

Interdisciplinary Water Resources Seminar GRAD592

Fall 2016 Theme:

Topics in Western Water Law

Monday, September 19, 2016 4:00 – 5:00 PM,
BSB Room 103

Understanding Colorado Water Rights Inside and Out

Justice Greg Hobbs, Colorado Supreme Court

Abstract:

Prior appropriation water law recognizes use rights in the public's water resource. These are valuable rights protected under the state and federal constitutions and laws. They are perfected by actual beneficial use. Actual beneficial use is the measure, scope, and limit of a water right. Use rights are subject to being exercised in priority, senior to junior with juniors being curtailed when there is not enough water to supply all rights.

Located in river basins throughout the state, seven water courts enter decrees for: (1) new conditional water rights, (2) absolute water rights perfected by beneficial use, (3) changes of water rights from existing uses and points of diversion to different uses and points of diversion, and (4) augmentation plans to allow out-of-priority diversions by replacement of depletions to the stream system. Tributary groundwater and surface water are adjudicated and administered as an inter-connected resource. The State of Colorado's Engineer, the seven Division Engineers, and local water commissioners administer the decrees of the court.

A transfer system of leases and sales of water rights exists in Colorado because of the change of water right mechanism. The actual beneficial consumptive use made through exercise of the water right over historical periods of time can be applied to a different use at a different location so long as there is no injury to other water rights occurring as a result of the change. Generally, this means that return flow patterns that have historically served other water rights must remain in place. Many river basins in Colorado are over-appropriated due to the scarcity of natural supply, growth, and limits imposed by interstate compacts. Accordingly, along with municipal conservation measures, voluntary changes of agricultural water rights and augmentation plans to municipal, commercial, and instream flow uses have become a principle means for reallocating the public's water resource.



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All interested faculty, students, and off-campus guests are encouraged to attend.
For more information, contact Reagan Waskom at reagan.waskom@colostate.edu or visit watercenter.colostate.edu.

