

WATER COURT

James F. Hartmann
Water Judge, Division One

November 5, 2018

7 Water Divisions

Colorado Division of Water Resources



Water Districts

COLORADO BASINS

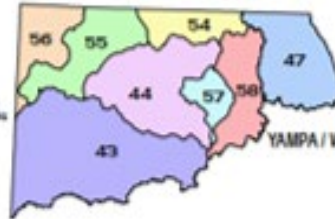
District District Name

- 36 Blue River Basin
- 37 Eagle River Basin
- 38 Roaring Fork River Basin
- 39 Rifle / Elk / Parachute Creeks
- 40 Divide Creeks
- 41 Muddy / Troublesome Creeks
- 42 Upper Colorado / Fraser Rivers
- 43 Pinyon / Cottonwood Creeks
- 44 Teton, North of Colorado River
- 45 River Creek Basin
- 46 Lower Colorado River

COLORADO RIVER BASIN



- 43 White River Basin
- 44 Lower Yampa River Basin
- 45 North Fork River Basin
- 46 Steep / Timberlake Creeks
- 47 Little Snake River
- 48 Green River Basin
- 49 Middle Yampa River
- 50 Upper Yampa River



YAMPA / WHITE RIVER BASIN

STATE OF COLORADO RIVER BASINS



GUNNISON RIVER BASIN



District District Name

- 37 Tonahill Creek
- 38 North Fork / Tribs
- 39 Lower Uncompaghe River
- 40 Lower Gunnison River
- 41 East River Basin
- 42 San Miguel River Basin
- 43 Paradox Creek
- 44 Upper Gunnison River
- 45 Dolores River Basin
- 46 Upper Uncompaghe River
- 47 Little Dolores River

SAN JUAN / DOLORES RIVER BASIN



District District Name

- 30 San Juan River Basin
- 31 Animas River Basin
- 32 Las Pinos River Basin
- 33 Wadine Creek Basin
- 34 La Plata River Basin
- 35 Mancos River Basin
- 36 Navajo Reservoir
- 48 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 Camero Creek
- 28 Tinajas Creek

SOUTH PLATTE RIVER BASIN



District District Name District District Name

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

ARKANSAS RIVER BASIN



District District Name District District Name

- 10 Fountain Creek
- 11 Arkansas: Headwaters to Salida
- 12 Arkansas: Salida to Portland
- 13 West Mountain Valley
- 14 Arkansas: Portland to Fowler
- 15 Saint Charles
- 16 Cucharas River
- 17 Arkansas: Fowler to Las Animas
- 18 Apishpa River
- 19 Purgatoire River
- 67 Arkansas River Basin
- 67 Arkansas: Los Animas to Stairline
- 79 Hartland River



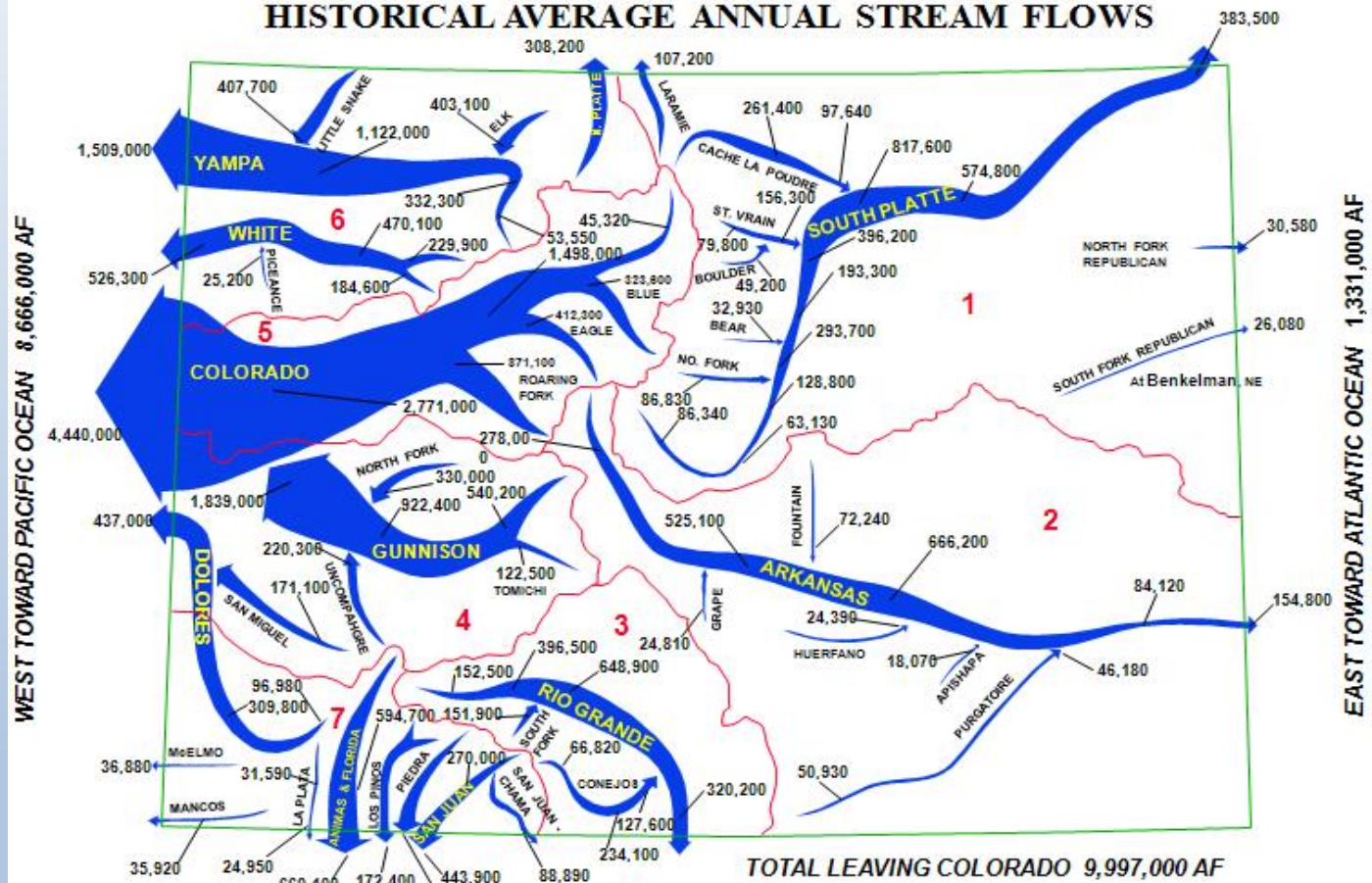
Colorado Map scale: 1:5,000,000
Individual District scale: 1:3,000,000



COLORADO DIVISION OF WATER RESOURCES

COLORADO

HISTORICAL AVERAGE ANNUAL STREAM FLOWS



Prepared by the Hydrographic Branch (2011 Revision)
[all values in acre feet (AF)]

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

Overview of the Water Court Process

- Initiation of a case by filing an application

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- Initiation of a case by filing an application
- Referral of application to the water referee

Overview of the Water Court Process

- Initiation of a case by filing an application
- Referral of application to the water referee
- Re-referral to water judge

Overview of the Water Court Process

- Initiation of a case by filing an application
- Referral of application to the water referee
- Re-referral to water judge
- Entry of decree

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- Initiation of a case by filing an application
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- Administration by state and division engineers

Article XVI, Sect. 5, Colorado Const.

“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 hereafter provided.”

Appropriation – diversion of water and placing the water to beneficial use;

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First in time, first in right

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Responsibility to use only that amount needed for beneficial use, without waste;

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First in time, first in right;

Responsibility to use only that amount needed for beneficial use, without waste;

Waters of a “natural stream” includes tributary groundwater.

Application for water right with the water court and service through publication;

Application for water right with the water court and service through publication;

“Inquiry notice” through publication-responsibility to file a statement of opposition if potential injury to water rights;

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“Inquiry notice” through publication-responsibility to file a statement of opposition if potential injury to water rights;

Must join the case or precluded from later claiming injury;

Referral of application to water referee;

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Water referee assists parties, may investigate the claims, report to water judge;

Referral of application to water referee;

Water referee assists parties, may investigate the claims, report to water judge;

Consults with division engineer;

Referral of application to water referee;

Water referee assists parties, may investigate the claims, report to water judge;

Consults with division engineer;

Water referee may issue findings and conclusions, subject to a right to protest, and decree is issued by the water court;

Application must be re-referred to water judge if the case does not resolve on the referee's docket within 18 months;

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Case is scheduled for trial after re-referral to the water judge;

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Case is scheduled for trial after re-referral to the water judge;

Vast majority of cases settle through stipulation;

Water applications may involve “absolute” or “conditional” water rights;

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A conditional water right involves a plan to use water, must show that the applicant “can and will” place the water to beneficial use within a reasonable time;

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A conditional water right involves a plan to use water, must show that the applicant “can and will” place the water to beneficial use within a reasonable time;

Six year review for conditional water rights;

Types of water rights sought in water court:

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- Change of use;

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- Augmentation plans;

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- Change of use;
- Augmentation plans;
- Water exchange plans;

Entry of Decree-

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- Water available

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- Water available;
- Showing that the water has been placed (absolute right) or will be placed to beneficial use (conditional right);

Entry of Decree-

- Water available;
- Showing that the water has been placed (absolute right) or will be placed to beneficial use (conditional right);
- Priority date assigned;

Administration of water rights-

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- Offices of the state and division engineers;

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- Offices of the state and division engineers;
- Administrative calls;

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- Administrative calls;
- Cease and desist orders;

Administration of water rights-

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- Administrative calls;
- Cease and desist orders;
- Contempt proceedings;

Questions?