

Overview of

Colorado Water Law: For Non-Lawyers

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Legal issues related to water rights in Colorado first surfaced during the gold mining era of the 1800s and continue to be contentious today with the explosive population growth of the twenty-first century.

Themes:

1. Water law historical basics
2. Types of water and their uses
3. Administration and the marketplace

Background

Water law historical basics:





Law and History:

Drawing on geography and history, the authors explore the flashpoints and water wars that have shaped Colorado's present system of water allocation and management.

From ancient civilizations who had little understanding of "laws" or shared use, to our current system developed in the 1800's.

Climate

**Geology &
Hydrology**

Current Systems

**First in Time
First in Right**

Historical Laws

**Prior
Appropriation,
Riparian and more!**

Regulations

**Interstate
Compacts**

Water Regulations

Who knew there were so many types?



Federal Overview & Interstate Compacts Tension

"The United States follows the general rule that state has 'plenary' control over its waters over the waters within its boundaries and is free to develop whatever system of water rights administration it chooses"

Whenever water crosses state boundaries and there is conflict between the two, no state can impose its laws on another and must rely on the Supreme Court's equitable apportionment.
(There are over 30 interstate compacts today)

People

Growth & Development

Politics

Interstate Water Wars



Water Types:

There are 4 fundamental categories of water and associated water rights in Colorado

1. Tributary Water
2. Non-Tributary & Not Non Tributary Ground Water
3. Designated Groundwater
4. Exempt Wells

These categories can be described or viewed as a rule with 3 exceptions. All water in the state is assumed to be tributary, i.e. connected to and contributing to a natural surface stream

Real Life

Administration and the Marketplace



River Administration

Colorado Division of Water Resources

7 Water Division (River/Water Commissioners Monitor & Provide Calls)

Priority System based on seniority of rights

Ditch Companies

Mutual: Own & Deliver water to Shareholders

Lateral: Deliveries only, No water rights

Irrigation Districts

Est. 1905 - Sixteen throughout Colorado

Land Owners w/in District

Deliver Water & Own Rights

Conservation Districts

Est. 1937 - 1st was Northern Water

Levy Taxes/Bond/Special Assessments

Manage Water Resources (Plan/Promote/Develop)

Water/Metro Districts

Over 700 Metro/100 Water Districts

Own Rights & Deliver to End Users



Water Costs a Lot of Money...

Water Rights Purchase a Sale (8 Steps)

- Define Needs
- Identify Sources
- Make Contact
- Investigate Specific Leads
- Contact for Purchase
- Perform Due Diligence
- Close the Transaction
- Follow through with Documentation

Trends

Population Growth & Declining Uses of Agriculture

Issues

Ground Water Issues & Environmental Concerns

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Water touches the lives of all of us every day, and so, at least indirectly, do the rules that govern its allocation.

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Glenn Patterson

Colorado State University

Thank you

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