



Since 1879 the task of setting water right priority dates and amounts has belonged to the courts.

COLORADO stands apart from almost all other western states in this regard. The other states use a permit system. To handle the volume of water cases and help deal with the complexities of water rights in Colorado, the Water Court was created. It is a division of the District Court, yet separate.

Water Divisions

In 1969, the State Legislature created 7 water divisions based on the watersheds of Colorado. Each of the 7 divisions has its own water court. On the back page is a map of the 7 water divisions. The east slope is divided into 2 divisions while the west slope is made up of 5. Central Colorado Water Conservancy District, the Groundwater Management Subdistrict, and the Well Augmentation

Subdistrict are all located in Division 1. It is named the South Platte River Basin and the water court is located in Greeley at the Weld County Courthouse.

Duties

Water courts preside over all water right decree applications. They review cases of diligence for conditional water rights, changes of water rights, exchanges, augmentation plans and appeals from State or Division Engineer enforcement orders. They also settle disputes when the State or Division Engineer refuses to enforce reduction or shutdown of decreed junior rights after a "call" was placed by a senior right. (See the Prior Appropriation Doctrine Fact Sheet for more information on calls and junior/senior rights.)

Though they decree water rights and set priority dates based on the year in which the application was filed the court does not actually create a water right. The application of the water to a beneficial use creates the water right.

There are no jury trials in water courts. Any decision of the water court can be appealed, and that appeal goes directly to the Colorado Supreme Court.

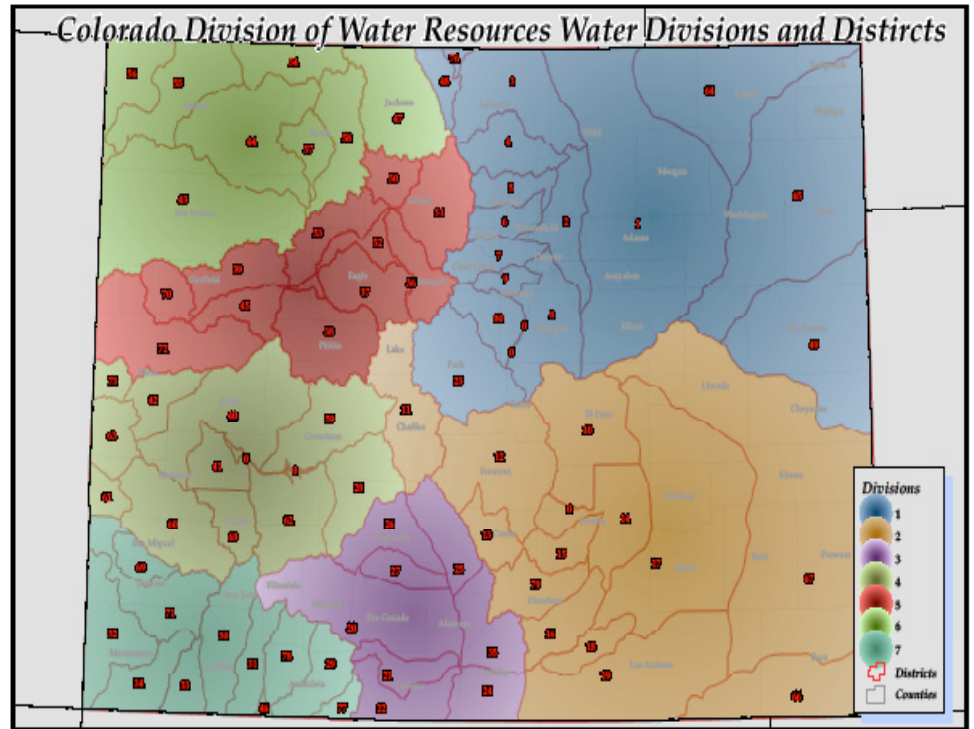
The Supreme Court appoints a district court judge from within each water division to act as the water judge. There is also a clerk of the water court and a water referee serving the judge. Water referees investigate applications for water rights and have authority to rule on these applications (under the judge's supervision.)

Monthly Water Resumes

Each water court publishes a monthly resume of the applications it has received. They are published both in newspapers and by mail to individuals who have asked to be placed on the water clerk's mailing list. All resumes from each of the 7 divisions is also published on the Colorado Courts website. The website is located at www.courts.state.co.us.

Statements of Opposition

A water right owner has the right to file a statement of opposition to any new water right application they think might cause injury to their right. Oppositions must be filed within 60 days of when the notice of application is published. The State does not allow oppositions to be filed by anyone other than another water right holder who feels his particular right is in jeopardy. Oppositions are not allowed on the grounds of public interest or environmental grounds.



"All water in Colorado is a public resource known as "water of the state". In creating water rights, Colorado law distinguishes between water of the natural stream ... and deep groundwater."

From the "Citizen's Guide to Colorado Water Law" prepared by the Colorado Foundation for Water Education.

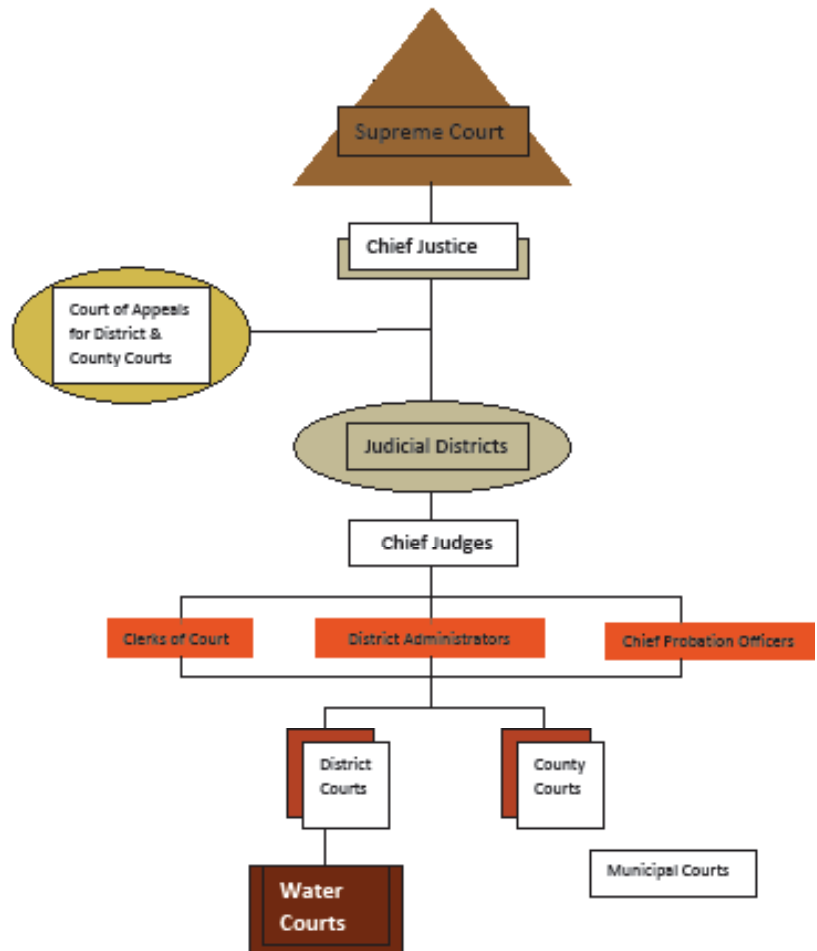


Diagram showing the court hierarchy