

KERSEY WELL USERS ASSOCIATION (KWUA)

PURPOSE OF THE KWUA

In the state of Colorado - well water that is pumped out of the ground must have augmented water returned to the river.

HISTORY OF KWUA

In the 1970's/80's many of the wells that were dug in Kersey belonged to an augmenting plan called GASP. This group augmented the Kersey wells for water to be returned to the river. This organization went bankrupt which left the wells in Kersey without any augmentation plan for water to be returned to the river. That is when the KWUA was formed - April 2, 1981.

In 1981 when the organization was formed the group bought shares of the Greeley Irrigation Company to return water to the South Platte River for the use of KWUA wells. The Association currently own 4 shares of Greeley Irrigation Company water. This was used for summer water augmentation. In the 1990's/2000's, the State Department of Water Resources declared the organization was in violation of augmentation laws for the wells by not having water be augmented during the winter. This necessitated the organization to purchase water for winter augmentation. Thus the group had to find water for sell to serve that purpose. Water shares from Riverside Reservoir were purchased and are used for our winter augmentation.

All the wells in the association have been decreed in the Colorado District Court/ Water Division. Prior to the decree from the water court, all well owners determined their square footage to be watered and the well's GPM. These figures are what determine our compliance with decrees set by the courts decision. All the water that is used for augmentation of this organization has been decreed in the Colorado water courts.

OPERATION OF THE KWUA

In 1981 when this 501C3 organization was formed there were a set of by-laws set forth which are followed to this day. There is a board of five members that over see the operation of the association. Once a year in April an annual meeting of the association is held to discuss business and to set the amount of the yearly assessments for each well.

The amount of each well's assessment is dependent on how much cost has been incurred the last year and how much is predicted for the upcoming year. This annual assessment covers such things as any lawyer expenses; the water engineer that prepares a monthly report of water returned to the river. That report is submitted to the state department of water resources. The assessments also cover office expenses, and reimbursement for the work of the board members.

Each year an annual report is submitted to the state with the list of all the members indicating information on each well as to GPM and Square Footage (this

information was set in the original court decree) along with the information as to whether the members have paid their assessments.

If the owner of any well has not paid his assessments, the information is submitted to the state. At that point the state has the right to “red tag” the well meaning that the well owner is no longer allowed to use the well. Any violation of this will result in very steep fines.

OPERATION OF THE INDIVIDUAL WELLS

With the payment of the annual assessment the well owners are free to use their wells as needed for their yards, gardens etc. The number of shares each well owner has – is determined by the number of the lots each property owner owns.

BUYING / SELLING OF WELL OWNERS PROPERTY

When the property on which the well is located is sold, the realtor or title company is to contact the association to determine if the past assessments have been paid. If there are no past assessment fees to be paid, the well is then allowed to be transferred. There is a \$75 transfer fee that is paid to the association at the time of the closing. The title company is responsible for notifying the Colorado Department of Water Resources to change the ownership of that well.

At the time of the closing the seller surrenders his well certificate. Once the association receives the surrendered well certificate, the transfer fee and the contact information for the new owner, a new certificate is issued for that well by the association to the new owners. This certificate is an important document that needs to be kept with the important papers for the ownership of the property.

When the property is sold, the well and the rights to use that well stay with the property. The homeowner is not allowed to sell the water rights from that well.

CONTACT INFORMATION

It is hoped this will help property/well owner, realtors, title companies and others to understand the organization, its importance to owning and operating of the well, and how the well ownership needs to be transferred. If you have any further questions you may contact the current board members:

Dave Popham, treasurer	970 356-2007
Roberta Smith, Secretary	970 396-0507
Jack Hill, President	970 352-3817

Email KWUA at risotr@what-wire.com