



UPPER ARKANSAS
WATER CONSERVANCY
DISTRICT

RESOLUTION NO. 2024-3

A Resolution Adopting a Water Conservation Program

WHEREAS:

A. C.R.S. §37-92-305(3)(c) provides: “In determining the amount of historical consumptive use for a water right in division 1, 2, 3, 4, 5, or 6, the water judge shall not consider any decrease in use resulting from the following:...(II) The nonuse or decrease in use of the water from the water right by its owner for a maximum of five years in any consecutive ten-year period as a result of participation in: (A) A water conservation program, including a pilot program, approved in advance by a water conservation district, water district, water authority, or water conservancy district for lands that are within the entity's jurisdictional boundaries or by a state agency with explicit statutory jurisdiction over water conservation or water rights.”

B. C.R.S. § 37-92-103(2) defines “Abandonment of a water right” as: “the termination of a water right in whole or in part as a result of the intent of the owner thereof to discontinue permanently the use of all or part of the water available thereunder. Any period of nonuse of any portion of a water right shall be tolled, and no intent to discontinue permanent use shall be found for purposes of determining an abandonment of a water right for the duration that:...(b) The nonuse of a water right by its owner is a result of participation in: (I) A water conservation program approved by a state agency, a water conservation district, or a water conservancy district...”

C. UAWCD is a water conservancy district that has adopted a mission to acquire and preserve for present and future use all water rights available in the Upper Arkansas Valley, for use within the Valley, and to seek every possible means to increase the water supply available within the Upper Arkansas Valley.

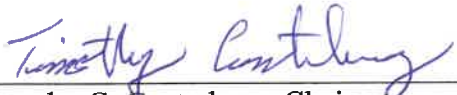
D. Adoption of a water conservation program will preserve water rights within UAWCD’s boundaries and prevent potential diminishment of water supply available within UAWCD’s boundaries by preventing unnecessary risk of abandonment and unnecessary reduction in the calculated historical consumptive use of water rights located within UAWCD’s boundaries when such water rights become the subject of water court proceedings.

Now, therefore, it is hereby RESOLVED:

1. UAWCD hereby adopts a Water Conservation Program pursuant to C.R.S. §37-92-305(3)(c)(II)(A) and C.R.S. § 37-92-103(2)(b)(I).

2. Participation in the Water Conservation Program is available only to water rights located within the boundaries of UAWCD.
3. Participation in the Water Conservation Program must be approved in advance by the Board of Directors of UAWCD on a case-by-case basis.
4. UAWCD staff are directed to develop an application form to be used by applicants for participation in the program and review criteria for the Board to use in reviewing submitted applications. The application form and criteria shall be posted to UAWCD's website.

This Resolution was duly approved by the Board of Directors of the Upper Arkansas Water Conservancy District and Upper Arkansas Water Activity Enterprise on July 11, 2024.



Timothy C. Canterbury, Chairman



Tom E. French, Secretary