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MEMORANDUM

August 25, 2004

TO: Water Resources Review Committee
FROM: David Beaujon, Research Associate II, 303-866-4781
SUBJECT: Regulation of Private Pump Installers and Well Drillers

This memorandum responds to questions raised at the August 18 meeting of the Water Resources Review Committee in Durango concerning private pump installers and well drillers. It summarizes the regulations for such persons and identifies the legislative history for the requirement that private pump installers and well drillers pass an examination prior to working on their well.

How Are Private Pump Installers and Well Drillers Regulated?

Private pump installers and well drillers are exempt from the state's licensing requirements. However, they must pass an examination and comply with minimum construction standards.¹ For example, state law requires that pumping equipment and the surrounding area must be kept sanitary. Pumping equipment must also meet the water yield and draw down characteristics of the well.² Private pump installers and well drillers must obtain the necessary well permits prior to working on their well. The cost for such permits depends upon the work performed. However, such costs are the same for private individuals and contractors. According to the law, private drillers and pump installers include individuals, corporations, partnerships, associations, political subdivisions, and public agencies. To be exempt from the state licensing requirements, private pump installers and drillers must be the well's user, own their equipment, and work on their property.³

Examination requirement. The General Assembly enacted Senate Bill 03-045 to require private pump installers and well drillers pass a written examination prior to working on their well. The examination is free of charge and open book. It may be taken at any of the state's seven water division offices or by special arrangement. Examinations take

¹Section 37-91-106 (3), C.R.S., (see Attachment A, page 1).

²Section 37-91-110, C.R.S., (see Attachment A, page 1).

³Section 37-91-102 (12.5), C.R.S., (see Attachment A, page 1).

approximately one hour to complete and certification expires after four years.⁴ Copies of the water well construction and pump installation regulations are available free of charge from the Division of Water Resources website at: http://water.state.co.us/pubs/rule_reg/boe_pump.pdf. Senate Bill 03-045 was recommended by the Water Resources Review Committee in 2002. The examination requirement was added as a second reading amendment in the Senate.⁵ Prior to 2003, private pump installers and well drillers were only required to comply with minimum construction standards.

⁴2 CCR 402-6.7, Board of Examiners Rules (see Attachment B).

⁵Section 6 of the Act (see Attachment C).

TITLE 37
WATER AND IRRIGATION
Article 91
Water Well Construction and Pump Installation Contractors

37-91-102. Definitions. As used in this article, unless the context otherwise requires:

(12) "Private driller" means any individual, corporation, partnership, association, political subdivision, or public agency that uses equipment owned by it to dig, drill, redrill, case, recase, deepen, or excavate a well entirely for its own use upon property owned by it.

(12.5) "Private pump installer" means any individual, corporation, partnership, association, political subdivision, or public agency that uses equipment owned by it to install pumping equipment on a well entirely for its own use on property owned by it.

37-91-106. Persons previously licensed - exemptions. (2) A license shall not be required of any person who performs labor or services if he is directly employed by, or under the supervision of, a licensed well construction contractor or pump installation contractor.

(3) Private drillers and private pump installers are exempt from all license requirements under this article; except that such entities shall be required to take and pass an examination concerning and shall comply with minimum construction standards as required by section 37-91-110 and the rules of the board.

(4) A license shall not be required of a professional engineer, professional geologist, or professional hydrologist or anyone directly employed by, or under the supervision of, a professional engineer, professional geologist, or professional hydrologist for the purpose of sampling, measuring, or test-pumping for scientific, engineering, or regulatory purposes. The board may promulgate rules governing such sampling, measuring, or test-pumping, and all such sampling, measuring, or test-pumping shall be done in compliance with such rules.

37-91-110. Basic principles and minimum standards. (1) The following basic principles, general in scope and fundamental in character, shall govern the construction, repair, or abandonment of any well and the installation or repair of any pumping equipment:

- (a) Water wells shall be:
 - (I) Located in such manner that the well and its surroundings can be kept in a sanitary condition;
 - (II) Adequate in size to permit the installation of pumping equipment to produce the volume of water sought to be obtained in compliance with the well permit;
 - (III) Constructed or abandoned in such a manner as to maintain natural protection

against pollution of water-bearing formations and to exclude known sources of contamination.

(b) The pumping equipment shall be:

(I) Located in such a manner that the pump and its surroundings can be kept in a sanitary condition;

(II) Selected, constructed, and installed: To meet the water yield and drawdown characteristic of the well; to be durable and reliable in character; of such material that no toxic or otherwise objectionable condition will be created in the water; in such a manner that continued operation without priming is assured at the time of installation; and to provide adequate protection against pollution of any character from any surface or subsurface source.

(2) The board shall adopt and may, from time to time, amend rules and regulations reasonably necessary to insure the proper construction or proper abandonment of wells and the proper installation of pumping equipment. The board has the authority to require the filing of information and reports relating to the construction or abandonment of wells and the installation of pumping equipment whenever it may deem such action to be necessary.

(3) All wells shall be constructed or abandoned and all pumping equipment shall be installed in compliance with this article and with the rules and regulations promulgated by the board.