

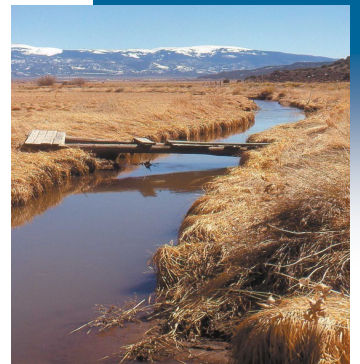
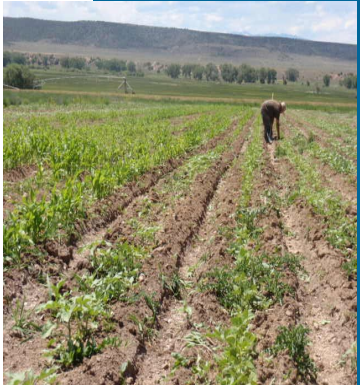


Sangre de Cristo Acequia Association

# El Parciante

Sangre de Cristo Acequia Association  
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## El Parciante



## Abandonment of Water Rights

Abandonment is the termination of an absolute water right in whole or in part as a result of the intent of the owner to discontinue permanently the use of all or part of the water available thereunder. Failure to apply a water right to beneficial use when water was available for a period of ten or more years results in a rebuttable presumption of abandonment. Once the rebuttable presumption is established through non-use, the burden shifts to the owner of the water right to prove that they did not intend to abandon the water right.

Every 10 years, the division engineer is required to present to the water court a list of water rights that the division engineer has found to be abandoned.

The process and timeline of the decennial abandonment process are guided by statutory requirements as follows: (for detailed timeline, see quick links)

Division Engineer's Abandonment List - The initial list of water rights determined to have been abandoned by the division engineer shall be prepared by July 1, 2020 with publication and notice mailed to the last known owner by July 31, 2020. Any person

wishing to object to the inclusion of an absolute water right must file a statement of objection in writing with the division engineer by July 1, 2021.

Division Engineer's 2020 Abandonment List (pdfs by division and sortable spreadsheet for all of Colorado)

- Division 1 - South Platte
- Division 2 - Arkansas
- Division 3 - Rio Grande
- Division 4 - Gunnison
- Division 5 - Colorado
- Division 6 - Yampa/White
- Division 7 - San Juan/Dolores

Entire State - Sortable spreadsheet

Abandonment Objection Form

Revised Abandonment List - The revised abandonment list is submitted to the water court, after being amended, if appropriate, from the Division Engineer's Abandonment List; filed with the water court by December 31, 2021.

Any person who wishes to protest the inclusion of any water rights on the revised abandonment list shall file a written protest with the wa-

ter clerk for the water court and provide a copy to the Division Engineer by June 30, 2022.

Water rights that cannot be included on the abandonment list are:

- Conditional water rights
- Federal Reserved water rights
- CWCB instream flow water rights

Water rights which historically served land that is enrolled in a federal land conservation program.

Water rights that, were enrolled in:

A water conservation program approved by a state agency, a water conservation district, or a water conservancy district

A water conservation program established through formal written action or ordi-

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**Sangre De Cristo Acequia Association Mission Statement**

**To Preserve Acequias, Their Traditional Governance And Water Rights**

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## Abandonment of Water Rights

nance by a municipality or its municipal water supplier

An approved land following program as provided by law in order to conserve water

A water banking program as provided by law

A loan of water to the Colorado Water Conservation Board for instream flow use under section 37-83-105(2), C.R.S.

Any contract or agreement with the Colorado Water Conservation Board that allows the

board to use all or a part of a water right to preserve or improve the natural environment to a reasonable degree under section 37-92-102(3), C.R.S.

Article from La Sierra.



### The Board & Staff

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## Colorado Revised Statutes Title 37. Water and Irrigation § 37-89-101. Penalty for cutting or breaking gate, bank, flume or other irrigation structure

Any person who knowingly and willfully cuts, digs, breaks down, or opens any gate, bank, embankment, or side of any ditch, canal, flume, feeder, or reservoir, or who knowingly and willfully breaks, cuts, checks, or otherwise interferes with the flow of water in any drainage ditch, box drain, or tile drain, or any manhole, or other opening in any box drain or tile drain, in which such person may be a joint owner, or which may be the property of another, or in the lawful possession of another and used for the purpose of drainage, irrigation, manufacturing, mining, or domestic purposes, with intent to injure any person, association, or corporation, or for personal gain, unlawfully, with intent of

stealing, taking, or causing to run or pour out of or into such ditch, canal, reservoir, feeder, flume, drainage ditch, box drain, or tile drain any water for personal profit, benefit, or advantage, or with intent to check or change the flow in any such ditch, canal, feeder, flume, drainage ditch, box drain, or tile drain, to the injury of any other person, association, or corporation, lawfully in the use of such water or of such ditch, canal, reservoir, feeder, flume, drainage ditch, box drain, or tile drain, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than seven hundred fifty dollars or by imprisonment in the county jail for not more than ninety days.

The court shall further order that such person make full restitution to the victim of his or her conduct for the actual damages that were sustained. The amount of such restitution shall be equal to the actual pecuniary damages sustained by the victim. The court shall fix the manner and time in which such restitution shall be made.

For more information go to:

<https://codes.findlaw.com/co/title-37-water-and-irrigation/co-rev-st-sect-37-89-101.html>

## Colorado Revised Statutes Title 37. Water and Irrigation § 37-89-103. Penalty for interfering with adjusted headgates

(1) Every person who willfully and without authority opens, closes, changes, or interferes with any headgate of any ditch, or any water box or measuring device of any ditch for the receiving or delivery of water, after the headgate of the ditch has been adjusted by and is in the control of the division engineer, or after such water box or measuring device has been adopted by the ditch officer in charge, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment.

(2) Any person who is found using water taken through any such headgate, water box, or measuring device so unlawfully interfered with shall prima facie be deemed guilty of a violation of this section.

For more information go to:

<https://codes.findlaw.com/co/title-37-water-and-irrigation/co-rev-st-sect-37-89-103.html>

### Calendar

- Rio Grande Basin Roundtable Meeting – the second Tuesday of each month. Beginning at 2:00 pm in Alamosa.
- SdCAA Monthly Meeting— The second Wednesday of each month at 1:00 PM Via Zoom meeting. r o conference call
- Have a an event you want readers to know about? Please send the information to Nancy Escalante at [sangredecristoacequia@gmail.com](mailto:sangredecristoacequia@gmail.com)

### SdCAA COVID OFFICE HOURS

The Sangre de Cristo Acequia Association will be following the State of Colorado COVID recommendations, this includes reduced office hours, office closed to the public, mandatory face-mask wearing and no outside attendees at board meetings. Those wanting to provide input will have the option of calling into our monthly board meetings. We have imposed these rules to keep our acequia communities safe.

**COVID OFFICE HOURS ARE Mondays and Wednesdays from 8:00 am to 4:00 pm**

### Water Use

**Water in any stream, or river in Colorado is an adjudicated right . Therefore, it belongs to the water right holder, Acequia water is no different. The water that flows through the Culebra Watershed Acequias belongs to the parciantes (landowners) on the acequia, who use the water to irrigate their land. Using the water without this right is stealing and is in direct violation of Colorado Law.**