

Understanding Colorado Water Law:

Know Your Rights and Responsibilities

Division 6 Water Resources

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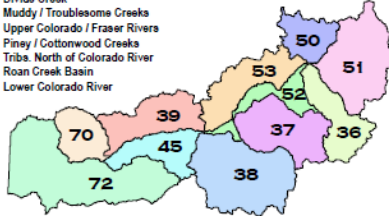
Colorado Division of Water Resources

Colorado Map scale: 1:5,000,000
Individual District scale: 1:3,500,000

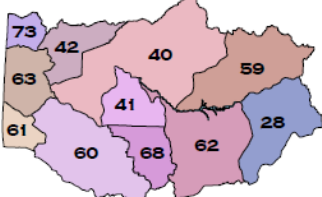
COLORADO BASINS

District	District Name
36	Blue River Basin
37	Eagle River Basin
38	Roaring Fork River Basin
39	Rifle / Elk / Parachute Creeks
45	Divide Creek
50	Muddy / Troublesome Creeks
51	Upper Colorado / Fraser Rivers
52	Piney / Cottonwood Creeks
53	Tribe. North of Colorado River
70	Roan Creek Basin
72	Lower Colorado River

COLORADO RIVER BASIN



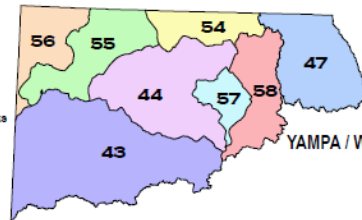
GUNNISON RIVER BASIN



District	District Name
28	Tomichi Creek
40	North Fork / Tribs.
41	Lower Uncompahgre River
42	Lower Gunnison River
59	East River Basin
60	San Miguel River Basin
61	Paradox Creek
62	Upper Gunnison River
63	Dolores River Basin
68	Upper Uncompahgre River
73	Little Dolores River

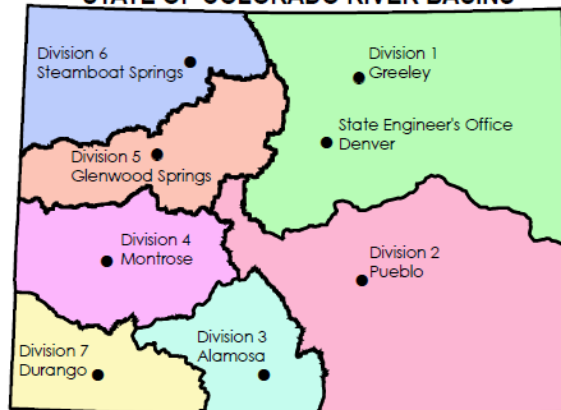


District	District Name
43	White River Basin
44	Lower Yampa River
47	North Platte River Basin
54	Slaters / Timberlake Creeks
55	Little Snake River
56	Green River Basin
57	Middle Yampa River
58	Upper Yampa River

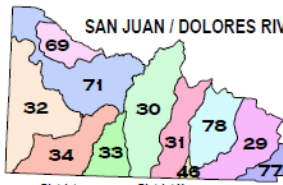


YAMPA / WHITE RIVER BASIN

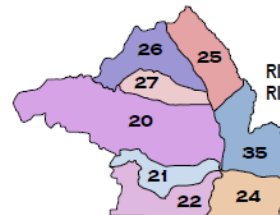
STATE OF COLORADO RIVER BASINS



SAN JUAN / DOLORES RIVER BASIN



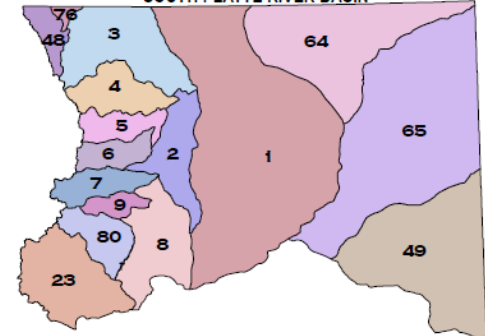
District	District Name
29	San Juan River Basin
30	Animas River Basin
31	Los Pinos River Basin
32	McElmo Creek Basin
33	La Plata River Basin
34	Manitou River Basin
46	Navajo Reservoir
69	Disappointment Creek Basin
71	West Dolores Creek / Tribs.
77	Navajo River Basin
78	Piedra River Basin



District	District Name
20	Rio Grande
21	Alamosa La Jara
22	Conejos River
24	Culebra Creek
25	San Luis Creek
26	Saguache Creek
27	Carnero Creek
35	Trinchera Creek

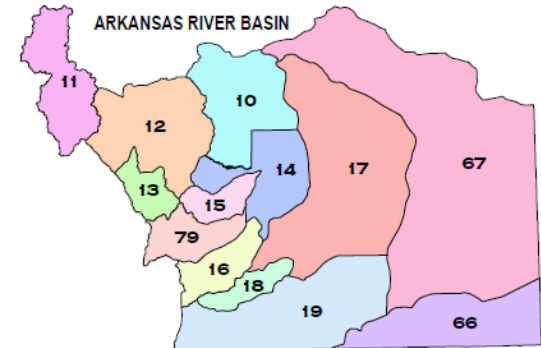
RIO GRANDE RIVER BASIN

SOUTH PLATTE RIVER BASIN



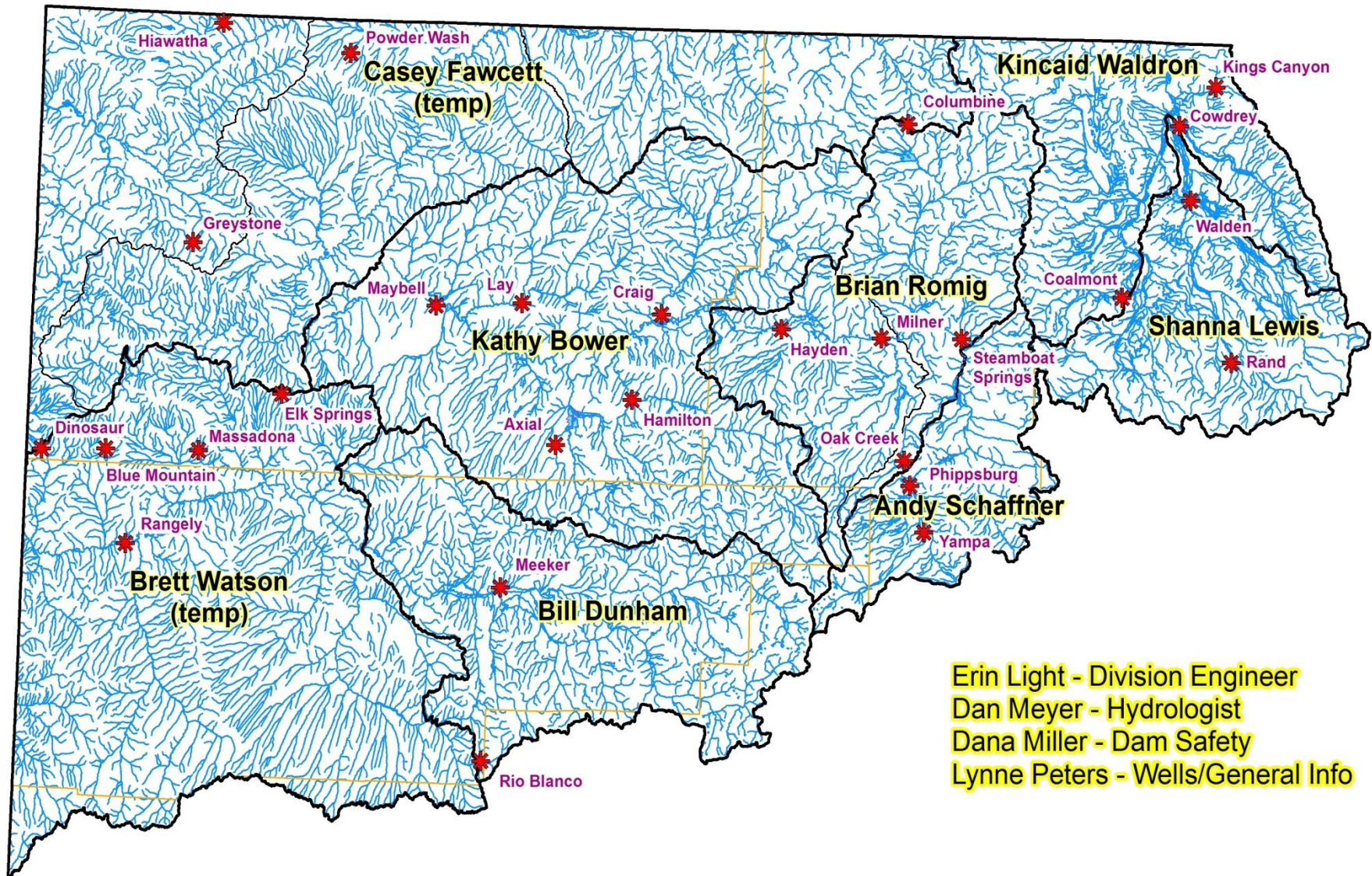
District	District Name	District	District Name
1	South Platte: Greeley to Balzac	9	Bear Creek
2	South Platte: Denver Gage to Greeley	23	Upper South Platte
3	Cache La Poudre River	48	Laramie River
4	Big Thompson River	49	Republican River
5	St. Vrain Creek	64	South Platte: Balzac to Steteline
6	Boulder Creek	65	Arkansas River
7	Clear Creek	76	Sand Creek
8	South Platte: Cheesman to Denver Gage	80	North Fork of South Platte

ARKANSAS RIVER BASIN



District	District Name	District	District Name
10	Fountain Creek	17	Arkansas: Fowler to Las Animas
11	Arkansas: Headwaters to Salida	18	Apishapa River
12	Arkansas: Salida to Portland	19	Purgatoire River
13	Arkansas: Portland to Valley	66	Cimarron River Basin
14	Arkansas: Portland to Fowler	67	Arkansas: Las Animas to Steteline
15	Saint Charles	79	Huerfano River
16	Cucharas River		

Division 6



Erin Light - Division Engineer
Dan Meyer - Hydrologist
Dana Miller - Dam Safety
Lynne Peters - Wells/General Info

Section 5, Article XVI of the Colorado **Constitution**

The water of every natural stream, not heretofore appropriated, within the state of Colorado, is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the state, subject to appropriation as hereinafter provided.

CRS 37-92-103(3) and (4)

- (3) Appropriation is the application of a specified portion of the waters of the state to a beneficial use pursuant to the procedures prescribed by law.
- (4) Beneficial use is the use of that amount of water that is reasonable and appropriate under reasonably efficient practices to accomplish without waste the purpose for which the appropriation is lawfully made.

Prior Appropriation Doctrine

- Prior Appropriation Doctrine means those that put the water to use first are entitled to get their water first during periods of water shortage – first in time, first in right.
- An appropriation is made when an individual physically takes water from a stream (or underground aquifer) and places that water to some type of beneficial use. The first person to ever appropriate water and apply it to use has the first right to use that water within a particular stream system. This person (after receiving a court decree verifying their priority status) then becomes the senior water right holder on the stream, and that water right must be satisfied before any other water rights can be fulfilled.

CRS 37-92-103(10)

(10) Priority means the seniority by date as of which a water right is entitled to use water and the relative seniority of a water right in relation to other water rights deriving their supply of water from a common source.

Priority

- In order to establish a priority in the water rights administration system one must first appropriate water and then receive a court decree verifying their “priority status”.
- The priority of a water right is based on when the appropriation was first made and when an application was filed with the court for recognition of the appropriation.

Water Administration Number (aka Holt Number)

- The adjudication date, which now-a-days is the last day of the year in which an application is filed with the court, and the appropriation date are used in determining a water right's priority or its administration number.
- The administration number is used to prioritize water rights from senior to junior.
- The most senior water right is the water right with the lowest administration number.
- On the Yampa River, the most senior right has an administration number of 11616.00000 and is decreed to the Marshall Roberts Ditch and the Williams Irrigation Ditch located near Hayden.

Water Rights Administration

- The process of allocating water to various water users is referred to as "Water Rights Administration", and is the responsibility of the Division of Water Resources.
- In 1879, Colorado established Water Commissioners to distribute water rights in priority based upon the principle of "First in Time... First in Right".

CRS 37-92-501

The state and division engineers shall administer, distribute, and regulate the waters of the state in accordance with the constitution of the State of Colorado; the provisions of Title 37, Article 92 of the Colorado Revised Statutes (Water Right Determination and Administration Act of 1969); and other applicable laws.

Example

Imagine a stream system with three water rights on it. The earliest priority (lowest administration number) water right is decreed for 2 cfs, the second priority water right is decreed for 2 cfs, and the third priority water right is decreed for 1 cfs of water. If the stream is carrying 5 cfs of water or more, all of the rights on this stream can be fulfilled. However, if the stream is carrying only 3 cfs of water the water right with the third priority may not receive any water, the second priority right will receive 1 cfs and the earliest priority right will receive its full 2 cfs.

What is a call?

- However in this example, the allocation of water to the earliest priority and second priority rights will only occur if a call is placed on the stream system by one of these two priority water right owners or users.
- A call can be placed by any water right owner or user when it is discovered that their water right is not being satisfied.

How does one place a call for their water right?

- In order for the water commissioner to honor a call several requirements must be met:
 - The water diverted must be measured (i.e. there must be an **operable measuring device**) and the amount of water being diverted must be less than that amount decreed to the water right for which the call is being placed.
 - There must be a water tight dam at the point of diversion (unless there is reservoir water that must be delivered by the water commissioner past this point – in which case an **operable headgate is required**).
 - There must be junior water rights being diverted upstream to curtail.
 - The water right being called for must be applied to its decreed beneficial use and place of use.
 - The water diverted must be applied to beneficial use without waste.

Who can divert water when a call is in place?

- An owner or user of a water right senior to the one being called for whose structure is equipped with an **operable headgate and measuring device**.
- Once the call is satisfied by curtailing the most junior diversions (including undecreed diversions) and diversions by structures with no **operable headgate and/or measuring device** (regardless of the priority of the diversion), the next most senior rights, yet junior to the calling right, may continue to divert.

The Message in Yellow

In order to place a call and in order to divert water in priority when a call is in place, an owner or user of a water right must have an operable headgate and measuring device.

CRS 37-84-112

The owners of any ditch, canal, flume or reservoir in this state, taking water from any stream shall erect where necessary and maintain in good repair, at the point of intake of such ditch, canal, flume or reservoir, a suitable and proper headgate AND suitable and proper measuring flumes, weirs and devices.

The Value of a Measuring Device

- The value of a measuring device goes far beyond water administration.
- With a suitable measuring device, accurate records of diversions being made under a water right can be obtained by both the water right owner or user and the water commissioner.
- Absent a measuring device the amount of water being diverted is a guess.
- How good is your guess at how much water is being diverted at any given time?
- How good is the water commissioner's?

The Value of a Water Right

- The value of a water right is based on its beneficial use.
- Absent a measuring device that allows for accurate measurement of the diversion of a water right, the value of the water right is as good as your guess or the water commissioner's guess.
- Absent records of diversion of water under a water right, the water right has no value.

The Value of Record Keeping

- Each water commissioner in Division 6 has upwards of 400 active structures, if not more, that they must visit, ideally multiple times, in a season. When the water commissioners are administering calls their visits to structures on systems not on call are greatly reduced.
- In order to maintain the value of a water right, water right owners should maintain their own records.
- And because the Division of Water Resources' records are the official records, these records should be provided to the water commissioner and division engineer annually.

CRS 37-92-502(5)(a)

The state engineer and division engineers have the authority to order any owner or user of a water right to install and maintain at such owner's or user's expense necessary meters, gauges, or other measuring devices and to report at reasonable times to the appropriate division engineer the readings of such meters, gauges, or other measuring devices.