

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. 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. 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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