

Pitkin County Water Rights 102



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April 15, 2025

Topics

- Broad overview and refresher: key water law concepts
- Broad overview and refresher: the Roaring Fork basin and the Colorado River basin
- Deeper dives, with reference to the County's interests:
 - Operation and administration of the priority system and the “postponement doctrine”
 - Special types of water rights: instream flows and recreational in-channel diversions
 - Transmountain / transbasin water rights
- Further discussion if time allows:
 - Changes of water rights
 - Augmentation plans
 - Abandonment
 - Measurement and accounting
 - Diligence on conditional water rights

Refresher: key concepts in Colorado water law



What is a water right?

- Since 1969, water right use and administration have been governed largely by the terms of the Water Right Determination and Administration Act of 1969, or the “1969 Act.”
- A water right is the right to use, in accordance with its priority, a certain amount of “the waters of the State” that the water user has appropriated.
- Water rights are “usufructuary” rights, which means that the water right holder does not own the water itself, but instead owns the right to use the water.
- Water rights are valuable property interests that generally are treated as real property in Colorado.
- Water rights are confirmed and described in decrees that are granted by a court and that establish the “decreed characteristics” of and impose terms and conditions on use of the water rights.

Decreed characteristics of water rights

- Water rights are decreed to structures, not to water users.
- Decreed characteristics include but are not limited to point(s) of diversion, type(s) and location(s) of beneficial use, rate of diversion, volume of storage, season of use, and approved end-users.
- Beneficial uses are decreed as “direct” or “after storage”; direct uses must be made within 72 hours of diversion.
- To be used other than in compliance with its decreed characteristics, a water right must be formally “changed” in a water court proceeding that quantifies the “transferable yield” of the water right that is available for the new uses.
- Because they require quantification of lawful historical use and can result in reductions in decreed amounts, water court proceedings to change water rights carry significant risks while offering significant rewards.
- As long as the court had jurisdiction to enter the decree confirming a water right or approving other claims (e.g., a change of water right or an augmentation plan), that decree will remain valid and enforceable according to its terms, and cannot be “collaterally challenged” or invalidated, even if it is later determined to be incorrect or outdated.

Prior appropriation and the priority system

- The “prior appropriation” doctrine is a system of allocating water based on the historical order in which water users (i) diverted water from the stream system, and (ii) placed the water to a beneficial use.
- Guiding principle: “First in time, first in right.”
- Administered through what is known as Colorado’s “priority system.”
- Unless a water right is abandoned, its place in line is preserved in perpetuity.
- The significant reward of a water court change proceeding is the continuation of the changed water right’s original priority.

Priority as the keystone of water law

- If the flow in the stream is less than the rate of flow to which the senior priority on the stream is entitled, junior priorities on that stream will receive no water (i.e., will be “**curtailed**” by state water officials) until the senior water right has been satisfied.
- There is no equitable apportionment in times of drought.
- When there is not enough water in the stream to satisfy a senior water right, the holder of that senior water right is entitled to “**call**” for its water as against junior water rights holders. When a senior places a call on the stream, juniors may not divert water from that stream unless and until the senior’s water right is fully satisfied.
- The calling water right may be on a different stream system from the point of diversion (e.g., downstream water rights on the Colorado River may **call out** water rights on the Roaring Fork).
- When there is no senior water right placing a call, we are in a period of “**free river.**”
- Diversion and consumptive use of water outside of the priority system require a decreed augmentation plan or administratively approved “substitute water supply plan” (SWSP).

Overview and refresher: the Roaring Fork basin



Rivers, Lakes, Irrigated Acres, Water Quality Sample Locations, CWCB MSF Reaches, and Average Daily Streamflows



- Interspersive WG Sample Sites
- ▲ Effluent
 - ▲ Ground Water
 - ▲ Lake
 - ▲ Mine
 - ▲ Spring
 - ▲ Surface Water
 - MSF Terminal
 - Dammed MSF's
 - Enlarged MSF's
 - Decommissioned MSF's
 - Dammed ISF's
 - Dams
 - Railroads
 - Federal Highways
 - American Highways
 - Wilderness Areas
 - National Forest
 - Municipal Water Intake
 - Wastewater Discharge
 - 2000 Irrigated Acres
 - 2005

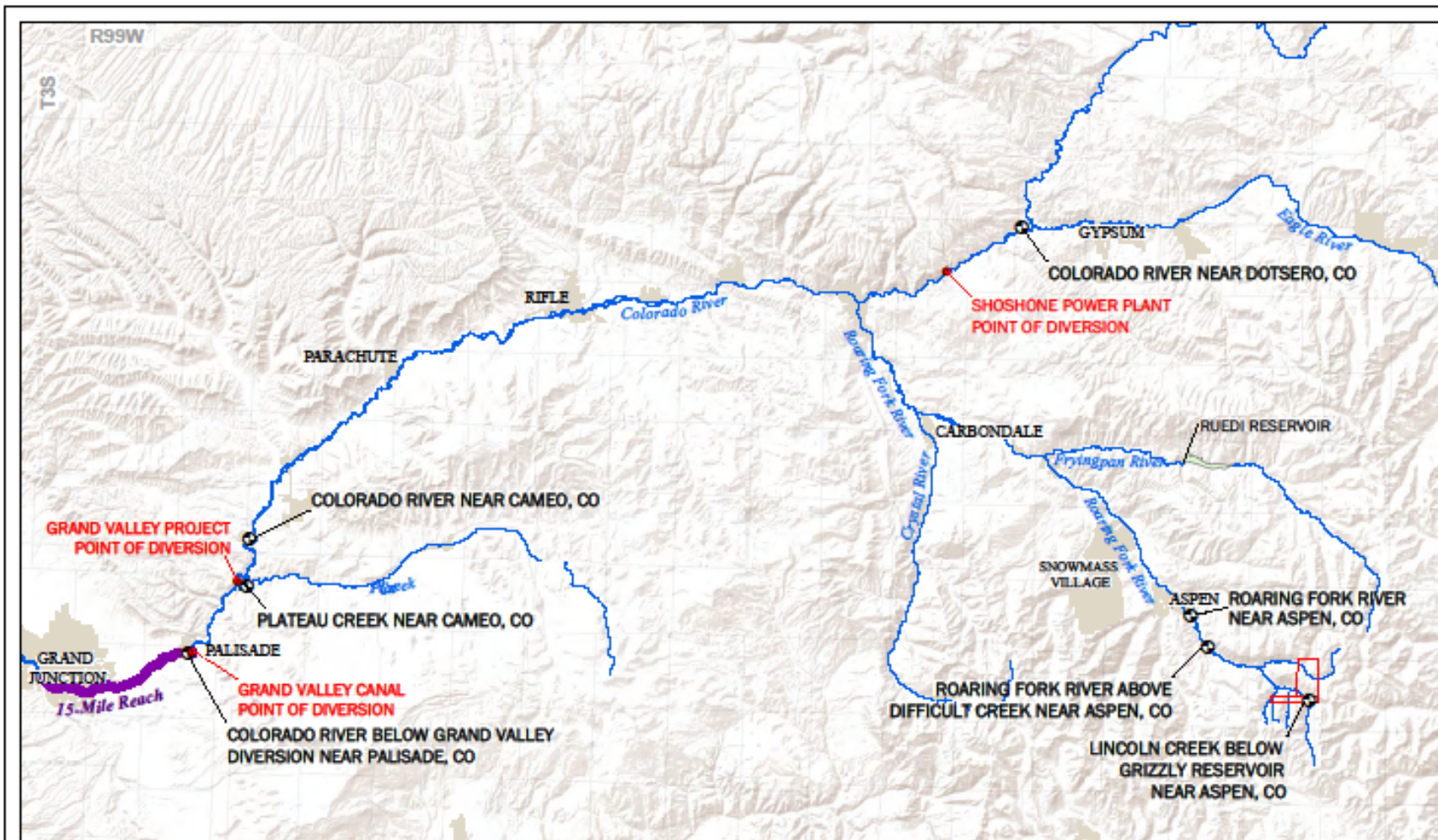
CRYSTAL RIVER BELOW CARBONDALE

CRYSTAL RIVER ABOVE AVALANCHE CREEK

ROARING FORK RIVER BELOW MAROON CREEK

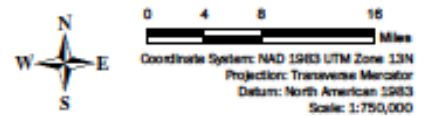
ROARING FORK RIVER NEAR ASPEN

ROARING FORK RIVER ABOVE DIFFICULT CREEK



Legend

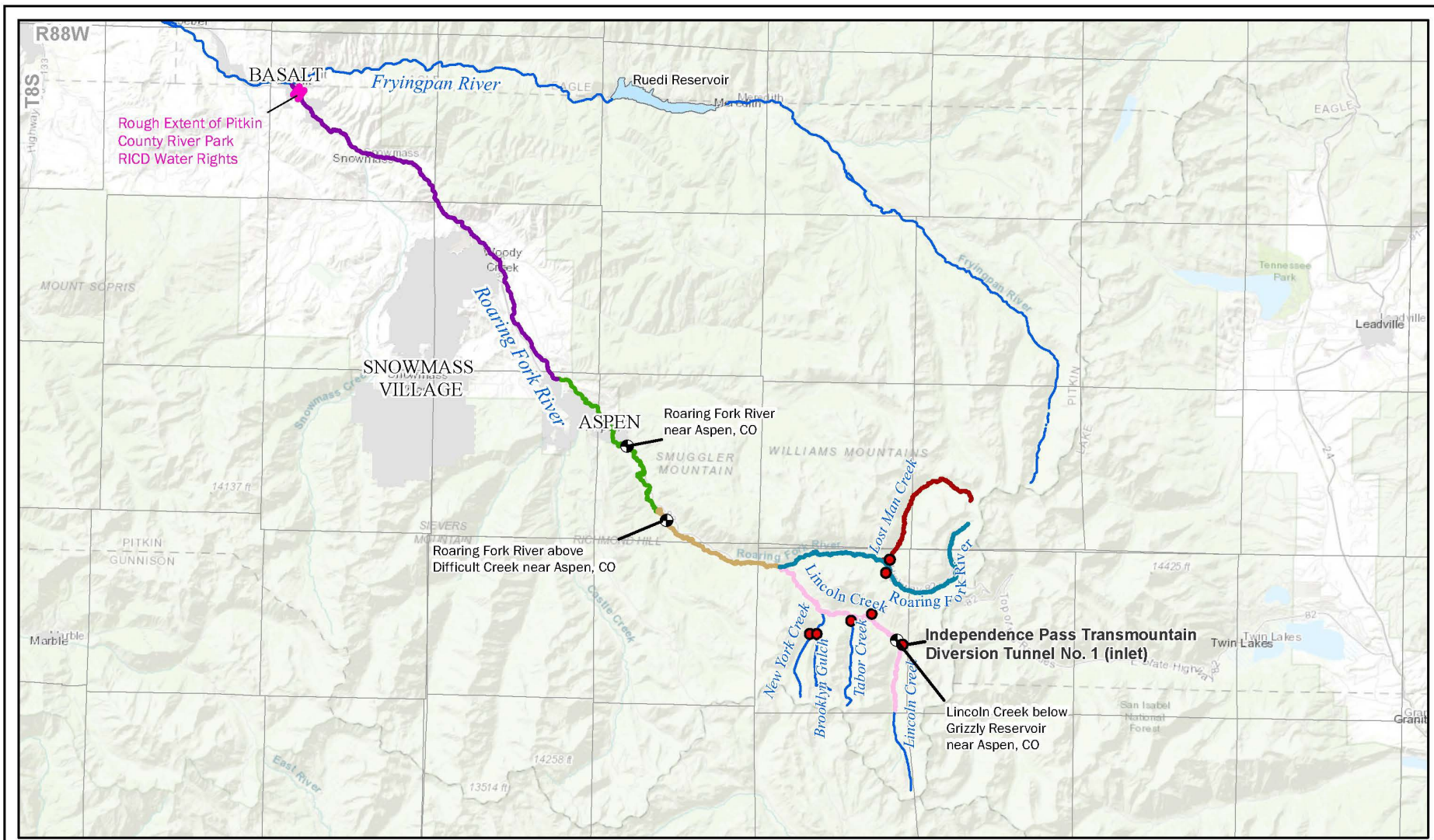
- Diversion
- ⊕ Flowstations
- ▭ Extents of Twin Lakes
- Transmountain Diversion Locations (approximate)
- ▭ Township/Range (Div 5 PL88)
- ▭ Municipal Boundaries



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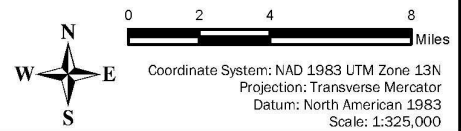
FIGURE 1
MAP OF SHOSHONE, CAMEO, AND ROARING FORK STRUCTURES

Job No.: 1010.2
 Date: 06/11/2024
 Drawn: IRW



Legend

- Independence Pass Transmountain System Point of Diversion
- ⊕ Flowstations
- Instream Flow Case No.
 - 76W2937
 - 76W2948
 - 76W2936
 - 76W2949
 - 76W2950
 - 85CW646
- Township/Range (Source: Div 5 PLSS)
- ▭ Municipal Boundaries



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Map 2
Roaring Fork River

Job No.: 1010.2
 Date: 4/14/2025
 Drawn: IRW/CRR

Priority – determination and administration

- A water right's priority, which determines its place in line in Colorado's system of administration, is made up of a **priority date** (i.e., year) + an **appropriation date**.
- For water rights decreed in an **original adjudication** before adoption of the 1969 Act, the priority date is the year of appropriation.
- For water rights decreed in a **supplemental adjudication** before adoption of the 1969 Act, the priority date is the year in which the adjudication was completed and the decree was entered.
- For water rights decreed after adoption of the 1969 Act, the priority date is the year in which the application was filed.*
- As between water rights with the same priority date, priority is determined by the relative seniority of the date on which the water right was appropriated (i.e., the “appropriation date”).

*Exception: ground water rights for which an application was filed before July 1, 1972, carry a priority date of their “actual appropriation.” The purpose of the exception was to bring wells into administration under the priority system.

Priority – the “postponement doctrine”

- A common misconception is that priority is established solely by the date on which a water right was **appropriated** (i.e., the date on which water was diverted and placed to beneficial use for an absolute water right, or the date on which the appropriator met certain statutory requirements for a conditional appropriation).
- Instead, the “**postponement doctrine**” in Colorado water law is what drives the determination of water right priorities in the first instance.
- The law rewards water users that took the first opportunity available in their Water District to have water rights adjudicated in a “general adjudication,” such that water rights decreed in any supplemental adjudication will always be junior to those decreed in an original adjudication, **regardless of appropriation date**.
- Likewise, water rights decreed in each supplemental adjudication are always senior to those decreed in the next supplemental adjudication, **regardless of appropriation date**.
- Only water rights confirmed in the original adjudication for a particular Water District carry their appropriation dates as their priority dates.



Search Fields Hide

Geographic Location:

38 - Roaring Fork River Basin

Structure Type:

Decreed Use:

More Options:

Contains:

Map OFF Table ON

Reset table layout

	Case Number	WDID	Water Right Name	Water Source	WD	County	Q10	Q40	Q160	Sec...	T...	R...	UTM X	UTM Y	Adjudication Type	Adjudication Date	Previous Adj Date	Appropriation Date	Priority Admin No	Priority No	Decreed Use(s)	Max Decreed Rate (CFS)	Total Volume... Limit (AF)	Seasonal Limits	Comments
View	CA0132	3801110	BIVERT DITCH	OWL CREEK	38	PITKIN	NW	NW	SW	34	9.0 S	85.0 W	338126	4343280.4	O	5/11/1889		7/16/1881	11520.00000	17	1	0.5		No	
View	CA0132	3801110	BIVERT DITCH	OWL CREEK	38	PITKIN	NW	NW	SW	34	9.0 S	85.0 W	338126	4343280.4	O	5/11/1889		6/1/1882	11840.00000	36	1	1		No	
View	W3671	3801110	BIVERT DITCH	OWL CREEK	38	PITKIN	NW	NW	SW	34	9.0 S	85.0 W	338126	4343280.4	S,C	12/31/1977	12/31/1976	5/1/1958	46386.39567		1	3		No	SECOND ENL, DIL 95CW230, 01CW271,08CW143;16CW3016;22CW3078



Search Fields Hide

Geographic Location: Water District

38 - Roaring Fork River Basin

Structure Type: All

Decreed Use: All

More Options: Water Right Name

Contains: cramer

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	Case Number	WDID	Water Right Name	Water Source	WD	County	Q10	Q40	Q160	Sec...	T...	R...	UTM X	UTM Y	Adjudication Type	Adjudication Date	Previous Adj Date	Appropriation Date	Priority Admin No	Priority No	Decreed Use(s)	Max Decreed Rate (CFS)	Total Volum... Limit (AF)	Seasonal Limits	Comments
View	CA0132	3800616	CRAMER DITCH	SOPRIS CREEK	38	PITKIN	NW	NE	SW	13	8.0 S	87.0 W	322460.3	4358252.2	O	5/11/1889		4/15/1883	12158.00000	58	1	1	No		
View	CA0132	3800616	CRAMER DITCH	SOPRIS CREEK	38	PITKIN	NW	NE	SW	13	8.0 S	87.0 W	322460.3	4358252.2	O	5/11/1889		4/1/1885	12875.00000	111	1	1.5	No		
View	CA0132	3800616	CRAMER DITCH	SOPRIS CREEK	38	PITKIN	NW	NE	SW	13	8.0 S	87.0 W	322460.3	4358252.2	O	5/11/1889		3/30/1886	13238.00000	137AA	1	0.2	No	COEXTENSIVE WITH PRI 58 SEE RULING 12/18/1900	
View	CA0132	3800616	CRAMER DITCH	SOPRIS CREEK	38	PITKIN	NW	NE	SW	13	8.0 S	87.0 W	322460.3	4358252.2	O	5/11/1889		3/30/1887	13603.00000	168	1	0.2	No		
View	CA3082	3800616	CRAMER DITCH	SOPRIS CREEK	38	PITKIN	NW	NE	SW	13	8.0 S	87.0 W	322460.3	4358252.2	S	8/25/1936	9/18/1934	5/1/1922	30941.26418	414U	1	0.002	No		
View	W3414	3800616	CRAMER DITCH	SOPRIS CREEK	38	PITKIN	NW	NE	SW	13	8.0 S	87.0 W	322460.3	4358252.2	S	12/31/1977	12/31/1976	6/30/1946	46386.35244		1	1.1	No		

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Geographic Location:

Structure Type:

Decreed Use:

More Options:

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	Case Number	WDID	Water Right Name	Water Source	W...	Cou...	UTM X	UTM Y	Adjudication Type	Adjudicati... Date	Previous Adj Date	Appropriation Date	Priority Admin No	Priority No	Decreed Use(s)	Max Decreed Rate (CFS)	Total Volumetric Limit (AF)	Seasonal Limits	Comments
View	87CW0202	3803877	CRYSTAL R HOT SPG & POOL	CRYSTAL RIVER	38	PITKIN	307897.5	4345113.6	S	12/31/1987	12/31/1986	6/1/1925	50038.27545		5		0.01	No	
View	87CW0202	3805829	CRYSTAL R HOT SPRING WEL	CRYSTAL RIVER	38	PITKIN	307890.2	4344711.3	S	12/31/1987	12/31/1986	6/1/1925	50038.27545		5G	0.5		No	PIPED TO CRYSTAL R HT SPG POOL

- Additional Resources**
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Search Fields Hide

Geographic Location:

5 - Colorado

Structure Type:

Decreed Use:

More Options:

Contains:

Map OFF Table ON

Reset table layout

	Case Num...	WDID	Water Right Name	Water Source	Division	WD	County	Adjudication Type	Adjudication Date	Previous Adj. Date	Appropriation Date	Priority Admin No	Prio... No	Decreed Use(s)	Max Decreed Rate (CFS)	Total Volumetric Limit (AF)	Seasonal Limits	Comments
View	CA0466	5300584	SHOSHONE POWER PLANT	COLORADO ...	5	53	GARFIELD	S,C	12/9/1907	12/5/1905	1/7/1902	20427.18999	2P	4P	1250		No	AKA GLENWOOD POWER CANAL PL
View	CA0553	5300584	SHOSHONE POWER PLANT	COLORADO ...	5	53	GARFIELD	S,CA	12/9/1907	12/5/1905	1/7/1902	20427.18999	2P	4P	1250		No	C-A 2/11/1911 AKA GLENWOOD POWER CANAL PL
View	CA1123	5300584	SHOSHONE POWER PLANT	COLORADO ...	5	53	GARFIELD	S	2/7/1956	5/31/1940	5/15/1929	33023.28989	328	34P	158		No	SAME LOC AS DEREMER CANAL & PL ORG DECREE GLENWOOD POWER

Priority administration

- The State and Division Engineers are obligated by statute to administer water rights in accordance with their priorities.
- When senior priorities are not fully satisfied, they may place a call on the river to curtail upstream juniors.
- It is critical to remember that a call will result in the curtailment of **all** upstream juniors that will deprive the downstream senior of its decreed entitlement, **even if the upstream juniors are on tributaries.**
- For instance, the Cameo suite of water rights on the Colorado River mainstem will “call out” and result in the curtailment of junior water rights non only on the Colorado River mainstem, but also on the Roaring Fork and all of its tributaries, including the Fryingpan.
- The Division of Water Resources has been working to facilitate priority administration with use of “admin numbers” that incorporate the postponement doctrine.



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Water Rights - Transactions Export Help

Search Fields Hide

Geographic Location: Water Division

5 - Colorado

Structure Type: All

Decreed Use: All

More Options: Water Right Name

Contains: Grand valley canal

Search

Map OFF Table ON

Reset table layout

View	Case Number	WDID	Water Right Name	Water Source	Div...	County	Adjudicat... Type	Adjudication Date	Previous Adj Date	Appropriation Date	Priority Admin No	Priority No	Decreed Use(s)	Max Decreed Rate (CFS)	Total Volume... Limit (AF)	Comments
View	CA1927	7200645	GRAND VALLEY CANAL	COLORADO RIVER	5	MESA	S	7/22/1912	3/25/1912	8/22/1882	22729.11922		1	520.81		
View	85CW0235	7200645	GRAND VALLEY CANAL	COLORADO RIVER	5	MESA	S,TT	7/22/1912	3/25/1912	8/22/1882	22729.11922	1	124	13.53		LIMIT 2618AF TOTAL DIVR APRIL-OCT SEE DECREE FOR MONTHLY LIMITS
View	85CW0235	7200645	GRAND VALLEY CANAL	COLORADO RIVER	5	MESA	S,TF	7/22/1912	3/25/1912	8/22/1882	22729.11922	1	1	13.53		MAY REDUCE CALL BY DIFF OF ACTUAL CLIFTON DIVR AND 13.53CFS
View	CA5812	7200645	GRAND VALLEY CANAL	COLORADO RIVER	5	MESA	S	7/25/1941	8/3/1934	8/22/1882	30895.11922		8	300		LIMITED TO NON IRRIGATING SEASON
View	CA5812	7200645	GRAND VALLEY CANAL	COLORADO RIVER	5	MESA	S,C	7/25/1941	8/3/1934	4/26/1914	30895.23491		1	75.86		
View	CA5812	7200645	GRAND VALLEY CANAL	COLORADO RIVER	5	MESA	S	7/25/1941	8/3/1934	4/26/1914	30895.23491		1	119.47		
View	84CW0218	7200645	GRAND VALLEY CANAL	COLORADO RIVER	5	MESA	S,C,AB	7/25/1941	8/3/1934	4/26/1914	30895.23491		1	75.86		
View	W3532	7200645	GRAND VALLEY CANAL	COLORADO RIVER	5	MESA	S,AP	7/21/1959	3/27/1944	2/17/1947	35476.00000		248	100		DIVERSION PT NO 2
View	84CW0414	7200645	GRAND VALLEY CANAL	COLORADO RIVER	5	MESA	S,AP	7/21/1959	3/27/1944	3/17/1947	35504.00000		128	4		AKA L H HURT PUMP ALT NO 4

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Water Rights - Transactions Export Help

Search Fields Hide

Geographic Location: Water District

38 - Roaring Fork River Basin

Structure Type: All

Decreed Use: All

More Options: Water Right Name

Contains: ind p tm dvr tunnel

Search

Map OFF Table ON Reset table layout

	Case Number	WDID	Water Right Name	Water Source	Adjudicati... Type	Adjudicati... Date	Appropria... Date	Priority Admin No	Priority No	Decreed Use(s)	Max Decreed Rate (CFS)	Total Volumetric Limit (AF)	Seasonal Limits	Comments
View	CA3082	3804617	IND P TM DVR TUNNEL NO 1	LINCOLN CR...	S	8/25/1936	8/23/1930	30941.29454	431	1	367		No	USE CHANGE W1901. ENTIRE SYS TRANS MTN TO TWIN LAKES RES, DIV 2
View	CA3082	3804617	IND P TM DVR TUNNEL NO 1	LINCOLN CR...	S,C	8/25/1936	8/23/1930	30941.29454	431	12348Q	258		No	LINCOLN & OTHER HEADGATES OF SYS USE CHANGE W1901
View	CA3082	3804617	IND P TM DVR TUNNEL NO 1	LINCOLN CR...	S,CA	8/25/1936	8/23/1930	30941.29454	431	12348Q	137		No	05/01/1944
View	W0722	3804617	IND P TM DVR TUNNEL NO 1	LINCOLN CR...	S,CA	8/25/1936	8/23/1930	30941.29454	431	12348Q	106		No	
View	W0722	3804617	IND P TM DVR TUNNEL NO 1	LINCOLN CR...	S,CA	8/25/1936	8/23/1930	30941.29454	431	12348Q	6		No	05/27/1976
View	80CW0180	3804617	IND P TM DVR TUNNEL NO 1	LINCOLN CR...	S,CA	8/25/1936	8/23/1930	30941.29454	431	12348Q	9		No	
View	W1901	3804617	IND P TM DVR TUNNEL NO 1	LINCOLN CR...	S,TF	8/25/1936	8/23/1930	30941.29454	431	1	625		No	USE CHANGE W1901. ENTIRE SYS TRANS MTN TO TWIN LAKES RES, DIV 2
View	W1901	3804617	IND P TM DVR TUNNEL NO 1	LINCOLN CR...	S,TT	8/25/1936	8/23/1930	30941.29454	431	12348Q	625		No	SEE DECREE FOR DIVERSION LIMITATIONS
View	CA3082	3801763	IND P TM DVR TUNNEL NO 2	ROARING FO...	S,C	8/25/1936	8/23/1930	30941.29454	431	12348Q	350		No	LINCOLN CNL. USE CHNG W1901 DIL 84CW162, 88CW206, 01CW57;07C145;15CW3050
View	W0722	3801763	IND P TM DVR TUNNEL NO 2	ROARING FO...	S,CA	8/25/1936	8/23/1930	30941.29454	431	12348Q	322		No	FEEDS LINCOLN CR CON CNL. MADE ABSOLUTE 5/27/76
View	95CW0321	3801763	IND P TM DVR TUNNEL NO 2	ROARING FO...	S	12/31/1995	6/8/1994	52960.52754		12	164.16		No	CAN BE TAKEN AT LOST MAN & RF COMPONENTS OF IPTDS

Additional Resources

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Priority administration – examples



Water right	Source	Adjud type	Adjud date	Approp date	Admin No.
Cramer Ditch - 1883	Sopris Creek	O	5/11/1889	4/15/1883	12158.00000
Cramer Ditch - 1885	Sopris Creek	O	5/11/1889	4/1/1885	12875.00000
Cramer Ditch - 1886	Sopris Creek	O	5/11/1889	3/30/1886	13238.00000
Cramer Ditch - 1887	Sopris Creek	O	5/11/1889	3/30/1887	13603.00000
Cramer Ditch - 1936	Sopris Creek	S	8/25/1936	5/1/1922	30941.26418
Cramer Ditch - 1977	Sopris Creek	S	12/31/1977	6/30/1946	46386.35244
Bivert Ditch - 1882	Owl Creek	O	5/11/1889	7/16/1881	11520.00000
Bivert Ditch - 1881	Owl Creek	O	5/11/1889	6/1/1882	11840.00000
Bivert Ditch - 1977	Owl Creek	S	12/31/1977	5/1/1958	46386.39567
Crystal R Hot Spg & Pool	Crystal River	S	12/31/1987	6/1/1925	50038.27545
Crystal R Hot Spg Well	Crystal River	S	12/31/1987	6/1/1925	50038.27545
Shoshone senior	Colorado River u/s of RF confluence	S	12/9/1907	1/7/1902	20427.18999
Shoshone junior	Colorado River u/s of RF confluence	S	2/7/1956	5/15/1929	33023.28989
Cameo - Grand Valley Canal 1912	Colorado River d/s of RF confluence	S	7/22/1912	8/22/1882	22729.11922
Cameo - Grand Valley Canal 1941	Colorado River d/s of RF confluence	S	7/25/1941	8/22/1882	30895.11922
Cameo - Grand Valley Canal 1941b	Colorado River d/s of RF confluence	S	7/25/1941	4/26/1914	30895.23491
IPTDS - Tunnel No. 1	Lincoln Creek and/or Roaring Fork	S	8/25/1936	8/23/1930	30941.29454
IPTDS - Tunnel No. 1 - Twin Junior	Lincoln Creek and/or Roaring Fork	S	12/31/1995	6/8/1994	52960.52754

Instream flow (“ISF”) water rights

- By statute, instream flow (a/k/a “ISF”) and natural lake level water rights may be held only by the Colorado Water Conservation Board (a/k/a “CWCB”) on behalf of the people of Colorado.
- ISFs and natural lake level water rights are decreed for the minimum amount of water needed to preserve the natural environment to a reasonable degree in a specified reach of a stream or within a specified natural lake.
- The CWCB must file a water court application to have a new ISF water right decreed; and must be either the applicant or the co-applicant in any water court proceeding to change an existing water right so that it may be used for instream flow purposes.
- Before filing a water court application, the CWCB must carry out its own administrative proceedings to document that the natural environment will be preserved to a reasonable degree by the ISF; that there is a natural environment that can be preserved to a reasonable degree with the ISF; and that the natural environment to be preserved can exist without material injury to water rights.

Administration and protection of ISF water rights

- ISFs operate within the priority system like other water rights, but they tend to carry fairly junior priorities.
- ISFs are entitled to protection from potential injury from proposed changes of water rights or proposed out-of-priority operations under an augmentation plan.
- For an ISF to be “administered”—i.e., for the Division Engineer to place a call for an ISF reach—there must be a measuring device within the reach.
- The CWCB is obligated by law to enforce its full decreed ISFs; the CWCB is not entitled to make unilateral reductions in or other changes to its decreed ISFs.



Water Rights - Transactions Export Help

Search Fields Hide

Geographic Location: Water District

38 - Roaring Fork River Basin

Structure Type: Minimum Flow

Decreed Use: MINIMUM STREAM FLOW/LAKE LE

More Options: Water Source

Roaring Fork River [00174812] X

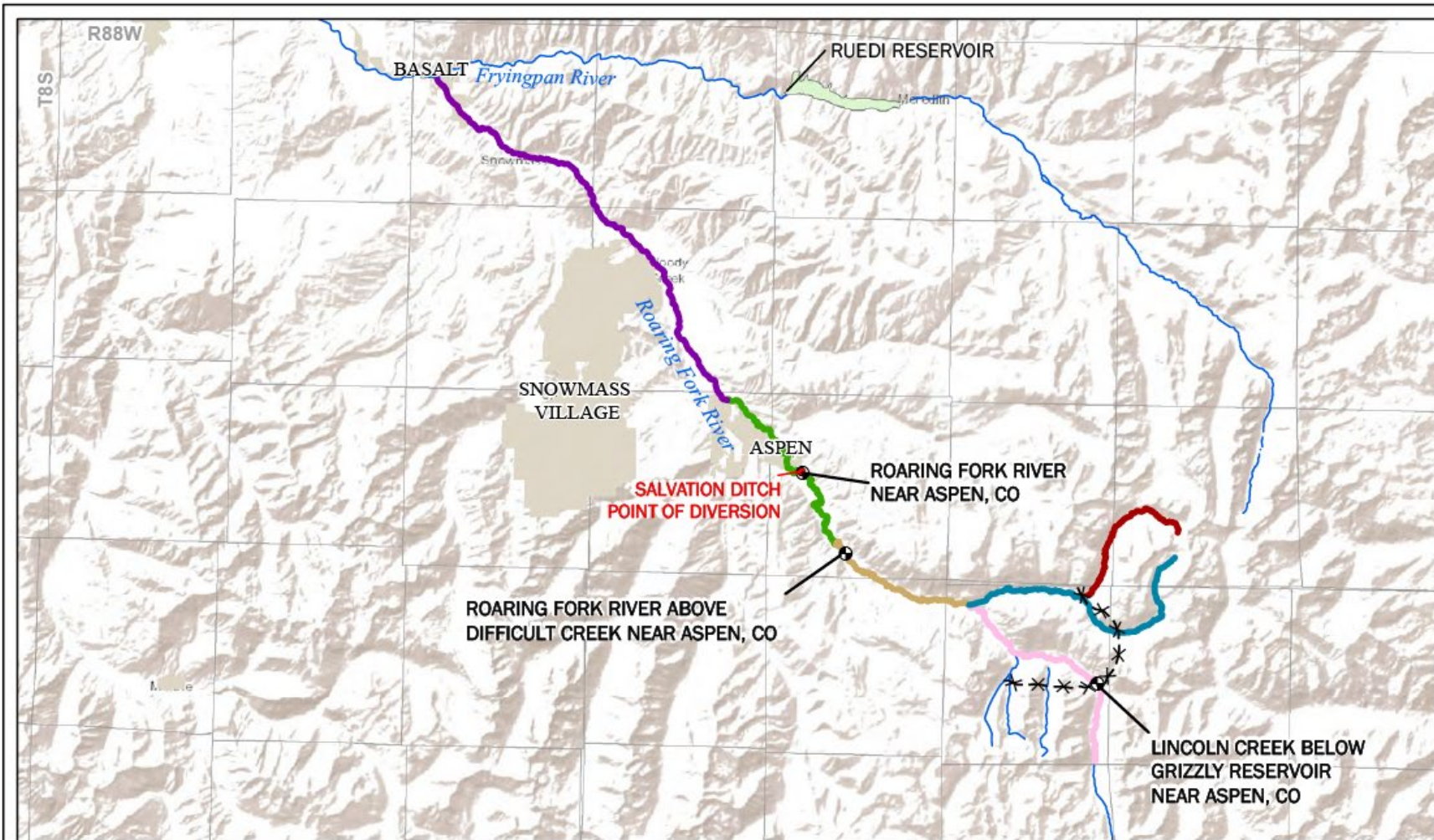
Include Tributaries

Map OFF Table ON

Reset table layout

View	Case Number	WDID	Water Right Name	Water Source	County	Adjudication Type	Adjudication Date	Appropriation Date	Priority Admin No	Priority No	Decreed Use(s)	Max Decreed Rate (CFS)	Total Volumetric Limit (AF)	Comments
View	W2937	3802024	MIN FLOW LOST MAN CREEK	ROARING FORK RIVER	PITKIN	S	12/31/1976	1/14/1976	46034.00000		M	4		LOST MAN LAKE DOWNSTREAM TO ROARING FORK RIVER
View	W2950	3802050	MIN FLOW ROARING FORK 1	ROARING FORK RIVER	PITKIN	S	12/31/1976	1/14/1976	46034.00000		M	10		INDEPENDENCE LAKE DOWNSTREAM TO LINCOLN CR
View	W2949	3802039	MIN FLOW ROARING FORK 2	ROARING FORK RIVER	PITKIN	S	12/31/1976	1/14/1976	46034.00000		M	15		LINCOLN CREEK DOWNSTREAM TO DIFFICULT CR
View	W2948	3802049	MIN FLOW ROARING FORK 3	ROARING FORK RIVER	PITKIN	S	12/31/1976	1/14/1976	46034.00000		M	32		DIFFICULT CR DOWNSTREAM TO MAROON CR
View	85CW0646	3802111	MIN FLOW ROARING FORK 4	ROARING FORK RIVER	EAGLE	S	12/31/1985	11/8/1985	49620.00000		M	55		MAROON CR DOWNSTREAM TO FRYING PAN APR-SEPT
View	85CW0646	3802111	MIN FLOW ROARING FORK 4	ROARING FORK RIVER	EAGLE	S	12/31/1985	11/8/1985	49620.00000		M	0		MAROON CR DOWNSTREAM TO FRYING PAN 30CFS OCT-MAR
View	85CW0639	3802112	MIN FLOW ROARING FORK 5	ROARING FORK RIVER	GARFIELD	S	12/31/1985	11/8/1985	49620.00000		M	75		FRYING PAN R DOWNSTREAM TO CRYSTAL R OCT-MAR
View	85CW0639	3802112	MIN FLOW ROARING FORK 5	ROARING FORK RIVER	GARFIELD	S	12/31/1985	11/8/1985	49620.00000		M	0		FRYING PAN R DOWNSTREAM TO CRYSTAL R, 145CFS APR-SEPT

- Additional Resources**
- About Colorado Water Rights
 - Net Amounts
 - Colorado Information Marketplace
 - DWR Map Viewers
 - DWR Web Services
 - DNR Portal



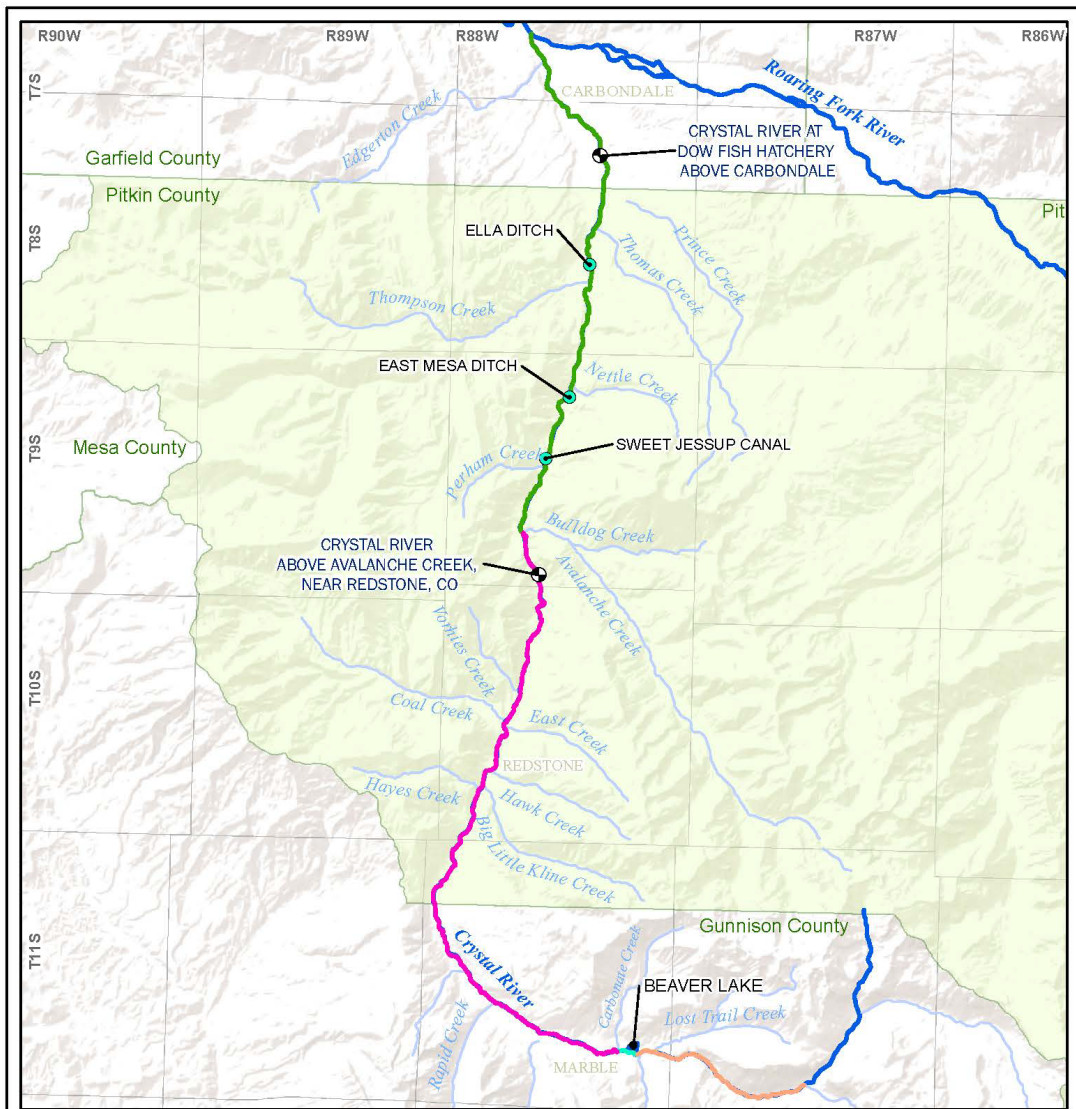
Legend

- | | | | | | | |
|----------------|---|----------------------|-----------------------------|-------------------------------|---------|---------|
| ● Diversion | Twin Lakes | Municipal Boundaries | Township/Range (Div 5 PLSS) | Instream Flow Case No. | 76W2937 | 76W2950 |
| ⊙ Flowstations | Transmountain Diversion Locations (approximate) | | | 76W2936 | 76W2948 | 85CW646 |
| | | | | | 76W2949 | |
- 0 1.5 3 6 Miles
 Coordinate System: NAD 1983 UTM Zone 13N
 Projection: Transverse Mercator
 Datum: North American 1983
 Scale: 1:300,000

M&W
 MARTIN AND WOOD
 WATER CONSULTANTS, INC
 538 Commons Drive
 Golden, CO 80401
 (303) 526-2600
 www.martinandwood.com

FIGURE 2
MAP OF SELECTED ROARING FORK RIVER BASIN WATER STRUCTURES

Job No.: 1010.2
 Date: 06/18/2024
 Drawn: IRW

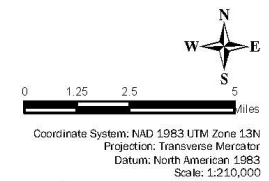


Legend

- Ditch Diversion
- Active Streamflow Gage
- County Boundary
- Pitkin County

Crystal River ISF Reach	October 1-April 30 Flow Rate (cfs)	May 1 - September 30 Flow Rate (cfs)
75N/270	60.0 cfs	100.0 cfs
75N/271	40.0 cfs	80.0 cfs
80C/V119	45.0 cfs	45.0 cfs
80C/V120	35.0 cfs	35.0 cfs

Note: ISF = Instream Flow




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Map 3
Crystal River

Job No.: 1010.1
 Date: 4/15/2025
 Drawn: IRW

Recreational in-channel diversion (“RICD”) water rights

- By statute, recreational in-channel diversion (“RICD”) water rights may be held only by counties, municipalities, and quasi-municipal entities (e.g., water districts).
- RICD water rights are decreed for “the minimum amount of stream flow as it is diverted, captured, controlled, and placed to beneficial use between specific points defined by control structures . . . for a reasonable recreation experience in and on the water from April 1 to Labor Day of each year.”
- “Reasonable recreation experience” is defined by statute to mean non-motorized boating, but “[o]ther recreational activities may occur” by virtue of a RICD.
- RICDs operate within the priority system like other water rights, and, subject to certain statutory limitations, are entitled to protection from potential injury from proposed changes of water rights and proposed out-of-priority operations under an augmentation plan.

The Pitkin County RICD – Case No. 10CW305



The Pitkin County RICD – Case No. 10CW305

Period	Flow Rate (cfs)	Experience Level
April 15 – May 17	240	Blue, Upper Structure
May 18 – June 10	380	Green, Lower Structure
June 11 – June 25	1,350	Blue, Lower Structure
June 26 – Aug. 20	380	Green, Lower Structure
Aug. 21 – Labor Day	240	Blue, Upper Structure

Service Layer Credits: BLM Colorado
 USGS The National Map, National Boundaries Dataset, 3DEP Elevation Program, Geographic Name's Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset, USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed May, 2020.

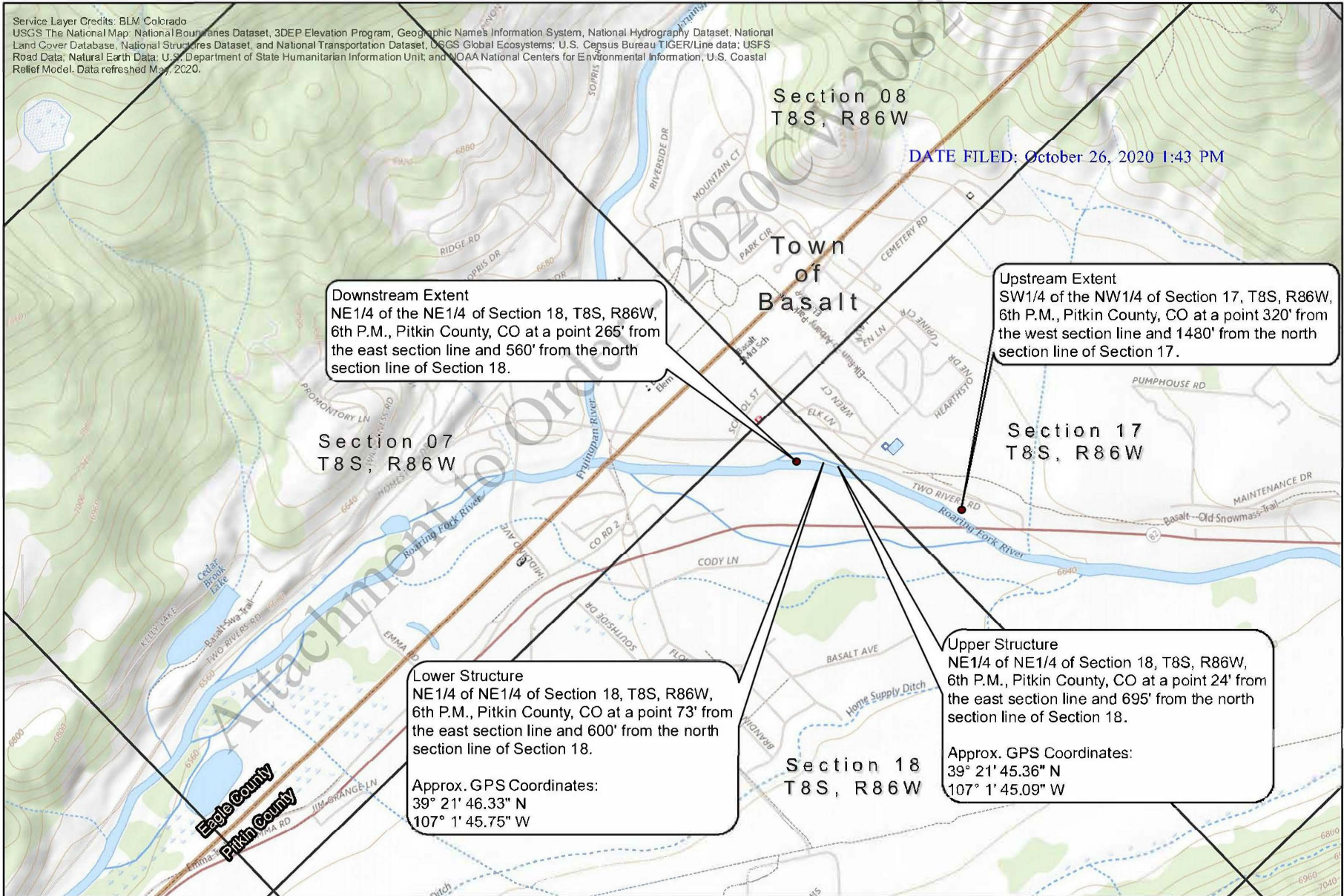
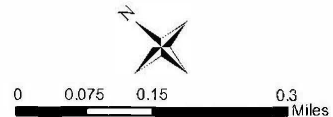


EXHIBIT A
PITKIN COUNTY RIVER PARK PROJECT
STRUCTURES LOCATION MAP
JUNE 2020

Legend

- Reach Limits
- Colorado County Boundaries
- BLM Colorado PLSS First Division - Section



The Pitkin County RICD – Case No. 10CW305

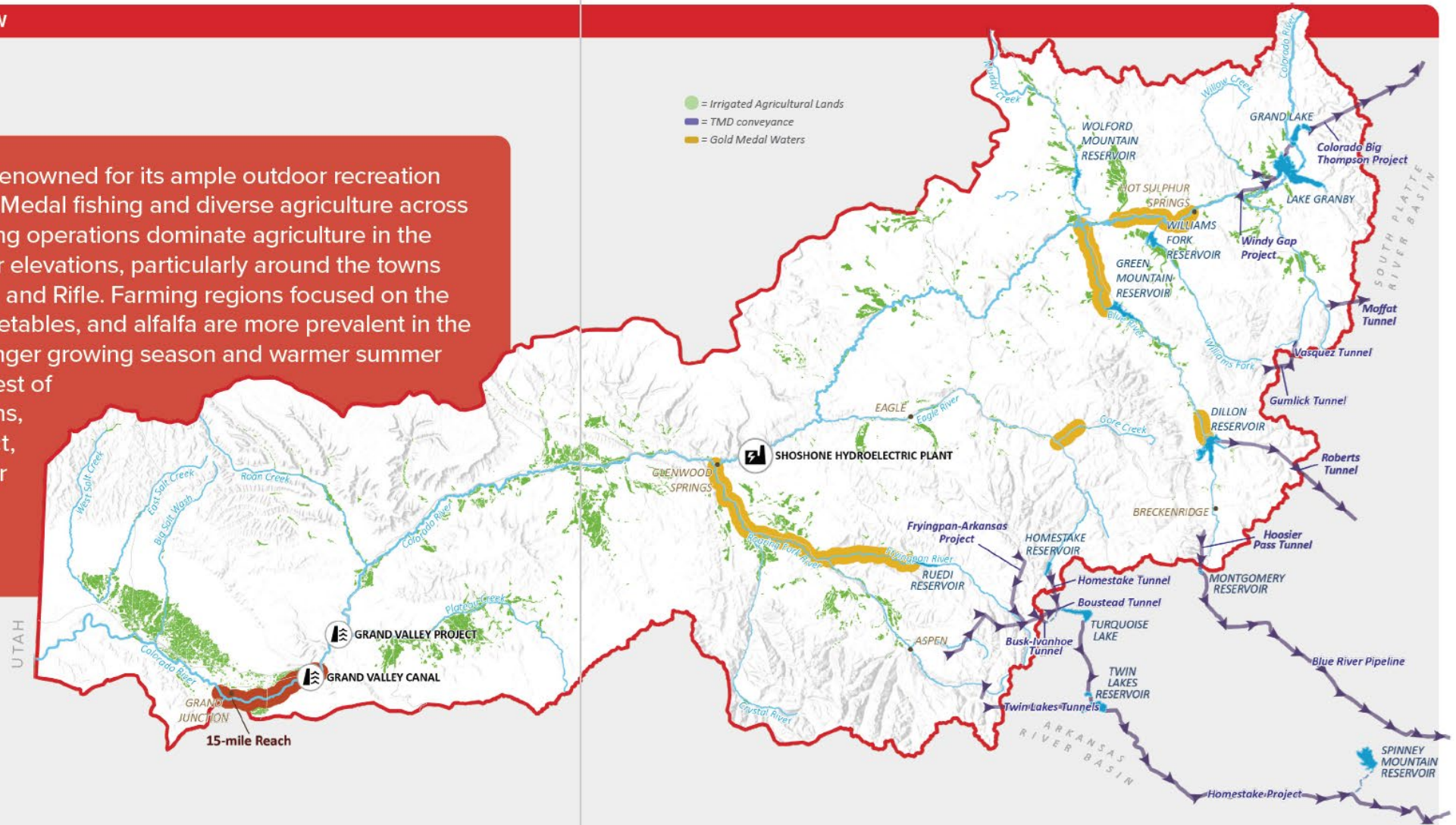
- As part of settlement with the objectors in the water court case, the County agreed to “subordinate” its call for the RICD to 3,000 acre-feet of “RICD season depletions” attributable to water rights decreed based on applications filed after December 31, 2010.
- The County reached the 3,000 acre-feet benchmark in 2024 and now is entitled to call water to the RICD against upstream diversions both (i) junior to the RICD, and (ii) not attributable to the water rights from which the 3,000 acre-feet of depletions were derived.
- The RICD’s priority is the year in which the subordination limit was reached (2024).
- The County has made the RICD absolute in full.

Transmountain/transbasin water rights

- Transmountain water rights, also known as “transmountain diversions” or “TMDs,” are one type of transbasin water rights.
- TMDs operate within the priority system like all other Colorado water rights.
- TMDs of particular interest to the County include the Fryingpan-Arkansas Project and the Busk-Ivanhoe system, which are the source of the “Roaring Fork bypasses” in the IPTDS system.
- Colorado River basin TMDs upstream of the Roaring Fork confluence are a focal point in discussions of the proposed Shoshone permanency project.

COLORADO BASIN OVERVIEW

The Colorado Basin is renowned for its ample outdoor recreation activities, such as Gold Medal fishing and diverse agriculture across the basin. Large ranching operations dominate agriculture in the Colorado Basin's higher elevations, particularly around the towns of Kremmling, Collbran, and Rifle. Farming regions focused on the cultivation of fruits, vegetables, and alfalfa are more prevalent in the lower basin due to a longer growing season and warmer summer temperatures. The largest of these farming operations, the Grand Valley Project, irrigates about a quarter of the 206,700 acres irrigated in the entire basin.



Further discussion if time allows

- Changes of water rights
- Plans for augmentation
- Abandonment
- Measurement and accounting
- Diligence on conditional water rights
- Other topics of interest to the BOCC and the Healthy Rivers Board

Questions?

