

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

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RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING SEPTEMBER 2023. (This publication can be viewed in its entirety on the state court website at: [www.courts.state.co.us](http://www.courts.state.co.us)).  
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TO: ALL INTERESTED PARTIES

Pursuant to C.R.S. 37-92-302, you are hereby notified that the following is a resume of applications and certain amendments filed and/or ordered published during September 2023, in Water Division No. 2. The names and addresses of applicants, description of water rights or conditional water rights involved, and description of ruling sought as reflected by said applications, or amendments, are as follows:

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**\*\*Per Order, Resume to be published by Water Division 1 and consolidated to Water Division 1 after publication.\*\***

**CASE NO. 2023CW3041, Water Division 2 and CASE NO. 2020CW3110, Water Division 1 – SUSAN C. MCLEAN, 2415 Hodgen Road, Colorado Springs, CO 80921**

(Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Chris D. Cummins, W. James Tilton, Sedona E. Chavez and Paul J. Raymond, Monson, Cummins, Shoheit & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212)

Application for Adjudication of Denver Basin Groundwater and for Approval of Plan for Augmentation

**EL PASO COUNTY**

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**CASE NO. 2023CW3042; Previous Case Nos. 97CW56, 04CW49, 10CW86, & 17CW3017 – BRYAN BROUSSEAU, 931-35 31st Street, Apt. 704 Astoria, NY 11106**

(Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Scott A. Grosscup and Ryan L. Scheidt, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546)

Application for Findings of Reasonable and to Make Conditional Water Right Absolute.

**LAKE COUNTY**

Summary of Application: Applicant seeks a finding of reasonable diligence in the development of the conditional water right decreed to Parcel C Well and to find that Parcel C Well has been made absolute in the full amount of 15 g.p.m. for commercial, dom, irr., and stock water purposes on the Majestic Mountain Ranch. **First Claim for Finding of Reasonable Diligence. Structure: Parcel C Well**, (Permit No. 86433-F). Decrees Information: 97CW56 entered on 07/28/1998, 04CW49 entered on 12/14/ 2004, 10CW86 entered on 04/4/2011, 17CW3017 entered on 09/18/ 2017 Dist. Ct., Water Div. 2. Legal Description: Located in the SE1/4 SE1/4 Sec. 5, T. 11 S., R. 80 W. of the 6th P.M. in Lake Cty., CO at a point 100 ft. north of the south section line and 125 ft. west of the east section line. Also described as Parcel C of Majestic Mountain Ranch Subdivision, Lake Cty., CO, as shown in Exh. A attached to the application. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) The street address is 1287 CR 24, Twin Lakes, CO 81251. Source: Groundwater tributary to Lake Creek, tributary to the Arkansas River. Date of Approp.: 04/14/1997. Amt.: 15

g.p.m., conditional. Uses: dom, irr. and stock water purposes on the Majestic Mountain Ranch Subdivision in 97CW56 decree. Depth of Well: Completed depth of 175 ft. The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. **Second Claim to Make Absolute.** Summary of Claim: Applicant requests a finding that the conditionally water right decreed to Parcel C Well be made absolute by diversion and application to beneficial use as follows: Structure: Parcel C. Well, as claimed above (Permit No. 86433-F attached as Exh. C). Date of Beneficial Use: 06/15/2020. Applicant diverted water, in priority, for decreed uses. Amt. Claimed as Absolute: 15 g.p.m. for dom., irr., and stock water purposes.

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**CASE NO. 2023CW3043; CRAIG AND SALLY MCDERMOTT, THE CRAIG AND SALLY MCDERMOTT REVOCABLE TRUST, 12930 Herring Road, Colorado Springs, CO 80908 and SCOTT MCDERMOTT, 12950 Herring Road, Colorado Springs, CO 80908** (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17<sup>th</sup> Street, Suite 1800, Denver, CO 80202, (303) 825-1980)

Application for Amendment of Augmentation Plan

Application for Amendment of Augmentation Plan

**EL PASO COUNTY**

Subject Property: Three (3) contiguous parcels totaling approximately 30 acres generally located in the NE1/4 SE1/4 of Section 8, Township 12 South, Range 65 West of the 6th P.M., El Paso County, Colorado, As shown on **Exhibit A** (subject property) attached to the application. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) Property Certification: Applicants are sole owners of the Subject Property and certify that it is free and clear of all liens and encumbrances and no other person or entity has a financial interest in the property. Therefore, no notice is required under C.R.S. § 37-92-302(2)(b). Decree for Which Amendment is Sought: Case No. 2019CW3031, decreed on February 20, 2020 ("Original Decree"), and Case No. 2021CW3023, decreed on September 13, 2021 ("First Amended Decree"). Proposed Amendment: In the Original Decree, an augmentation plan was approved for use of 1.25 acre-feet per year for 300 years of not-nontributary Dawson Aquifer groundwater for in-house use in up to 2 residences, irrigation of 8500 square-feet of law, garden, and trees, and stock watering of up to 8 large domestic animals. In the First Amended Decree, the augmentation plan was amended and approved for use of up to 2.55 acre-feet per year for 300 years of not-nontributary Dawson Aquifer groundwater for in-house use in up to 2 additional houses for 300 years of not nontributary Dawson aquifer groundwater. By this application, Applicants request an additional 0.3 acre-feet per year for 1 additional house for 300 years of use as follows: In-house use in one (1) residence: 0.3 acre-feet per year total. Total additional use of up to 0.3 acre-feet per year for 300 years of Dawson Aquifer groundwater. Total use after amendment will be 2.85 acre-feet per year for 300 years. The actual depletion at 300 years of pumping, including the additional volume, is 23.77% of the annual amount withdrawn or 0.68 acre-feet, and return flows from in-house use is sufficient to replace the required actual depletion for 300 years. Depletions occur to the Monument Creek stream system and return flows accrue to that stream system. No other provisions of the Original Decree or First Amended Decree will be changed. Applicants request that this Court enter a decree granting this application and for a finding that the change requested herein will not

injuriously affect other owners or users of vested or conditional water rights, and for such other relief as it deems proper in the premises.

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THE WATER RIGHTS CLAIMED BY THE FOREGOING APPLICATION(S) MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT AND PROTEST WITHIN THE TIME PROVIDED BY STATUTE, OR BE FOREVER BARRED.

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or application as amended, may file with the Water Clerk a verified statement of opposition setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions, such statement of opposition must be filed by the last day of November 2023, (forms available at Clerk's office or at [www.courts.state.co.us](http://www.courts.state.co.us), after serving parties and attaching a certificate of mailing, filing fee \$192.00). The foregoing are resumes and the entire application, amendments, exhibits, maps and any other attachments filed in each case may be examined in the office of the Clerk for Water Division No. 2, at the address shown below.

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Witness my hand and the seal of this Court this 11<sup>th</sup> day of October 2023.





Michele M. Santistevan, Clerk  
District Court, Water Div. 2  
Pueblo Judicial Building  
501 N. Elizabeth Street, Suite 116  
Pueblo, CO 81003; (719) 404-8749

(Court seal)  
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