

TABLE OF CONTENTS

Chapter 1	A BRIEF HISTORY OF COLORADO WATER LAW
------------------	--

§ 1.1	INTRODUCTION
§ 1.2	TERRITORIAL LAWS
§ 1.3	UNITED STATES CONGRESS LEGISLATION
§ 1.4	COLORADO STATEHOOD
§ 1.5	FEDERAL PRESSURES
§ 1.6	ACTS OF 1943 AND 1969
§ 1.7	CONCLUSION

Chapter 2	SURFACE WATER RIGHTS
------------------	-----------------------------

§ 2.1	OVERVIEW
§ 2.2	CONSTITUTIONAL AND STATUTORY PROVISIONS
	§ 2.2.1—Colorado Constitution Of 1876, Article XVI
	§ 2.2.2—Water Right Determination And Administration Act Of 1969
§ 2.3	THE DOCTRINE OF PRIOR APPROPRIATION
	§ 2.3.1—Treatment Of Return Flows
	§ 2.3.2—Exceptions To The Rule
§ 2.4	TYPES OF SURFACE WATER RIGHTS
	§ 2.4.1—Direct Flow Rights And Storage Rights
	§ 2.4.2—Absolute And Conditional Water Rights
	§ 2.4.3—The Anti-Speculation Doctrine
§ 2.5	USE OF WATER RIGHTS
	§ 2.5.1—Beneficial Use
	§ 2.5.2—Historical Consumptive Use
	§ 2.5.3—Duty Of Water
	§ 2.5.4—Maximum Utilization Versus Waste

- § 2.5.5—Priority
- § 2.5.6—Abandonment
- § 2.5.7—Conjunctive Use Projects
- § 2.5.8—Surface Water Rights Within A Designated Basin

§ 2.6 CHANGES OF WATER RIGHTS

§ 2.7 LIMITATIONS ON NEW APPROPRIATIONS

- § 2.7.1—Drought
- § 2.7.2—Interstate Water Compacts
- § 2.7.3—Equitable Apportionment Decrees
- § 2.7.4—International Treaties
- § 2.7.5—Federal Reserved Water Rights

§ 2.8 CURRENT TOPICS OF CONCERN

- § 2.8.1—Recent Legislation
- § 2.8.2—Pending Cases
- § 2.8.3—Population Growth
- § 2.8.4—Basin Of Origin Protection

§ 2.9 CONCLUSION

EXHIBITS

- Exhibit 2A—Surface Water Supply Index For Colorado
- Exhibit 2B—Preliminary Statewide Gross Municipal And Industrial
And Self-Supplied Industrial Water Demands, 2000 To
2030

Chapter 3 GROUND WATER

§ 3.1 INTRODUCTION

§ 3.2 TYPES OF GROUND WATER

- § 3.2.1—Tributary Aquifer Ground Water
- § 3.2.2—Designated Ground Water
- § 3.2.3—Nontributary Ground Water
- § 3.2.4—Denver Basin Aquifer Ground Water
- § 3.2.5—Geothermal Ground Water
- § 3.2.6—Coalbed Methane Ground Water

§ 3.3 GOVERNING LAW

- § 3.3.1—Colorado Ground Water Management Act Of 1965
- § 3.3.2—Water Right Determination And Administration Act Of 1969
- § 3.3.3—Senate Bill 213, C.R.S. § 37-90-134(4) (1973)
- § 3.3.4—Senate Bill 5 (1985)
- § 3.3.5—Case Law Interpretations

§ 3.4 WELL PERMITS

- § 3.4.1—Exempt Wells (*See* C.R.S. § 37-90-602)
- § 3.4.2—Fee Wells

§ 3.5 LIMITATIONS ON GROUND WATER DEVELOPMENT AND USE

Chapter 4 DESIGNATED BASIN GROUND WATER: A HISTORICAL AND PRACTICAL PERSPECTIVE

§ 4.1 INTRODUCTION AND HISTORICAL PERSPECTIVE

§ 4.2 DESIGNATED GROUND WATER

§ 4.3 TYPES OF DESIGNATED GROUND WATER ALLOCATIONS OR WITHDRAWALS

- § 4.3.1—Small Capacity Well Permit Issuance
- § 4.3.2—Commission Permitting Activities — Large Capacity Well Permit Issuance

§ 4.4 CHANGES TO WATER RIGHTS

- § 4.4.1—Replacement Well Permits

§ 4.5 FINAL PERMITS

§ 4.6 RELATIONSHIP BETWEEN DESIGNATED GROUND WATER AND SURFACE WATER

- § 4.6.1—Designated Ground Water And Surface Water

§ 4.7 CONCLUSION

Chapter 5 DITCH RIGHTS: THE LAW OF IRRIGATION EASEMENTS AND RIGHTS OF WAY

§ 5.1 INTRODUCTION

§ 5.2 CREATION OF THE RIGHT

§ 5.2.1—By Construction And Use

§ 5.2.2—By Severance

§ 5.2.3—By Deed

§ 5.2.4—By Entry Onto Federal Lands

§ 5.2.5—By Condemnation

§ 5.3 EXTENT OF THE EASEMENT

§ 5.4 OBLIGATIONS OF A DITCH OWNER

§ 5.4.1—Statutory Obligations

§ 5.4.2—Civil Liability

§ 5.4.3—Contributions For Expenses

§ 5.5 USE OF THE DITCH EASEMENT

§ 5.5.1—For Carriage

§ 5.5.2—For Drainage

§ 5.5.3—For Recreation

§ 5.6 ALTERATION AND LOSS OF THE DITCH EASEMENT

§ 5.6.1—Alteration

§ 5.6.2—Loss Of A Ditch Easement

Chapter 6 WATER STORAGE RIGHTS

§ 6.1 INTRODUCTION AND HISTORICAL PERSPECTIVE ON WATER STORAGE RIGHTS

§ 6.2 DEFINITION AND ELEMENTS OF WATER STORAGE RIGHT

§ 6.3 SINGLE FILLING RULE

Table of Contents

§ 6.4 TYPES OF WATER STORAGE RIGHTS

§ 6.4.1—Absolute And Conditional

§ 6.4.2—On-Channel And Off-Channel

§ 6.5 FIRST STEP RULE

§ 6.6 REASONABLE DILIGENCE FINDINGS

§ 6.7 “CAN AND WILL” REQUIREMENTS

§ 6.7.1—Anti-Speculation Doctrine

§ 6.7.2—Perfection Of Conditional Water Storage Rights

§ 6.8 RESERVOIR ACCOUNTING

§ 6.8.1—Evaporation And Seepage

§ 6.8.2—Carryover Storage

§ 6.8.3—Multiple Decrees

§ 6.8.4—Temporary Storage

§ 6.8.5—Storage Season

§ 6.8.6—Paper Fills

§ 6.9 RESERVOIR ADMINISTRATION

§ 6.9.1—Jurisdictional Versus Non-Jurisdictional Dams

§ 6.10 CONDEMNATION OF WATER STORAGE SITES

§ 6.11 RECENT WATER STORAGE INNOVATIONS

§ 6.11.1—Gravel Pit Storage Reservoirs

§ 6.11.2—Underground Storage

§ 6.12 LIABILITY OF DAM OWNERS

§ 6.13 ANNOTATED BIBLIOGRAPHY AND AUTHORS

EXHIBIT

Exhibit 6A—Sample Reservoir Accounting Sheet

Chapter 7 WATER RIGHTS: REAL PROPERTY

§ 7.1 INTRODUCTION

§ 7.2 NATURE OF WATER RIGHTS

§ 7.2.1—History

§ 7.2.2—Constitutional Underpinnings Of Current Law

§ 7.2.3—Water Rights

§ 7.2.4—Usufructuary

§ 7.2.5—Measure Of A Water Right And Beneficial Use Of
Surface Water

§ 7.2.6—Ground Water

§ 7.3 OWNERSHIP OF A WATER RIGHT

§ 7.3.1—General Background

§ 7.3.2—Mutual Ditch Companies

§ 7.3.3—Carrier Ditch Companies

§ 7.3.4—Severance From Real Estate

§ 7.4 CONVEYANCE OF WATER RIGHTS

§ 7.4.1—Forms Of Conveyance

§ 7.4.2—Water Right Title Opinions

§ 7.4.3—Title Insurance

§ 7.5 QUIET TITLE ACTIONS

§ 7.6 CONDEMNATION AND WATER RIGHTS

§ 7.6.1—Condemnation Of Private Land For Water Rights-Of-Way

§ 7.6.2—The Right To Condemn Water Rights

§ 7.6.3—Constitutional Preferences For The Uses Of Water

§ 7.7 LIEN AND FORECLOSURE ISSUES

§ 7.7.1—Water Rights And Foreclosure

§ 7.7.2—Ditch Liens

EXHIBITS

Exhibit 7A—Dry-Up Covenant Language

Exhibit 7B—Colorado Real Estate Title Standards

Chapter 8 WATER QUALITY CONTROL COMMISSION

§ 8.1 OVERVIEW

§ 8.2 AUTHORITY

§ 8.3 RULEMAKING HEARINGS

§ 8.3.1—Standards And Classifications

§ 8.3.2—Permit Regulations

§ 8.3.3—Control Regulations

§ 8.3.4—Drinking Water

§ 8.4 PUBLIC INFORMATIONAL HEARINGS

§ 8.5 ADMINISTRATIVE ACTION HEARINGS

§ 8.6 ADJUDICATORY HEARINGS

§ 8.7 JUDICIAL REVIEW

Chapter 9 COLORADO GROUND WATER COMMISSION

§ 9.1 ADMINISTRATION OF THE COMMISSION

§ 9.1.1—Terms Of Office, Conditions Of Appointment, And Minimum Number Of Meetings

§ 9.1.2—Responsibilities Of The State Engineer As The Executive Director Of The Commission

§ 9.1.3—Modified Prior Appropriation Doctrine

§ 9.2 RESPONSIBILITIES OF THE COMMISSION

§ 9.2.1—Determination Of Designated Ground Water Basins

§ 9.2.2—Rules And Regulations

§ 9.2.3—Granting Of High Capacity Well Permits

§ 9.2.4—Changes Of Water Rights

§ 9.2.5—Replacement Wells

§ 9.2.6—Replacement Plans

§ 9.2.7—Denver Basin Designated Ground Water

§ 9.2.8—Final Permitting

§ 9.3 POWERS AND LIMITATIONS OF THE GROUND WATER COMMISSION

- § 9.4 HEARINGS BY THE COMMISSION AND JUDICIAL REVIEW
- § 9.5 OTHER ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW
- § 9.6 JUDICIAL APPOINTMENTS
- § 9.7 GROUND WATER MANAGEMENT DISTRICTS

Chapter 10 COLORADO WATER CONSERVATION BOARD

- § 10.1 BACKGROUND AND OVERVIEW
- § 10.2 FINANCE AND ADMINISTRATION
- § 10.3 STREAM AND LAKE PROTECTION
- § 10.4 INTERSTATE, FEDERAL, AND WATER INFORMATION
- § 10.5 WATERSHED AND FLOOD PROTECTION
- § 10.6 WATER SUPPLY PLANNING
- § 10.7 CURRENT CHALLENGES
 - § 10.7.1—Watershed And Flood Protection
 - § 10.7.2—Water Supply Planning

Chapter 11 WATER COURT APPLICATIONS AND REFEREE PRACTICE

- § 11.1 APPLICATIONS FOR WATER RIGHTS
 - § 11.1.1—Filing Water Court Applications
 - § 11.1.2—Résumé Notice Procedures
- § 11.2 STANDARDS FOR REVIEWING WATER RIGHTS APPLICATIONS
- § 11.3 WATER REFEREE PRACTICE AND PROCEDURE
 - § 11.3.1—Investigation And Case Management
 - § 11.3.2—Rulings By The Referee

EXHIBITS

- Exhibit 11A—2014 Water Court Appointments
- Exhibit 11B—Order Re: Division 1 Water Court Policies
- Exhibit 11C—Amended Order And Notice Regarding Electronic Filing
(Water Court)
- Exhibit 11D—Sample Language: Conditional Decree
- Exhibit 11E—Sample Language: Pump Decree
- Exhibit 11F—Sample Letter Re: Amended Application
- Exhibit 11G—Order Setting Informal Conference
- Exhibit 11H—Case Management Order
- Exhibit 11I—Landowner Certificate Of Notice
- Exhibit 11J—Landowner Notification Requirement (*Pro Se*)
- Exhibit 11K—Notice (For Finding Of Reasonable Diligence)
- Exhibit 11L—Resume Publication Notice
- Exhibit 11M—Minute Order Correcting Clerical Errors
- Exhibit 11N—Notice Of C.R.S. § 37-90-137(2)(b)(II)(B)
- Exhibit 11O—Notice Of Dismissal For Failure To Prosecute
- Exhibit 11P—Notice Of Cancellation
- Exhibit 11Q—Landowner Notification Requirement (Attorney)
- Exhibit 11R—Notice Of Water Court Rule 3(e)(1) Requirement —
Underground Water Right Applications
- Exhibit 11S—Notice Of C.R.S. § 37-92-302(2)(a) Documents
- Exhibit 11T—Pre-Publication Review Documents Used By Water
Courts

Chapter 12 WATER COURT ADJUDICATION

§ 12.1 INTRODUCTION

§ 12.2 WATER COURT JURISDICTION

§ 12.2.1—Subject Matter Jurisdiction

§ 12.2.2—Personal Jurisdiction

§ 12.3 SUMMARY OF PROCEDURE

§ 12.4 INITIATING THE ACTION

§ 12.4.1—Preparing The Application

§ 12.4.2—Filing And Publication Of The Application

§ 12.5 OPPOSITION TO THE APPLICATION

§ 12.6 INTERVENTION

§ 12.7 REFERRAL TO THE WATER REFEREE

§ 12.8 REFERRAL TO THE WATER JUDGE

§ 12.9 RULING OF THE REFEREE

§ 12.10 PROTEST TO THE RULING OF THE REFEREE

§ 12.11 PROCEEDINGS BEFORE THE WATER JUDGE

§ 12.11.1—Case Management Order

§ 12.11.2—Experts

§ 12.11.3—Judgment And Decree

§ 12.12 RETAINED JURISDICTION

§ 12.13 APPEALS

EXHIBIT

Exhibit 12A—Timetable For Water Court Rules

Chapter 13 WATER QUALITY ISSUES IN WATER COURT

§ 13.1 WATER QUALITY ISSUES IN WATER CASES

**§ 13.2 PRE-1969 ACT CASES INVOLVING WATER QUALITY
INJURY TO WATER RIGHTS**

§ 13.2.1—Vested Water Rights That Impair Downstream
Beneficial Uses

§ 13.2.2—Impairment Of Beneficial Use From Developed Waters

§ 13.2.3—Impairment Of Beneficial Use From The Discharge Of
Wastewater

**§ 13.3 WATER QUALITY REQUIREMENTS IMPOSED
BY THE 1969 ACT**

§ 13.4 JUDICIAL RESPONSES TO ARGUMENTS THAT WATER COURTS “SHOULD NOT” (DEFERENCE) OR “CANNOT” (JURISDICTIONAL) CONSIDER WATER QUALITY INJURY TO WATER RIGHTS

§ 13.4.1—Short Summary Of The Colorado Water Quality Control Act

§ 13.4.2—The Golden Augmentation Plan Case

§ 13.4.3—Denver’s Exchange Application, Case No. 96CW145

§ 13.4.4—The Supreme Court’s Response To The Jurisdictional Challenge

§ 13.5 WHAT TO DO IF THERE IS A WATER QUALITY ISSUE IN YOUR CASE: A SHORT CHECKLIST FOR THE BENCH AND BAR

Chapter 14 WATER ADMINISTRATION: STATE ENGINEER’S OFFICE

§ 14.1 WATER ADMINISTRATION

§ 14.1.1—State Engineer — C.R.S. §§ 37-80-102 And 37-90-110

§ 14.1.2—Division Engineer — C.R.S. §§ 37-92-301 And -502

§ 14.1.3—Water Commissioner — C.R.S. §§ 37-80-102(2) And -102(3)

§ 14.1.4—General Water Administration Statutory Authority (Surface And Ground Water)

§ 14.1.5—Procedures, Guidelines, Policies, And Rules

§ 14.1.6—Water Court Decrees And Plans For Augmentation

§ 14.1.7—Substitute Water Supply Plans And Replacement Plans — C.R.S. §§ 37-92-308 And 37-90-107.5

§ 14.1.8—Interruptible Water Supply Agreements — C.R.S. § 37-92-309

§ 14.1.9—Water Banks — C.R.S. §§ 37-80.5-101 Through -107

§ 14.1.10—State Engineer Authority To Administer Temporary Instream Flows — C.R.S. § 37-83-105

§ 14.1.11—Exchanges And Other Plans Allowed By Statute — C.R.S. § 37-80-120; C.R.S. §§ 37-83-104 Through -106; C.R.S. § 37-88-109(2)

§ 14.1.12—General Water Administration

§ 14.1.13—Colorado Decision Support Systems

§ 14.1.14—Subdivision Water Supply Plans

§ 14.1.15—Water Rights Tabulation — C.R.S. § 37-92-401

§ 14.1.16—Abandonment List — C.R.S. § 37-92-401

§ 14.2 INTERSTATE COMPACTS AND FEDERAL DECREES

§ 14.2.1—Statutory Authority — C.R.S. § 37-80-104

§ 14.2.2—Compact Key Provisions

§ 14.3 DAM SAFETY

§ 14.3.1—Statutory Authority And Program Responsibilities

§ 14.3.2—Rules, Policies, And Procedures

§ 14.3.3—Program Administration For Public Safety

§ 14.3.4—Restricted Storage And Enforcement

§ 14.4 STATE BOARD OF EXAMINERS OF WATER WELL CONSTRUCTION AND PUMP INSTALLATION CONTRACTORS

§ 14.4.1—Statutory Authority

§ 14.4.2—Duties Of The Board And State Engineer

§ 14.4.3—Rules, Policies, And Procedures

§ 14.4.4—Well Construction And Pump Installation Inspection Program

§ 14.4.5—Enforcement

§ 14.5 HYDROGRAPHY AND STREAMFLOW MEASUREMENT

§ 14.5.1—Statutory Authority

§ 14.5.2—State Of Colorado Satellite-Linked Water Resources Monitoring System

§ 14.5.3—Policies And Procedures

§ 14.5.4—Federal And State Coordination

§ 14.5.5—DWR Flow Alert System

§ 14.5.6—Data Access

§ 14.6 GROUND WATER WELL PERMITTING

§ 14.6.1—Statutory Authority

§ 14.6.2—Types Of Ground Water

§ 14.6.3—Types Of Well Permits

§ 14.6.4—Well Permitting Within The Designated Basins

§ 14.7 WATER RECORDS MANAGEMENT AND GENERAL INFORMATION

§ 14.7.1—Available Records

§ 14.7.2—Available General Information

§ 14.7.3—Accessing Records And General Information

EXHIBITS

- Exhibit 14A—International And Interstate Documents Affecting Colorado’s Use Of Water
- Exhibit 14B—Hardware Components
- Exhibit 14C—Colorado Division Of Water Resources Organizational Chart
- Exhibit 14D—Office Of The State Engineer, Division, And Field Offices
- Exhibit 14E—Colorado Historical Average Annual Stream Flows
- Exhibit 14F—Transmountain Diversions
- Exhibit 14G—Engineer’s Inspection Report

Chapter 15 RESERVED WATER RIGHTS

§ 15.1 OVERVIEW

§ 15.2 ORIGINS AND DEVELOPMENT OF THE DOCTRINE

- § 15.2.1—Origins Of The Doctrine
- § 15.2.2—Extension Of The Doctrine To Non-Tribal Lands
- § 15.2.3—Implied Reservation Of Water
- § 15.2.4—Sources Of Water Subject To Reservation

§ 15.3 UNDERLYING LEGAL BASIS

§ 15.4 RELATIONSHIP TO STATE WATER RIGHTS SYSTEMS

- § 15.4.1—Method And Purposes Of Use May Be Inconsistent With State Law
- § 15.4.2—Priority Of Reserved Water Rights
- § 15.4.3—Quantity Of Reserved Water Rights
- § 15.4.4—Effect Of Non-Use
- § 15.4.5—Postponement Doctrine

§ 15.5 ADJUDICATION ISSUES

§ 15.6 CONCLUSION

Chapter 16 TECHNICAL PERSPECTIVE

§ 16.1 INTRODUCTION

§ 16.2 ROLE OF A TECHNICAL CONSULTANT

§ 16.3 TYPES OF WATER RIGHTS

§ 16.3.1—Surface Water

§ 16.3.2—Ground Water

§ 16.4 CONSUMPTIVE USE

§ 16.5 WATER RIGHTS APPRAISAL

§ 16.6 PRACTICAL CONSIDERATIONS

§ 16.7 WATER COURT RULES CHANGES

§ 16.8 REFERENCES

EXHIBIT

Exhibit 16A—Water Measurements

Chapter 17 ETHICAL ISSUES

§ 17.1 INTRODUCTION

§ 17.2 CONFLICTS OF INTEREST — IN GENERAL

§ 17.2.1—Concurrent Conflicts Of Interest (Conflicts With Current Clients)

§ 17.2.2—Conflicts With Former Clients

§ 17.2.3—Lawyers Changing Firms, Screening, And Ethical Walls

§ 17.2.4—Client’s Consent

§ 17.2.5—Temporary Lawyers

§ 17.3 COMPETENCE

§ 17.3.1—In General — Having Or Obtaining Requisite Knowledge

§ 17.3.2—How Far Does “Competent Representation” Require Or Permit The Lawyer To Go?

§ 17.3.3—Reliance On Experts

§ 17.4 COMMUNICATION

§ 17.4.1—Communication With Persons Other Than The Client

§ 17.4.2—Communication With Judges, Referees, And Experts

§ 17.5 ADVISING CLIENTS ON WATER MATTERS INVOLVING MARIJUANA-RELATED ACTIVITIES

Chapter 18 ALTERNATIVE DISPUTE RESOLUTION IN WATER DISPUTES

§ 18.1 INTRODUCTION

§ 18.2 CAUSES OF WATER-RELATED CONFLICTS

§ 18.3 APPROACHES TO CONFLICT

§ 18.3.1—Competition

§ 18.3.2—Accommodation

§ 18.3.3—Avoidance

§ 18.3.4—Compromise

§ 18.3.5—Collaboration

§ 18.4 ADR PROCESSES

§ 18.4.1—Mediation

§ 18.4.2—Arbitration

§ 18.4.3—Facilitated Processes

§ 18.5 BETTER AGREEMENTS = BETTER MANAGEMENT

§ 18.6 WHEN ADR WORKS

§ 18.7 SELECTING A NEUTRAL

§ 18.8 TO COURT OR NOT TO COURT

Chapter 19 WATER COURT CASE MANAGEMENT

§ 19.1 INTRODUCTION

§ 19.2 RECENT RULE CHANGES

**§ 19.3 REQUIREMENTS FOR FILING APPLICATIONS —
C.R.C.P. 90 AND WATER COURT RULE 3**

§ 19.3.1—Application Completeness

§ 19.3.2—Multiple Structures And Applicants

**§ 19.4 FILING AND SERVICE REQUIREMENTS — WATER COURT
RULE 2 AND C.R.S. § 37-92-302**

**§ 19.5 PROCEEDINGS BEFORE THE WATER REFEREE —
WATER COURT RULE 6**

§ 19.6 USE OF A SINGLE EXPERT

§ 19.7 AFTER RE-REFERRAL — WATER COURT RULE 11

§ 19.7.1—Presumptive Case Management Order

§ 19.7.2—Expert Testimony

§ 19.7.3—Comprehensive Expert Disclosures And Proposed Decrees

§ 19.8 CONCLUSION

EXHIBIT

Exhibit 19A—C.R.C.P. 16 And Water Court Rule 11 Timeline

Chapter 20 WATER EXCHANGES

**§ 20.1 INTRODUCTION AND HISTORICAL PERSPECTIVE ON
EXCHANGES**

§ 20.1.1—Introduction

§ 20.1.2—History

§ 20.2 DEFINITION AND ELEMENTS OF EXCHANGES

§ 20.2.1—Exchange Reach

§ 20.2.2—Natural Flow

§ 20.2.3—Exchange Potential

§ 20.2.4—Substitute Supply

§ 20.2.5—Rights Of Others

Table of Contents

§ 20.3 TYPES OF EXCHANGES

§ 20.3.1—Normal Operation

§ 20.3.2—Bookover

§ 20.3.3—Trades Or Loans Of Water

§ 20.4 ADMINISTRATIVE EXCHANGES

§ 20.4.1—Authority Of SEO To Allow Exchanges

§ 20.4.2—Types Of Exchanges Authorized By Statute

§ 20.5 ADJUDICATION OF EXCHANGES

§ 20.5.1—First Step Requirements

§ 20.5.2—Relation Back Of Existing Exchanges

§ 20.5.3—“Can And Will” Requirements

§ 20.5.4—Anti-Speculation Requirements

§ 20.5.5—Sources Of Substitute Supply

§ 20.6 WATER QUALITY

**§ 20.7 AUGMENTATION PLANS VERSUS EXCHANGE PLANS
VERSUS CHANGES OF WATER RIGHTS**

§ 20.7.1—Plan For Augmentation

§ 20.7.2—Change Of Water Rights

§ 20.7.3—Exchange Plans

§ 20.7.4—Comparison

§ 20.8 TRANSIT LOSSES

§ 20.9 MEASURING DEVICES AND RECORDS

§ 20.10 SUBSTITUTIONS VERSUS EXCHANGES

§ 20.11 DITCH EXCHANGES

§ 20.12 WELL EXCHANGES

§ 20.13 CHARACTER OF EXCHANGE “RULE”

§ 20.14 MAKING EXCHANGES ABSOLUTE

APPENDICES

APPENDIX 1 — WATER COURT INFORMATION AND FORMS

- Appendix 1A—Chapter 36, Uniform Local Rules For All State Water Court Divisions
- Appendix 1B—Form JDF 295W, Standardized Instructions For All Colorado Water Court Divisions
- Appendix 1C—Form JDF 290W, Certificate Of Notice
- Appendix 1D—Form JDF 296W, Application For Water Rights (Surface)
- Appendix 1E—Form JDF 297W, Application For Water Storage Right
- Appendix 1F—Form JDF 298W, Application For Underground Water Right
- Appendix 1G—Form JDF 299W, Application For Change Of Water Right
- Appendix 1H—Form JDF 300W, Application: For Finding Of Reasonable Diligence/To Make Absolute In Whole Or In Part
- Appendix 1I—Form JDF 301W, Application For Approval Of Plan For Augmentation
- Appendix 1J—Form JDF 302W, Pleading: In Protest To/In Support Of Referee's Ruling
- Appendix 1K—Form JDF 303W, Statement Of Opposition
- Appendix 1L—Form JDF 304W, Protest To Revised Abandonment List
- Appendix 1M—Form JDF 307, Notice Of Change In Ownership Of Conditional Water Right And/Or Change Of Address
- Appendix 1N—Form JDF 308W, Denver Basin Application
- Appendix 1O—Form JDF 312, Form 2 — Declaration Of Expert Regarding Report, Disclosure, And Opinion
- Appendix 1P—Form JDF 319, Form 1 — Sample Modified Case Management Order
- Appendix 1Q—Replacement Plans And Substitute Water Supply Plans

APPENDIX 2 — STATE ENGINEER'S APPLICATIONS

- Appendix 2A—State Engineer's Fee Schedule
- Appendix 2B—Application For Review Of Plans And Specifications For The Construction Or Enlargement Of A Dam And Reservoir
- Appendix 2C—Application For Review For Removal Or Breach Of A Dam

Table of Contents

Appendix 2D—Application For Review Of Plans And Specifications
For The Alteration, Modification, Or Repair Of A Dam
And Reservoir

Appendix 2E—Application For Livestock Water Tank

Appendix 2F—Application For Erosion Control Dam

Appendix 2G—Notice Of Intent To Construct A Non-Jurisdictional
Water Impoundment Structure

Appendix 2H—Form GWS-12, Registration Of Existing Well

Appendix 2I — Form GWS-27, Gravel Pit Well Permit Application

Appendix 2J — Form GWS-42, Application For Well Location
Amendment

Appendix 2K—Form GWS-44, Residential Water Well Permit
Application

Appendix 2L—Form GWS-45, General Purpose Water Well Permit
Application

Appendix 2M—Form GWS-46, Monitoring/Observation Water Well
Permit Application

Appendix 2N—Form GWS-51, Notice Of Intent To Construct
Monitoring Hole(s)

Appendix 2O—Form GWS-62, Notice Of Intent To Construct
Dewatering Well(s)

Appendix 2P — Form GWS-72, Geoexchange System Loop Fields
Permit Application

Appendix 2Q—Form DBB-005, Application For Expanded Acres/
Change Of Use/Relocation/Additional Commingling
Information

Appendix 2R — Form DBB-006, Application For Commingling Of
Wells

Appendix 2S — Form DBB-007, Application For Change Of
Description Of Acres

Appendix 2T — Form DBB-010, Application For Alternate Points Of
Diversion

Appendix 2U—Form DBB-011, Waiver Of Claim To Injury

Appendix 2V—Form DBB-012(B), Application For Change Of Permit
Location Of A Well

Appendix 2W—Form DBB-015, Request To Register In Water
Conservation Program

Appendix 2X—Form DBB-016, Application To Reduce Permitted
Acres And Authorized Annual Appropriation

Appendix 2Y — Form GWS-53, Application For Determination Of
Water Right Within A Designated Ground Water Basin
Pursuant To Section 37-90-107(7), C.R.S.

Appendix 2Z — Form GWS-67, Application To Change A
Determination Of Water Right Pursuant To Section
37-90-111(1)(g), C.R.S.

- Appendix 2AA—Form GWS-69, Application For Approval Of A Replacement Plan Within A Designated Ground Water Basin Pursuant To Section 37-90-107.5, C.R.S.
Appendix 2BB—Form GWS-75, Statement And Request To Cancel A Determination Of Water Right

APPENDIX 3 — MISCELLANEOUS

- Appendix 3A—Glossary
Appendix 3B—Water Measurements
Appendix 3C—Colorado Office Of The State Engineer, Division And Field Offices
Appendix 3D—Helpful Websites

Additional Resources on CD-ROM

Lexicon of Groundwater and Water Well System Terms. Reprinted by permission of the National Ground Water Association Press, www.ngwa.org.

TABLE OF AUTHORITIES

SUBJECT INDEX
