



AUGMENTATION 101



WHAT IS AUGMENTATION?

Augmentation is the replacement of injury caused by a junior water use to a senior water right. In Colorado, water rights are administered on a priority system, meaning older (senior) water rights have the right to use water before newer (junior) water rights. Within Colorado water law, there are allowances for junior water rights to utilize water when not in priority, provided the junior water user augments the injury, or out of priority depletions, caused by their water use. In the San Luis Valley, augmentation is commonly used to mitigate impacts of well pumping to senior surface water rights holders. For example, when a non-exempt well is drilled near a river, the well pumping pulls water away from the river that would have been available to a senior water right holder, such as a farmer or rancher. By releasing augmentation water from reservoirs or leaving augmentation water in the river, the water consumed by the well is physically replaced in the stream, mitigating the injury to senior water rights.

WHO NEEDS AUGMENTATION?

Surface and groundwater in the Rio Grande Basin are over appropriated, meaning there are more legal claims to water than physically available water. Therefore, the State Engineer has issued a series of rules that require many new and existing uses of water to augment their impacts to senior water rights. Because these water uses must comply with the rules, they are called “non-exempt.” Non-exempt uses include groundwater wells or surface water diversions that operate out of priority and cause injurious depletions.

WHO DOESN'T NEED AUGMENTATION

Anyone with an “exempt” water right as defined by state law. A full listing of the types of exemptions can be found at CRS 37-92-602(1)-(5). A common exemption in the basin is for residential wells on parcels of 35 acres or more.

WHAT IS AN AUGMENTATION PLAN?

An Augmentation Plan details the replacement of out of priority depletions caused by surface diversion or groundwater pumping. To develop an augmentation plan, an entity must obtain a water right decree in water court. The decree details the source and amount of water decreed for a beneficial use of augmentation, what types of water uses will be augmented, when and where augmentation water will be delivered, and how the plan will be operated and accounted for.

WHO HAS AN AUGMENTATION PLAN?

There are more than 80 augmentation plans in the basin. Some of the earliest augmentation plans were created by developers of rural subdivisions, such as Forbes Park in Costilla County, Jasper in Rio Grande County, and Deer Valley Meadows in Alamosa County. The San Luis Valley Water Conservancy District and the Conejos Water Conservancy District operate augmentation plans that serve well owners and surface water diversions within their respective boundaries. Some of the basin’s towns, such as Alamosa and Monte Vista, are seeking approval in water court for augmentation plans to cover depletions from their municipal wells. Mining operations, such as Battle Mountain Gold in Costilla County and Homestake Mining in Creede have augmentation plans.

HOW TO FIND OUT IF YOU NEED AUGMENTATION:

Drilling a new well, expanding the types of use of an existing well, or a new diversion of surface water may require augmentation. Call the Colorado Division of Water Resources at 719-589-6683 to find out more.