

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

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RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING APRIL 2015  
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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 April 2015, 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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**CASE NO. 2013CW7 – TOWN OF FOWLER, Dan Hyatt, Town Administrator, 317 Main Street, Fowler, CO 81039** (Attorney for Applicant: Henry D. Worley, Worley Law Firm, LLC, 611 North Weber, Suite 104, Colorado Springs, CO 80903; (719) 634-8330)  
Second Amended Application for Change of Water Rights

**PUEBLO AND OTERO COUNTIES**

The original application in this case is amended to indicate that after diversion and measurement, the location at which the water attributable to Applicant's Oxford Farmer's Ditch shares which are sought to be changed pursuant to the application will be returned to the Arkansas River in the NW1/4 NW1/4 Section 16, T. 22 S., R. 59 W., 6th P.M., rather than in Range 69 W. In addition, paragraph 6 of the Second Amended Application herein shall be amended to include the following sentence at the end of the paragraph: The "exchange from" location for such exchanges shall be located in the NW1/4 NW1/4 Section 16, T. 22 S., R.59 W., 6<sup>th</sup> P.M. A Case Management Order was approved in this case on February 20, 2015 which established a five day trial commencing on April 4, 2016. Any entity or person filing a statement of opposition to this amended application shall file its Rule 26(a)(1) disclosures on or before August 3, 2015, and shall be subject to all other deadlines established by the Case Management Order, including without limitation the requirement to file Rule 26(a)(2) disclosures on or before November 30, 2015.

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**CASE NO, 2015CW2 – TOMMY H. WAIT and SANDRA A. WAIT, 25250 E. Hwy. 110, Calhan, CO 80808; (719) 683-7926**

Application for Underground Water Rights in the Denver Basin Aquifers

**EL PASO COUNTY**

All of the applicants listed have joint ownership of the parcel, which is the subject of this application. **Background: Parcel description:** The parcel of land consists of 80 acres, more or less, in El Paso County, located generally in Section 14, Township 15 South, Range 61 West, 6<sup>th</sup> P.M. The claim of Applicants to the water underlying the parcel is based on ownership of the parcel. This application seeks a decree adjudicating all or part of the nontributary and not nontributary ground water in the Denver Basin aquifers underlying the subject property. Such aquifers may include the Upper Dawson, Lower Dawson, Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers; the actual aquifers will be those that are determined to be available underlying the Subject Property in accordance with the Denver Basin Rules (2 CCR 402-6). The Applicants seek to adjudicate the Denver Basin ground water

underlying the subject property in all of the available aquifers. Applicants certify that Applicants own the subject property free and clear of all liens and encumbrances and that no other person or entity has a financial interest in the subject property. Accordingly, Applicants certify compliance with the notice requirements of § 37-92-302(2), C.R.S. There are 2 wells located on the property. Those wells are permitted under well permit nos. 227879 and 194870. The application is seeking to adjudicate the existing wells located on the property. **Names of Wells:** West Well; Permit No. 194870. East Well; Permit No. 227879. **Legal description of wells using the Public Land Survey System (PLSS):** West Well: El Paso County, NE ¼ of the NW ¼ Section 14, T15S, R61W, 6<sup>th</sup> P.M., 200 feet from the north line and 1500 feet from the west line. East Well: El Paso County, NE ¼ NW ¼ Section 14, T15S, R61W, 6<sup>th</sup> P.M., 400 feet from the north line and 2200 feet from the west line. **Street Address:** 31455 Fossinger Rd., Yoder, CO 80864. **Source:** Laramie-Fox Hills. **Depth to bottom of well:** West Well: 355'; East Well: 295'. **Date of appropriation:** West Well: 5/10/1996; East Well: 08/15/2000. **How appropriation was initiated:** Well permits issued. **Date water applied to beneficial use:** West Well: 7/8/1997; East Well: 09/14/2000. **Claimed pumping rate:** 15 gpm each. **Amount claimed in acre-feet annually:** 1 acre-foot each. **Use (for each well):** 3 single family dwellings; 1 acre of lawn and garden irrigation; watering of domestic animals; livestock watering on farm/ranch/pasture.

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**CASE NO. 2015CW3 – RICHARD AVERNA and ELAINE AVERNA, 601 Middle Street, Leavenworth, KS 66048; (913) 682-8714**

Application for Finding of Reasonable Diligence and to Make Absolute in Whole or in Part

**FREMONT COUNTY**

**Names of Structures:** Avera Spring; Avera Pond. **Describe conditional water rights:** **Date of Original Decree:** 20 March 2009; **Case No.:** 07CW107. **Court:** Water Division 2. **Legal description:** Avera Spring and Avera Pond: NW ¼ NE ¼ Section 28, Township 17 South, Range 73 West, 6<sup>th</sup> P.M., Fremont County, Colorado, approximately 750 feet from the North line of Section 28 and 1000 feet East of the North-South center line of Section 28. Avera Spring and Avera Pond are located on Lot 92, South T Bar Ranch, Fremont County, Colorado. **Source of water:** Avera Spring: Natural spring and drainage/runoff water. Avera Pond: Drainage, winter runoff and fed by a small natural spring (Avera Spring). **Appropriation Date:** 20 March 2009; **Amount:** Avera Spring: 1 gpm-intermittent; Avera Pond: .07 a.f. (3000 cubic feet). **Use:** Domestic purposes inside a single-family residence, the irrigation of up to one (1) acre of home lawn and gardens, watering of non-commercial livestock, and recreation. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use:** To date, water from Avera Spring remains naturally flowing to Avera Pond and it waters non-commercial free range livestock for which there is a grazing lease. **If claim to make absolute in whole or in part:** **Date water applied to beneficial use:** 20 March 2009; **Amount:** Avera Spring: 1 gpm-intermittent; Avera Pond: .07 a.f. (3000 cubic feet). **Use:** Waters non-commercial free range livestock for which there is a grazing lease. **Description of place of use where water is applied to**

**beneficial use:** NW ¼ of the NE ¼ R73W, T17S, S28, 6<sup>th</sup> PM; Lot 92, South T-Bar Ranch, Fremont County. See map 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.) **If actual location of the structure is different from the location above, provide actual description:** NW ¼ of the NE ¼ Section 28, Township 17 South, Range 73 West, 6<sup>th</sup> P.M. Avena Pond From Boundary: North: 150 ft. South 1850 ft. East: 2300 ft. West 1000 ft. **Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** No diversion or modification to date. **Remarks:** Currently our plans to develop our property, which includes the uses for the water rights remain in the planning phase mainly because we are waiting to see the finalized plans of Black Range Minerals (BRM), a mining company which is currently moving forward with permitting a historic load of uranium known as the Hanson and Picnic Tree Ore bodies. Our property is adjacent to the mining area and depending on how and where BRM mines we may want to adjust the location of our proposed build site and water well, etc. In addition BRM operation may have a temporary impact on the current road structure which may also have an impact on our decision of location and start time, etc. We have picked locations and planned water well, etc., but before we commit money we need to see BRM finalized plans. However, for the Pond, we have maintained a preexisting small earth dam and spillway.

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**CASE NO. 2015CW4 – DAVID REINEKE, P. O. Box 71, Rye, CO 81069; (719) 489-2302**

Application for Absolute Underground Water Right

**PUEBLO COUNTY**

**Name of Well and permit, registration or denial number:** Reineke; Permit 31406.  
**Legal description of well: UTM Coordinates (NAD83, Zone 13):** Northing 4197360.2; Easting 504270.5; **Street Address:** 10022 Miller Avenue, Rye, CO 81069;  
**Subdivision:** Miller; **Lot:** 7; **Parcel** 4836202024; **Block:** 2. **Source of UTM:** iPhone app. **Accuracy of location displayed on GPS device:** 20 feet. **PLSS Location:** Pueblo County, NW ¼ of the NE ¼ Section 36, Township 24 South, Range 68 West, 6<sup>th</sup> P.M. **Source of water:** Ground water tributary to Greenhorn Creek, tributary to Arkansas River. **Depth of Well:** 10' (on perched water table). **Date of appropriation:** April 22, 2015. **Date water applied to beneficial use:** 1967 (Reineke in 1998). **Amount claimed in gallons per minute:** 5-10 gpm Absolute. **Amount claimed in acre feet annually:** .07 – estimated. **Use:** Household use only, 2 bedroom, 1350 sq. ft.

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**CASE NO. 2015CW5; Previous Case Nos. 2001CW135; 2008CW69(2001CW135) – DAVIS FAMILY LIVING TRUST dated January 20, 2000, Cornelous L. Davis, Trustee, P. O. Box 3876, Incline Village, NV 89450; (775) 831-7539**

Application for Finding of Reasonable Diligence

**FREMONT COUNTY**

**Name of structure:** Conn #1 Spring. **Date of Original Decree:** September 16, 2002; **Case No.:** 2001CW135; **Court:** Water Div #2, Colorado. **List all subsequent decrees awarding findings of diligence: Date of Decree:** May 28, 2009; **Case No.:** 2008CW69(01CW135); **Court:** Water Div. #2, Colorado. **Legal description:** Within Tract 21 of Montana Verde Filing #1, Fremont County, Colorado, where the SE corner of said Tract 21, also being Corner #7 of govt. Tract 107, T. 50N., R.12E., N.M.P.M., Fremont County, Colorado, bears S83°44'45"E a distance of 366.0 feet from the spring. **Source of water:** Spring in a gulch which drains into the East Gulch. **Appropriation date:** December 31, 1959; **Amount:** 4 gpm or 0.009 cfs. **Use:** stock watering 40 head of cattle absolute, and domestic use conditional. **Provide a detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed:** The conditional domestic permit was obtained so that we could sell the property and a buyer could have a domestic permit for building a house. The property was listed with a real estate company till the spring of 2008, when it was taken off the market as the demand for 40 acre parcels went from bad to worse. It is taking longer than normal for the economy to recover. We did have a potential buyer contact us in the spring of 2014, but they were not willing to pay an acceptable price for the 40 acre parcel. As soon as market recovers we plan on listing the property with a real estate company. **Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Applicant.

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**CASE NO. 2015CW3011 – THE PEOPLE OF THE STATE OF COLORADO, ex rel. DICK WOLFE, State Engineer, and STEVEN J. WITTE, Division Engineer for Water Division 2 v. JAMES MATTHEW HANRATTY.** This case is a complaint for injunctive relief and is listed in the resume to account for the case number in consecutive order.

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**CASE NO. 2015CW3012; Previous Case No. 2008CW80; 2001CW147 - PAULA A. MOORE AND GREGORY R. MOORE, 8561 Railroad Springs Drive, Pueblo, CO 81004** (Please address all pleadings and correspondence to: Ryan W. Farr, Felt, Monson & Culichia, LLC, Attorneys for Applicants, 319 N. Weber Street, Colorado Springs, CO 80903; (719) 471-1212)

Application to Make Water Right Absolute

**PUEBLO COUNTY**

**Name of Structures:** Coyote Spring and Antelope Spring. **Description of Conditional Water Right: Date of Original Decree:** The original decree was entered on September 27, 2002 in Case No. 01CW147, District Court, Water Division No. 2. **Previous Diligence Findings:** There has been one prior diligence filing resulting in a

finding of reasonable diligence by decree dated April 14, 2009 in Case No. 08CW80.

**Legal Description: Coyote Spring:** The point of diversion is located in the SE ¼ of the NE ¼, Section 10, Township 24 South, Range 65 West of the 6<sup>th</sup> P.M., being 2,362.08 feet south of the north section line and 545.10 feet west of the east section line of said Section 10, Pueblo County, Colorado. **Antelope Spring:** The point of diversion is located in the SE ¼ of the NE ¼, Section 10, Township 24 South, Range 65 West of the 6<sup>th</sup> P.M., being 2,487.00 feet south of the north section line and 1,090.63 feet west of the east section line of said Section 10, Pueblo County, Colorado. **Source:** The source for Coyote Spring and Antelope Spring are springs tributary to an unnamed drainage, tributary to Salt Creek, tributary to Greenhorn Creek, tributary to the St. Charles River, tributary to the Arkansas River. **Appropriation Date:** July 5, 2001 for both Coyote Spring and Antelope Spring. **Amount: Coyote Spring:** 2.0 gallons per minute, currently conditional, seeking absolute. **Antelope Spring:** 6.5 gallons per minute, currently conditional, seeking absolute. **Uses:** Coyote Spring and Antelope Spring are used for fish propagation, wetlands creation, erosion control, livestock and poultry watering, domestic, irrigation, recreation, aesthetics, and fire protection. **Ownership:** Applicants are the owners of the property where all water rights are to be used.

**Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** Coyote Spring and Antelope Spring (“Springs”) are part of the water supply for the development and enjoyment of Applicants’ property. During this diligence period, the Applicants have spent time and money developing and utilizing the Springs for wetland creation, livestock watering, irrigation, aesthetics, and fire protection. Applicants have purchased equipment and materials during this diligence period. A tractor with a front end loader, backhoe, and grader was purchased for both Springs and property maintenance, to develop access to locations on the property including the Springs, to remove sediment and debris from the Springs’ sources and watercourses, and movement of water storage and transport tanks discussed below. The purchase of the tractor with the front end loader, backhoe, and grader occurred on July 27, 2009 at a cost of \$17,000.00. The Applicants also purchased a Polaris utility vehicle to assist in the transportation of water, a generator, water pumps, excavation equipment, and tools for maintenance and improvement of the Springs. The purchase of the Polaris utility vehicle occurred on July 23, 2011 at a cost of \$12,222.00. Finally, a generator was purchased on November 5, 2011 for \$1,024.00 in order to pump spring water and to power excavation and maintenance tools at the springs, along the watercourse, and in areas where water is utilized beyond the reach of electric service. The conditionally decreed flow rates for the Coyote Spring and Antelope Spring that were not applied to other uses continued to provide water for wetland creation and maintenance from their origins to their confluences with each other. In this regard, the entire conditionally decreed flow rates for the Springs have been used. Applicants have performed minor excavations in the Coyote Spring water course to increase water retention to assist with wetland creation. Applicants have combatted the growth of knapweed, tamarisk, and wavyleaf thistle from the Springs and both watercourses at times in 2009, 2010, 2011, 2013, and 2014 through removal, chemical spray, and biological controls costing roughly \$340.00 in total. Applicants have also spent time researching types, costs, and sources of appropriate plants for wetland promulgation and best practices for plant

retention mechanisms during flood periods as well as conducting test plantings. The Applicants have continued to use the water from the Springs to water livestock. Since the time of the last diligence finding, the Applicants have established a relationship with an open-range rancher allowing for the use of the Springs to water his cattle. Approximately between six and thirty cattle obtain water from the Springs on a rotational basis during all four seasons. Significant irrigation development, labor, and expense have been outlaid by the Applicants during the diligence time period. Two additional raised garden beds (in addition to the four previous) and three hoop houses to cover and protect these and other raised beds were installed in 2009. This was completed at an approximate cost of \$300.00. Landscape cloth and gravel was added to the raised beds in 2012 to improve water retention at an approximate cost of \$150.00. Applicants developed a perennial garden to the east of their property in 2010 at an approximate cost of \$300.00. Grapes were added to this perennial garden in 2011 at an approximate cost of \$150.00. In 2013 the Applicants added cloth and gravel to the perennial garden to improve water retention at an approximate cost of \$250.00. Additionally, Applicants added a fence to the perennial garden in 2014 at an approximate cost of \$500.00. Applicants completed a squash garden in 2014 at an approximate cost of \$400.00. The total for all such gardening work and improvements is approximately \$2,050.00. The Applicants have used portions of the conditionally decreed flow rates for garden irrigation. Previously, to irrigate the Applicants filled three 55-gallon drums from the Springs and connected them to a low-pressure drip irrigation system. Furthermore, previous irrigation of the perennial garden was accomplished by filling three 55-gallon drums from the Springs and operating a hose system. These 55-gallon drums were replaced in June of 2014 by a 1,050 gallon cistern running a gravity-fed irrigation system to the gardens. The cistern was purchased in July of 2010 for \$500.00 and additional gravel, fittings, and anchors in order to install the cistern were purchased in March of 2014 at an approximate cost of \$200.00. The installation of the cistern in June of 2014 required placing the cistern on top of a hill by use of the tractor referenced above, installation of the distribution pipe and the low-pressure irrigation system, and connection to a water pump to fill the cistern from containers used to transport water from the Springs, along with the actual filling of the cistern. This was accomplished at an approximate cost of \$1,700.00. Additionally, Applicants have continued to manually water native trees planted near the Springs by transporting water from the Springs in portable containers. The above described cistern, pump, and irrigation system is capable of being utilized for any firefighting needs that might arise on the Applicants' property. Furthermore, the Applicants have obtained information from the Rye Fire Protection District regarding their requirements for reservoir capacity, access, and pumping requirements for firefighting. Aesthetically, the Applicants have worked to eliminate weeds and unwanted vegetation from the Springs as described above. They have identified the optimal route for a nature trail to pass by the Springs and developing wetland. They have also purchased the equipment necessary to create a trail and natural areas along the trail. Overall, the Applicants have expended a significant amount of time, labor, and resource utilizing the water from the Springs. Total costs expended by the Applicants related to water use from the Springs during this diligence period are valued at approximately \$35,036.00. **Abandonment of Some Conditionally Decreed Uses:** Applicants through their diligence efforts have

determined that the conditionally decreed uses of fish propagation, erosion control, domestic, and recreation are not feasible. As such, the Applicants are seeking to abandon these claimed uses from their water right. **Claim to Make Absolute:** With the requested abandonment of fish propagation, erosion control, domestic, and recreation, the Applicants are seeking to make absolute the entirety of their remaining uses and water right. Applicants have used the entire conditionally decreed flow rate from Coyote Spring (2.0 gpm) and Antelope Spring (6.5 gpm) for the remaining uses. The entirety of the conditionally decree water rights from the Springs have been put to beneficial use in wetlands creation, irrigation, livestock watering, aesthetics, and fire protection. Therefore, in concert with Applicants' stated intent to abandon those uses not requested as absolute herein, Applicants have completed the appropriation associated with the subject conditional water rights in order to make them absolute. WHEREFORE, Applicants request of this Court an approval of this Application by: (1) approving the abandonment of the conditionally decreed uses of fish propagation, erosion control, domestic, and recreation; and (2) decreeing the remaining uses of wetlands creation, irrigation, livestock watering, aesthetics, and fire protection absolute. In the alternative, and based upon the efforts as delineated in Section IV of this Application, Applicants seek a finding that reasonable diligence has been made towards the application of any remaining conditional water right to beneficial use, and continuation of any such remaining conditional water right for another six-year diligence period.

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**CASE NO. 2015CW3013 - ERIC JOHNSON AND RONADA DAVIS, 2929 Buffalo Speedway, #2212, Houston, TX 77098** (Please address all pleadings and correspondence to: Karl D. Ohlsen, Mason H. Brown, Carlson, Hammond & Paddock, LLC, Attorneys for Applicants, 1900 Grant Street, Suite 1200, Denver, CO 80203; Phone: 303-861-9000)

Application for Conditional Water Storage Rights

**HUERFANO COUNTY**

**First Claim for Off-Channel Conditional Water Storage Right. 2. Name of Reservoir:** Johnson Reservoir No. 1. **3. Legal description of location of dam centerline.** Location information in UTM format: UTM coordinates Northing 4177834, Easting 464086, Zone 13. Source of UTM: High Country Hydrology Map tools ([www.highcountryhydrology.com/maptools/](http://www.highcountryhydrology.com/maptools/)). Accuracy of location displayed on GPS device: unknown. Legal Description Using the Public Land Survey System (PLSS): Huerfano County, SW1/4 of the NE1/4 Section 35, Township 27 S, Range 72 W 6<sup>th</sup> Principal Meridian. Distance from section lines: 1,800 Feet from North, and 3,040 Feet from West. Source of PLSS information: High Country Hydrology Map tools ([www.highcountryhydrology.com/maptools/](http://www.highcountryhydrology.com/maptools/)). **4. Source:** North May Creek, tributary to May Creek, tributary to Huerfano River. **5. If filled from a ditch: A. Name(s) of ditch(es) used to fill reservoir and capacity in cfs:** Johnson Reservoir No. 1 Feeder Ditch; 10 c.f.s. **B. Legal description of each point of diversion: Location information in UTM format:** UTM coordinates Northing 4178313, Easting 463568, Zone 13. Source of UTM: High Country Hydrology Map tools ([www.highcountryhydrology.com/maptools/](http://www.highcountryhydrology.com/maptools/)). Accuracy of location displayed on GPS device: unknown. **Legal Description Using the Public Land Survey System (PLSS):**

Huerfano County, NE1/4 of the NW1/4, Section 35, Township 26 S, Range 72 W, 6<sup>th</sup> Principal Meridian. Distance from section lines: 235 Feet from North, and 1,350 Feet from West. Source of PLSS information: High Country Hydrology Map tools ([www.highcountryhydrology.com/maptools/](http://www.highcountryhydrology.com/maptools/)). **6. A. Date of appropriation**: April 22, 2015. **B. How appropriation was initiated**: engaging counsel and engineer to develop Application; filing of this Application. **C. Date water applied to beneficial use**: N/A. **7. Amount claimed**: **A.** 150 acre feet Conditional. **B. If filled from a ditch, rate of diversion In cfs**: 10 cfs, conditional. **8. List All Uses or Proposed Uses**: irrigation, livestock, wildlife habitat, fish propagation, recreation, aesthetics, wetlands creation, augmentation of water uses on claimants' land, fire protection. **A. If irrigation, complete the following**: **Number of acres proposed to be irrigated**: 120 acres. **Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right?** No. **Legal description of irrigated acreage**: Land located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$  and NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 35; S $\frac{1}{2}$ , Section 36, Twp. 26 S. Rng. 72 W., 6<sup>th</sup> P.M. To irrigate land in the S $\frac{1}{2}$  of Sec. 36, Twp. 26 S., Rng. 72 W, 6<sup>th</sup> P.M., water will be delivered back to North May Creek, carried in North May Creek to a rediversion point in the SW $\frac{1}{4}$  of Section 36, and diverted at that point for irrigation. **B. If non-irrigation, describe purpose fully.** Water not used for irrigation will be used in the reservoir for fish propagation, recreation for claimants, stock and wildlife watering, and aesthetics. Water may be delivered down North May Creek for rediversion above existing wetlands in the S $\frac{1}{2}$  of Section 36 for maintenance of existing wetlands, and may be delivered downstream to May Creek for augmentation of claimants' water uses on ranch (by separate augmentation plan to be filed). **9. Surface area of high water line**: 22 Acres. **A. Vertical height of dam in feet measured vertically from the elevation of the lowest point of the natural surface of the ground where that point occurs along the longitudinal centerline of the dam up to the crest of the emergency spillway of the dam**: 15 (feet). **B. Length of dam in feet**: 1,500 (feet). **10. Total capacity of reservoir in acre feet**: 150 (acre feet). **Active capacity**: 150 **Dead storage**: 0. **Second Claim for Off-Channel Conditional Water Storage Right**. **11. Name of Reservoir**: Johnson Reservoir No. 2. **12. Legal description of location of dam centerline. Location information in UTM format**: **UTM coordinates** Northing 4176220, Easting 465625 Zone 13. Source of UTMs: High Country Hydrology Map tools ([www.highcountryhydrology.com/maptools/](http://www.highcountryhydrology.com/maptools/)). Accuracy of location displayed on GPS device: unknown. **Legal Description Using the Public Land Survey System (PLSS)** Huerfano County, SW1/4 of the NE1/4, Section 1, Township 27 S, Range 72 W, 6<sup>th</sup> Principal Meridian. Distance from section lines: 468 Feet from North, and 94 Feet from West. Source of PLSS information: High Country Hydrology Map tools ([www.highcountryhydrology.com/maptools/](http://www.highcountryhydrology.com/maptools/)). **13. Source**: North May Creek, tributary to May Creek, tributary to Huerfano River. **14. If filled from a ditch**: **A. Name(s) of ditch(es) used to fill reservoir and capacity in cfs**: Johnson Reservoir No. 2 Feeder Ditch; 10 c.f.s. **B. Legal description of each point of diversion**: **Location information in UTM format (Preferred)**: **UTM coordinates** Northing 4176751, Easting 465180 Zone 13. **Source of UTMs: High Country Hydrology Map tools ([www.highcountryhydrology.com/maptools/](http://www.highcountryhydrology.com/maptools/)). Accuracy of location displayed on GPS device: unknown. **Legal Description Using the Public Land Survey System (PLSS)**:**



Huerfano County, Lot 4, Section 1, Township 27 S, Range 72 W, 6<sup>th</sup> Principal Meridian. Distance from section lines: 0 Feet from North, and 12 Feet from West. Source of PLSS information: High Country Hydrology Map tools ([www.highcountryhydrology.com/maptools/](http://www.highcountryhydrology.com/maptools/)) **15. A. Date of appropriation:** April 22, 2015. **B. How appropriation was initiated:** engaging counsel and engineer to develop Application; filing of this Application. **C. Date water applied to beneficial use:** N/A. **16. Amount claimed:** **A. In acre feet:** 350 acre feet; Conditional. **B. If filled from a ditch, rate of diversion in cfs:** 10 c.f.s.; Conditional. **17. List All Uses or Proposed Uses:** irrigation, livestock, wildlife habitat, fish propagation, recreation, aesthetics, wetlands creation, augmentation of water uses on claimants' land, fire protection, exchange up North May Creek to Johnson Reservoir No. 1 (by separate application to be filed). **A. If irrigation, complete the following:** Number of acres proposed to be irrigated: 180 acres. **Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right?** No. **Legal description of irrigated acreage.** Land located in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 1, Twp. 27 S. Rng. 72 W., 6<sup>th</sup> P.M. **B. If non-irrigation, describe purpose fully.** Water not used for irrigation will be used in reservoir for fish propagation, recreation for claimants, stock and wildlife watering, and aesthetics. Water may be released from the reservoir for purposes of maintenance of existing wetlands, exchange upstream for similar uses in Johnson Reservoir No. 1, and augmentation of claimants' water uses on ranch (by separate augmentation plan to be filed). **18. Surface area of high water line:** 38 Acres. **A. Vertical height of dam in feet measured vertically from the elevation of the lowest point of the natural surface of the ground where that point occurs along the longitudinal centerline of the dam up to the crest of the emergency spillway of the dam:** 15 (feet). **B. Length of dam in feet:** 1,654 (feet). **19. Total capacity of reservoir in acre feet:** 350 (acre feet). Active capacity: 350; Dead storage: 0. **20. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool.** Applicants.

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**CASE NO. 2015CW3014 - LOWER ARKANSAS WATER MANAGEMENT ASSOCIATION ("LAWMA"), 310 South 6<sup>th</sup> Street, P. O. Box 1161, Lamar, Colorado 81052** (Please address all pleadings and correspondence to: Richard J. Mehren, Jennifer M. DiLalla, Brian T. Selogie, Moses, Wittemyer, Harrison and Woodruff, P.C., Attorneys for Applicant, P. O. Box 1440, Boulder, Colorado 80306-1440; (303) 443-8782)

Application for Plan for Augmentation

**PROWERS AND BENT COUNTIES**

**2. Purpose of application:** LAWMA is a non-profit corporation organized for the purpose of, among other things, providing a means for its members to continue to make groundwater diversions from wells and other structures with junior priorities and to continue to make surface water diversions from structures with junior priorities in the Arkansas River water rights regime. The purpose of this application is to include additional wells in LAWMA's plan for augmentation ("Augmentation Plan"), which was

decreed on March 8, 2007 in Case No. 02CW181, Water Division No. 2 (“02CW181 Decree”). Pursuant to paragraph 43 of the 02CW181 Decree, additional wells or structures may be added to the Augmentation Plan by filing a new application with the Water Court.

**3. Description of structures to be augmented:** **Name:** Spady Brothers; SEO ID 1705059; Permit No. 14061R; Case No. W-3346; **Location:** SE ¼ NW ¼ Sec. 16, T23S, R52W, 6<sup>th</sup> P.M. Bent County, 2700 feet from the south line and 1800 feet from the west line. **Source:** Arkansas River Valley Fill Aquifer. **Name:** Spady Brothers; SEO ID No. 1705061; Permit No. 14063R; Case No.: W-3346. **Location:** SW ¼ SW ¼ Sec. 16, T23S, R52W, 6<sup>th</sup> P.M. Bent County, 800 feet from the south line and 50 feet from the west line. **Source:** Arkansas River Valley Fill Aquifer

A map showing the location of the wells described above is attached to the Application as Exhibit B. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) A total of two additional wells will be included in LAWMA’s Augmentation Plan through this application.

**4. Water rights and other sources of water to be used for augmentation:** Those water rights and other sources of water identified in paragraph 40 of the 02CW181 Decree, in the decrees entered in Case Nos. 05CW52 and 10CW85, and those water rights and other sources of water that are added as sources of augmentation water to the 02CW181 Decree pursuant to the terms and conditions of paragraph 41 of the 02CW181 Decree.

**5. Statement of plan for augmentation:** The amount, timing and location of depletions from the wells described above will be determined in accordance with the methodologies approved in the 02CW181 Decree. LAWMA will account for and fully-replace all out-of-priority stream depletions caused by pumping of the wells described above under the Augmentation Plan with fully-consumable water in accordance with the terms and conditions of the 02CW181 Decree in a manner that protects Colorado senior surface water rights from injury and assures compliance with the Arkansas River Compact. This application does not seek to modify or supersede any provision of the 02CW181 Decree, does not seek a change of water right for any of the water rights identified in paragraph 40 of the 02CW181 decree, and does not seek any change to those augmented structures or replacement water sources previously decreed to be included in the Augmentation Plan. Instead, this application seeks (i) the Court’s approval of LAWMA’s inclusion of the wells described above in the Augmentation Plan in accordance with the terms and conditions of the 02CW181 Decree; and (ii) accordingly, the Court’s confirmation that LAWMA will fully replace all out-of-priority depletions caused by pumping of the wells to be added to the Augmentation Plan under the Augmentation Plan in this case so as to prevent injury to Colorado senior surface water and assure compliance with the Arkansas River Compact. WHEREFORE, LAWMA respectfully requests that this Court enter a decree approving this plan for augmentation and determining that such plan for augmentation will not cause injury to the vested or decreed conditional water rights of others and will not violate the Arkansas River Compact.

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**CASE NO. 2015CW3015 – 2R's LAND HOLDINGS, LLC, County Road 129, Westcliffe, CO 81252**

(Please address all pleadings and correspondence to Applicant's attorney: John J. Cyran, John J. Cyran, Attorney at Law LLC, 1600 Broadway, Suite 900, Denver, CO 80203; (303) 746-3802)

Application for Simple Change in Surface Point of Diversion Pursuant to C.R.S. § 37-92-305 (3.5)

**CUSTER COUNTY**

**Decreed Water Right for which Correction is Sought: Name of Structure:** Charles Jarvis Ditch Water Rights, Priorities Nos. 108, 261 and 389. **Date of Original and All**

**Subsequent Decrees:** The Charles Jarvis Water Rights were decreed on March 12, 1896 in Case No. 03/12/1896, in the District Court for the County of Fremont, Water District Number 13. There are no subsequent decrees. **Verbatim Legal Description**

**of Structure as Described in Most Recent Decree that Adjudicated the Location:**

[The Charles Jarvis Ditch Water Rights have their] head on the North side of the said [Dry] Creek, at a point whence the NE Corner of SE ¼ NW ¼ Section 11, Township 23 S., Range 72 W. bears North 8 degree East 500 feet and in the S.E. ¼ NW ¼.

**Decreed Source of Water:** Dry Creek. **Appropriation Date:** August 1, 1874 (Priority 108), June 5, 1880 (Priority 261) and May 31, 1885 (Priority 389). **Total Amount of**

**Water Decreed to Structure:** 4.11 cfs (Priority 108), 0.33 cfs (Priority 261) and 1.98 cfs (Priority 389), Absolute. **Decreed Use:** Irrigation. **Detailed Description of**

**Proposed Change in a Surface Point of Diversion:** The decree for the Charles

Jarvis Ditch Water Rights locates the diversion point for the water rights approximately ¼ mile upstream from the current location. Testimony of local ranchers, discussions

with the water commissioner, and other evidence establish that over 60 years ago the diversion point for the Charles Jarvis Ditch Water Rights was relocated to its current

location. The Division Engineer requested Applicant file this application to align the decreed location of the Charles Jarvis Ditch Water Rights with the actual established

location. Dry Creek is a losing stream between the decreed and current diversion point, and there is less water physically and legally available at the current as compared to the

decreed diversion point. Accordingly, this change in the location of the diversion point for the Charles Jarvis Ditch Water Rights will not result in diversion of a greater flow rate

or amount of water than has been decreed to the water right or is physically and legally available at the diversion point from which the change is being made. There was and

has been no change in the location or type of use from the use and location of use set forth in the decree. The Charles Jarvis Ditch Water Rights have been diverted at the

current location since the relocation occurred, for use at the originally decreed location of use and for the originally decreed type of use. There are no intervening water rights

located between the decreed and current diversion point. Accordingly, the requested change in the location of the Charles Jarvis Ditch Water Rights will not result in an

increase in beneficial use of the rights, or otherwise cause injury to any water right. **Legal Description of the Corrected Point of Diversion: UTM Coordinates:**

Northing: 4214169; Easting: 0455133. NAD 83, Zone 13. **Street Address:** No street address. Lot 30 is located on Dry Creek Dr., Westcliffe, CO 81252. **Subdivision:**

Sierra Mojada South. **Lot:** 30. **Source Of UTM's :** Hand-Held Garmin. **Accuracy of Location Displayed on GPS Device:** Within approximately 12 feet. **Name and**

**Address of Owner of Land upon which Any Modification to Existing Diversion Structure will be Constructed:** Linda Gentsch, 4830 County Road 140 #6, Lot 30 Sierra Mojada South, Westcliffe, Colorado 81252-0000.

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**CASE NO. 2015CW3016 – UNITED STATES OF AMERICA, c/o USAF Academy Base Civil Engineer, 10 CES/CC, 8120 Edgerton Drive, Suite 40, USAF Academy, CO 80840-2400** (James J. DuBois, Attorney for Applicant, U.S. Department of Justice, Environment and Natural Resources Division, Natural Resources Section, 999 – 18<sup>th</sup> Street, South Terrace, Suite 370, Denver, CO 80202; (303) 844-1375)

Application for Water Storage Rights and Plan for Augmentation

**EL PASO COUNTY**

**1. WATER STORAGE RIGHTS. 2. Name of structure(s) in which water is to be stored:**

<b>Name of structure(s) in which water is to be stored:</b>	<b>Are there other water rights diverted from this structure?</b>
<b>A. Non-Potable Reservoir No. 1</b>	YES
<b>B. Non-Potable Reservoir No. 2</b>	YES
<b>C. Non-Potable Reservoir No. 3</b>	YES
<b>D. Non-Potable Reservoir No. 4</b>	YES
<b>E. Golf Course Lake No. 6 Silver</b>	NO
<b>F. Golf Course Lake No. 7 Silver East</b>	NO
<b>G. Golf Course Lake No. 9 Silver</b>	NO
<b>H. Golf Course Lake No. 13 Silver</b>	NO
<b>I. Golf Course Lake No. 17 Silver</b>	NO

**3. Legal description of places of storage:** (see maps attached to the Application as Exhibits 1 and 2). (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.):

<b>Structure Name</b>	<b>Qtr Qtr</b>	<b>Sec</b>	<b>Tshp</b>	<b>Rng</b>	<b>Distance from section line</b>	<b>County</b>	<b>Meridian</b>
<b>A. Non-Potable Reservoir No. 1</b>	SE SE	13	12 S	67 W	4,800 feet from N, 450 feet from E	El Paso	6 <sup>th</sup> P. M.
<b>B. Non-Potable Reservoir No. 2</b>	SW NW	14	12 S	67 W	1,700 feet from N, 3,600 feet from E	El Paso	6 <sup>th</sup> P. M.
<b>C. Non-Potable Reservoir No. 3</b>	SE SE	10	12 S	67 W	4,700 feet from N, 500 feet from E	El Paso	6 <sup>th</sup> P. M.
<b>D. Non-Potable Reservoir No. 4</b>	NE NW	16	12 S	67 W	900 feet from N, 2,900 feet from E	El Paso	6 <sup>th</sup> P. M.
<b>E. Golf Course Lake No. 6 Silver</b>	NE SE	15	12 S	67 W	3,600 feet from N, 2,600 feet from E	El Paso	6 <sup>th</sup> P. M.
<b>F. Golf Course Lake No. 7 Silver East</b>	NE SE	15	12 S	67 W	3,700 feet from N, 1,800 feet from E	El Paso	6 <sup>th</sup> P. M.
<b>G. Golf Course Lake No. 9 Silver</b>	NE SW	15	12 S	67 W	3,500 feet from N, 300 feet from E	El Paso	6 <sup>th</sup> P. M.
<b>H. Golf Course Lake No. 13 Silver</b>	SW SE	15	12 S	67 W	4,300 feet from N, 60 feet from E	El Paso	6 <sup>th</sup> P. M.
<b>I. Golf Course Lake No. 17 Silver</b>	NW SW	14	12 S	67 W	3,300 feet from N, 4,700 feet from E	El Paso	6 <sup>th</sup> P. M.

**4. Date of Appropriation:**

<b>Structure:</b>	<b>Appropriation Date(s):</b>
A. Non-Potable Reservoir No. 1	May 21, 1957
B. Non-Potable Reservoir No. 2	May 21, 1957
C. Non-Potable Reservoir No. 3	May 21, 1957
D. Non-Potable Reservoir No. 4	May 21, 1957
E. Golf Course Lake No. 6 Silver	April 1, 1975
F. Golf Course Lake No. 7 Silver East	April 1, 1975
G. Golf Course Lake No. 9 Silver	April 1, 1975
H. Golf Course Lake No. 13 Silver	April 1, 1975
I. Golf Course Lake No. 17 Silver	April 1, 1975

**5. Source:**

<b>Structure:</b>	<b>Source:</b>
A. Non-Potable Reservoir No. 1	Waste Water Treatment Plant Effluent, Irrigation Well Water, and Lehman Gulch, tributary to Monument Creek.
B. Non-Potable Reservoir No. 2	Waste Water Treatment Plant Effluent, Irrigation Well Water, and runoff, tributary to Monument Creek.
C. Non-Potable Reservoir No. 3	Waste Water Treatment Plant Effluent, Irrigation Well Water, and runoff, tributary to Monument Creek.
D. Non-Potable Reservoir No. 4	Waste Water Treatment Plant Effluent and Goat Camp Creek, tributary to Monument Creek.
E. Golf Course Lake No. 6 Silver	Runoff, tributary to Monument Creek.
F. Golf Course Lake No. 7 Silver East	Lehman Gulch, tributary to Monument Creek.
G. Golf Course Lake No. 9 Silver	Lehman Gulch, tributary to Monument Creek.
H. Golf Course Lake No. 13 Silver	Runoff, tributary to Monument Creek.
I. Golf Course Lake No. 17 Silver	Runoff, tributary to Monument Creek.

**6. Amount (junior water storage right):**

<b>Structure:</b>	<b>Amount (acre-feet):</b>
A. Non-Potable Reservoir No. 1	125
B. Non-Potable Reservoir No. 2	325
C. Non-Potable Reservoir No. 3	156
D. Non-Potable Reservoir No. 4	32
E. Golf Course Lake No. 6 Silver	0.8
F. Golf Course Lake No. 7 Silver East	2.4
G. Golf Course Lake No. 9 Silver	4.9
H. Golf Course Lake No. 13 Silver	0.8
I. Golf Course Lake No. 17 Silver	1.2

**7. Uses:**

<b>Structure:</b>	<b>Decreed Use:</b>
A. Non-Potable Reservoir No. 1	Irrigation
B. Non-Potable Reservoir No. 2	Irrigation
C. Non-Potable Reservoir No. 3	Irrigation
D. Non-Potable Reservoir No. 4	Irrigation
E. Golf Course Lake No. 6 Silver	Recreation and storm water detention
F. Golf Course Lake No. 7 Silver East	Recreation
G. Golf Course Lake No. 9 Silver	Recreation
H. Golf Course Lake No. 13 Silver	Recreation and storm water detention
I. Golf Course Lake No. 17 Silver	Recreation and storm water detention

**II. PLAN FOR AUGMENTATION. 8. Names of structures to be augmented:** Non-Potable Reservoir No. 1, Non-Potable Reservoir No. 2, Non-Potable Reservoir No. 3, Non-Potable Reservoir No. 4, Golf Course Lake No. 6 Silver, Golf Course Lake No. 7 Silver East, Golf Course Lake No. 9 Silver, Golf Course Lake No. 13 Silver and Golf Course Lake No. 17 Silver described above, and the following previously decreed water rights: **A. Deadmans Reservoir. a.** Decreed 80CW145, District Court, Water Division No. 2. **b. Legal Description:**

<b>Qtr Qtr</b>	<b>Sec</b>	<b>Tshp</b>	<b>Rng</b>	<b>Distance from section line</b>	<b>County</b>	<b>Meridian</b>
NE NW	9	12 S	67 W	1,200 feet from N, 3,500 feet from E	El Paso	6 <sup>th</sup> P. M.

**c. Date of Appropriation:** December 6, 1967. **d. Amount:** 6.5 acre-feet. **e. Source:** Deadmans Creek, tributary to Monument Creek. **f. Decreed Use:** Recreational fishing.

**B. Ice Lake. a.** Decreed 80CW145, District Court, Water Division No. 2. **b. Legal Description:**

<b>Qtr Qtr</b>	<b>Sec</b>	<b>Tshp</b>	<b>Rng</b>	<b>Distance from section line</b>	<b>County</b>	<b>Meridian</b>
SE SE	36	12 S	67 W	4,500 feet from N, 1,300 feet from E	El Paso	6 <sup>th</sup> P. M.

**c. Date of Appropriation:** January 13, 1969. **d. Amount:** 29 acre-feet. **e. Source:** West Monument Creek, tributary to Monument Creek. **f. Decreed Use:** Recreational fishing.

**C. Kettle Creek Lake No. 1. a.** Decreed 80CW145, District Court, Water Division No. 2. **b. Legal Description:**

<b>Qtr Qtr</b>	<b>Sec</b>	<b>Tshp</b>	<b>Rng</b>	<b>Distance from section line</b>	<b>County</b>	<b>Meridian</b>
NE SE	31	12 S	66 W	2,900 feet from N, 100 feet from E	El Paso	6 <sup>th</sup> P. M.

**c. Date of Appropriation:** February 2, 1967. **d. Amount:** 15.08 acre-feet. **e. Source:** Kettle Creek, tributary to Monument Creek. **f. Decreed Use:** Military training, fishing, recreation. **D. Kettle Creek Lake No. 2. a.** Decreed 80CW145, District Court, Water Division No. 2. **b. Legal Description:**

Qtr Qtr	Sec	Tshp	Rng	Distance from section line	County	Meridian
SW NW	32	12 S	66 W	2,300 feet from N, 4,800 feet from E	El Paso	6 <sup>th</sup> P. M.

**c. Date of Appropriation:** February 2, 1967. **d. Amount:** 25.69 acre-feet. **e. Source:** Kettle Creek, tributary to Monument Creek. **f. Decreed Use:** Military training, fishing, recreation. **E. Kettle Creek Lake No. 3. a.** Decreed 80CW145, District Court, Water Division No. 2. **b. Legal Description:**

Qtr Qtr	Sec	Tshp	Rng	Distance from section line	County	Meridian
SW NW	32	12 S	66 W	1,600 feet from N, 4,100 feet from E	El Paso	6 <sup>th</sup> P. M.

**c. Date of Appropriation:** February 2, 1967. **d. Amount:** 47.75 acre-feet. **e. Source:** Kettle Creek, tributary to Monument Creek. **f. Decreed Use:** Military training, fishing, recreation. **F. Deadmans Feeder. a.** Decreed 80CW144, District Court, Water Division No. 2. **b. Legal Description of Point of Diversion:** 1,950 feet SE of the NW corner of the NW1/4 of Section 9, Township 12 South, Range 67 West of the 6<sup>th</sup> P.M. in El Paso County, Colorado. **c. Date of Appropriation:** December 6, 1967. **d. Amount:** 0.006 c.f.s. **e. Source:** Deadmans Creek, tributary to Monument Creek. **f. Decreed Use:** Recreational fishing. **G. Ice Lake Feeder. a.** Decreed 80CW144, District Court, Water Division No. 2. **b. Legal Description of Point of Diversion:** 2,150 feet from the SE corner of the SE1/4 of Section 36, Township 12 South, Range 67 West of the 6<sup>th</sup> P.M., on a line North 47° West in El Paso County, Colorado. **c. Date of Appropriation:** January 13, 1969. **d. Amount:** 0.018 c.f.s. **e. Source:** West Monument Creek, tributary to Monument Creek. **f. Decreed Use:** Recreational fishing. **H. Kettle Creek Feeder. a.** Decreed 80CW144, District Court, Water Division No. 2. **b. Legal Description of Point of Diversion:** 1,000 feet from the NW corner of the NW1/4 of Section 32, Township 12 South, Range 66 West of the 6<sup>th</sup> P.M., on a line South 72½° East in El Paso County, Colorado. **c. Date of Appropriation:** February 2, 1967. **d. Amount:** 0.044 c.f.s. **e. Source:** Kettle Creek, tributary to Monument Creek. **f. Decreed Use:** Fish habitat and military training facility. **9. Previous Decree for Water Rights to be used for Augmentation:** Out-of-priority depletions will be augmented through the use of fully consumable water provided through a contract with the City of Colorado Springs Department of Utilities (“CSU”). The CSU water rights from which the water will be provided are described as follows: **A. The Blue River Project.** The Blue River Project diverts water from the headwaters of the Blue River and its tributaries in Summit County. The 1929 water rights associated with this project were adjudicated by the Decree in Civil Action No. 1710 (District Court, Summit County) dated October 26, 1937, and were modified by the Decree in Civil Action No. 1883 (District Court, Summit County) dated June 15, 1953. These water rights have an appropriation date of August 5, 1929. The 1948 water rights associated with this project were adjudicated by the Decree in Civil Action No. 1806 (District Court, Summit County) dated May 10, 1952, the Final Decree in Consolidated Case Nos. 2782, 5016, and 5017 (U.S. District Court, District of Colorado) dated October 15, 1955, and were made absolute by the Decree in Consolidated Case Nos. 2782, 5016, and 5017 (U.S. District Court, District of Colorado) dated February 26, 1968. These water rights have an appropriation date of May 13, 1948. An additional component of the Blue River Project is water diverted from the Middle Fork of the South Platte River in Park County. Water from the Middle Fork of the

South Platte is stored in Montgomery Reservoir pursuant to Priority No. A-207 of appropriation dated September 5, 1930, by absolute Decree dated May 16, 1966, in Civil Action No. 3286, District Court of Park County. **B. The Homestake Project.** The Homestake Project diverts water from the headwaters of tributaries of the Eagle River in Eagle County. The water rights were conditionally adjudicated by the Decree in Civil Action No. 1193 (District Court, Eagle County) dated June 8, 1962. These water rights have an appropriation date of September 22, 1952. Colorado Springs has the right to utilize one-half of the waters produced by the Homestake Project by virtue of the agreement dated June 18, 1962, between the City of Aurora and the City of Colorado Springs. **C. The Fryingpan-Arkansas Project.** The Fryingpan-Arkansas Project diverts water from the headwaters of Hunter Creek and the Fryingpan River and its tributaries in Pitkin County. The water rights were adjudicated by the Decrees in Civil Action No. 4613 (District Court, Garfield County) dated June 20, 1958, and August 3, 1959, and were modified by the Decree in Case No. W-829-76 (District Court, Water Division No. 5) dated November 27, 1979. These water rights have an appropriation date of July 29, 1957. **D. The Independence Pass Transmountain Diversion System (a/k/a Twin Lakes Project).** The Twin Lakes Project diverts water from the headwaters of the Roaring Fork River and its tributaries in Pitkin County. The water rights were adjudicated by a Decree in Civil Action No. 3082 (District Court, Garfield County) dated August 25, 1936, and modified by a Decree in Case No. W-1901 (District Court, Water Division No. 5), dated May 12, 1976. These water rights have an appropriation date of August 23, 1930. Colorado Springs has the right to take and use its pro rata share of the water diverted and stored by the Twin Lakes Reservoir and Canal Company under these water rights. **E. The Colorado Canal.** The water right is represented by shares of stock in the Colorado Canal Company, which owns and operates the Colorado Canal for the benefit of its shareholders. The Colorado Canal water right is decreed to divert 756.28 cubic feet of water per second of time from the Arkansas River for direct flow irrigation use with a priority date of June 9, 1890. By Decree dated October 21, 1985, in Case No. 84CW62, District Court, Water Division No. 2, the use of the Colorado Canal water right was changed to include use and total consumption, either directly or by exchange or substitution, for irrigation, domestic, municipal, commercial, industrial, and all other beneficial uses at any location where the water can be put to beneficial use. Colorado Springs has the right to take its pro rata share of the water diverted and stored by the Colorado Canal Company, pursuant to the Decree in Case No. 84CW62, by exchange, including exchange to Pueblo Reservoir, or by pipeline for use and total consumption in the Colorado Springs municipal water system or elsewhere. **F. Lake Meredith Reservoir.** The water storage right is represented by shares of stock in the Lake Meredith Reservoir Company, which owns and operates Lake Meredith Reservoir for the benefit of its shareholders. Lake Meredith Reservoir has decreed water storage rights which authorize the storage of 26,028.4 acre-feet with diversions from the Arkansas River through the Colorado Canal at a rate of 756.28 c.f.s. under priority of March 9, 1898, and the release of waters stored in Lake Meredith Reservoir and the exchange of such released waters for waters diverted at the Colorado Canal headgate for irrigation purposes with an exchange priority of March 9, 1898. The active storage capacity of Lake Meredith Reservoir is 41,413 acre-feet. Each stockholder in the Lake Meredith Reservoir Company is entitled to a pro rata portion of the waters realized from



the operation of Lake Meredith Reservoir and the use of a pro rata portion of Lake Meredith Reservoir storage space. By Decree dated October 21, 1985, Case No. 84CW63, District Court, Water Division No. 2, the use of the Lake Meredith water storage rights was changed to include use and total consumption, either directly or by exchange or substitution, for irrigation, domestic, municipal, commercial, industrial, and all other beneficial uses at any location where the water can be put to beneficial use. Colorado Springs has the right to take its pro rata share of the water diverted and stored by the Lake Meredith Reservoir Company, pursuant to the Decree in Case No. 84CW63, by exchange, including exchange to Pueblo Reservoir, or by pipeline for use and total consumption in the Applicant's municipal water system or elsewhere. **G. Lake Henry Reservoir.** The water storage rights are represented by shares of stock in the Lake Henry Reservoir Company, which owns and operates Lake Henry for the benefit of its shareholders. Lake Henry Reservoir has decreed water storage rights totaling 11,916 acre-feet with diversions from the Arkansas River through the Colorado Canal at a rate of diversion of 756 c.f.s. under priorities of 1891 for 6,355 acre-feet, September 10, 1900, for 2,000 acre-feet, and May 15, 1909, for 3,561 acre-feet. By Decree dated October 21, 1985, in Case No. 84CW64, District Court, Water Division No. 2, the use of the Lake Henry water rights was changed to include use and total consumption, either directly or by exchange or substitution, for irrigation, domestic, municipal, commercial, industrial, and all other beneficial uses at any location where the water can be put to beneficial use. Colorado Springs has the right to take its pro rata share of the water diverted and stored by the Lake Henry Reservoir Company, pursuant to the Decree in Case No. 84CW64, by exchange, including exchange to Pueblo Reservoir, or by pipeline for use and total consumption in the Applicant's municipal water system or elsewhere. **H. Colorado Canal Reusable Water Return Flows.** Colorado Canal Reusable Water Return Flows are the fully consumable return flows derived from Colorado Springs' ownership interests in the sources of supply described above in subparagraph 9.E and by Decree dated March 15, 1993, in Case No. 86CW118 (A), District Court, Water Division No. 2, and the amended Decree entered on January 8, 1998, in Consolidated Case Nos. 84CW202, 84CW203, 86CW118(B), and 89CW36 (Non-Sewered Phase), District Court, Water Division No. 2. **I. Sugarloaf Water Storage Rights,** which are diverted from Lake Fork Creek, a tributary of the Arkansas River, and were originally decreed for the use of CF&I Steel Corporation and are described in the Decree dated June 16, 1994, in Case No. 86CW117, District Court, Water Division No. 2, as the "Sugarloaf Reservoir Right" and the "Colorado Gulch Right" (collectively referred to herein as the "Sugarloaf Water Storage Rights"). By Decree dated June 16, 1994, in Case No. 86CW117, District Court, Water Division No. 2, the use and place of use of the Sugarloaf Water Storage Rights were changed to include municipal use and all other beneficial uses, including use, reuse, and successive use to extinction. **J. Reusable Water** derived from the sources described above and described in Appendix A to the amended Decree entered January 8, 1998, in Consolidated Case Nos. 84CW202, 84CW203, 86CW118 (B), and 89CW36, and made available for use pursuant to the terms of the Decrees which have been entered in Case Nos. 84CW202 (both Sewered and Non-Sewered), 84CW203 (both Sewered and Non-Sewered), and 86CW118 (A) and (B), District Court, Water Division No. 2. **K. Denver Basin Reusable Water.** Reusable Denver Basin Ground Water derived from nontributary, or fully

augmented not-nontributary, ground water from the Denver, Arapahoe, and Laramie-Fox Hills Aquifers controlled by Colorado Springs. The sources of the Denver Basin Ground Water controlled by Colorado Springs are described in paragraph 13 of the Findings of Fact, Conclusions of Law, Judgment and Decree entered on February 3, 2015, in Case No. 04CW132, District Court, Water Division No. 2. **L. Fountain Mutual Irrigation Company Water.** The water right is represented by shares of stock in the Fountain Mutual Irrigation Company, which owns and operates the Fountain Mutual Ditch for the benefit of its shareholders. Colorado Springs has the right to take its pro rata share of the water diverted and stored by the Fountain Mutual Irrigation Company. The Fountain Mutual Ditch is decreed to divert 5.38 c.f.s. for irrigation under Fountain Creek Priority No. 4, 1.125 c.f.s. for irrigation under Fountain Creek Priority No. 7, 16.69 c.f.s. for irrigation under Fountain Creek Priority No. 11, 2.125 c.f.s. for irrigation under Fountain Creek Priority No. 17, 4.65 c.f.s. for irrigation under Fountain Creek Priority No. 21, 8.48 c.f.s. for irrigation under Fountain Creek Priority No. 28, 9.68 c.f.s. for irrigation under Fountain Creek Priority No. 29, 17.05 c.f.s. for irrigation under Fountain Creek Priority No. 41, and 343.2 c.f.s. for irrigation under Fountain Creek Priority No. 168. Colorado Springs has the right to take its pro rata share of the water diverted and stored by the Fountain Mutual Irrigation Company. Colorado Springs is seeking to change the use and place of use of its pro rata share of the water diverted by the Fountain Mutual Irrigation Company to include municipal use and all other beneficial uses, including use, reuse, and successive use to extinction. **M. Chilcott Ditch Company Water.** The water right is represented by shares of stock in the Chilcott Ditch Company, which owns and operates the Chilcott Ditch for the benefit of its shareholders. The Chilcott Ditch is decreed to divert 27.0 c.f.s. for irrigation under Fountain Creek Priority No. 27, 20.63 c.f.s. for irrigation under Fountain Creek Priority No. 39, and 30.95 c.f.s. for irrigation under Fountain Creek Priority No. 172. Colorado Springs has the right to take its pro rata share of the water diverted and stored by the Chilcott Ditch Company. By the Application in Case No. 15CW3001, District Court, Water Division No. 2, Colorado Springs has requested that the use and place of use of its pro rata share of the water diverted by the Chilcott Ditch Company be changed to include municipal use and all other beneficial uses, including use, reuse, and successive use to extinction. **10. Historic Use of water right to be used for augmentation:** Uses of these sources have been as described in the Decrees for each source, and historical uses of these waters collectively can generally be described as municipal and augmentation. **11. Statement of plan for augmentation (covering all applicable matters under C.R.S. 37-92-103(9), 302(1), 302(2) and 305(3)):** The U.S. Air Force Academy (“USAFA”) grounds contain fourteen (14) lakes that deplete water out-of-priority due to evaporative losses or incidental capture of runoff. These lakes are primarily used for aesthetics, military training, fishing, and recreation. Out-of-priority depletions associated with these 14 lakes will be augmented through the use of fully consumable water provided through a contract with the City of Colorado Springs Department of Utilities (“CSU”). A copy of the agreement is attached to the Application as Exhibit 3. Releases of the augmentation water will be made either through non-sewered return flows to Fountain Creek or through sewered return flows discharged at CSU’s Las Vegas Wastewater Treatment Plant or CSU’s J.D. Phillips Wastewater Treatment Plant. The Las Vegas Street Waste Water Treatment Plant Outfall is located

in El Paso County, Colorado in the Southeast quarter of the Southwest quarter of Section 20, Township 14 South, Range 66 West of the 6th Principal Meridian. Said outfall discharges to Fountain Creek. The Northern Water Reclamation Facility Outfall (a/k/a the J.D. Phillips Water Reclamation Facility) is located in El Paso County, Colorado in the Northwest quarter of the Southeast quarter of Section 30, Township 13 South, Range 66 West of the 6th Principal Meridian. Said outfall discharges to Monument Creek. The locations of the Las Vegas Water Treatment Plant and the J.D. Phillips Water Reclamation Facility are shown on Exhibit 4 to the Application. **Depletion Estimate.** This plan for augmentation assumes that all net depletions by the 14 lakes located on the USAFA grounds will be out-of-priority. There are five (5) on-channel recreational lakes; Deadmans Lake, Ice Lake, and the Kettle Lakes (Kettle Lake 1, Kettle Lake 2, and Kettle Lake 3) are located on tributaries to Monument Creek. These five lakes have surface storage rights and feeder rights to maintain the lake levels. These five water rights are junior in priority, and rarely divert in priority. Additional water rights for these five lakes are sought herein to account for capture of diffuse runoff. Nine (9) lakes or ponds do not currently have decreed storage rights. Of the nine lakes or ponds without Decrees, four (4) are non-potable storage and used for irrigation system water balancing, and are primarily filled with irrigation well water and fully consumable Waste Water Treatment Plant (“WWTP”) effluent. Non-Potable Reservoir Nos. 1 and 4 are located on channel and are operated in a manner such that they rarely release water. Non-Potable Reservoir Nos. 2 and 3 are located off channel and are operated in a manner such that they rarely release water. The remaining five (5) ponds are golf course ponds primarily used for aesthetics, storm water detention, and recreation. These ponds are identified as Golf Course Lake 6 Silver, Golf Course Lake 7 Silver East, Golf Course Lake 9 Silver, Golf Course Lake 13 Silver, and Golf Course Lake 17 Silver. Three (3) of the golf course ponds are located off channel, on areas that would eventually drain into Monument Creek. The remaining two (2) golf course ponds are on channel and are located on the Lehman Gulch tributary to Monument Creek. The computation of the net depletion is based on the operation of the lake, reservoir, or pond and whether the out-of-priority storage is water used to replace evaporation losses or capture of native runoff. Where evaporation loss represents the out-of-priority storage, it is adjusted by allowable precipitation and vegetation credits to account for historic consumptive uses prior to the construction of the reservoirs. The calculated annual and monthly augmentation requirements for the 14 lakes described in paragraphs 2 through 7 are set forth in Tables 1 and 2. The augmentation requirement for each lake is based on the operation of the lake and whether native flows to the lake are channelized. The total augmentation demand for these structures is 60.9 acre-feet per year. **Channelized Native Flow with Uncontrolled Outflow.** Deadmans Lake, Ice Lake, Kettle Lake 1, Kettle Lake 2, Kettle Lake 3, Golf Course Lake 7 Silver East, and Golf Course Lake 9 Silver are lakes with channelized native inflow, an uncontrolled outflow, and currently operate as simple detention ponds. Under normal operations, the lake levels and the quantity of storage do not fluctuate. The augmentation demand for these lakes is calculated as the evaporation loss minus the precipitation and phreatophyte credits. **Channelized Native Flow with Controlled Outflow.** Non-Potable Reservoir Nos. 1 and 4 are located on channel in tributaries to Monument Creek. These reservoirs are used as irrigation system forebays, and the reservoir levels

are often maintained below the spillway crest, thereby capturing native flows. The flows into and out of Non-Potable Reservoir No. 1 will be monitored and utilized to evaluate the native inflows captured in the reservoir. The captured flows will either be released from the reservoir or added to the augmentation schedule. A staff gauge will be installed at Non-Potable Reservoir No. 4 for the purpose of measuring native inflows to the lake that require augmentation. **Off-Channel with Controlled Outflow.** Non-Potable Reservoir No. 2, Non-Potable Reservoir No. 3, Golf Course Lake 6 Silver, Golf Course Lake 13 Silver, and Golf Course Lake 17 Silver are located off channel with no channelized inflow or outflow. The lakes are primarily filled with reuse water and well water. However, the lake levels are often maintained below the spillway or overflow crest, thereby capturing native runoff from the watershed. Because these lakes seldom release water to the creek system in the lower part of the watershed, the capture of the runoff is an out-of-priority diversion and must be augmented. The augmentation requirement was determined by multiplying the size of the basin around the lake by the average annual and monthly runoff rates described below. **Evaporation Loss Calculation.** The evaporation calculation is based on the National Oceanic and Atmospheric Administration (“NOAA”) Technical Report National Weather Service (“NWS”) 33, Evaporation Atlas for the Contiguous 48 United States. The gross average annual potential evaporation loss from the 14 lakes is 38.2 inches per year. The monthly distribution of evaporation is based on the document “General Guidelines for Substitute Water Supply Plans Submitted to the SEO Pursuant to Section 37-92-308, CRS 2003,” which provides an evaporation monthly distribution for elevations above 6,500 feet. No evaporation loss is accounted during periods when the lakes are covered in ice. The gross monthly evaporation values are adjusted by percentage of ice coverage to determine the effective evaporation. The average annual ice coverage for the USAFA is 100% of January and February, 60% of March, and 95% of December. The total average annual effective evaporation loss at the USAFA, accounting for ice coverage, is 35.0 inches per year. **Native Runoff Captured Calculation.** The native runoff into the lakes is computed by multiplying the drainage basin area for each lake by a representative runoff rate for the area. The representative runoff rate for the tributary area was based on analysis of CSU Northfield #4 stream gauge flow, located near Rampart Reservoir, to determine an average monthly and annual runoff rate. The Northfield #4 stream gauge was selected because of the period of record (1989 to 2010), the relatively small drainage basin area of 761 acres, the lack of upstream diversions in the drainage basin area, the proximity to the USAFA, and the similarity of the elevation and watershed conditions to the USAFA lake drainage basins. The monthly distribution for the runoff was determined utilizing the stream gauge. **Precipitation Credit Calculation.** The evaporation loss is offset by a credit for precipitation falling onto the lakes. The total average annual precipitation at the USAFA is 18.2 inches per year. The total average annual effective precipitation at the USAFA is 12.7 inches per year. **Phreatophyte Credit Calculation.** Pursuant to C.R.S. § 37-84-117(5), a credit was calculated for natural depletions that would have occurred if the USAFA Lakes were not in existence. The total average annual effective evapotranspiration at the USAFA is 34.8 inches per year. The historical vegetation was estimated by extrapolating the credit area of phreatophytic vegetation or the native stream area. The Blaney-Criddle method as interpreted by Rantz is used to calculate

the evapotranspiration credit for willows and cottonwoods. **12. Name and address of owner of land on which structures are located:** Farish Recreational Lakes: United States Air Force Academy, c/o Base Engineer, 10th Civil Engineer Squadron, 8120 Edgerton Drive, Suite 40, USAF Academy, CO 80840-2400.

TABLE 1							
USAFA Lakes Augmentation Demand Summary							
All values are shown in units of acre-ft							
Lake	Lake Location	Outlet Operation	Annual Evaporation (Depletion)	Annual Native Runoff Captured (Depletion)	Annual Effective Precipitation (Credit)	Annual Phreatophyte (Credit)	Annual Augmentation Demand (Junior Storage Right)
Deadmans Lake	On Channel	Uncontrolled	5.8	-	1.7	0.9	3.2
Ice Lake	On Channel	Uncontrolled	15.7	-	5.0	1.2	9.5
Kettle Lake 1	On Channel	Uncontrolled	18.2	-	5.1	3.4	9.7
Kettle Lake 2	On Channel	Uncontrolled	9.8	-	2.6	2.3	4.9
Kettle Lake 3	On Channel	Uncontrolled	5.9	-	1.5	1.5	2.9
Non-Potable Reservoir 1	On Channel	Controlled	-	Metered*	-	-	Metered*
Non-Potable Reservoir 2	Off Channel	Controlled	-	7.4	-	-	7.4
Non-Potable Reservoir 3	Off Channel	Controlled	-	18.8	-	-	18.8
Non-Potable Reservoir 4	On Channel	Controlled	-	Metered*	-	-	Metered*
Golf Course Lake 6 Silver	Off Channel	No Outlet	-	1.2	-	-	1.2
Golf Course Lake 7 Silver East	On Channel	Uncontrolled	0.6	-	0.2	0.1	0.3
Golf Course Lake 9 Silver	On Channel	Uncontrolled	1.9	-	0.6	0.2	1.1
Golf Course Lake 13 Silver	Off Channel	No Outlet	-	1.1	-	-	1.1
Golf Course Lake 17 Silver	Off Channel	No Outlet	-	0.8	-	-	0.8
Total			57.9	29.3	16.7	9.6	60.9 plus Metered Flow

**TABLE 2**  
 USAFA Lakes Monthly Augmentation Accounting  
 Monthly Surface Depletion / Augmentation Requirement Accounting (acre-ft)

Reservoir/ Lake	Lake Surface Area (acre)	Phreatophyte Credit Area (acre)	Watershed Area (acre)	Annual Surface Depletion	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Deadmans Lake	2.0	0.3	NA	3.2	0	0	0.03	0.33	0.43	0.57	0.54	0.37	0.45	0.31	0.16	0
Ice Lake	5.4	0.4	NA	9.5	0	0	0.09	0.99	1.28	1.71	1.60	1.11	1.35	0.93	0.48	0
Kettle Lake 1	6.3	1.2	NA	9.7	0	0	0.09	1.00	1.30	1.73	1.63	1.13	1.37	0.94	0.49	0
Kettle Lake 2	NA	0.8	NA	4.9	0	0	0.04	0.51	0.66	0.88	0.82	0.57	0.69	0.48	0.25	0
Kettle Lake 3	NA	0.5	NA	2.9	0	0	0.03	0.30	0.39	0.52	0.49	0.34	0.41	0.28	0.15	0
Non-potable Reservoir 2	NA	NA	29.6	7.4	0.26	0.21	0.27	0.78	1.90	1.37	0.65	0.57	0.40	0.36	0.31	0.32
Non-potable Reservoir 3	NA	NA	75.6	18.8	0.63	0.54	0.69	1.98	4.84	3.48	1.66	1.46	1.01	0.93	0.79	0.81
Golf Course Lake 6 Silver	NA	NA	4.9	1.2	0.04	0.03	0.04	0.13	0.31	0.22	0.11	0.09	0.06	0.06	0.05	0.05
Golf Course Lake 7 Silver East	0.2	0.03	NA	0.3	0	0	0	0.03	0.04	0.06	0.06	0.04	0.05	0.03	0.02	0
Golf Course Lake 9 Silver	0.7	0.1	NA	1.1	0	0	0.01	0.11	0.14	0.19	0.18	0.12	0.15	0.10	0.05	0
Golf Course Lake 13 Silver	NA	NA	4.4	1.1	0.04	0.03	0.04	0.11	0.28	0.20	0.10	0.08	0.06	0.05	0.05	0.05
Golf Course Lake 17 Silver	NA	NA	3.1	0.8	0.03	0.02	0.03	0.08	0.20	0.14	0.07	0.06	0.04	0.04	0.03	0.03
<b>Total Surface Depletion / Augmentation Requirement</b>				<b>60.9</b>	<b>1.0</b>	<b>0.8</b>	<b>1.4</b>	<b>6.4</b>	<b>11.8</b>	<b>11.1</b>	<b>7.9</b>	<b>5.9</b>	<b>6.0</b>	<b>4.5</b>	<b>2.8</b>	<b>1.3</b>

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**CASE NO. 2015CW3017 – WILBUR C. MILLER FAMILY LLLP, P. O. Box 1576, Westcliffe, CO 81252**

(Please address all pleadings and correspondence to Applicant's attorney: John J. Cyran, John J. Cyran Attorney at Law LLC, 1600 Broadway, Suite 900, Denver, CO 80203; (303) 746-3802)

Application for Correction for an Established but Erroneously Described Point of Diversion Pursuant to C.R.S. § 37-92-305 (3.6).

**CUSTER COUNTY**

**Decreed Water Right for which Correction is Sought: Name of Structure:** Aldrich #1. **Date of Original and All Subsequent Decrees:** The Aldrich #1 water right was decreed on March 12, 1896 in Case No. 03/12/1896, in the District Court for the County of Fremont, Water District Number 13. **Verbatim Legal Description of Structure as Described in Most Recent Decree that Adjudicated the Location:** [The Aldrich #1 water right] has its head on the North bank of Dry Creek, at a point whence the S. W. Corner of Section 31, Township 22 S., Range 72 W. bears south 2° 5' west 1148 feet. **Decreed Source of Water:** Dry Creek. **Appropriation Date:** July 10, 1870. **Total Amount of Water Decreed to Structure:** 1.26 CFS, Absolute. **Decreed Use:** Irrigation. **Detailed Description of Proposed Correction to an Established but Erroneously Described Point of Diversion: Complete Statement of Correction:** The original decree for the Aldrich #1 water right shows the headgate for the water right as being located on an abandoned stream channel. Hydrologic and other records, testimony of local ranchers, discussions with the water commissioner, and other evidence uniformly establish that over 100 years ago, shortly after the court entered a decree for the Aldrich #1 water right, Dry Creek changed course from the now abandoned stream channel, requiring a relocation of the diversion point for the Aldrich #1 pursuant to C.R.S. § 37-86-111 to its current location. The Aldrich #1 water right has been diverted at its current location since approximately 1911, when that relocation occurred. Accordingly, the Division Engineer requested Applicant file this application to correct the decreed location of the diversion point for the water right from its erroneous decreed location to its established location. **Legal Description of the Corrected Point of Diversion: UTM Coordinates:** Northing: 4214169 Easting: 0455133. NAD83, Zone 13. NAD 83, Zone 13. **Street Address:** No street address. Lot 30 is located on Dry Creek Dr., Westcliffe, CO 81252. **Subdivision:** Sierra Mojada South; **Lot:** 30. **Source of UTM's:** Hand-Held Garmin. **Accuracy of Location Displayed on GPS Device:** Within approximately 12 feet. **Name and Address of Owner of Land upon which Any Modification to Existing Diversion Structure will be Constructed:** Linda Gentsch, 4830 County Road 140 #6, Lot 30 Sierra Mojada South, Westcliffe, CO 81252.

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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 June 2015, (forms available at Clerk's office or at [www.courts.state.co.us](http://www.courts.state.co.us), must be submitted in quadruplicate, after serving parties and attaching a certificate of mailing, filing fee \$158.00). 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 5th day of May, 2015.



*Mardell R. DiDomenico*

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Mardell R. DiDomenico, Clerk  
District Court, Water Div. 2  
Pueblo Judicial Building  
501 N. Elizabeth Street, Suite 116  
Pueblo, CO 81003; (719) 404-8832

(Court seal)  
Published: May \_\_\_\_\_, 2015