



UPPER ARKANSAS
WATER CONSERVANCY
D I S T R I C T

WATER CONSERVATION PROGRAM GUIDELINES AND PROCESS

Background

Under existing Colorado law an owner of a water right may dedicate their water right in whole or in part to an approved water conservation program to ameliorate the effects of drought on river flows and to promote the maximum utilization of the resource (see SB 13-019) for a maximum of five years in any consecutive ten-year period. In a subsequent proceeding that involves a quantification of the historical consumptive use, the water judge shall not consider any decrease in use or nonuse for the conservation period (CRS 37-92-305(3)(c)). A water conservation program may be approved in advance by various entities including water conservancy districts (see CRS 37-92-305(3)(c)(II)(A)). The Upper Arkansas Water Conservancy District (UAWCD) has adopted Resolution no. 2024-3 consistent with its 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. 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.

Application Process

UAWCD has available applications for individual water right owners requesting participation in a Water Conservation Program. Applications will be reviewed by qualified UAWCD staff and its Board of Directors to determine eligibility. Before approving an application, UAWCD must determine, in its sole discretion, that: (i) participation in this program will result in the preservation of the water right for use within the District; (ii) the application complies with the statutory requirements (no more than 5 years out of 10); and the application will not injure other water rights owners. Although not exhaustive the following are basic requirements to evaluate eligibility. The applicant must provide the following information in addition to the application form:

1. Proof of ownership of the water right
2. The water right must not be listed for sale or under any negotiation for sale or change in use.
3. The water right must not be involved in any litigation.
4. The applicant must define the method of irrigation of all parcels to which the water right is utilized, i.e. sprinkler, drip, or flood.

5. Applicant must provide a delineation of the specific area(s) to be dried up during the period it is in the water conservation program (decrease in use or non-use period)
6. If deficit irrigation is proposed a complete engineered plan must be provided to sufficiently demonstrate (measure & record) the water savings and the beneficial use of this savings.
7. Applicant must provide an evaluation of the absent lagged returns considering the distance to the affected live tributary stream from the fallowed lands.
8. Identify the type of decreed water right and ditch system, i.e. is the water right part of a mutual ditch system or an individual water right and ditch system.
9. At its own discretion, the District may request additional information after initial review of the application.

Submission

Once the application and all supporting materials are submitted, including an application fee of \$500.00, the application will be reviewed by District staff. Based upon the submitted information and evaluation of this information the District General Manager will make a report of the findings and a recommendation for approval or non-approval to the Board of Directors at a regularly scheduled meeting.

Conditions of Approval

Once an application is approved for participation in a water conservation program the applicant must provide evidence of cessation, or reduction in the use of the subject water right including measurement and recording of the reduction and the period of non-use. During the period a water right is enrolled in a water conservation program the method of irrigation application may not be changed to allow an increase in irrigated acreage. Participation requires coordination among the Applicant, District, Water Commissioner and Water Division Two staff. Coordination with these individuals will assist in notating the historical diversion records of the amount and period of non-use through the participation in an approved water conservation program.