



# **Augmentation Program Application Packet**

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June 12, 2017

On behalf of the Board of Directors of the St. Vrain and Left Hand Water Conservancy District (“District”), thank you for taking this first step to join the Augmentation Program (“Program”).

Since 1992 the District has successfully operated the Program, and if accepted, your membership ensures that senior water users in the basin are protected, and provides a cost effective means for junior water users, such as yourself, to use water.

This application is your first step for acceptance to the Program. If accepted to the Program you will receive an “Agreement for Contract” (“Contract”), in which the District agrees to provide water to replace depletions (augmentation) to the St. Vrain River and its tributaries caused by your out-of-priority diversions on your property.

The District is providing the augmentation water in accordance with the terms and conditions of its plan for augmentation decreed in Case No. 02CW334, Water Division No. 1.

Once executed the Contract provides augmentation water for the term of one year and may be annually renewed pursuant to the contract’s terms and conditions. The augmentation water is provided by the District for the exclusive benefit of the lands described in the Contract and may only be used for the purposes identified in the Contract.

You membership in the Program does not guarantee protection from any State enforcement actions, including but not limited to curtailment of use of the irrigation water. Pursuant to the Contract, the District may, for any reason, decide to not renew the Contract. If in the future, you or your successor(s) want to add an additional structure (well or pump) as a delivery point for the water, an amendment to the Contract will be necessary.

In short, as long as you, or any subsequent owner of the property, continue to pay the annual water fee, and remain in good standing by adhering to all the other Contract terms and conditions, augmentation water will be made available at the Districts discretion for ongoing use.

This packet includes the Districts application rules, membership rules, and the application(s) itself. **Please read all the information carefully.**

Once again thank you for taking this first step.

Sincerely,



Sean T. Cronin  
Executive Director

## Application Rules and Guidance

Persons or entities (“Applicant”) desiring to enter into an annually renewable contract for an augmentation water supply (“Contract”) under the St. Vrain and Left Hand Water Conservancy District’s (“District”) Augmentation Program (“Program”) shall first complete an application. Once an application is submitted, the District may enter into a Contract with an Applicant, but in no case will it do so unless all of the following conditions are met:

1. Applicant owns property at a location within the District’s boundaries at which the Contract water can be used for augmentation under the Program.
  - 1.1. The District may choose to make an exception in the case of an applicant who obtains water at one location within the District’s boundaries and hauls (i.e. truck) it to be used for a permitted use at another location within the District’s boundaries.
  - 1.2. If the property is located outside of the District’s boundaries, the Applicant may petition the Board of Directors for inclusion of such property within the District. Such petition will be considered by the District in accordance with §37-45-136, C.R.S..
    - 1.2.1. If the applicant seeking inclusion is a tax exempt governmental agency, the District may require a contribution in-lieu of taxes be paid to the District.
2. Structures which may be augmented under the Program include: wells, pipelines, springs, pumps, and ponds. Among the permitted uses for water diverted through the permitted structures include but are not limited to:
  - 2.1. Domestic, household-only use.
  - 2.2. Commercial use.
  - 2.3. Irrigation use on land up to 43,560 square feet or 1 acre.
    - 2.3.1. In accordance with CRS § 37-92-602(6), if an Applicant has expanded or intends to expand well use from the use(s) for which the well is permitted/registered (i.e., changing use from household use only to household and irrigation uses), then the Applicant will be required to augment both the household and the irrigation uses, even if the household use was previously exempt from administration and therefore did not historically require augmentation replacement.
  - 2.4. Stock watering.
  - 2.5. Gravel mining.

*Note: The listing of the specific uses in this rule reflect the District’s current priorities for uses to be served under its Augmentation Plan, and is not intended to limit the District’s operation of its Augmentation Plan for other purposes under the Augmentation Plan Decree. The District reserves the right to enter into other Contracts to allow water users within the District’s service area to operate under the Augmentation Plan. Applications that do not meet the foregoing criteria but that otherwise comply with the decreed Augmentation Plan and applicable statutes and regulations will require specific approval of the Board of Directors.*

3. The structure is not currently included in another augmentation plan decreed by the Division 1 Water Court.

*Note: the District may determine, on a case-by-case basis, to enter into contracts for supplemental augmentation water with applicants who are included in another augmentation plan.*

4. The property on which the structure is located is not subject to any covenants or restrictions of record that are inconsistent with the operation of the structure under the Program.
5. The structure is located outside of the Colorado Water Conservation Board (“CWCB”) in-stream flow reaches in the following locations:
  - 5.1. Middle St. Vrain Creek: as decreed Case No. 87CW281 and generally located in the SW 1/4 of S18, T2N, R72W downstream approximately 8 miles to the confluence of South St. Vrain Creek in the NE 1/4 of S1, T2N, R72W.
  - 5.2. Left Hand Creek: as decreed in Case No. 86CW301 and generally located from the confluence of an unnamed tributary in the NW 1/4 of the NW 1/4 of S18, T1N, R72W and downstream approximately 4.8 miles to Spring Gulch in the SW 1/4 of the SE 1/4 of S2, T1N, R72W.
  - 5.3. Left Hand Creek: as decreed in Case No. 86CW342 and generally located at the confluence with James Creek in the SE 1/4 of S28, T2N, R71W and downstream approximately 3.7 miles to the Lake Ditch Diversion dam in the NE 1/4 of the NE 1/4 of S23, T2N, R71W.
  - 5.4. James Creek: as decreed in Case No. W-9379-78 and generally located from the West boundary of S34, T2N, R72W downstream approximately 7.5 miles to the confluence of Left Hand Creek in the vicinity of the SE 1/4 of S28, T2N, R71W.
6. If the structure is located within one of the CWCB in-stream flow reaches identified above, then the Applicant must provide the District with an affidavit or other sufficient proof that the applied for uses had been occurring on or before December 23, 2002.
  - 6.1. The Board will determine whether the evidence provided by the Applicant is sufficient before determining to support the Application
7. As a condition of submitting an application, Applicant shall expressly affirm that she/he/it shall use the augmentation water in compliance with all applicable state and federal laws.
8. An application form can be downloaded and/or printed from the District’s website at [www.svlhwcd.org](http://www.svlhwcd.org). For questions regarding the application form, please call 303-772-4060.
9. Mail or deliver the complete signed application, to:  
St. Vrain and Left Hand Water Conservancy District  
9595 Nelson Road, Suite 203  
Longmont, CO 80501
10. Confirmation that your application has been received will be emailed or sent to the mailing address on the application.

11. Applications are accepted February 1 through October 1. However, applications are processed by the District only once per year under the following schedule:
  - 11.1. October
    - 11.1.1. On an ongoing basis District Staff will review all applications and then submit to the District's engineering consultant for review.
      - 11.1.1.1. The Staff recommendation will be based in part, and on a case-by-case basis, on the Applicant's augmentation water demand and the District's available water supply.
      - 11.1.1.2. If an application is denied by Staff, the Applicant may request that the Board consider the Staff's denial at the next available meeting of the Directors.
      - 11.1.1.3. Applications received by the District after October 1 will be processed for the following year. For example, if an application is received October 16, 2017 the application will be processed beginning October 2018.
        - 11.1.1.3.1. Applicants can request the District expedite application review prior to October, but only if the Applicant pays a Full Cost Recovery fee as specified in the District's Membership Rules. Expedited requests are taken in any month **except** October through January.
    - 11.2. November
      - 11.2.1. Final Review of all applications and Board Approval
        - 11.2.1.1. Board decisions are final.
    - 11.3. November
      - 11.3.1. Submission of approved applications to the Division Engineer and Parties to Case No. 02CW334.
        - 11.3.1.1. If the Division Engineer denies the application and the District determines, in its sole discretion, not to appeal such denial, then the District's decision is final.
        - 11.3.1.2. If a Party opposes the application, the District will make a good faith effort to argue in the Applicants favor. However, at any point during any such application review proceeding, the District, in its sole discretion, may choose to withdraw and concede the denial of the application.
    - 11.4. January
      - 11.4.1. If the application is recommended for approval by Staff, and later approved by the Board of Directors, Division Engineer and the Parties, a Contract will be mailed to the address on the application.

*Note: Applicants are encouraged to seek individual legal counsel before signing the Contract. A thorough understanding of legal responsibilities and obligations is advised before an Applicant commits to contract augmentation water.*

12. Return of the signed Contract to the District at the address listed above. The District will add its authorized signature to the contract and a copy of the fully executed Contract will be sent to the Applicant.
13. If required by the application and/or Contract, the Applicant must apply to the Colorado Division of Water Resources for a new or replacement well permit. Information about how to obtain a well permit can be found on the Department's website: [www.water.state.co.us](http://www.water.state.co.us). A copy of the fully executed Contract may be required by the Division of Water Resources before a new or replacement well permit will be issued.

14. Although in most cases the Colorado Division of Water Resources does not presently require it, Applicants should anticipate a future requirement by the Colorado Division of Water Resources to install a meter to accurately account for water use. Applicants should contact the District office and/or the Division of Water Resources regarding a requirement to install a meter and regularly report its usage.

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## Membership Rules and Guidance

The St. Vrain and Left Hand Water Conservancy District (“District”) will manage the Augmentation Program (“Program”) in accordance with the terms and conditions of the decree entered in Case No. 02CW334, any additional and non-contradictory requirements prescribed by the office of the Division Engineer, and policies, rules and regulations lawfully adopted by the District’s Board of Directors.

1. Program Fees. **All Program fees are set annually by the Board of Directors in December. All decisions by the Board of Directors are final. Specific Fee amounts are available upon request.** The following categories of fees shall be part of the Program:

- 1.1. Application

- 1.1.1. Upon review of District Staff and Engineer Consultant, a one-time Application Fee shall be paid by applicant and shall be due upon 7 days of invoice date.

- 1.1.2. Full Cost Recovery

- 1.1.2.1. A Full Cost Recovery Fee shall be charged to an Applicant who, in-lieu of waiting until October to process the application and receive confirmation of acceptance into the Program in January, desires to expedite the process. The expedited process will apply solely to the Applicant seeking such a service and shall only be authorized after review and approval from Staff and the Board and the one-time Full Cost Recovery Fee is paid. The Full Cost Recovery Fee replaces the Application fee and is due upon submission of application. Expedited requests are taken in any month **except** October through January.

- 1.2. Renewal

- 1.2.1. An annual Renewal Fee shall be paid by members. The Renewal Fee shall consist of both a base fee for the District’s operations and administration of the Program, and a tiered fee for the volume of augmentation water being provided.

- 1.2.2. Payment shall be due within 30 days of invoice. Late payments will require an additional finance charge. The late charge amount is at the sole discretion of District staff.

- 1.2.3.

- 1.3. Name Change

- 1.3.1. A Name Change Fee is required to change a member’s name and/or his or her contact information.

- 1.4. Lag Escrow

- 1.4.1. If the District determines that it has or will have an ongoing obligation to replace lagged depletions for a member’s structure, the member must pay the Renewal Fee for as many years as the lagged depletion obligation continues for the District. For example, if a member is under contract for 325,000 gallons and the lagged effect of such will continue for 3 years, then the member would pay a lump sum of the Renewal fee for each of the 3 years (1 acre-foot x \$Renewal fee x 3 years).

- 1.4.1.1. This is a **one-time** payment which will be assessed to the Member at the first year of membership and will be due at the same time as the Renewal Fee.

### Termination (by District or Member)

2. The District will notify the State Division of Water Resources of all terminated members.

*Note: The state may seek to curtail the terminated member's water use.*

3. Member contracts are specific to the property on which the structure being augmented is located. If a member sells the property identified in the Application, the new owner of the property must notify the District of the name change, pay the Name Change Fee assessed by the District for such change, and abide by all Program rules or risk being terminated from the Program.
  - 3.1. Upon notification to the District by the owner of the property, contracts may be assigned to a subsequent owner of the property on which the use of contracted water is approved. Payment of a Name Change fee will be required.
4. The Contract is annual and may be renewed by its terms and conditions. From time to time, the District may require the Program members to enter into a new Contract. If the member chooses not to enter a new Contract, the Board of Directors can terminate the member from the Program.
5. The District may periodically review member's well permit status with the State Division of Water Resources. In the event a member does not have an active permit, the District will notify the member to permit their well within one (1) year following the notice. If after one (1) year of the notice, the member doesn't have an active permit, the Board of Directors can terminate the member from the Program.
6. If a member desires to make a change to the irrigated area or water uses or leave the Program, that member must provide written notice to the District before September 30 of the year preceding the member's renewal. Members who request termination after September 30 will be required to pay all applicable Program Fees for the following year. For example, if a member doesn't want to be included in the 2017 Program year, written notice must be provided by September 30, 2016.
7. The District may terminate any member for reasons including, but not limited to, non-payment of Program Fees.
8. The District may terminate any member if the District learns that such member is not in compliance with all applicable state and federal laws.
9. During the termination process, the District will determine if the membership calculations included any lag depletions. If the District determines that it has an ongoing obligation to replace such lagged depletions, as a result of the membership, the member loses any Lag Escrow Fees previously paid to the District.
10. If a terminated member chooses to re-enter the Program, the terminated member must reapply. Any outstanding invoice amounts for previous payments to replace continuing obligations for lagged depletions or any other non-payment of Program Fees from the previous membership period must be paid at the then membership rate plus a service charge, which is set annually by the Board of Directors on such outstanding payments before the application is processed.

#### Miscellaneous

11. In the event of a severe drought or any other circumstance that may complicate the Water Commissioner's ability to effectively administer the river, members may be asked by the District to

curtail or limit their water use and/or to provide the District with additional, and potentially regularly submitted water usage information to ensure that the District can more accurately align the Program's demand projection with the District's supply projection.

12. All members shall be required to make visible the Augmentation Program placard that includes an up to date Program "year" sticker. If the placard is tampered with or not made visible from the street, the Board of Directors can terminate the member from the Program.

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**MEMBERSHIP APPLICATION FOR THE  
ST. VRAIN AND LEFT HAND WATER CONSERVANCY DISTRICT  
AUGMENTATION PROGRAM**

*Office Use Only*

WDID: \_\_\_\_\_

Please fill out the following in its ***entirety***:

Date: _____
Last Name: _____
First Name: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Phone:(_____) _____ Email: _____

Application is for:

<input type="checkbox"/> Residence <input type="checkbox"/> Year Round <input type="checkbox"/> Seasonal
<input type="checkbox"/> Business – Name of Business _____

Physical Location of Water Use (***if different from Mailing Address above***):

Address: _____
City: _____ State: _____
Zip: _____ Phone:(_____) _____

Legal Location of Water Use:

Quarter: _____ Quarter: _____ Section: _____
Township: _____ Range: _____ Direction: _____
County: _____

The source of water in need of augmentation is: (***Check all that apply***)

<input type="checkbox"/> Surface (River/Stream/Creek)	<input type="checkbox"/> Groundwater (Well)	<input type="checkbox"/> Spring
<input type="checkbox"/> Pond/Water Feature		

***Additional information for each selection above must be completed using the accompanying pages.***

### Surface (River/Stream/Creek) Application

If applicable fill out the following in its ***entirety***:

River/Stream/Creek Name: \_\_\_\_\_

How is water withdrawn from the River/Stream/Creek?

- Pump
- Siphon
- Diversion (Ditch/Pipeline)

Provide the ditch and/or lateral name \_\_\_\_\_

How is the water measured?

- Meter
- Flume
- None

Purpose of this water (***check all that apply***):

Domestic – indoors only

Can the property receive municipal drinking water? \_\_\_\_\_

Check the type of wastewater disposal system used at the property

Municipal Sewer or Sanitation District

Provide the name \_\_\_\_\_

Septic System

Check the type of system

- Septic/Leach
- Septic/E-T

Irrigation

Check the crop type(s) and number of acres being irrigated

Lawn/Landscape/garden \_\_\_\_\_ square feet

Other \_\_\_\_\_ square feet

Please Describe \_\_\_\_\_

Horses/Cattle

Number of Head \_\_\_\_\_

Other Livestock

Number of Head \_\_\_\_\_

Describe \_\_\_\_\_

## Groundwater (Well) Application

If applicable fill out the following in its ***entirety***:

Date of Installation: \_\_\_\_\_

Is the well permitted?

- No
- Yes

Permit No.: \_\_\_\_\_

Is the well registered?

- No
- Yes

Registration No.: \_\_\_\_\_

Is the well decreed?

- No
- Yes

Decree No.: \_\_\_\_\_

How is the water measured?

- Meter
- None

Purpose of this water (***check all that apply***):

Domestic – indoors only

Can the property receive municipal drinking water? \_\_\_\_\_

Check the type of wastewater disposal system used at the property

Municipal Sewer or Sanitation District

Provide the name \_\_\_\_\_

Septic System

Check the type of system

- Septic/Leach
- Septic/E-T

Irrigation

Check the crop type(s) and number of acres being irrigated

Lawn/Landscape/garden \_\_\_\_\_ square feet

Other \_\_\_\_\_ square feet

Please Describe \_\_\_\_\_

Horses/Cattle

Number of Head \_\_\_\_\_

Other Livestock

Number of Head \_\_\_\_\_

Describe \_\_\_\_\_

## Spring Application

If applicable fill out the following in its ***entirety***:

Spring Name: \_\_\_\_\_

Is the spring decreed?

No

Yes

Decree No.: \_\_\_\_\_

How is the spring measured?

Meter

Flume

None

Purpose of this water (***check all that apply***):

Domestic – indoors only

Can the property receive municipal drinking water? \_\_\_\_\_

Check the type of wastewater disposal system used at the property

Municipal Sewer or Sanitation District

Provide the name \_\_\_\_\_

Septic System

Check the type of system

Septic/Leach

Septic/E-T

Irrigation

Check the crop type(s) and number of acres being irrigated

Lawn/Landscape/garden \_\_\_\_\_ square feet

Other \_\_\_\_\_ square feet

Please Describe \_\_\_\_\_

Horses/Cattle

Number of Head \_\_\_\_\_

Other Livestock

Number of Head \_\_\_\_\_

Describe \_\_\_\_\_

## Pond/Water Feature Application

If applicable fill out the following in its ***entirety***:

Pond Name: \_\_\_\_\_

Is the pond decreed?

No

Yes

Decree No.: \_\_\_\_\_

How is the water measured?

Meter

Flume

None

Surface area of Pond: \_\_\_\_\_ Acres

How is the Pond/Water Feature Used? \_\_\_\_\_

Purpose of this water (***check all that apply***):

Domestic – indoors only

Can the property receive municipal drinking water? \_\_\_\_\_

Check the type of wastewater disposal system used at the property

Municipal Sewer or Sanitation District

Provide the name \_\_\_\_\_

Septic System

Check the type of system

Septic/Leach

Septic/E-T

Irrigation

Check the crop type(s) and number of acres being irrigated

Lawn/Landscape/garden \_\_\_\_\_ square feet

Other \_\_\_\_\_ square feet

Please Describe \_\_\_\_\_

Horses/Cattle

Number of Head \_\_\_\_\_

Other Livestock

Number of Head \_\_\_\_\_

Describe \_\_\_\_\_