

River Protection Workgroup for the Piedra River

“Water 101”

(Water Rights, History, and Administration)

January 17, 2012

Bruce Whitehead

Executive Director

Southwestern Water Conservation District

Pete Kasper

Colo Division of Water Resources

Suzanne Sellers

Colo Water Conservation Board

Constitution of Colorado

- Article XVI
- Water of streams public property, subject to appropriation.
- Right to divert the unappropriated waters shall never be denied.
 - Beneficial Use

Southwestern Water Conservation District

SWCD was created by Colorado legislature in 1941 to promote the health and welfare of Colorado residents by the conservation, use, and development of the waters of the San Juan and Dolores River basins in Southwestern Colorado.

Nine counties (all of 6, portions of 3)

BOCC appoints board

John Taylor – Hinsdale County

J.R. Ford – Archuleta County

Tim Kelly – Mineral County

Water Conservation Districts

- Colorado River Water Cons Dist
 - Created 1937
- Southwestern Water Cons Dist
 - Created April 16, 1941
- Rio Grande Water Cons Dist
 - Created 1967 (Compact litigation)
- Republican River Water Cons Dist
 - Created 2007 (Assist Compact Admin)

Water Conservancy Districts

- Special assessment districts
 - Title 37 State Statutes (Water & Irrigation)
 - CRS 37-45-101 “Water Conservancy Act”
 - Board Appointed by District Judge
 - Funds generated by Mill Levy (Property Tax)
 - Manage water resources within their specific basin
- Local Water Conservancy Districts
 - Dolores, San Miguel, Mancos, La Plata
 - ALP, Florida, San Juan, La Plata-Archuleta

Water Terms & Units

- **Cubic foot per second cfs**
 - Flow Rate
 - 1 cfs approximately 450 gpm
- **Acre foot** **af**
 - Volume (Football field 1 foot depth)
 - 1 af approximately 326,000 gallons
 - 1 cfs flow 24 hours = 2 af (1.9835)
- **Acre** **ac**
 - 43,560 sq ft
 - 1 square mile = 640 ac
- **Consumptive Use (Depletion)**
 - Amount of water actually consumed

Water Terms & Units (con't)

- **Appropriation Date**
 - Action initiated for beneficial use
- **Adjudication Date**
 - Date of Water Court action
- **Conditional Water Right**
 - Established date & intent (plan)
 - Not put to use (6 year diligence period)
- **Absolute Water Right**
 - Put to beneficial use and decreed by court
- **Reserved Water Right**
 - Federal right (Including Tribal Rights)
 - Serve intended purpose of land reservation

Water Terms & Units (con't)

- **Abandonment**
 - Termination of right by non-use & intent
- **Trans-Mountain Diversion**
 - Diversion from one watershed to another
- **Alternate Point of Diversion**
 - Water right for diversion at additional points
 - Not to exceed total decreed amount
- **Augmentation Plan**
 - Plan allows junior diversion with replacement
 - Replace CU and protect senior diversions
- **Prior Appropriation System**
 - Administrative structure, **1st in time-1st right**

Office of the State Engineer

Colorado Division of Water
Resources



History

- Duties are Statutory
- Prior Appropriation applied to miners 1859
- 1876 Colorado Constitution applied Prior Appropriation Doctrine to all uses
- Water Districts and Water Commissioner position established by Legislature 1879
- Office of State Engineer 1881
- “Superintendent of Irrigation” (now known as Division Engineer) created 1887
- 1957 & 1965 Well Permitting, Groundwater
- 1969 Water Rights Determination Act



Water Administration

Prior Appropriation Doctrine means those that put the water to use first are entitled to get their water first during periods of water shortage. In Colorado, water is a separate property right that can be sold separately from the land. This is different than the Riparian Doctrine that recognizes water rights being attached to lands adjacent to the river or stream.

Daily Water Administration

- “First In Time – First In Right”
 - Doctrine of Prior Appropriation
 - Call for water right (shut off junior rights)
- Reservoir Releases & Administration
- Augmentation Plans
 - Water Critical Area
- Records of Diversion (Diversion Records)
 - Published Annually
 - “Irrigation Year” Nov 1st – Oct 31st
- Water Rights Tabulation
 - Published every two years (July 2010)
- Abandonment List every 10 years

Colorado Water Conservation Board (CWCB)

- Created by Legislature 1937
- CWCB Mission Statement: ***To Conserve, Develop, Protect and Manage Colorado's Water for Present and Future Generations***
- Self Funded / Severance Tax Funding
 - No \$'s from General Fund

Board Members

- 15 Board Members (10 voting)
- 8 voting members major river basins
 - Appointment by Governor
 - Confirmed by Senate
 - 3 year terms
 - April Montgomery San Juan, Dolores, San Miguel Rivers
- Voting member City/County of Denver
- Executive Director DNR (Voting)
- 5 Ex-Officio
 - SEO, Director CWCB, Attorney General, Director CDOW, Commissioner Agriculture

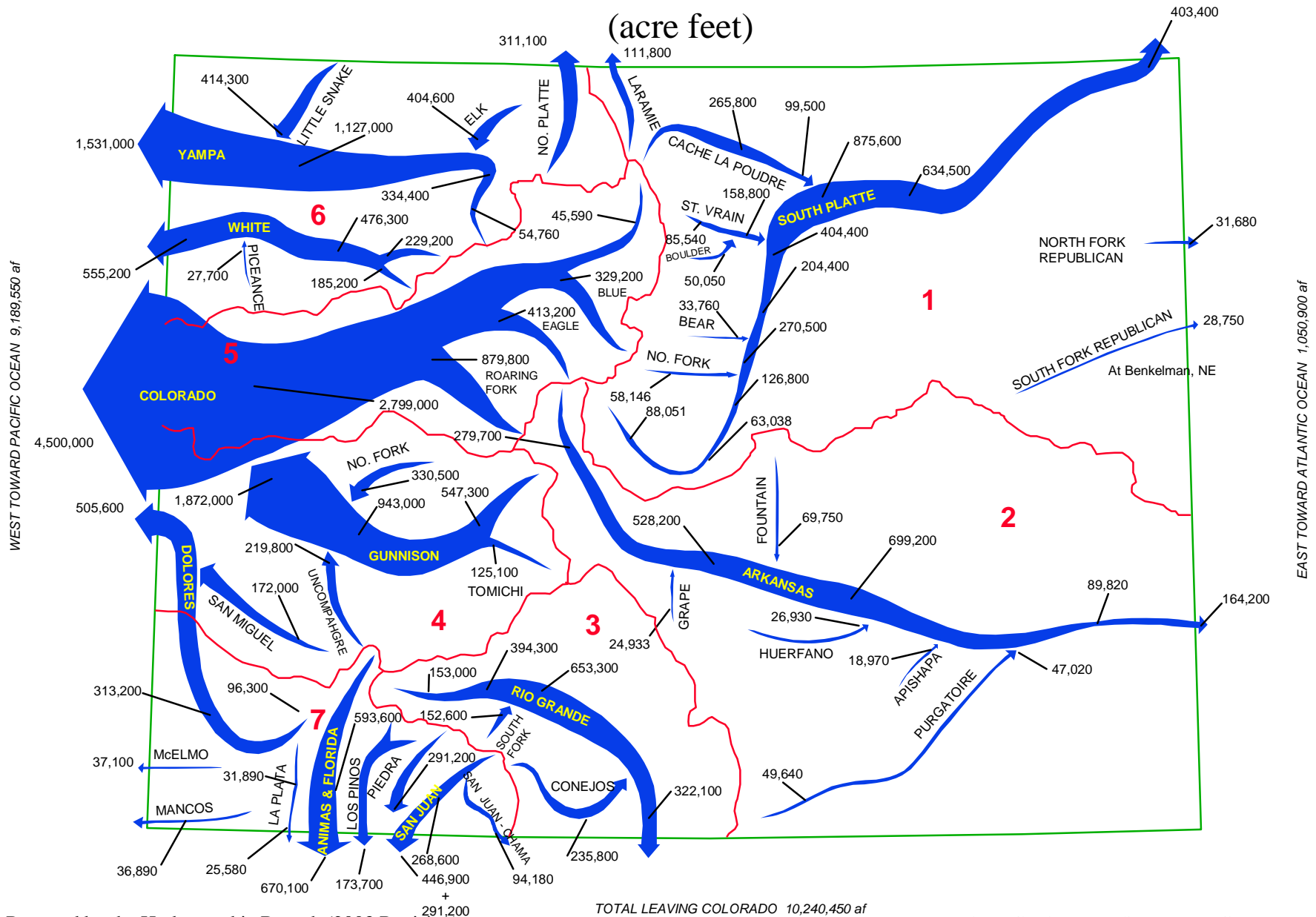
CWCB MAJOR PROGRAMS

- Admin & Mgt
- Water Information
- Water Supply Protection
 - Utilize Compact Entitlements
 - Endangered Species
- Watershed Protection & Flood Mitigation
 - Floodplain studies
 - Prepare/Respond Flood Events
- **Stream & Lake Protection**
 - 1973 ISF Program
- Water Supply & Finance
- Conservation & Drought
- Intrastate Water Management & Development
 - SWSI
 - Basin Round Table

COLORADO

HISTORICAL AVERAGE ANNUAL STREAM FLOWS

(acre feet)



Prepared by the Hydrographic Branch (2003 Revision)
 Historic averages obtained from USGS Water-Data Report CO-02



OFFICE OF THE STATE ENGINEER
 COLORADO DIVISION OF WATER RESOURCES

Interstate Compacts

“Equitable Apportionment”

- Colorado River Compact 1922
 - Seven States (AZ,CA,CO,NV,NM,UT,WY)
 - Upper Basin & Lower Basin 7.5 mill af/yr C.U.
- La Plata River Compact 1922
 - Half flow at Hesperus delivered to NM following day.
Feb 15th-Dec 1st
- Upper Colorado River Compact 1948
 - Colorado’s portion approx 51.75% or 3.9 mill af/yr
- Animas-La Plata Project Compact 1968
 - Right to store and divert ALP water in Colorado & New Mexico

Legend

-  Hydrologic Basin
-  Adjacent areas that receive Colorado River water



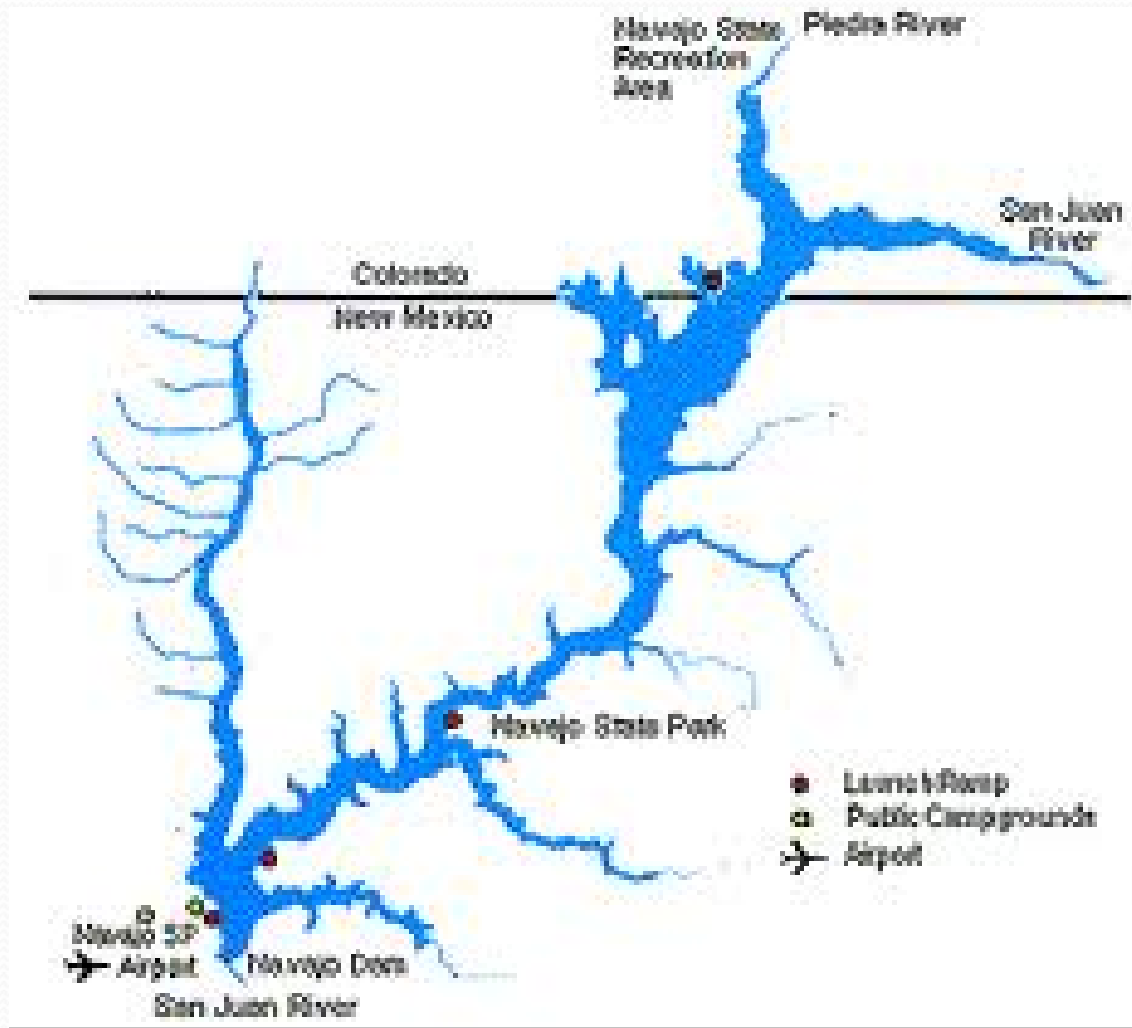
Southwestern Water Conservation District



Tribal Water Rights

- Reserved Water Rights (1868 date of Reservation)
- Southern Ute Indian Tribe
- Ute Mountain Ute Tribe
- Tribal Settlement 1988
- Consent Decree 1991
 - 1868 dates existing uses
 - Some Subordinated Water Rights (Specific Date)
- Construction Animas-La Plata Project

Navajo Res. (Piedra & San Juan)



Navajo Reservoir (Confluence)





River Protection Workgroup

Piedra River

- **One More Piece
Of The Puzzle!**

