

## Questions and Answers about the Water Court Letters

Q: Why did so many people apply for water rights back in 1996?

A: In 1996, Aurora filed an application for water rights in Park County called the “Sportsman’s’ Ranch” case. Aurora applied for the right to construct wells that would have pumped groundwater to the Platte, where it would have been diverted downstream for use by the City. A project such as this might cause water shortages to people in Park County such as Indian Mountain, so they were encouraged to oppose the Sportsman’s’ Ranch application. In order to oppose the Sportsman’s’ Ranch application in Water Court, an opposer must have a decreed water right, or have made application for a water right. In 1996, hundreds of lot owners in Indian Mountain and other subdivisions in Park County filed applications for water rights. People who had wells at the time got their wells decreed (an “absolute” water right) , and lot owners who had not yet constructed wells got “conditional” water rights. Aurora’s application was dismissed without awarding a water right.

Q: What is a conditional water right?

A: A conditional water right is a water right that is awarded on the basis of a plan by the applicant to construct a well or other water project in the future. As long as the applicant develops the project with diligence, the priority date given in the original decree is preserved. For example, say Mr. Smith owns Lot 1, Filing 1 in Indian Mountain, and he had a home and an operational well in 1996. In order to have standing to oppose the Sportsman’s’ Ranch application, he filed in 1996 an application to obtain a decreed water right for the well. Because he already had completed his well, he got an “absolute” water right. Mr. Jones owns Lot 2, Filing 1 in Indian Mountain. He has not yet drilled a well. In order to have standing to oppose the Sportsman’s’ Ranch application, he filed in 1996 an application to obtain a decreed water right for the well. Because he had not completed his well, he got a “conditional” water right. In order to maintain a conditional water right, the owner must file an application for findings of reasonable diligence every six years, or his conditional water right will expire and be cancelled. He will receive a reminder from the Water Court about 90 days before the deadline.

Q. Do I need to have a decree before I have a well drilled.

A: No, in Indian Mountain, you do not need a decree before you can drill a well. Generally, to drill a well in Indian Mountain, you must complete a well permit application and file it with the Colorado Division of Water Resources (“DWR”). DWR will check to confirm that Indian Mountain is operating its “plan for augmentation” in accordance with the terms of decree awarded in Water Court Case No. W-7389. If so, a well permit will

be issued. DWR will not issue a well permit if the augmentation plan is in violation of its terms.

Q: Why should I apply for findings of reasonable diligence on my conditional water right every six years if I don't need a decree to get a well permit.

A: If you, or the previous owner of your lot, got a conditional water right in 1996, your water right will have a 1996 priority date so long as you file applications for findings of reasonable diligence on time every 6 years. A 1996 priority date may or may not have value now or in the future. If in the future you wish to oppose the water rights application of someone whose proposed water project might affect your current or proposed water use, you must either have a decreed water right, or have applied for a water right, to have the right in Water Court to oppose the application.