

MESSAGE FROM MARSHA
House District 19, State Representative

COLORADO WATER – THE DENVER BASIN

Communities all over the state have at least one thing in common, ground water!

Many of the citizens who live in Calhan, Falcon, Peyton, Ellicott, Monument, Castle Rock, Parker and Denver are dependent upon the Denver Basin Ground Water. It is important for those land owners who are using or may be planning to use this *nonrenewable* ground water resource to have a description of the Denver Basin and to know who is responsible for managing this water resource. Much of the following information is from an article titled “Denver Basin Ground Water Rights”, published by the Colorado Division of Water Resources.

The Denver Basin is a vast and unique geologic formation along the Front Range reaching generally to Colorado Springs on the south, Greeley on the north, the Foothills on the west, and Limon on the east. The Denver Basin is composed of four aquifers, or water bearing formations, that lie one on top of the other in layers. Between the layered aquifers, there is a “confining” layer. This confining layer isolates the individual aquifers from each other. There is ground water in the aquifers underlying the land in the Denver Basin. The ground water was deposited millions of years ago when the Denver Basin was formed. Because of the nature of the confining layers and because of the limited connection between these aquifers and surface water, the ground water in the aquifers is *not renewable*. When the ground water is used, it is being “mined” or used up without any replacement.

In 1985, Senate Bill 5 provided a new framework to guide the appropriation of this ground water. The State Engineer and the Director of the Colorado Division of Water Resources adopted Rules in 1986 to carry out the provisions of this act. The aquifers in the Denver Basin are called the Dawson, Denver, Arapahoe, and the Laramie-Fox Hills aquifers. The Dawson and Arapahoe aquifers are differentiated into Upper and Lower aquifers in some areas to the north. The Colorado Division of Water Resources (DWR), the water courts in Divisions 1 and 2, and the Colorado

Ground Water Commission, make decisions on the amount of water individuals may use and how that water may be used.

An aquifer with this characteristic is legally identified as “*nontributary*”. To be identified as nontributary, a measurement of the effect on the surface water system must be below a statutory threshold for the ground water at that location. Nontributary ground water may be used without developing a plan for mitigating effects to the surface water system.

A landowner, or a party with proper consent, may claim and withdraw ground water from the Denver Basin bedrock aquifers. The right to claim and withdraw this water can be recognized in the Water Court or by the Colorado Ground Water Commission, if located within a Designated Basin. This may be done by a private individual, a commercial entity, a quasi-governmental agency, or a municipality, among others.

The owners of land (in most cases), private or public, in the Denver Basin have a statutory right to the ground water underlying their land. However, there are certain conditions that qualify that right, for example how much of the water has been previously claimed or appropriated, how the water may be used, and what augmentation or replacement requirements should be imposed, among others.

If you wish to read the entire article or have questions and comments about Colorado’s ground water policy please visit www.state.co.us or call the ground water information desk at 303-866-3447.

It is important for users of the Denver Basin Aquifers to know that this resource is ***nonrenewable***! Conservation efforts along with sound state management and policy are of the utmost importance in order to have any sustainability of this resource.

If you have any questions or concerns about this issue or any other issue, please call me at 719-238-5600, email me at marshalooper@hughes.net or visit my website at WWW.GOMARSHA.ORG. Thank you for giving me the opportunity to represent you!

Respectfully,

Marsha Looper

Colorado State Representative
House District 19