

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED DURING JANUARY 2010

TO: ALL INTERESTED PARTIES

Pursuant to C.R.S. 37-92-302, you are hereby notified that the following is a resume of applications and certain amendments filed during January 2010, 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. 07CW129 - MIDDLE ARKANSAS GROUNDWATER USERS ASSOCIATION ("MAGUA"), c/o Scott Lorenz, 212 36th Lane, Pueblo, CO 81006 (Jeffrey J. Kahn, Esq., Matthew Machado, Esq., Lyons Gaddis Kahn & Hall, P.C., Attorneys for Applicant, P.O. Box 978, Longmont, CO 80502-0978, (303) 776-9900.)

Second Amended Application for Plan for Augmentation and Exchange
PUEBLO, EL PASO, FREMONT, OTERO, CROWLEY AND BENT COUNTIES

The original application, filed on December 31, 2007, and the amended application, filed on January 3, 2008, are hereby further amended pursuant to C.R.C.P. 15(a) by the inclusion of the following four additional wells described in the table below into the proposed plan for augmentation. In addition, the Structure ID No. for the CDOT well in the original application is changed to 1708181. All other statements set forth in the First Amended Application remain the same.

Name	Structure ID	Permit #	¼, ¼	Sec	T (s)	R (W)	Permitted Use*	SDF (days)
Wells that divert water tributary to Fountain Creek								
Maser, Merle	1006941	59538A	NENE	20	16	65	Irrigation/Domestic/Animal	32
Hurley, Grant	1006939	148121	SESE	36	19	65	Irrigation/Domestic/Animal	21
Anaya, Don	1005129	48546	SESE	36	19	65	Irrigation/Domestic/Animal	1.63
Wells that divert water tributary to the Arkansas River								
Keator, Norm & Charlotte	1505021		SESE	5	21	63	Irrigation	2061

No new diversion or storage structures, modifications to any existing diversion or storage structures, or any modification to existing storage pools are proposed in this application.

CASE NO. 09CW149 - PARKVILLE WATER DISTRICT, Attn: Greg Teter, General Manager, PO Box 45, Leadville, Colorado 80461

(Henry D. Worley, MacDougall, Woldridge & Worley, PC, Attorneys for Applicant, 530 Communications Circle, Suite 204, Colorado Springs, Colorado 80905, (719) 520-9288)

Amendment of Application Pursuant to C.R.C.P. Rule 15(a)

LAKE COUNTY

Applicant, Parkville Water District, hereby amends its application in this case as a matter of course pursuant to C.R.C.P. Rule 15(a); no responsive pleadings have been filed. Applicant requests that the following amendment be published as required by law, in a form substantially as follows: Applicant, Parkville Water District, amends its application by deleting the following from the original application: "Applicant also claims the right to use such augmentation water in other augmentation plans within or without its boundaries, and to lease or sell such water for use in other augmentation plans, to the extent that the augmentation water so stored is considered to be excess to Applicant's needs in this plan for augmentation. Use of any such 'excess' stored augmentation water will occur only pursuant to a substitute water supply plan approved by the State Engineer, or to a court-approved plan for augmentation." In its place, Applicant inserts the following language: "In this application, Parkville Water District shall limit its augmentation uses of the Canterbury Tunnel (Stevens and Leiter Ditch) consumptive use water to replacement of stream depletions which are reasonably necessary to replace depletions associated with pumping the Canterbury Wells in the event that the Stevens and Leiter Ditch right is out of priority, and storage of consumptive use credits commensurate therewith. Nothing herein shall be construed to waive Applicant's right to use consumptive use credits from its Canterbury Tunnel (Stevens and Leiter Ditch) rights in other plans for augmentation at other locations, pursuant to a substitute water supply plan approved by the State Engineer, or to a court-approved plan for augmentation."

CASE NO. 10CW1 - DAVID W. BOYER, 13584 Neck Yoke Road, Rapid City, SD 57701; (605) 348-4181

Application for Change of Water Right

CUSTER COUNTY

Decreed name of structure for which change is sought: Ditches #276 B&C Hudson and Sieber Froze Creek Ditches 1 and 2. **From previous Decree: Date Entered:** 03/12/1896; **Case No.:** Original decree: no change of use. **Court:** Division 2. **Decreed point of diversion:** SE NE Sec. 36, T23S, R72W, 6th P.M. **Source:** Froze Creek. **Appropriation Date:** 06/01/1882; **Amount:** Hudson & Seiber Froze Creek Ditch #1 for 2.4 cfs; #2 for 1.5 cfs. **Historic use:** Hudson & Seiber Froze Creek Ditch #1 irrigates 130 acres described in original decree. Hudson & Seiber Froze Creek Ditch #2 irrigates 30 acres described in original decree. **Proposed change:** Applicant proposes to change the decreed locations of the Hudson and Seiber Froze Creek Ditches 1 and 2. The new surveyed location is the historic point of diversion because the stream channel moved to the East. The decreed acres irrigated remain exactly the same as

described. **If change in point of diversion, please provide legal description:** Custer County, SW ¼ of the NW ¼ Section 31, Township 23 South, Range 71 West, 6th P.M. **Name(s) and address(es) of owner(s) or reputed owner(s) 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.

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 March 2010, (forms available at Clerk's office or at 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.

Witness my hand and the seal of this Court this 4th day of February, 2010.



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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