

Blue Heron Park 2018 Projects & Information



Foothills Park & Recreation District has received many questions regarding the construction that occurred in the park as part of the Dam Replacement Project in 2018.

The goals of this document are to improve communication between the concerned neighbors and entities involved in the dam project, clarify the facts surrounding water rights, and to share Foothills District's intentions for both the reservoir and the park's future appearance.

BLUE HERON PARK DETAILS

- Foothills Park & Recreation District (Foothills District) maintains Blue Heron Park and its amenities.

For information regarding Blue Heron Park, visit Foothills Park & Recreation District's website at: <https://www.ifoohills.org/blue-heron-park/>

DAM REPLACEMENT DETAILS

- The State of Colorado's Division of Water Resources determined that the dam was unsafe and needed modification to bring it to current dam safety standards.
- Jefferson County and The Flood Control District agreed to work together to help financially bring the dam up to current dam safety standards.
 - Foothills Park & Recreation District works cooperatively with other governmental organizations, such as The Flood Control District and Jefferson County, when there are items that supersede Foothills District's operations. The Dam Replacement Project is an example of such a situation.
- The replacement of the dam was a joint project between Jefferson County and The Flood Control District. These two organizations replaced the dam to protect the residents downstream from heavy storm events and dangers of living in the flood plain.
- The Dam Replacement was completed in August 2018.
- **Funding for the dam replacement came from Jefferson County and The Flood Control District.**

For information regarding the Dam Replacement, please contact:
Jefferson County – John Conn, 303-271-8496 | jconn@co.jefferson.co.us

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RECREATIONAL REPLACEMENTS AND IMPROVEMENT PROJECTS

- Because of the work that was conducted for the Dam Replacement by The Flood Control District and Jefferson County, **Foothills District chose to only fund and replace the recreational aspects of this site, which are the bridge over the spillway and the recreational trail on the top of the dam.**
- Improvement Projects will be occurring in Blue Heron Park including: playground replacement, shelter improvements, irrigation system improvements and tree plantings, which are funded through the voter-approved 2017 mill levy. These projects will begin in 2018 and will be completed in 2019. These improvements are completely independent from the Dam Replacement Project.

For information regarding Improvement Projects, visit Foothills Park & Recreation District's website at: <https://www.foothills.org/projects-2018/>

WHY WAS THE RESERVOIR DRAINED, WHY HASN'T IT BEEN REFILLED?

- The reservoir needed to be drained in order to facilitate the dam construction project, and now that the project is complete, the valve is chained open until Foothills District is notified by the water commissioner that we can close the valve so that the reservoir can be filled.
- Foothills District has very junior water rights to refill the reservoir. Because of an extremely dry year for the State, those with more senior water rights are using/retaining water first, and there simply isn't enough water for all entities with water rights.
- The next section titled "Water Rights Details" (on page 3), explains more about this project and how Foothills District fought to keep the reservoir from being turned into a detention pond.

Can't Foothills District buy water from somewhere to fill the Reservoir?

- Storage of water requires a right to have the water, and any deviation and exchanges have to be approved by the Division of Water Resources through the Colorado Water Court process.
<https://www.courts.state.co.us/Courts/Water/Index.cfm>
- As an example of how strict the laws around water are, a private homeowner wasn't allowed to retain rain water that fell on his/her own property until legislation was passed in January of 2016! To read more about this topic, visit: <http://www.ncsl.org/research/environment-and-natural-resources/rainwater-harvesting.aspx>

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WATER RIGHTS DETAILS

- The State has become more diligent about researching and determining the water rights of various water vessels all over the State of Colorado. During the design phase of this project, which the State had to ultimately approve, it was determined that there were no storage rights to the water being retained and stored in the reservoir.
 - This led to a discussion and deliberation about a different design which would have resulted in the basin serving as a detention pond for major storm events and would never be full except for a 72-hour release time period.
 - Foothills District felt that this would not be an acceptable end product and sought to find a solution to allow it to refill and be used as a reservoir in the future.
 - The design continued to progress and included the final product as a reservoir, contingent upon Foothills District filing and receiving water storage rights.
 - Foothills District filed for water storage rights in 2017 and was granted those rights by the water court in December 2017. They are extremely junior rights, which means anyone else who has rights filed prior to 2017 gets their allotment of water from the Coon Creek basin before Foothills District is allowed to receive any water. Significant rain events or a good snow pack will need to occur in order for Foothills District to be allowed to store water in the reservoir.
- Recognizing that the junior water rights in Coon Creek are likely not going to be sufficient, Foothills District also filed for water rights in the Turkey Creek system. This water doesn't flow through the reservoir bed like Coon Creek, so Foothills District is also working on a conveyance agreement with a local ditch and reservoir company to potentially convey the water through their system and into the reservoir. However, if Foothills District is successful with securing these rights and entering into the conveyance agreement, these water rights will also be very junior rights, and again, significant rain events and/or good snowpack would be needed in order to realize the ability to store water from this additional system.
- Possessing access to two different sources of water would be better than only one source, as their basins are from different areas.
- Foothills District will continue to investigate and evaluate any and all legal opportunities that exist in an effort to fill the reservoir.

For information regarding Water Rights, please contact:
The State of Colorado - Tim Buckley, 303-501-4298 | tim.buckley@state.co.us

For additional questions, please contact
Foothills Park & Recreation District - Colin Insley, 303-409-2304 | insley@fhprd.org