

IMPLICATIONS FOR EXEMPT WELL OWNERS

An exempt well is “exempt” from the prior appropriation system, and an exempt well will not be curtailed by the Water Commissioner for the benefit of tributary water rights as long as the well owner complies with the terms of the permit. To determine whether you own an exempt well permit, look at your well permit. If it is an exempt well permit, it will state that it was issued pursuant to C.R.S. § 37-92-602.

Many of HASP’s customers are people who have exempt well permits but want to use their wells for non-exempt purposes. An example is a person with an exempt in-house use only well permit who wants to begin to irrigate lawns or gardens and water a few horses.

Participating in HASP’s plan for augmentation has the following implications on your exempt well permit.

1. You will have to lease or purchase enough replacement water to augment the depletions from all of your uses, not just the additional uses. In the example, you would have to augment the depletions from the in-house use, the irrigation and the horse watering. HASP’s manager can help you determine the amount of the depletions and the approximate cost of leasing or purchasing the necessary amount of water.

2. Your well will lose its exemption from administration under the prior appropriation system. As a result, the well may be subject to a call from the Colorado Water Conservation Board (“CWCB”), which owns instream flow water rights in numerous rivers and creeks within HASP’s service area. You should review HASP’s guidance entitled “Conditions of Approval for Certain Diversions from Streams with Instream Flow Water Rights” (see link – Instream Flow Issues) to determine whether your well would be subject to a call. If you are subject to a CWCB call, then HASP may need to truck water to replace your depletions during the duration of the call, and HASP will require you to reimburse it for the costs of trucking.