



## Beginners Guide to Ponds January 2021

In areas where there is not enough water for all uses, man-made ponds, even those that have existed for decades, must have a legal means of storing or exposing water to evaporation. Man-made ponds consume water that senior water rights are entitled to.

### Exposing Ground Water

When excavating on a property, there is the possibility of exposing ground water. If an excavation begins to fill with any amount of water from underground, a well has been constructed. A well permit from the State Engineer is required, and all of the laws associated with well construction and ground water use apply. In most parts of Colorado, a permit cannot be issued unless the pond is operated pursuant to a court-approved plan for augmentation, which is a method to offset water lost from evaporation and other uses from the pond. Developing plans for augmentation can be difficult and costly, and will normally require the services of a water resource consulting engineer and water attorney.

### Lined Ponds

A pond may be lined with a barrier that is impermeable to water so that ground water is not exposed to the atmosphere. However, liners must be tested to achieve the State Engineers guidelines for liners.

### Storage Rights

In most of Colorado there are more decreed water right claims on the system than can be satisfied by the physical amount of water available. Therefore, under the priority system (“first in time, first in right”), the most junior rights have to stop diverting until the senior rights are satisfied. In most areas, a court-approved plan for augmentation is required in order to reliably divert surface water into a pond.

### Non-Jurisdictional Water Impoundments, Livestock Water Tanks, and Erosion Control Dams

At least 45-days prior to constructing a dam to store water, a property owner must submit to their local Division Engineer’s Office a Notice of Intent to Construct a Non-Jurisdictional Impoundment Structure or application to construct a [livestock water tank or erosion control dam](#). Both livestock water tanks and erosion control dams may only be constructed on normally dry streams in accordance with the specific requirements of the authorizing statutes for these structures. These structures should not be constructed until the property owner receives approval from the Division Engineer for the construction of such a dam.

### Temporary Detention

Direct flow surface water rights may be temporarily detained for up to 72 hours in order to allow more efficient or effective beneficial use of the water. Examples of such detention would be ponds used to receive delivery of a direct flow irrigation water right that is then applied by a sprinkler or temporarily detained and slugged out through a ditch (operational, head stabilization, equalization or flow regulating ponds).

Storm water detention and infiltration facilities and post-wildland fire facilities may [temporarily detain storm water](#) if they meet specific criteria.

### Additional Resources for Ponds:

- [Beginners Guide to Erosion Control Dams](#)
- [Beginners Guide to Livestock Water Tanks](#)
- [Beginners Guide to Well Permits](#)
- [General Administration Guidelines for Reservoirs](#)
- [Colorado Dam Safety Program](#)

Have additional questions? Send an AskDWR request or call DWR's Ground Water Information Desk between 9am and 4pm Monday through Friday at (303) 866-3587.