

INSTRUCTIONS FOR ALL COLORADO WATER COURT DIVISIONS

- ◆ Standard Water Court forms are available on line at:
http://www.courts.state.co.us/Forms/Forms_List.cfm/Form_Type_ID/10
- ◆ The Office of the State Water Engineer has an excellent website that provides FAQ's, etc. to assist you when filing your water case: <http://water.state.co.us/>
- ◆ A Pro se Handbook is in the process of being developed. The handbook will be available on the Colorado Judicial Branch website when completed.
- ◆ Please type application and any supporting documents if possible. The Clerk of the Water Court will assign a new case number for all cases, including diligence cases. The Uniform Local Rules for All State Water Divisions are contained in Chapter 36 of the court rules volume of the Colorado Revised Statutes (Colo. Rev. Stat.). These rules are also available on at:
- ◆ The applicant has the burden to prove all the elements of each claim for water rights. Failure to meet this burden could result in the denial or dismissal of the application in whole or in part. Due to the complexity of applications for change of water right and applications for approval of plan for augmentation, applicants are strongly advised to seek the assistance of an attorney.
- ◆ Complete the caption at the top of the form showing water division; name(s) of applicant(s); county where structure is located; and attorney's identifying information, including name and address, if the applicant is appearing through an attorney. If you are representing yourself, please make sure that you include your current e-mail address in the application.
- ◆ For new applications, please assign a name for the structure. If filing for finding of diligence or to make a conditional water right absolute, please use the same name used when the structure was first conditionally decreed.
- ◆ More than one water right, claim or structure may be incorporated in any one application under one caption, provided that the required information is given for each water right, claim, or structure, and that each has the same ownership. The filing fee for an application with multiple claims is \$224.00 unless one of the claims is for a change of water right or for approval of a plan for augmentation. The filing fee is \$447.00 if one or more of the claims are for a change of water right or to approve a plan for augmentation.
- ◆ Provide the legal description of each structure using perpendicular distances from section lines. Include the $\frac{1}{4}$ $\frac{1}{4}$, section number, township, range, meridian and county. Mark the location of each structure on a USGS topographic map and attach to the application a legible 8 $\frac{1}{2}$ x 11 inch copy of the applicable portion of the map. In areas where section lines have not been established, a bearing and distance to an established government monument is acceptable. In areas having generally recognized street addresses, include street address, and if applicable, the lot, block, and subdivision. In the alternative, you may supply a GPS location in UTM format as an optional

additional descriptor. Required settings for GPS units are: Format must be UTM; Zone must be 12 or 13; Units must be Meters; Datum must be NAD83; GPS Unit must be set to true north. (As you prepare the application, you may contact the local Division Engineer's Office at the number listed on the chart below to assist you in converting a GPS reading and/or mapping into the required section township/range description.)

- ◆ The names and addresses of all owners or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool.

- ◆ All questions on the application must be answered, do not simply refer to an exhibit - the publication notice is prepared from information on the application for location, dates, etc. The attachments are considered supporting material only.

- ◆ All applicant(s), either individually, by power of attorney, or by an attorney licensed to practice law in the State of Colorado, must sign the application. A copy of the executed Power of Attorney must accompany any application signed under a power of attorney. Sign verification and any supporting affidavits before a Notary Public or Clerk of the Water Court. The filing fee must accompany the application or the application will not be considered filed. Any application filed on behalf of an entity must be signed by the representative of that entity who recites his or her capacity in the entity and authority to act on its behalf (e.g., "XYZ, Inc., by its duly authorized Vice President"). A party that is a corporation must be represented by an attorney to file a pleading to protest or support a referee's ruling. See Uniform Local Rules for All State Water Court Divisions, Rule 1.

- ◆ You may contact the local Division Engineer's Office at the number listed on the chart below if you require assistance in completing an application.

- ◆ Typically, the following exhibits will be required in a water case. Please see the individual form for material that should be included in the application.
 1. Legible map identifying location of structure(s) or proposed structure(s) and irrigated acreage or proposed irrigated acreage, except that, as stated in the application form, for applications seeking a change of water right or approval of an augmentation plan, applicant is required to file a map that, at least, depicts the approximate location of the historic use of the right. Use a USGS topographic for the map. Mark the location of each structure, proposed structure, irrigated acreage or proposed irrigated acreage on a USGS topographic map and attach to the application an 8 ½ x 11 inch copy of the applicable portion of the map.
 2. Affidavit of person having personal knowledge of date of appropriation.
 3. Affidavit of person measuring flow rate, including date measured, how flow rate was measured and the quantity of water measured.
 4. If the application involves a well, provide a copy of well permit, well completion and pump installation report, well log or, if available, the statement of beneficial use, or order of denial containing the denial number for any application relating to underground water rights.

5. With respect to applications for change of water right or for approval of a plan for augmentation, a copy of the decree involved.
6. Summary of Diversion records are available online at:
<http://water.state.co.us/pubs/research.asp> If you have additional records, you may submit them with your application.

◆ The filing fee must accompany the Application, Statement of Opposition, and Protest or these documents will not be accepted for filing. Please make your check payable to the Clerk of the Combined Court.

Note: Due to a change in Colorado Law adopted by the 2009 session of the Colorado General Assembly, White River Drainage Basin applications filed on or after August 5, 2009, must be filed with the Water Clerk in Water Division No. 6. White River Drainage Basin applications filed before August 5, 2009, must be filed with the Water Clerk in Water Division No. 5.

<p style="text-align: center;">Water Division 1 (South Platte Basin) 901 9th Avenue P. O. Box 2038 Greeley, CO 80632 (970) 351-7300 x 5401</p> <p>Division Engineer's Office: (970) 352-8712</p>	<p style="text-align: center;">Water Division 2 (Arkansas River Basin) 320 West 10th Street Pueblo, CO 81003 (719) 583-7048</p> <p>Division Engineer's Office: (719) 542-3368</p>
<p style="text-align: center;">Water Division 3 (Rio Grande Basin) 702 Fourth Street Alamosa, CO 81101 (719) 589-4996 x 29</p> <p>Division Engineer's Office: (719) 589-6683</p>	<p style="text-align: center;">Water Division 4 (Gunnison, Uncompahgre, and San Miguel River Basins) 1200 North Grand Avenue, Bin A Montrose, CO 81401 (970) 252-4304</p> <p>Division Engineer's Office: (970) 249-6622</p>
<p style="text-align: center;">Water Division 5 (Main Stem of Colorado River) 109 Eighth Street, #104 Glenwood Springs, CO 81601 (970) 947-3862</p> <p>Division Engineer's Office: (970) 945-5665</p>	<p style="text-align: center;">Water Division 6 (Yampa, White River, Green & North Platte River Basins) P. O. Box 773117 Steamboat Springs, CO 80477 (970) 879-5020</p> <p>Division Engineer's Office: (970) 879-0272</p>
<p style="text-align: center;">Water Division 7 (San Juan, Piedra, Las Animas, Los Pinos, La Plata, and Mancos River Basins) 1060 East Second Avenue, Room 106 Durango, CO 81301 (970) 247-2304 x 6181</p> <p>Division Engineer's Office: (970) 247-1845</p>	

- ◆ After the application is filed, it is the responsibility of the applicant(s) to give notice of the application to the landowner(s) by registered or certified mail. This must be completed within 10 days after the application is filed with the Court. The applicant(s) must also provide proof to the Court that they have provided the landowner(s) with a copy of the application by filing a Certificate of Notice. A Certificate of Notice is available on the last page of each type of application form. A separate Certificate of Notice (JDF 290) is also available on the judicial branch website.

- ◆ A summary of the application, called a “resume”, will be published in the county or counties affected by the application. Actual publication costs are the responsibility of the applicant(s). The newspaper in which the resume is published or republished will directly bill the applicant(s) or representing attorney. It is the responsibility of the applicant or representing attorney to file proof of publication with the Court. This shall include copies of the newspaper notice.

- ◆ Resumes for each water division may also be found on the Courts Website at: <http://www.courts.state.co.us/Courts/Water/Index.cfm>

- ◆ Anyone wishing to oppose the application must file a Statement of Opposition by the end of the second month following the month of publication. After the deadlines have passed, the application and oppositions (if applicable) are given to the Water Referee for ruling. After a ruling is made, the Water Clerk will mail or e-serve through state-approved e-filing system copies to appropriate parties, who then have 20 days to file a protest. If no protests are received, the case is given to the Water Judge for entry of a decree.

◆ Filing fees and other fees:

Applications for Change of Water Right & Approval for Plan for Augmentation	\$447.00
Surface, Underground, Storage, Diligence, or Application to Make Conditional Right Absolute	224.00
Protest to the Abandonment List	45.00
Statement of Opposition	158.00
Protest to Ruling of the Referee	158.00 (no fee if already party)
Certification	20.00
Copies of Documents (Documents on File)	.75 per page or \$1.50 if double-sided
Copies of Documents (Documents not on File)	.25 per page or \$.50 if double-sided