



# *Role of the State Engineer's Office*

## *Grand Valley Water Users Association*

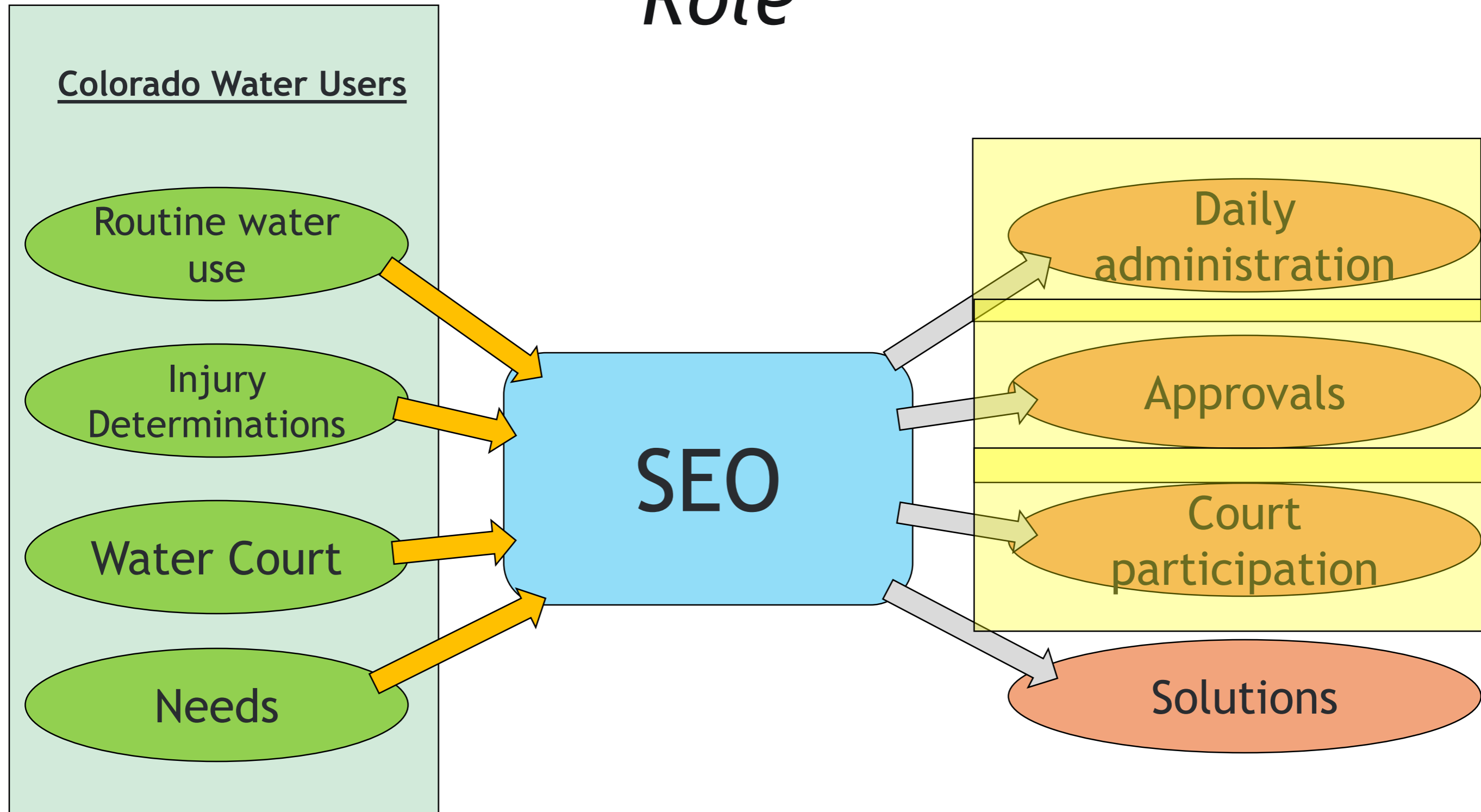
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# Overview: State Engineer's Office Role



# Today's Discussion

## Role of the State Engineer's Office in Drought Contingency Planning

- Changes of Water Rights
- Water Administration

# Today's Discussion

## Role of the State Engineer's Office in Drought Contingency Planning

- **Changes of Water Rights**
- Water Administration

# Change of Water Rights

- Process
  - Technical effort, quantification
  - Legal process
- What is the new beneficial use?
- What is the role of the SEO in the process?

# Change of Water Rights

- Process
  - Technical effort, quantification
    - Statutory and case law
    - No injury standard
      - (Generally), historical consumptive use analysis
      - HCU, return flow obligations
      - Terms and conditions (no injury)

# Change of Water Rights

- Process
  - Legal process
    - Water court approval
      - Role of SEO
    - Administrative approval
      - What tools are available
      - Role of SEO

# Change of Water Rights

- What is the new beneficial use?
  - Does current law provide for this type of water right?
    - This area needs more exploration
- What protection would be allowed?
  - Leads to the shepherding discussion



# Change of Water Rights

- What is the role of the SEO in these changes
  - Objective technical resource for the court
  - Determine no injury
  - Administrative approvals

# Today's Discussion

## Role of the State Engineer's Office in Drought Contingency Planning

- Changes of Water Rights
- **Water Administration**

# Water Administration

## Administration in Drought Contingency Planning Efforts

- Everything is still rooted in the law, no injury
- Division Engineer has authority

# Water Administration

## Division Engineer Authority

37-92-502(2)(a) “...and he [or she] shall also order the total or partial *discontinuance* of any diversion in his [or her] division to the extent that the *water being diverted is required by persons entitled* to use water under water rights having senior priorities...”

# Water Administration

## Division Engineer Authority

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# Water Administration

## Division Engineer Authority

- When we say *under water rights*, we raise the question of what the beneficial use is.
- Again, that question deserves more exploration

# Water Administration

## Division Engineer Authority

37-87-102(4) “The owners (of water rights)...may conduct the waters...into and along any of the natural streams of the state...and may take the same out again at any point desired if no material injury results to the prior or subsequent rights of others to other waters in said natural streams...”

# Water Administration

## Considerations

- Beneficial use (enable authority)
- Source of water,
- Destination of water,
- No injury
  - Junior and senior diversions in the “Reach”
  - Exchange in the Reach
  - Out-of-priority diversions - replacement supply in the Reach
  - Losses