

1) The water user must (a) intend to make a beneficial use of water; (b) demonstrate this intent openly (i.e. conducting field surveys, posting notice at a diversion point, filing a water right or well permit application, etc.); (c) file a completed application with the regional water court clerk on the proper form with all necessary information included.

2) The water clerk publishes the application through the water court monthly water resume and by legal notice in local newspapers.

3) There is a statutory two-month period where other interested persons have the ability to file statements of opposition.

7) The water user must file a response to the written report with the regional water court.

6) The water court referee and the Division Engineer consult on the application, and then the Division Engineer submits a written report to the regional water court with recommendations.

5) The staff from the division engineer's office (typically the local water commissioners) perform field investigations to assess the claims in the application.

4) The Colorado Division of Water Resources engineers at the local division engineer's office and State Engineer's Office review the application during the statutory two-month period to determine whether the office will file a statement of opposition.

8) The water court referee further investigates the application and issues a ruling when there is no objection to the application.

9) If there is opposition to the application, the water court referee conducts status conferences to establish a case management plan and deadlines for all parties to work together to resolve contested issues.

10) Once all issues have been resolved, the water court referee enters a ruling.

11) If no one protests the water court referee's ruling, it goes before the water court judge and they sign it in the form of a decreed water right.

13) The applicant bears the burden of proof in all applications. For example: (a) for a conditional water right, the applicant must show there is unappropriated water; (b) for a change of water right, the applicant must show the historical beneficial consumptive use of the water right available for change; (c) for an augmentation plan, the applicant must show that the proposed water use, if decreed, will not injure other water rights.

12) If there is a protest to the ruling, the case goes before the water court judge for trial and a decision and decree, unless the parties can reach agreement. In that instance, the water court may enter an agreed-upon decree.