



MEMORANDUM

To: Water Users and Property Owners Impacted by Wildland Fire
From: Kevin G. Rein, State Engineer
Date: November 2020
Subject: Resources for Water Users and Property Owners Impacted by Wildland Fire

Many areas of Colorado have endured wildland fires this year, the number, size, and severity of which are unprecedented in our state's history. In an effort to assist the growing number of water users and property owners who have been impacted by wildland fires, including those impacted by floods and changing runoff patterns that often ensue after wildland fires, the Division of Water Resources has put together this document as a quick-reference to guidance and resources that may be available.

Water Supply

Water wells - Often wildfires burn areas where the primary source of water supply for homes and businesses is groundwater provided by wells. If you own or are supplied groundwater from a well within a burn area, it is important to consider the following.

- Well structure integrity - owners of water wells that have been impacted by wildland fire should consider inspecting the wellhead structure of their well and implementing immediate protection for the damaged well, as necessary. Additional information can be found in [Prevention of Groundwater Contamination Through Wells Damaged by Fire](#). If it is determined that an existing well is damaged to the extent that it needs to be repaired or replaced, refer to [Guideline Memorandum 2004-1](#) to determine if a new well permit is necessary. If a permit is necessary and there is an immediate (emergency) need for a water supply from the replacement well, refer to the [Procedures for Emergency Approval of Well Permits](#). [Well permitting forms](#) and the [list of licensed well drillers/pump installers](#) are available online.
- Use of groundwater - the use and amount of groundwater allowed from a well can be identified on its well permit, which can be found online using [Well Permit Search](#) and/or [Map Viewer](#). Many wells are permitted for use only inside one (1) single family dwelling. Well owners must apply for a new well permit to change the use of the well, for instance to allow for outside irrigation to re-establish and irrigate trees and vegetation on their property. In many areas of the state, permitting the well for a change in use and/or amount requires a [substitute water supply plan](#) approved by the State Engineer's Office or [plan for augmentation](#) decreed by the Water Court. For additional information regarding re-permitting a well and what options might be available in your area, contact your local [Division Office](#).

Water hauling - Alternatively, you may consider hauling water from a legal supplier in their area. For information regarding hauling water, contact your local municipality or water supplier. Additionally, your local [Water Commissioner](#) may have information concerning legal supplies of water in the area.

Water Measurement and Control Structures

For those concerned about the integrity of a measurement structure (ie flume, staff gage, etc.) or control structure (ie headgate, reservoir outlet, etc.), contact your local [Water Commissioner](#).



Dam Safety

For those concerned about a dam that has been impacted by wildland fire, or a dam for which the contributing basin has been impacted by wildland fire, contact your local [Dam Safety Engineer](#).

Erosion and Sedimentation Control

Colorado Senate Bill 15-212 (“SB 15-212”), codified in section 37-92-602(8), Colorado Revised Statutes (“C.R.S.”), provides an exemption for post-wildland fire facilities from administration under Colorado’s water rights system so long as they meet specific criteria. Post-wildland fire facilities are non-permanent detention basin-type structures that are located on, in or adjacent to a nonperennial stream and are designed to mitigate the impacts of erosion and sedimentation caused by the loss of trees and vegetation in a wildland fire burn area. Additional information regarding post-wildland fire facilities, including specific criteria that must be met, can be found in the [Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado](#).

For water users interested in constructing in-channel stabilization and restoration measures such as cross-vanes, J-hooks, etc. (these structures are described in [Rosgen](#) and other resources), please first consult with your local [Water Commissioner](#) to ensure such structures will not affect the streamflow regime in a manner that could be injurious to other water users.

Flooding

Stream changes, such as those that occur during floods or changing runoff patterns after wildland fires may cause vast damage to essential infrastructure, including water diversion structures. Refer to [Administrative Information for Diversion Structure Repair and Replacement](#) for additional considerations when repairing or replacing these structures. Note that work performed in a natural stream may be subject to regulation by the US Army Corps of Engineers. Refer to [Army Corps of Engineers 404 Permit Exemptions](#) and [Army Corps of Engineers Regulatory Guidance Letter No. 07-02](#) for guidance on exemptions or contact your local [US Army Corps of Engineers](#) District directly.

Potential Funding Sources

- The [Colorado Water Conservation Board](#) offers loans and grants to water providers and other entities statewide for a variety of water-related projects, studies, planning documents, awareness campaigns and other activities.
- The [Colorado Department of Health & Environment](#) offers water quality grants and loans within Colorado.
- The United States Department of Agriculture Natural Resources Conservation Service’s [Emergency Watershed Protection Program](#) offers technical and financial assistance to help local communities relieve imminent threats to life and property caused by natural disasters that impair a watershed.
- The United States Department of Agriculture Farm Service Agency’s [Emergency Conservation Program](#) provides ranchers and farmers funding and assistance to repair damage to farmlands caused by natural disasters and [Emergency Forest Restoration Program](#) provides owners of non-industrial private forests funding to restore disaster damaged forests.
- The [United States Bureau of Reclamation](#) offers 50/50 cost share funding to irrigation and water districts, tribes, states and other entities with water or power delivery authority through WaterSMART Water and Energy Efficiency Grants.
- Additional programs for private water-related infrastructure can be found in [Federal Resources for Flood Response](#).