

NORTHERN COLORADO WATER CONSERVANCY DISTRICT

INTERIM POLICY REGARDING USE OF COLORADO-BIG THOMPSON (C-BT) PROJECT WATER ON LANDS AFFECTED BY DRY-UP REQUIREMENTS

WHEREAS, C-BT Project water is to be used as a supplemental water supply within the boundaries of the Northern Colorado Water Conservancy District (District) or the Municipal Subdistrict of the Northern Colorado Water Conservancy District (Subdistrict) in accordance with the rules, regulations, policies, and procedures established by the District Board of Directors; and

WHEREAS, when water rights historically utilized to irrigate cropland are changed in use through water court proceedings, and are transferred from the land historically irrigated, terms and conditions of the decree for the change of water right may require a partial or total “dry-up” of the lands historically irrigated with the subject water rights, prohibiting water from the historical irrigation supply from being used to continue to irrigate all or a portion of the croplands affected by the dry-up requirement, or requiring that irrigation of the land with any source of water cease (hereinafter referred to as a “Dry-up Requirement”); and

WHEREAS, when a parcel of land is affected by a Dry-up Requirement because of the permanent transfer of water off that parcel, the District Board of Directors shall not approve an application to transfer a C-BT water allotment contract to that parcel of land if the transfer of the allotment contract would violate either paragraph 3 or 4 of the District’s *Interim Base Water Supply Policy* dated February 14, 1997; and

WHEREAS, when urban growth encompasses a parcel of land affected by a Dry-up Requirement, that parcel of land may thereafter be served by a municipal or domestic water purveyor; and

WHEREAS, the municipal or domestic water purveyor that provides water service to a parcel of land affected by a Dry-up Requirement does so by utilizing the water rights portfolio owned or controlled by that municipal or domestic water purveyor; and

WHEREAS, when a parcel of land affected by a Dry-up Requirement is served by a municipal or domestic water purveyor, the Dry-up Requirement applicable to that parcel of land is not interpreted to prevent use of water supplied by the municipal or domestic water purveyor on that parcel of land; and

WHEREAS, this is an interim policy subject to modification by the District’s Board of Directors at any time.

NOW, THEREFORE, the interim policy of the Board of Directors of the Northern Colorado Water Conservancy District pertaining to the use of C-BT Project water on lands affected by a

Dry-up Requirement is as follows:

1. If a parcel of land is subject to a total Dry-up Requirement¹, C-BT Project water will not be delivered to such parcel of land under any Class D Allotment Contract attached to all or any portion of such parcel of land. C-BT Project water will not be certified for delivery to such parcel of land under the Class D Allotment Contract, and will not be delivered by the District for use on such parcel upon the District becoming aware of the applicable Dry-up Requirement; provided, however, that C-BT Project water already certified for delivery to such parcel of land in the then-current water year will not be withdrawn or withheld by the District for delivery in the then-current water year. In addition, such parcel of land will not be eligible for any prospective transfer of a Class D Allotment Contract as long as such parcel remains subject to the total Dry-up Requirement in accordance with paragraphs 1, 3, or 4 of the District's *Interim Base Water Supply Policy* dated February 14, 1997.
2. If a parcel of land is subject to a partial Dry-up Requirement that does not prohibit the irrigation or re-irrigation of such land with C-BT Project water, such Dry-up Requirement will not prohibit the delivery or use of C-BT Project water on such parcel under a Class D Allotment Contract attached to all or any portion of such parcel of land. However, such parcel of land will not be eligible for any prospective transfer of a Class D Allotment Contract as long as such parcel remains subject to the partial Dry-up Requirement if the provisions of paragraphs 3 or 4 of the District's *Interim Base Water Supply Policy* dated February 14, 1997, are applicable.
3. A parcel of land subject to a partial or total Dry-up Requirement that is not eligible to receive C-BT Project water under paragraph 1 above, shall not be eligible to receive and beneficially use C-BT Project water in any manner, including but not limited to delivery of water under a Class C Allotment Contract, unless the C-BT Project water is used in accordance with paragraph 4 below.
4. Notwithstanding the provisions of paragraphs 1, 2 and 3 above, C-BT Project water may be delivered to and beneficially used on a parcel of land subject to a partial or total Dry-up Requirement if the C-BT Project water is delivered to such parcel by a municipal or domestic water purveyor because such parcel of land is included within the service area of, and being provided water service by, that municipal or domestic water purveyor. The service provided by the municipal or domestic water purveyor may be either treated water service, or raw water service provided by a dual water system in which the municipal or domestic water purveyor is a participant, so long as the water being delivered is owned or controlled by the municipal or domestic water purveyor.
5. The District shall annually notify ditch and/or reservoir companies that deliver C-BT Project water of this policy. The District will request such ditch and/or reservoir

¹ A total Dry-up Requirement means that the terms and conditions of the change of water right decree prohibit the irrigation or re-irrigation of the affected parcel of land with water from any source, including the C-BT Project water.

companies to report to the District any parcels of land which are known to that ditch and/or reservoir company to be subject to Dry-up Requirements, which have not been previously reported to the District. Such reporting shall include a legal description of the parcels affected by the Dry-up Requirement or a copy of the court decree containing the Dry-up Requirement.

6. The District shall maintain a map of the parcels of land subject to partial or total Dry-up Requirements, based on the information provided by ditch and/or reservoir companies or other information available to the District.
7. The District shall request ditch and/or reservoir companies that have the capability to deliver C-BT Project water to parcels of land subject to Dry-up Requirements which, under this policy, would not be eligible to receive delivery of C-BT Project water, to not deliver C-BT Project water to such parcels. If water is certified for delivery to a ditch and/or reservoir company for delivery to such parcels because of a transaction through the District's rental water program, the District shall request that such C-BT Project water not be delivered to such parcel. The District shall also request ditch and/or reservoir companies to notify the District of any attempts to transfer C-BT Project water to parcels of land subject to Dry-up Requirements through the District's rental water program.
8. This policy shall become effective on January 1, 2004.