

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING FEBRUARY 2012

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 ordered published during February 2012, 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. 11CW77 - LOWER ARKANSAS VALLEY WATER CONSERVANCY DISTRICT AND LARKSPUR, INC. ATTN: Jay Winner, 801 Swink Avenue, Rocky Ford, Colorado 81067.

(Please address all correspondence to: Peter D. Nichols, #33167 Douglas M. Sinor, #31148 Lisa M. Thompson, #35923 Trout, Raley, Montaño, Witwer & Freeman, P.C., 1120 Lincoln Street, Suite 1600, Denver, Colorado 80203, Phone: (303) 861-1963)

First Amended Application for Change of Transmountain Water Rights in Receiving Basin.

IN GUNNISON AND ARKANSAS RIVER BASINS, IN SAGUACHE, GUNNISON, CHAFFEE, FREMONT, CROWLEY, OTERO, BENT, PROWERS, AND PUEBLO COUNTIES, COLORADO

2. Decreed water right for which change is sought. A. Name of structure(s). Larkspur Ditch system, each structure described below. **B. Date of original and all relevant subsequent decrees.** 1) Original decree (absolute and conditional): April 19, 1943, Case No. 2079, Gunnison County District Court. 2) Decree canceling conditional water right: March 25, 1975, Case No. W-414(74) (listed in the Division of Water Resources files as Case No. 75CW0414), Water Division No. 4. **C. Legal description of structure.** 1) The decreed location of Headgate No. 1 of Larkspur Ditch No. 1 is in Saguache County on the east bank of the West Fork of Millswitch Creek, a tributary of Tomichi Creek and the Gunnison River, whence the northeast corner of Section 25, Township 48, North, Range 6 East, N.M.P.M., bears North 14°40' East 12,993.5 feet. The decreed location of Headgate No. 2 of Larkspur Ditch No. 1 is on the east bank of the East Branch of Millswitch Creek, a tributary of Tomichi Creek and the Gunnison River, at a point whence the northeast corner of Section 25, Township 48 North, Range 6 East, N.M.P.M., bears North 10°44' East 12,674.4 feet. 2) The decreed location of Headgate No. 1 of Larkspur Ditch No. 2 is in Saguache County on the south bank of the East Fork of Harry Creek, a tributary of Tomichi Creek and of the Gunnison River, at a point whence the Southeast corner of Section 24, Township 48 North, Range 6 East, N.M.P.M., bears South 29°11'42" East 12,810.7 feet. The decreed location of Headgate No. 2 of Larkspur Ditch No. 2 is on the north bank of the East Fork of Harry Creek, a tributary of Tomichi Creek and of the Gunnison River as aforesaid, at a point whence the Southeast corner of Section 24, Township 48 North, Range 6 East, N.M.P.M., bears South 32°46'11" East 11,910.5 feet. 3) The decreed location of the headgate of the

Agate Creek Extension of Larkspur Ditch No. 2 is in Gunnison County on the north bank of the East Agate Creek, a tributary of Tomichi Creek and the Gunnison River, at a point whence the Southeast corner of Section 24, Township 48 North, Range 6 East, N.M.P.M., bears South 13°51'18" East 18,343.6 feet. 4) The decreed location of the Harry Creek Extension of said Larkspur Ditch No. 2 is in Gunnison County on the south bank of the North Fork of Harry Creek, a tributary of Tomichi Creek and the Gunnison River, at a point whence the Southeast corner of Section 24, Township 48 North, Range 6 East, N.M.P.M., bears South 36°34'28" East 15,026.7 feet. 5) The Larkspur Ditch structures divert water from the Gunnison River basin across the Continental Divide and discharge the water into Poncha Creek at Marshall Pass. From there, the water flows downstream to the South Arkansas River and to the Arkansas River. 6) The decreed locations of the above-described headgates are shown on the map attached to the Amended Application as Exhibit 1. **D. Decreed Source of Water.** Harry Creek, Millswitch Creek, and Agate Creek, tributaries of Tomichi Creek, tributary to the Gunnison River. **E. Appropriation date.** June 8, 1931. **F. Total amount decreed to structure.** 10 cfs, absolute. **G. Decreed uses.** Irrigation of lands in the Arkansas River Valley. **H. Amount of water that Applicants intend to change.** The Larkspur Ditch water right is owned by Larkspur, Inc. Lower Ark District has acquired 13,629.17 of the 18,660 outstanding shares of capital stock of Larkspur, Inc. or approximately 73 percent of the outstanding shares. Lower Ark District's shares are represented by stock certificate numbers 1221, 1238, and 1260. In the future, Lower Ark District intends to acquire additional shares of Larkspur, Inc. stock. By this application, Larkspur, Inc. and Lower Ark District seek to quantify and change the entire Larkspur Ditch water right under a ditch-wide quantification method. By resolution dated September 21, 2011, the Board of Directors of Larkspur, Inc. authorized the filing of this application. **3. Detailed description of proposed change.** A. The Larkspur Ditch is decreed for irrigation of lands in the Arkansas River Valley, and was historically used to irrigate lands served by the Excelsior Ditch, Rocky Ford High Line Canal, Fort Lyon Canal and Catlin Canal. A summary of recent diversion records for the Larkspur Ditch is attached to this Amended Application as Exhibit 2. B. Lower Ark District does not seek to change the points of diversion for the Larkspur Ditch system. Lower Ark District will continue to divert the Larkspur Ditch water right at the historical locations in the Gunnison River basin and deliver water to Poncha Creek at Marshall Pass. The water will flow down Poncha Creek to the South Arkansas River and into the Arkansas River, as it has historically, where such water will be used for irrigation and the other new uses described below. C. The Applicants seek to add the following new uses to the existing irrigation use: domestic, stock watering, industrial, replacement of historical return flows associated with changed water rights, augmentation and replacement including, but not limited to, augmentation and replacement under Rule 14 Plans and other decreed or administratively approved augmentation plans, and replacement under Rule 10 Compact Compliance Plans within the Lower Ark District boundaries; recharge of Arkansas River Basin ground water, recharge of Denver Basin aquifers, including relinquishment pursuant to C.R.S. § 37-90-137(9)(b), and recharge of the Upper Black Squirrel Creek Designated Basin alluvial aquifers; all municipal purposes, including without limitation, domestic, agricultural, industrial, commercial, irrigation, stock watering, fire protection, recreation, fish and wildlife preservation and propagation, and

all other beneficial purposes within the service areas of the City of Colorado Springs, the members of the Pikes Peak Regional Water Authority (including, among others, the City of Fountain, the Town of Monument, the Town of Palmer Lake, Cherokee Metropolitan District, Donala Water & Sanitation District, and Triview Metropolitan District), as such service areas exist now and in the future, and by customers of Stonewall Springs Quarry, LLC. D. Applicants may use the Larkspur Ditch water rights for freshening flows to Lake Minnequa pursuant to the Lower Ark District's Intergovernmental Agreement with the City of Pueblo and the Board of Water Works of Pueblo, dated December 12, 2007. E. The Larkspur Ditch water rights also may be used by agricultural, municipal and industrial water users in Otero County pursuant to the Lower Ark District's (through its Water Enterprise) Intergovernmental Agreement with the County of Otero, dated October 20, 2010. F. The water diverted may be used, reused, successively used and disposed to extinction for the above-described purposes. G. Manner of use. Following diversion and delivery to the Arkansas River, water from the Larkspur Ditch may be used by crediting it directly for augmentation and replacement purposes or rediverting it for direct use, use by storage and subsequent release, by recharge, and by substitution and exchange. H. Points of rediversion and storage. In addition to re-diverting water at the Catlin Canal for irrigation use, Lower Ark District may re-divert and store transmountain water from the Larkspur Ditch in Pueblo Reservoir, Lake Henry, Lake Meredith, Holbrook Reservoir, Dye Reservoir, Adobe Reservoir, and Horse Creek Reservoir. Lower Ark District also seeks the right to re-divert and store such transmountain water at other diversion points on the Arkansas River in the future without limitation, provided Lower Ark District maintains dominion over such water. All deliveries of water from the Larkspur Ditch system to points of augmentation/ replacement and re-diversion shall be subject to assessment of appropriate transit losses. **4. Remarks.** A. The water delivered to the Arkansas River by the Larkspur Ditch is foreign and imported transmountain water. Under C.R.S. § 37-82-106, Applicants are entitled to use, reuse, and make successive use of such water to extinction. B. The water from the Larkspur Ditch system is delivered from the Gunnison River basin to the Arkansas River basin by transmountain diversion. So far as appropriators of water from the Gunnison River basin are concerned, use of water from the Larkspur Ditch on the east slope is 100% consumptive. See *Twin Lakes Reservoir and Canal Co. v. City of Aspen*, 193 Colo. 478, 568 P.2d 45 (1977). C. Appropriators of water from the Arkansas River and its tributaries have no vested rights to the continued importation of transmountain water from the Larkspur Ditch system or to return flows generated from the use of water from the Larkspur Ditch. See *City of Thornton v. Bijou Irrigation Co.*, 926 P.2d 1 (Colo. 1996). D. Applicants may store water at Pueblo Reservoir only so long as they have consent of the owner of that structure, and such use is within the effective time period of such consent. Applicants recognize that Pueblo Reservoir is owned and operated as part of the Fryingpan-Arkansas Project by the United States Bureau of Reclamation ("Reclamation"). Any use of this Fryingpan-Arkansas Project facility by Applicants for storage, exchange or otherwise, will occur with the written permission of the owner of said reservoir, and will be made consistent with such policies, procedures, contracts, charges and terms as may be lawfully determined by Reclamation, in its good faith discretion. This decree does not give Applicants any rights to ownership or use of any Fryingpan-Arkansas Project structure,

or any rights of ownership or rights to purchase or receive allocation of Fryingpan-Arkansas Project water or return flows from Fryingpan-Arkansas Project water, and does not alter any existing rights Applicants may otherwise have. **5. Names and addresses of owners 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.** A. Larkspur Ditch system: United States Forest Service, Gunnison Ranger District, John Murphy, District Ranger, 216 N. Colorado, Gunnison, CO 81230. B. Pueblo Reservoir: United States Department of Interior, Bureau of Reclamation, 11056 West County Road 18E, Loveland, CO 80537-9711. C. Lake Meredith/Lake Henry: Colorado Canal Company, P.O. Box 8, 331 Main St., Ordway, CO 81063. D. Holbrook Reservoir/Dye Reservoir: Holbrook Mutual Irrigation Company, 23207 Hwy 266, Rocky Ford, CO 81067. E. Adobe Reservoir/Horse Creek Reservoirs: Fort Lyon Canal Company, 750 Bent Avenue, Las Animas, CO 81054.

CASE NO. 12CW8 – VIRGILIA R. GOODWIN and RICHARD O. GOODWIN, P. O. Box 409, Walsenburg, CO 81089; (719) 738-2303

Application for Absolute Underground Water Right
HUERFANO COUNTY

Name of well and permit, registration or denial number: Lennox; Permit 258815.
Legal description of well (UTM Format, Zone 13, NAD 83 Datum): UTM coordinates: Northing 4156655.0; Easting 514109.0. **Street Address:** 250 Windmill Canyon Rd., Walsenburg, CO 81089; **Subdivision:** River Ridge Ranch; **Lot:** 150.
Legal description (PLSS): Huerfano County, NW ¼ of the NE ¼ Section 1, Township 29 South, Range 67 West, 6th P.M., 1000 feet from the North line and 2015 feet from the East line. **Source of PLSS information:** Pump Installation and Test Report, State of Colorado, Office of the State Engineer. **Source of water:** Ground water tributary to Cucharas River. **Depth of well:** 467 feet. **Date of appropriation:** 8/23/04. **How appropriation was initiated:** Personally contacted well driller. **Date water applied to beneficial use:** 11/17/04. **If well is tributary:** **Amount claimed in gallons per minute:** 14 gpm Absolute. **Use or proposed use:** Domestic. **If non-irrigation, describe purpose fully:** The well is used for my residence which is east of the well 150 feet. [The well permit approves uses limited to fire protection, ordinary household purposes inside not more than three single family dwellings, the irrigation of not more than one acre of home gardens and lawns, and the watering of domestic animals.]

CASE NO. 12CW9 – BEATRIZ and JOSEPH WEIVODA, 229 Meadow Spur, Walsenburg, CO 81089; (719) 738-2161

Application for Absolute Underground Water Right
HUERFANO COUNTY

Name of well and permit, registration or denial number: Well Permit 210059.
Legal description of Well (PLSS): Huerfano County, SW ¼ of the SE ¼ Section 12, Township 30 South, Range 66 West, 6th P.M., 250 feet from the South line and 1620 feet from the East line. **Source of PLSS information:** Well permit. **Street Address:** 229 Meadow Spur, Walsenburg, CO 81089; **Subdivision:** Blackhawk Ranch; **Lot:**

100; Filing 7. **Source of water:** Ground water tributary to Cuchara River. **Depth of well:** 570 feet. **Date of appropriation:** 06-03-98. **How appropriation was initiated:** Well was drilled. **Date water applied to beneficial use:** 06-03-98. **If well is tributary:** **Amount claimed in gallons per minute:** 15 gpm Absolute. **Use or proposed use:** Fire protection, ordinary household purposes inside three single family dwellings, irrigation of not more than 1 acre of garden and lawns, watering of domestic animals, and livestock watering. **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:** Applicants.

CASE NO. 12CW10 – COMPLAINT. This case is a complaint and is being listed in the resume to account for the case number in consecutive order.

CASE NO. 12CW11 – EVA BOVENZI and JOHN NEUMANN, 1345 Stevenson Street, San Francisco, CA 94103; (415) 861-7631

Application for Absolute Underground Water Right

HUERFANO COUNTY

Name of well and permit, registration or denial number: Hurlbut Well #3; Permit 18997-A. **Legal description of Well (PLSS):** Huerfano County, NE ¼ of the NE ¼ Section 31, Township 26 South, Range 70 West, 6th P.M., 500 feet from the North line and 1000 feet from the East line. **Source of PLSS information:** Nequette Drilling Company, P. O. Box 186, Westcliffe, CO 81252. **Street Address:** 8389 County Road 570, Gardner, CO 81040. **Source of water:** Ground water tributary to the Huerfano River. **Depth of well:** 19 feet. **Date of appropriation:** August 23, 1999. **How appropriation was initiated:** Well was dug. **Date water applied to beneficial use:** August 23, 1999. **If well is tributary:** **Amount claimed in gallons per minute:** 12 gpm Absolute. **Use or proposed use: If non-irrigation, describe purpose fully:** Domestic drinking water for one dwelling, fire protection, irrigation of less than one acre home garden and lawns, watering of poultry, domestic animals and livestock on a ranch.

CASE NO. 12CW12 – STEVE and LINDA PINSKI, 4132 Happy Jack Drive, Colorado Springs, CO 80922; (719) 649-8021

Application for Absolute Underground Water Right

HUERFANO COUNTY

Name of well and permit, registration or denial number: Blackhawk Lot 3; Permit 277048. **Legal description of well (UTM Format, Zone 13, NAD 83 Datum): UTM coordinates:** Northing 4149750; Easting 524732. **Subdivision:** Blackhawk Ranch, Lot 3, Filing One. **Legal description (PLSS):** Huerfano County, SW ¼ of the NW ¼ Section 30, Township 29 South, Range 65 West, 6th P.M., 1683 feet from the North line and 514 feet from the West line. **Depth of well:** 562 feet. **Date of appropriation:** 4/2/2008. **Date water applied to beneficial use:** 8/29/2008. **Amount claimed in gallons per minute:** 15 gpm Absolute. **Use or proposed use:** Fire protection, ordinary household purposes inside not more than three single family dwellings, the

watering of poultry, domestic animals and livestock on a farm or ranch, and the irrigation of not more than one acre of home gardens and lawns.

CASE NO. 12CW13 – PEGGY and R. DAVID ZEHRING, P. O. Box 967, La Veta, CO 81055; (719) 742-5238

Application for Absolute Underground Water Right

HUERFANO COUNTY

Name of well and permit, registration or denial number: Zehring Well; Permit 194775. **Legal description of Well (PLSS):** Huerfano County, NE ¼ of the SE ¼ Section 12, Township 29 South, Range 70 West, 6th P.M., 2565 feet from the South line and 50 feet from the East line. **Source of PLSS information:** State of Colorado Engineer Report. **Street Address:** 2802 CR 442, La Veta, CO 81055-0967. **Subdivision:** La Veta Ranches; **Lot:** 3. **Source of water:** Middle Creek – tributary of the Cucharas River. **Depth of well:** 360 feet. **Date of appropriation:** Date well was completed – 5/12/97 per engineer report. **How appropriation was initiated:** Called well driller 10/4/96. **Date water applied to beneficial use:** 5/12/97. **If well is tributary:** **Amount claimed in gallons per minute:** 9 gpm Absolute. **Use or proposed use:** Domestic use inside one single-family residence and one guest cabin, fire protection, irrigation of 400 square feet of lawns and gardens, and domestic animal and livestock watering. **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:** Applicants.

CASE NO. 12CW14 – ROBERT J. MARTIN, P. O. Box 47, Walsenburg, CO 81089; (719) 738-2639

Application for Absolute Underground Water Right

HUERFANO COUNTY

Name of well and permit, registration or denial number: Lazy B and B; Permit 250369. **Legal description of well (UTM Format, Zone 13, NAD 83 Datum): UTM coordinates:** Northing 4157933; Easting 13S 0508979. **Street Address:** 595 Mountain View Trail, Walsenburg, CO 81089; **Subdivision:** River Ridge Ranch; **Lot:** 82. **Legal description of Well (PLSS):** Huerfano County, SE ¼ of the NW ¼ Section 33, Township 28 South, Range 67 West, 6th P.M., 1875 feet from the North line and 1530 feet from the West line. **Source of PLSS information:** Permit. **Source of water:** Ground water tributary to Cucharas River. **Date of appropriation:** 5/19/03. **How appropriation was initiated:** Well driller contact. **Date water applied to beneficial use:** May 19, 2003. **If well is tributary:** **Amount claimed in gallons per minute:** 1 gpm Absolute. **Use or proposed use:** Domestic. Well location is 100' SW of single-family residence. [The well permit approves uses limited to fire protection, ordinary household purposes inside not more than three single family dwellings, the irrigation of not more than one acre of home gardens and lawns, and the watering of domestic animals.] **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.

CASE NO. 12CW15 – CLIFFORD C. GONGAWARE, 23750 County Road 44, Aguilar, CO 81020; (719) 941-9971

Application for Absolute Underground Water Right

LAS ANIMAS COUNTY

Name of well and permit, registration or denial number: CC Divide; Permit 160203.

Legal description of well (PLSS): Las Animas County, SE ¼ of the SE ¼ Section 25, Township 31 South, Range 66 West, 6th P.M., 940 feet from the South line and 990 feet from the East line. **Source of PLSS information:** Permit application from Boday Well Drilling. **Street Address:** 23750 County Road 44 **Subdivision:** Apishapa River Ranch; **Lot:** 17. **Source of water:** Groundwater tributary to Purgatoire River. **Depth of well:** 135 feet. **Date of appropriation:** June 19, 1991. **How appropriation was initiated:** Contacted well driller personally. **Date water applied to beneficial use:** June 19, 1991. **If well is tributary:** **Amount claimed in gallons per minute:** 4 gpm Absolute. **Use or proposed use:** Domestic use inside one single-family dwelling, fire protection, irrigation of one acre of lawns and gardens, and watering domestic animals and livestock. **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.

CASE NO. 12CW16 – THOMAS and CAROL LAINE, P. O. Box 321, Gardner, CO 81040-0321; (719) 746-2082

Application for Absolute Underground Water Right

HUERFANO COUNTY

Name of well and permit, registration or denial number: Pinderosa; Permit 213073-A.

Legal description of Well (PLSS): Huerfano County, NW ¼ of the NE ¼ Section 22, Township 25 South, Range 70 West, 6th P.M., 175 feet from the North line and 2335 feet from the East line. **Source of PLSS information:** USGS topographic map. **Street Address:** 5131 CR 634, Gardner, CO 81040-0321. **Source of water:** Huerfano River. **Depth of well:** 60 feet. **Date of appropriation:** July 16, 1998. **How appropriation was initiated:** Permit issued. **Date water applied to beneficial use:** 3-1-2000. **If well is tributary:** **Amount claimed in gallons per minute:** 15 gpm Absolute. **Use or proposed use:** Fire, household use, domestic animals and livestock, irrigate 1 acre of land (including garden), outdoor cleaning/maintenance, vehicle washing, up to 3 homes. **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:** Applicants.

**CASE NO. 12CW17 – ROBERT and TERRI HANSON, P. O. Box 1003, Walsenburg,
CO 81089; (719) 738-1607**

Application for Absolute Underground Water Right

HUERFANO COUNTY

Name of well and permit, registration or denial number: Blue Dog; Permit 235292.
Legal description of well (PLSS): Huerfano County, NW ¼ of the SE ¼ Section 34, Township 28 South, Range 67 West, 6th P.M., 2100 feet from the South line and 1400 feet from the East line. **Source of PLSS information:** Well Construction/Test Report.
Street Address: 1241 River Ridge Trail. **Subdivision:** River Ridge Ranch; **Lot:** 7.
Source of water: Ground water tributary to the Cucharas River. **Depth of well:** 467 feet. **Date of appropriation:** 8/8/01. **How appropriation was initiated:** Contacted well driller. **Date water applied to beneficial use:** 8/17/01. **If well is tributary:** **Amount claimed in gallons per minute:** 7 gpm Absolute. **Use or proposed use:** Domestic. **If non-irrigation, describe purpose fully:** Residential water supply. [The well permit approves uses limited to fire protection, ordinary household purposes inside not more than three single family dwellings, the irrigation of not more than one acre of home gardens and lawns, and the watering of domestic animals.]

**CASE NO. 12CW18 – SUSAN E. SIMONS, 1002 Majors Ranch Road, Walsenburg,
CO 81089; (719) 738-2267**

Application for Absolute Underground Water Right

HUERFANO COUNTY

Name of well and permit, registration or denial number: Welldone; Permit 228936-A.
Legal description of well (UTM Format, Zone 13, NAD 83 Datum): UTM coordinates: Northing 4166509; Easting 504312. **Street Address:** 1002 Majors Ranch Road; **Subdivision:** Majors Ranch; **Lot:** 10; Phase 2. **Legal description of Well (PLSS):** Huerfano County, SE ¼ of the NW ¼ Section 1, Township 28 South, Range 68 West, 6th P.M., 1323 feet from the North line and 2231 feet from the West line. **Source of PLSS information:** Well permit. **Source of water:** Ground water tributary to the Huerfano River. **Depth of well:** 370 feet. **Date of appropriation:** 07-02-2007. **How appropriation was initiated:** Property owner filed for permit. **Date water applied to beneficial use:** 07-02-2007. **If well is tributary:** **Amount claimed in gallons per minute:** 12 gpm Conditional; 10 gpm Absolute **Use or proposed use:** Fire protection, ordinary household uses inside 2 single-family dwellings, irrigation of lawns and gardens (1 acre), watering of domestic animals, poultry and up to 3 cattle in summer months. **If non-irrigation, describe purpose fully:** The well is located 750' north and west of the house and guest cabin. A 1,000 gal. cistern is located between the house and cabin. There are 3 hydrants: 1 between the house and cabin, one about 500' west near a cattle tub, and one about 35' north near a cattle tub. **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.

CASE NO. 12CW19 – CHRISTOPHER SILKS, P. O. Box 183, Gardner, CO 81040; (719) 746-2978

Application for Absolute Underground Water Right

HUERFANO COUNTY

Name of well and permit, registration or denial number: Permit 73814. **Legal description of well (UTM Format, Zone 13, NAD 83 Datum):** UTM coordinates: Northing 4187894.5; Easting 492487.6. **Street Address:** 2452 County Road 625. **Source of UTM:** DWR website. **Legal description (PLSS):** Huerfano County, SW ¼ of the SW ¼ Section 26, Township 25 South, Range 69 West, 6th P.M., 450 feet from the South line and 650 feet from the West line. **Source of PLSS information:** Well permit. **Source of water:** Huerfano River. **Depth of well:** 110 feet. **Date of appropriation:** 2/19/1974. **How appropriation was initiated:** Permit applied for. **Date water applied to beneficial use:** 07-06-1974. **If well is tributary:** **Amount claimed in gallons per minute:** 15 gpm Absolute **Use or proposed use:** Household use inside 2 single-family dwellings, watering of pets, domestic animals and livestock, irrigation of 1 acre of landscape, trees, lawns and gardens, fire protection. **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.

CASE NO. 12CW20 – GEORGE SMART, KEITH SMART, FRANKIE SMART AND SHARON SMART, 505 County Road 441, La Veta, CO 81055; (719) 742-3998

Application for Absolute Underground Water Right

HUERFANO COUNTY

Name of well and permit, registration or denial number: Permit 185846. **Legal description of well (PLSS):** Huerfano County, SW ¼ of the SW ¼ Section 4, Township 29 South, Range 69 West, 6th P.M., 600 feet from the South line and 790 feet from the West line. **Source of PLSS information:** Well permit. **Street Address:** 505 CR 441, La Veta, CO. **Source of water:** Cuchara. **Depth of well:** 600 feet. **Date of appropriation:** April 3, 1995. **How appropriation was initiated:** Well drilled contacted. **Date water applied to beneficial use:** April 3, 1995. **If well is tributary:** **Amount claimed in gallons per minute:** 10 gpm Absolute **Use or proposed use:** Fire protection, household use for 2 single-family dwellings, household water, irrigation of 1 acre of lawns and gardens, watering of domestic animals and livestock. **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:** Applicants.

CASE NO. 12CW21 – KEITH SMART and SHARON SMART, 511 County Road 441, La Veta, CO 81055; (719) 742-3723

Application for Absolute Underground Water Right

HUERFANO COUNTY

Name of well and permit, registration or denial number: Abeyta Creek Lot #5; Permit 270567. **Legal description of well (UTM Format, Zone 13, NAD 83 Datum):**

UTM coordinates: Northing 4156165; Easting 489357. **Street Address:** 511 County Road 441; **Subdivision:** Abeyta Creek Acres; **Lot:** 5. **Source of UTMs:** Well permit. **Legal description (PLSS):** Huerfano County, NE ¼ of the SW ¼ Section 4, Township 29 South, Range 69 West, 6th P.M., 1598 feet from the South line and 1540 feet from the West line. **Source of PLSS information:** Well permit. **Source of water:** Groundwater tributary to the Cucharas. **Depth of well:** 110 feet. **Date of appropriation:** 9-7-2006. **How appropriation was initiated:** Well permit issued. **Date water applied to beneficial use:** July 23, 2008. **If well is tributary: Amount claimed in gallons per minute:** 5 ¾ gpm Absolute **Use or proposed use:** Ordinary household use inside 3 dwellings, 1 acre of home lawn and garden irrigation; watering of domestic animals and livestock. **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:** Applicants.

CASE NO. 12CW22 – ALYNNE PRICE and RALPH PRICE, P. O. Box 217, Gardner, CO 81040; (719) 746-2905

Application for Absolute Underground Water Right

HUERFANO COUNTY

Name of well and permit, registration or denial number: Permit 50628. **Legal description of well (PLSS):** Huerfano County, NE ¼ of the NW ¼ Section 24, Township 26 South, Range 70 West, 6th P.M., 288 feet from the North line and 2875 feet from the West line. **Source of PLSS information:** Well permit. **Source of water:** Huerfano River, Huerfano County. **Depth of well:** 73 feet. **Date of appropriation:** May 1930. **Date water applied to beneficial use:** May 1930. **If well is tributary: Amount claimed in gallons per minute:** 50 gpm Absolute **Use or proposed use:** Ordinary household purposes inside one single-family dwelling, fire protection, irrigation of less than one acre of garden and lawn, and watering of domestic animals. **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:** Applicants.

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 April 2012, (forms available at Clerk's office or at www.courts.state.co.us, must be submitted in quadruplicate, after serving parties and

attaching a certificate of mailing, filing fee \$130.00). 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 6th day of March, 2012.



Mardell R. DiDomenico

Mardell R. DiDomenico, Clerk
District Court, Water Div. 2
Pueblo County Judicial Building
320 W. 10th Street
Pueblo, CO 81003; (719) 583-7048

(Court seal)
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