

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED DURING APRIL 2004

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 during April 2004, 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:

CASE NO. 04CW17 – JOHN J. and SUZANNE M. JANECEK, P. O. Box 20077, 4785 Santa Fe Drive, Colorado City, CO 81019

Amended Application for Surface Water Rights
Huerfano County

2. Names of structures: Janecek Spring #1 and Janecek Spring #2. **3. Legal description of each point of diversion:** Janecek Spring #1: Huerfano County, NW ¼ of the NW ¼ Section 18, Township 29 South, Range 70 West of the 6th P.M., 1250 feet from the North section line and 1114 feet from the West section line; Janecek Spring #2: Huerfano County, NW ¼ of the NW ¼ Section 18, Township 29 South, Range 70 West, 6th P.M., 965 feet from the North section line and 1050 feet from the west section line. **Street Address:** 2801 County Road 442. **Subdivision:** Warren's LaVeta Property; Lot 9-C. **4. Source:** Fresh water springs coming out of hillside. **5. A. Date of initiation of appropriation:** Date of purchase, September 10, 1981 **B. How appropriation was initiated:** Walking the property we found the springs and measured the flows. **C. Date water applied to beneficial use:** Janecek Spring #1: Spring development, May 1982; Janecek Spring #2: Personal household use, planned connection to household water system. **6. Amount claimed:** Janecek Spring #1: 1.5 gpm Absolute; Janecek Spring #2: 1.1 gpm Conditional. **7. Use or proposed use:** Personal household use for both Springs 1 and 2. **A. If irrigation, complete the following:** N/A. **B. If non-irrigation, describe purpose fully:** Personal household use, both spring necessary during periods of low flow from springs, lawn watering, tree watering for fire prevention of structure. Trees and lawn will only be watered that are closest to the structure. **8. Name(s) and address(es) of owners upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use:** Applicants. **9. Remarks:** A) Statement regarding calculation of water flow and legal maps and legal description of property with spring locations marked are on file with the Amended Application and available for inspection at the Office of the Clerk for Water Division No. 2. (Amended Application and attachments, 6 pages)

CASE NO. 04CW25 – DANIEL J. TYNAN, 1224 N. Tejon Street, Colorado Springs, CO 80903

Application for Underground Water Rights
Chaffee County

1. Permit #244036. Legal Description of Well: Chaffee County, SE ¼ of the SW ¼, Sec. 15, Twp. 50 N., Range 8 E., NMPM. **Distance from Section Lines:** 600 Ft. from S., 2000 Ft. from W. Line **Beneficial Use Applied:** 10/08/03. **Amount Claimed:** 15 gpm. **Proposed use:** Fire protection, household single family dwelling, irrigation of 1 acre home garden and lawn, watering domestic animals. **2. Permit #244034. Legal Description of Well:** Chaffee County, SE ¼ of the NE ¼, Sec. 22, Twp. 50 N., Range 8 E., NMPM. **Distance from Section Lines:** 2000 Ft. from N., 600 Ft. from E. line. **Beneficial Use Applied:** 10/08/03. **Amount Claimed:** 15 gpm. **Proposed Use:** Fire protection, household use single family dwelling, irrigation of 1 acre home garden and lawn, watering of domestic animals. **3. Permit #244035. Legal Description of Well:** Chaffee County, SW ¼ of the NW ¼, Sec. 23, Twp. 50 N., Range 8 E., NMPM. **Distance from Section Lines:** 2000 Ft. from N., 600 Ft. from W. Line. **Beneficial Use Applied:** 10/10/03. **Amount Claimed:** 15 gallons per minute. **Proposed Use:** Fire protection, household single family dwelling, irrigation of 1 acre home garden and lawn, watering of domestic animals. **4. Permit #127179-A. Legal Description of Well:** Chaffee County, SW ¼ NE ¼, Section 22, Twp. 50 N., Range 8 E., NMPM. **Distances from Section Lines:** 1950 Ft. from N. Section Line, 2130 Ft. from East Section Line. **Beneficial Use Applied:** 3/28/03. **Amount Claimed:** 30 gpm. **Proposed Use:** Fire protection, household purposes not more than three single family dwellings, watering of poultry, domestic animals and livestock, irrigation of not more than 1 acre home gardens and lawns. **5. Permit #119081. Legal Description:** Chaffee County, NW ¼ of the NE ¼ of Sec. 22, Twp. 50 N., Range 8 E., NMPM. **Distances from Section Lines:** 872 feet North to south; 560 feet from west to east. **Beneficial Use Applied:** 5/14/81. **Proposed Use:** Fire protection, ordinary household purposes, watering of poultry, domestic animals, and livestock of farms and ranches, irrigation of not more than one acre of home garden and lawns. [Note: No amount was claimed for this well; however, the Well Completion and Pump Installation Report filed with the application indicates the pumping rate of the well is 13 gpm].

(Application and attachments, 18 pages)

CASE NO. 04CW26 – SHERYL L. LAMBERT, 10535 Raygor Road, Colorado Springs, CO 80908-4421

Application for Underground Water Right
El Paso County

2. Name of well and permit, registration, or denial number: No. 131193. **3. Legal description of well:** El Paso County, SW ¼ of the SW ¼ Section 23, Township 12 South, Range 65 West, 6th P.M., approximately 550 feet from the South line and 160 feet from the West line. **Street Address:** 10535 Raygor

Road; **Subdivision:** MFY Farm Subdivision, Lot 2. **4. A. Source:** Dawson; **B. Depth:** 250. **5. Date of Appropriation:** _____. **B. How appropriation was initiated:** _____. **C. Date water applied to beneficial use:** _____. [Note: Records submitted with the application indicate the well permit was issued on July 7, 1983.] **6. Amount claimed:** _____ [Note: Records submitted with the application indicate a maximum pumping rate of 15 gpm.] **7. If well is non-tributary:** **A. Name of Aquifer:** Dawson; **B. Amount claimed in acre feet annually:** _____. **8. Proposed use:** **A. If irrigation, complete the following:** (1) Number of acres historically irrigated: ____; (2) Total number of acres proposed to be irrigated: ____; (3) The legal description of the land irrigated: ____; (4) Area of lawns and gardens irrigated: _____. **B. If non-irrigation, describe purpose fully:** For watering lawn, flower beds, dogs, cats, pigs, chickens, llamas, donkeys, horses, sheep, pasture production agricultural. Domestic – serves 1 home/1-2 barns. **9. Name(s) and address(es) of owner(s) of the land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use:** _____. **10. Remarks:** _____.
(Application and attachments, 6 pages)

CASE NO. 04CW27 – GOLD CAMP RANCH, LLC, P. O. Box 60248, Colorado Springs, CO 80960

Application for Surface Water Right
Teller County

1. Name of structure: Spring #1. **2. Legal description of each point of diversion:** Teller County, Colorado, East ¼ corner of Section 14, Township 15 South, Range 69 West, 6th P.M., 600 feet from North and 15 feet from East. **Street Address:** 5987 Gold Camp Road (CR#8). **3. Source:** Underground developed spring. **4. A. Date of initiation of appropriation:** 1992. **B. How appropriation was initiated:** Underground spring was developed with rocks and PVC pipe. **C. Date water applied to beneficial use:** We first began using this water source when we purchased the property in January 1994. **6. Amount claimed:** 2 gpm. **7. Use or proposed use:** Domestic use for drinking, kitchen washing/cleaning, showers, restroom toilets and washing. **A. If irrigation, complete the following:** n/a. **B. If non-irrigation, describe purpose fully:** Domestic use for drinking, kitchen washing/cleaning, two showers, two restrooms. Only used during months of April thru September. **8. Name(s) and address(es) of owners of the land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use:** Applicant. **9. Remarks:** Applying for spring water rights.

(Application and attachments, 7 pages)

CASE NO. 04CW28 – MICHAEL V. LOWE, 6816 Greenhorn Creek Drive, Pueblo, CO 81004

Application for Underground Water Right
Pueblo County

2. Name of well and permit, registration, or denial number: Permit #213699.
3. Legal description of well: Pueblo County, NW ¼ of the NE ¼ Section 19, Township 23 South, Range 65 West, 6th P.M., 400 feet from the North line and 2200 feet from the East line. **Street Address:** 6816 Greenhorn Creek Road. **Subdivision:** Hatchet Ranch, Lot 22. **4. A. Source:** Dakota; **B. Depth:** 120 feet. **5. A. Date of appropriation:** Feb. 17, 1999. **B. How appropriation was initiated:** Domestic well Permit #213699. **C. Date water applied to beneficial use:** Feb. 24, 1999. **6. Amount claimed:** 15 gpm. **7. If well is non-tributary: A. Name of Aquifer:** Dakota; **B. Amount claimed in acre feet annually:** 1 acre foot. **8. Proposed use: A. If irrigation, complete the following: (1) Number of acres historically irrigated:** n/a. **(2) Total number of acres proposed to be irrigated:** 1 acre. **(3) The legal description of the land irrigated:** 1 acre in the NW ¼ NE ¼ Sec. 19, T23S, R65W, 6th P.M. **B. If non-irrigation, describe purpose fully:** Domestic well permit #213699. **9. Name(s) and address(es) of owner(s) upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use:** N/A.

(Application, 3 pages)

CASE NO. 04CW29 – MERRILL and MARY REDMAN, 2272 Twin Creek Road, Box 28, Coal Creek, CO 81221

Application for Surface Water Rights
Fremont County

2. Name of structure: Redman Spring. **3. Legal description of each point of diversion:** Fremont County, NW ¼ of the SW ¼ Section 23, Township 20 South, Range 70 West, 6th P.M. **Optional Additional Description: GPS location information in UTM format. Required settings for GPS units are as follows: Format must be UTM; Zone must be 13; Units must be Meters Datum must be NAD27 (CONUS) and; Units must be set to true north. Were points averaged? Yes. Northing, 4238024; Easting, 483136. 4. Source:** Spring – unnamed tributary to Coal Creek – intermittent flow – water right to be to downstream seniors. **5. A. Date of initiation of appropriation:** Date of purchase. **B. How appropriation was initiated:** Purchase of property – initiation of water right claim. **C. Date water applied to beneficial use:** _____. **6. Amount claimed:** .011 cfs Absolute. **7. Use or proposed use:** Fire protection; wildlife and livestock water. **8. Name(s) and address(es) of owners of the land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use:** Applicants.

(Application, 3 pages)

CASE NO. 04CW30 – SANDY CHARNEY, 9017 Cottontail, Rye, CO 81069

Application for Change of Water Right

Huerfano County

2. Decreed name of structure for which change is sought: Weston Spring #3. **3. From previous Decree:** **A. Date Entered:** 10-19-1971; **Case No.** W-304; **Court:** Water Div. II. **B. Decreed point of diversion:** 106' south of north line; 775' east of west line, Section 2, Township 26 S., Range 68 W., Principal Meridian, 6th, NW ¼ NW ¼ of Section 2. **C. Source:** Mexican Springs drainage. **D. Appropriation Date:** 1 June 1965; **Amount:** 0.04 cfs. **E. Historic use:** Domestic, stock, industrial, irrigation. **4. Proposed change:** Change name from Weston #3 to Rosewater Springs. Change amount of water from .04 cfs to 1.0 cfs. Add industrial and irrigation to use. Correct clerical error: Change source of water from Meado Canyon, Apache Creek drainage to Mexican Branch Canyon; Mexican Springs drainage.

(Application and attachments, 5 pages)

CASE NO. 04CW31 – COMPLAINT. This is a complaint and is simply being listed in the resume to account for the case number in consecutive order.

CASE NO. 04CW32 – MICHAEL G. O'BRIEN, 694 Pinon Lane, Colorado Mountain Estates, Florissant, CO 80816-8919

Application for Underground Water Right

Teller County

2. Name of well and permit, registration or denial number: 203857 – 10-1-97. **3. Legal description of well:** Teller County, SW ¼ of the NE ¼ Section 32, Township 13 South, Range 70 West, 6th P.M., 2580 feet from the North line and 1575 feet from the East line. **Street Address:** 694 Pinon Lane. **Subdivision:** Colorado Mountain Estates, Lot 1297, Filing #10. **8. Proposed use:** Household use only (pressure tank – 32 gallons). **9. Name(s) and address(es) of owner(s) upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use:** Michael and Valeri O'Brien, 694 Pinyon Lane, Colorado Mountain Estates, Florissant, CO 80816-8919. **10. Remarks:** So that anyone within 750 ft. of well must prove their well will not affect mine, or they may not drill. Our well, 1 gpm, 375 feet deep. **From:** Well Const. and Test Report, Office of the State Engineer (William F. Dietrich), 818 Centennial Building, 1313 Sherman Street, Denver, CO; 9/30/97. **Contractor:** RMPD, Ltd., P. O. Box 287, Florissant, CO 80816, 719-748-3318, Lic. No. 1155. (Note: Other wells in the area have affected wells within 750 ft., and streamflows, negatively).

(Application and attachments, 4 pages)

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 June 2004, (forms available at Clerk's office, must be submitted in quadruplicate, after serving parties and attaching a certificate of mailing, filing fee \$70.00). 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.

Witness my hand and the seal of this Court this _____ day of May, 2004.

Mardell R. DiDomenico, Clerk
District Court Water Div. 2
203 Judicial Bldg., 320 W. 10th Street
Pueblo, CO 81003 Tel. 583-7048

(Court seal)
Published: May _____, 2004