O. Box 631
Durango, CO 81302

Dear Mr. Horvath,

The following information is provided in response to your letter dated March 26, 2010. Colorado Division of Water Resources rules and policies are constantly changing, please use and the answers to your questions with that understanding. Answers to your questions are provided as follows:

-Rights to continue to use existing wells. Current CDWR policy is that unless some agreement between a rural water system and its users exists and is recognized by the Division of Water Resources, well owners would be able to continue to use their wells when a rural water system was in place to provide water. It should also be understood that ownership of a well does not constitute a water right.

-Rules for using an existing well and connecting to the domestic water supply system. If an individual was connected to a rural water system and wished to continue to use their well, the conditions of approval on their well permit would apply. In general there is no CDWR restrictions on using an existing well for its permitted uses and connecting to a rural domestic water system.

-Right to drill a new well instead of connecting to the system. If a rural water system were in place and was either a "Municipal or quasi-municipal water supplier" that assessed taxes, a "private water company" registered with the Secretary of State and/or the Public Utilities Commission, and the individual requesting a well permit was eligible to be issued an exempt well permit, an exempt well permit may be issued if a letter was provided from the water service provider stating they do not object to the issuance of an exempt well permit. In the case of a non-exempt well permit, a letter from the water service provider is not required but would be desired.

In general the use of wells can co-exist with rural water systems. It is our intent to ensure that water rights of water service providers are not injured by the operation of new wells.

Sincerely,

Rege W. Leach
Division Engineer
Water Division 7

Water Division 7 • Durango

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