



## Notice from the Colorado Division of Water Resources



### ***New legislation on the requirement of notice of a change of owner of a well permit.***

As you may be aware, new legislation was recently enacted which affects residential water wells. First, while owners of well permits are currently required by law (§37-90-143 C.R.S.) to file an update with the State Engineer regarding any change of owner name and/or mailing address, HB08-1014 now gives specificity to that requirement. Second, HB08-1014 also requires that an application to register a well be submitted to the State Engineer's Office prior to or within 60 days of the closing of the sale of residential real property, to register a residential well "not of record" with the State Engineer. The legislation affects residential wells only and does not apply to other wells such as wells used for fire fighting purposes, commercial/industrial use, crop irrigation, and agricultural livestock watering, among others.

Changes made by the legislation:

- On or after January 1, 2009, the BUYER in a residential real estate transaction that includes the transfer of a registered/permitted residential well, must, prior to or at closing, complete a Change in Owner Name/Address form (GWS-11).
- If the subject well is not of record (that is, does not have a well permit) with the Division of Water Resources, an application to register an existing well must be completed by the BUYER in lieu of a Change in Owner Name/Address form (GWS-11).
- Within 60 days of closing, all applicable form(s) and supporting documentation necessary for evaluation must be submitted to the Division of Water Resources.
  - Note: As required by this legislation, if a closing service is provided, the person providing such service must submit the applicable material. If no such service is provided, the BUYER must submit the appropriate paperwork.

The [notice](#) from the Division of Water Resources explains this change in greater detail. The notice also provides information to [guide well owners](#) in determining the status of their well permit. This notice will also be available on the home page of our website. The bill itself is also attached for easy reference.

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