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**Natural Resources and
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August 31, 2017

Colorado Secretary of State
1700 Broadway
Denver, CO 80290

RE: Rule Opinion Request for Correction Filing for 2 C.C.R. 402-2, Tracking No.
2017-00370

To Whom It May Concern:

On August 17, 2017, the Division of Water Resources filed a request for a letter for a correction filing for the Rules and Regulations for Water Well Construction, Pump Installation, Cistern Installation, and Monitoring and Observation Hole/Well Construction, 2 C.C.R. 402-2, Tracking Number 2017-00370.

The following are the requested changes:

- **Rule 5.2.30:** Should reference Rule **5.2.51**, not 5.2.49
- **Rule 5.2.51:** Should reference Rule **5.2.31**, not 5.29.31
- **Rule 5.2.55:** Should read “**on or before permit expiration date**” instead of “prior to the permit expiration date”
- **Table 1, Note 3:** Should reference **5.2.51**, not 5.2.5.1
- **Rule 6.3.3:** Should reference Rule **14.2.1.1**, not 14.2.1
- **Rule 9:** Should be **CONTRACTORS** not CONTRACTOR
- **Rule 9.3.2:** Should reference Rule **16.4.1**, not 16.2.1
- **Rule 9.3.3:** Should reference Rule **17.1.5**, not 17.1.4
- **Rule 10.2.3:** Should reference Rule **10.2.2**, not 10.2.2.1
- **Figure 4a:** Under Option 1, **remove** “10 ft Grout Overlap” label
- **Figure 4b:** Under Option 1, **remove** “10 ft Grout Overlap” label
- **Rule 10.4.5.3:** First sentence, capitalize “**Any**”
- **Rule 10.4.6.2:** First sentence, replace “does” with “**do**”
- **Rule 10.4.6.2b:** **Delete** “(see Figure 4b)”
- **Rule 10.4.6.3:** Add at end “**See Figure 4d.**”
- **Figure 4c:** Under Surface Casing 1, **remove** “10 ft Grout Overlap” label
- **Rule 10.4.7.2a:** Should reference **Figure 3**, not Figure 4b
- **Rule 10.4.7.2b:** Should reference **Figure 4e**, not Figure 4d
- **Figure 4e:** Under Surface Casing, **remove** “10 ft Grout Overlap” label
- **Rule 10.4.9:** Should reference Rule **10.4.10**, not 10.4.9
- **Figure 5A:** “**capped at both ends**” should be “**capped at bottom**”

- **Figure 5B:** add “**capped at both ends**” below “Perforated PVC”
- **Figure 5D:** add “**capped at both ends**” to bottom right of figure
- **Figure 5F:** add “**capped at bottom**” below “Approved PVC”
- **Rule 11.2.2:** After “Rule 10.4” insert “**and Rule 10.5**”
- **Rule 11.8.1:** Should reference **Figure 6**, not Figure 5
- **Figure 6:** Typographical error in first bullet text - “**required**”
- **Rule 12.5:** Last sentence, change “Pump Installation and Test Report” to “**Pump Installation and Production Equipment Test Report**”
- **Rule 14.1.2:** Second sentence, should reference **Rule 9.2**, not Rule 9.1
- **Rule 14.3:** Should reference **Figure 7**, not Figure 6
- **Rule 17.1.7:**
 - First sentence, change “well constructed after May 8, 1972” to “**well constructed on or after May 8, 1972**”
 - Last sentence, replace “well construction contractor” with “**licensed contractor**”
- **Rule 17.2:** Should be **8½ x 11**, not 8 1/2 x 11
- **Rule 22:** Replace “24 4 103” with “**24-4-103**”

Changes to Statement of Basis and Purpose:

- **Add Page Numbers** starting with next page after rules
- **Rule 9:** Title, change “Constructed by Other than a Well Construction Contractor” to “**Constructed by Persons Other than Licensed Well Construction Contractors**”
- **Rule 9.1:** Last paragraph, should be “**identified in the BOE Rules**” not “identified in the BOE Rule”
- **Rule 10.1.5:** Second paragraph,
 - Should reference **Rule 9.3.3**, not Rule 9.3.6
 - Should reference **37-91-102(16)(b)(I)**, not 37-92-102(16)(b)(I)
- **10.4.6.3:** Should reference **Figure 4d**, not Figure 4c
- **10.4.7:** Should reference **Figure 4e**, not Figure 4d
- **10.5.2.1:**
 - Second sentence, should read “**Parts a, b, and c**” instead of “Parts a and b”
 - **Remove** sentences “Figure 3 is included in this Rule to illustrate the essential elements of well construction near the land surface and includes an indication of both steel casing requirements and grout depth and interval requirements. Figure 4b illustrates the essential elements of well construction in Type II and Type III aquifers when grout cannot be placed directly between the outermost casing and the borehole wall in the uppermost part of the well.”
- **Rule 11:** First sentence, should read “well supply systems in order **to** ensure that . . .”

- **Rule 11.1:** First sentence, **remove** “, and cross-references Rule 14.4 regarding the installation of temporary pumps in monitoring and observation holes/wells”
- **Rule 11.2:** Second-to-last sentence, add “**and Rule 10.5**” to the end of that sentence
- **Rule 11.5.1:** The paragraph that begins with “Rule 11.5.1” should begin with “**Rule 11.5.2**”
- **Rules 11.9 and 11.10:** **Delete** the sentence “Rule 11.10.2 requires cisterns to be installed with an anti-siphon device to prevent uncontrolled flow from the cistern.”
- **Rule 14.3:** Should reference **Figure 7**, not Figure 6
- **Rule 15:** Last paragraph, should reference **Table 3**, not Table 4

It is my opinion that these corrections are technical and non-substantive in nature and are submitted to you for publishing in the C.C.R. pursuant to section 24-4-103(11)(d)(II), C.R.S., of the State Administrative Procedure Act.

Please contact me at 720-508-6259 or andy.nicewicz@coag.gov if you require further information. Thank you for your assistance.

Sincerely,

FOR THE ATTORNEY GENERAL



Andrew B. Nicewicz
Assistant Attorney General
Natural Resources Section