

06CW99 WATER RIGHTS INCREMENTS



LA PLATA COUNTY COLORADO

County Commissioners / Administration
1101 East 2nd Avenue
Durango, CO 81301
Phone: 970-382-8600

Community Development Department
211 Rock Point Drive
Durango, CO 81301
Phone: 970-382-6263

99 WATER RIGHTS INCREMENT TRANSFERS

Water is a limited resource, and its proper use is a vital issue affecting La Plata County and each one of its citizens. La Plata County relies on water not only for municipal and industrial uses, but also depends on it to support robust agricultural, recreational and resource development industries and to protect precious environmental resources. The County understands the need to protect and enhance its water resources, and because of the importance of water quantity and water quality to residents and businesses, the Board of County Commissioners is committed to maintaining water as one of its top priorities.

There are many historic water uses in the Animas Valley without decreed water rights or with insufficient decreed rights. To protect these historic uses and assure future development, the County obtained the “conditional” 99 Water Rights for water users in the Animas River, Lightner Creek, or Junction Creek watersheds for the following six (6) eligible uses:

- ◆ Agricultural Irrigation
- ◆ Domestic Animal Husbandry
- ◆ Residential
- ◆ Residential Lawn & Garden
- ◆ Limited Commercial
- ◆ Limited Commercial Lawn & Garden

La Plata County has established a process to transfer increments of the “conditional” 99 Water Rights to individual water users for these purposes, as discussed in this brochure.

The 99 Water Rights make it possible for individuals to obtain water rights senior to the Durango Recreational In-channel Diversion (“RICD”). A water right senior to the RICD will avoid curtailment of water if a “call” on the river is made by the City of Durango to satisfy the RICD in the event of shortage of water in the Animas River. To obtain increments of the 99 Water Rights, eligible persons can apply with the County. After application to, and acceptance by, the County for a portion of the 99 Water Rights, applicants must sign a water use agreement, provide information to the County about use of the increment and may file an application for water rights with the Colorado Water Court - Division 7, to make the increment an absolute water right (after which time, the user may apply to the County for a quitclaim deed).

◆ Colorado water law is a very specialized and complicated field. Information on water rights can be found at the Colorado Division of Water Resources’ website: <https://dwr.colorado.gov/>
Contact information for the local CDWR Division 7 Engineer is: 160 Rockpoint Drive, Suite E, Durango, CO 81301; Phone (970) 247-1845

Eligible Uses

- ◆ **Agricultural irrigation** increments may be used for agricultural irrigation of any crop.
- ◆ **Domestic animal** increments can be used for animal husbandry.
- ◆ **Residential** increments can be used for a single residential dwelling unit's in-house use.
- ◆ **Residential lawn & garden** increments may be used for any outside irrigation purpose appurtenant to a legal residential dwelling unit (vegetable garden, lawn, landscaping, etc.).
- ◆ **Limited commercial** increments can only be used for a single small commercial enterprise's inside restroom and sanitary purposes (small commercial enterprises include, but are not limited to, convenience stores, gas stations, small offices, bed and breakfasts, etc.).
- ◆ **Limited commercial lawn & garden** increments can only be used for any outside irrigation purpose appurtenant to a legal commercial use permitted by a qualifying land use permit (garden, lawn, landscaping, etc.).
- ◆ **Emergency use.** All increments may be used for firefighting purposes (ancillary use) in an emergency.

The 99 Water Rights can only be used within the watershed from which it is drawn, and all the 99 Water Rights must be used upstream from the respective depletions points for each watershed.

For more information, see Article IV of Chapter 94 of the La Plata County Code.

Note: The process for obtaining an increment **does not confer** a water right, a land use permit, a building permit, approval of a site specific development plan, or a vested property right to the water user.

Application Process

No one can use an increment of the 99 Water Rights without first obtaining a duly executed water use agreement from the County. A water user must submit an application (on County forms) to the community development department for approval of a transfer of an increment. The application must include:

- ◆ **Applicable Fees**
- ◆ **Description of intended use of increment (including parcel numbers)**
 - Information of acres dedicated to crop production or animal husbandry activities, as applicable
- ◆ **Description of how the increments will be conveyed and put to use, and location for each diversion**
- ◆ **Evidence of legal access to points of diversions, groundwater wells, or any other conveyance or storage structures to be used**
- ◆ **List of other water rights where increments used / well permits**
- ◆ **Building or land use permits for development or structures associated with the intended use of the increments**
- ◆ **Maps of parcels, easements, structures, diversion points, etc.**
- ◆ **Other documents required by the community development director to demonstrate compliance with the Code.**

Applicable Fees:

- ◆ **Administrative Processing Fee:**
 - \$190 for 3 hours of staff time (due at time of application)
 - + \$ 60/hr for each additional hour
- ◆ **Water Increment Fee:(due prior to execution of water use agreement"**
 - \$ 50 (Domestic Animal)
 - to \$600 (limited commercial)

Depletion Increments

A water user shall not use more water on an annual basis or cause instantaneous depletions to exceed what is specified in an applicable water use agreement. Unless a water user files an application for approval of an augmentation plan, increments shall be sized as follows:

Type of Increment	Total Annual Depletions	Maximum Instantaneous Depletions
Agricultural Irrigation	1.689 af	0.0069 cfs
Domestic Animal	0.0168 af	0.23 cfs
Residential	0.0588 af	0.0000812 cfs
Residential Lawn & Garden		
Animas River watershed	0.0963 af	0.00034 cfs
Junction Creek and Lightner Creek watersheds	0.099 af	0.000346 cfs
Limited Commercial	0.1176 af	0.000163 cfs
Limited Commercial Lawn & Garden		
Animas River watershed	0.0963 af	0.00034 cfs
Junction Creek and Lightner Creek watersheds	0.099 af	0.000346 cfs

Diversion/Depletion Points

