



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

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Administrative Approach for Storm Water Management

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This statement applies to the Colorado Division of Water Resources' administrative approach for storm water management of precipitation that falls on an individual site. For the purposes of this statement, an individual site is defined as a discrete area that has been developed through one development effort. This statement clarifies the Division of Water Resources' administrative approach but the allowances in the administrative approach do not grant a water right or offer protection from a claim of material injury by a water user.

Storm water management is commonly achieved by means of detention and/or infiltration structures which may have the effect of adversely affecting vested water rights. Whether individual site storm water management is to be accomplished by means of a detention facility, an infiltration facility, or a facility that incorporates both detention and infiltration, the ideal is that precipitation that falls on an individual site should be dispersed from the surface of the individual site at the same rate as would have occurred prior to development on the site. Meeting this ideal does not entitle any party to divert or consume water added to the ground water or surface water supply due to a reduction in pre-development consumption by vegetation, unless such diversion or consumption is done in priority.

Precipitation that falls on a site and results in overland flow that becomes concentrated in the natural terrain or manmade drainages on the site may be directed to detention areas on the site. The detention areas must release all of the water detained from the site within 72 hours of the end of a precipitation event. Such detention should be designed to release the water from the site as quickly as downstream conditions allow and should minimize consumption from vegetation. The water may not be diverted from the detention area for any beneficial uses. The water that is released from the detention area is tributary water and is a public resource, subject to appropriation through the prior appropriation system.

In addition, precipitation that falls on a site and results in overland flow that becomes concentrated in the natural terrain or manmade drainages on the site may be directed to infiltration areas on the site. The infiltration areas must be designed to infiltrate the water into the underlying aquifer for the purposes of managing the storm water quality and volume of discharge of precipitation that fell on the site. An infiltration area must be designed to infiltrate the water as quickly as possible and shall not result in an exposed water surface beyond 72 hours after the end of a precipitation event. An infiltration area must be designed to minimize consumption from vegetation. The water may not be diverted from the infiltration area for any beneficial use. The water that infiltrates is tributary ground water and is a public resource, subject to appropriation through the prior appropriation system.

Landscaping that is planted on roofs (green roofs) is allowable as long as the landscaping intercepts only precipitation that falls directly onto the landscaping. The landscaping may not intercept and consume concentrated flow and may not store water below the root zone.

These are administrative allowances that allow storm water to be managed while minimizing the impact to water rights. These allowances cannot be applied to precipitation that falls onto an area not on the individual site.

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