

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED AND/OR ORDERED PUBLISHED DURING MAY 2018
AND
NATIONAL REGISTER NOMINATION FOR GAS CREEK SCHOOL

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 May 2018, 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. 2018CW6 - DOMINICK BUCCIARELLI, 1201 Socorro Place, Pueblo, CO 81006-1046; (719) 545-4590

Application for Absolute Water Rights (Surface)

PUEBLO COUNTY

Name of structure: Clear Springs. **Legal description of each point of diversion: UTM coordinates** Easting 535983 Northing 4232533, Zone 13S; **Source of UTM:** GPS unit, accuracy +/-20 feet. **Legal Description:** NW ¼ NW ¼ Sec. 8, T21S, R64W, 6th P.M., Pueblo County, approximately 380 feet from the North line and 20 feet from the West line. Irregular section, deference to UTM location. **Source of PLSS information:** USGS topographic map. **Source:** Spring waters, tributary to Clear Springs Arroya, tributary to Salt Creek, tributary to the Arkansas River. **Date of appropriation:** 1917 for domestic uses, 1922 for commercial uses. **How appropriation was initiated:** Diversion of spring waters in an open ditch for above uses, flows were eventually placed in a pipeline. **Date water applied to beneficial use:** 1917 for domestic uses and 1922 for commercial uses. **Amount claimed:** 10 gpm Absolute. Diversion of spring waters have been continuous since 1917 and have historically been administered as futile. Diversions correspondingly have occurred during periods of free river administration. **List All Uses:** Domestic and Commercial Purposes. The spring waters have been used for domestic and commercial purposes. Spring waters are currently used to serve domestic uses at 4 residences and commercial uses at 2 small commercial buildings. Commercial uses are generally for restroom and sanitary purposes. **Name(s) and address(es) of owner(s) or reputed owner(s) 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:** Veronica Villanueva, P. O. Box 1280, Pueblo, CO 81002-1280.

CASE NO. 2018CW3034 - HELEN WILLIAMS, 0049 County Road 47, Howard, CO 81233 (Please address all correspondence and inquiries regarding this matter to Applicant's Attorneys: L. Richard Bratton, John P. Justus, Karoline M. Henning, HOSKIN FARINA & KAMPF, Professional Corporation, 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado, 81502; (970) 986-3400)

Application for Change of Water Rights

FREMONT COUNTY

2. Decreed water right for which change is sought: **a. Name of structure:** Pleasant Valley Ditch. **b. Previous decrees for water rights to be changed:** The Pleasant Valley Ditch is decreed for a total diversion of 10 cfs, including the original appropriation for the Pleasant Valley Ditch, and a transfer to the Pleasant Valley Ditch of the water right previously decreed to the Alexander Ditch. Applicant owns and seeks to change her 1/12th interest in both priorities. **i. Pleasant Valley Ditch Priority: (1) Date entered:** February 3, 1894, District Court, Fremont County. **(2) Legal Description of Point of Diversion:** The decreed point of diversion is on the North side of the Arkansas River in the SE1/4 of the SW1/4, Section 27, Township 49 North, Range 10 East, N.M.P.M., Fremont County, Colorado. **(3) Source:** Arkansas River. **(4) Appropriation date:** May 31, 1883, Priority 291. **(5) Total amount decreed to structure:** 8 cfs. **(6) Amount Applicant intends to change:** 0.667 cfs. **(7) Decreed use:** Irrigation. **ii. Alexander Ditch Priority (1) Date entered:** July 2, 1906, District Court, Fremont County. **(2) Legal Description of point of diversion:** The decreed point of diversion is on the North side of the Arkansas River in the SE1/4 of the SW1/4, Section 27, Township 49 North, Range 10 East, N.M.P.M., Fremont County, Colorado. **(3) Source:** Arkansas River. **(4) Appropriation date:** December 31, 1877, Priority 194. **(5) Total amount decreed to structure:** 2 cfs. **(6) Amount Applicant intends to change:** 0.167 cfs. **(7) Decreed use:** Irrigation. **c. Historical use of water rights to be changed.** Applicant's interest in the Pleasant Valley Ditch has been used historically to irrigate up to 15 acres of Applicant's property located in the N1/2 of the NW1/4 of Section 12, and the NE1/4 of the NE1/4 of Section 11, Township 48 North, Range 10 East, N.M.P.M., Fremont County, Colorado (the "Property"). A map showing Applicant's property, containing the general location of the historically irrigated lands, is attached as Exhibit A to the Application. Diversion records of the Pleasant Valley Ditch are attached as Exhibit B to the Application. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) **3. Detailed description of proposed change in point of surface diversion:** **a. Complete statement of proposed change:** Applicant intends to change the point of diversion for her interest in the Pleasant Valley Ditch from the decreed location, to a new location on the Arkansas River adjacent to her Property, described below. No other changes of the water rights are proposed. Applicant will continue to use the water on the historically irrigated Property described in paragraph 2.c above for irrigation purposes. **b. Location of changed point of diversion:** **i. UTM: Zone 13, Easting 428808.7, Northing 4253895.1.** The proposed location of the changed point of diversion is depicted on Exhibit C to the Application. **4. 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:** Based on a review of the Fremont County Assessor's records, it appears that the proposed changed point of diversion is either located on Applicant's property, or property owned by: Michael and Dorothy Baxter, 347 W. Winterhaven Dr., Pueblo West, Colorado 81007.

CASE NO. 2018CW3035, Water Division 2 and CASE NO. 2018CW3077, Water Division 1 - JANICE WOODARD, 6385 Vessey Road, Colorado Springs, CO 80908

(Please address all pleadings and documents to Applicant's attorneys: Ryan W. Farr and Brian G. Sheldon of Monson, Cummins & Shohet, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921, (719) 471-1212)

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

EL PASO COUNTY, COLORADO

Applicant is seeking to subdivide a single 13.84-acre lot in the Black Forest into two lots, each to be served by an individual well, constructed in the Dawson Aquifer. The wells will be used for water service to single-family dwellings including domestic use, landscape and garden irrigation, greenhouse irrigation, stock watering, and equipment and structure washing. Applicant seeks to quantify the Denver Basin groundwater underlying the Applicant's Property as described below, and for approval of a plan for augmentation. **Location of Property and Well.** *Property Description.* Applicant's property is located in the N/12 of Section 6, Township 12 South, Range 65 West of the 6th P.M., El Paso County, Colorado as more particularly described in Exhibit A to the Application containing approximately 13.84 acres, more or less ("Applicant's Property"). See *also* Exhibit B to the Application for a general location map. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) *Existing Well.* There is currently a permitted well, constructed in the Dawson aquifer located in the SW1/4 of the NE1/4 of Section 6, Township 12 South, Range 65 West of the 6th P.M., approximately 1,630 feet from the north section line and 2,285 feet from the east section line, El Paso County, Colorado, permitted under Division of Water Resources Permit No. 83350-A ("Woodward Well No. 1"). Upon entry of a decree in this matter, Woodward Well No. 1 will be re-permitted consistent with the terms and conditions of the plan for augmentation requested herein. **To Be Constructed Well.** Applicant or subsequent owner of the newly created second lot pursuant to the subdivision of the Applicant's Property will file a permit application for the construction of a well in the Dawson aquifer to serve the newly created second lot and to operate pursuant to this plan for augmentation ("Woodard Well No. 2"). **Water Source. Not-Nontributary.** The ground water to be withdrawn from the Dawson and Denver aquifers of the Denver Basin underlying Applicant's Property is not-nontributary. Pursuant to § 37-90-137(9)(c.5), C.R.S., the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. *Nontributary.* The groundwater that will be withdrawn from the Arapahoe and Laramie-Fox Hills aquifers of the Denver Basin underlying the Applicant's Property is nontributary. **Estimated Rates of Withdrawal.** Pumping from any well on Applicant's Property will not exceed 100 g.p.m. The actual pumping rate for any well will vary according to aquifer conditions and well production capabilities. Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. **Estimated Average Annual Amounts of Ground Water Available.** Applicant requests a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicant's

Property. Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant's Property:

Aquifer	Bottom Elevation (ft)	Top Elevation (ft)	Top of Aquifer (ft)	Bottom of Aquifer (ft)	Net Sand (ft)	Specific Yield	Total Available Appropriation (Acre-Feet)	100 Year Annual Appropriation (Acre-Feet)	300 Year Annual Appropriation (Acre-Feet)	Tributary Status
Dawson	6583	7406	109	932	411.6	0.20	1139	11.39	3.80	NNT
Denver	5668	6589	926	1847	497.3	0.17	1170	11.70	3.90	NNT
Arapahoe	5115	5612	1903	2400	235.1	0.17	553	5.53	1.84	NT
Laramie-Fox Hills	4515	4846	2669	3000	187.1	0.15	388	3.88	1.29	NT
Total from all aquifers							3251	32.51	10.84	

Decreed amounts may vary based upon the State's Determination of Facts. Pursuant to § 37-92-305(11), C.R.S., Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. **Requested Uses.** Applicant requests the right to use the ground water for beneficial uses upon the Applicant's Property consisting of domestic, commercial, indoor and outdoor irrigation, stock watering, recreation, wildlife, wetlands, fire protection, equipment and structure washing, and also for storage and augmentation purposes associated with such uses. Applicant also requests that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant's Property subject, however, to the requirement of § 37-90-137(9)(b), C.R.S., that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to construct a well or use water from the not-nontributary Dawson or Denver aquifers pursuant to a decreed augmentation plan entered by this Court, covering the required out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with § 37-90-137(9)(c.5), C.R.S. **Well Fields.** Applicant requests that she be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells, should additional wells be approved in the future. Applicant requests that these wells be treated as a well field. **Averaging of Withdrawals.** Applicant requests that she be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath Applicant's Property, so long as the sum of the total withdrawals from the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which Applicant is entitled to withdraw from the aquifers underlying the Applicant's Property. **Name and Address of Owner of Land Upon Which Wells are to Be Located.** The land upon which the wells are and will be located is owned by Applicant. **Structures to be Augmented.** The structures to be augmented are Woodard Well No. 1 as is currently constructed in the not-nontributary Dawson aquifer and the yet-to-be constructed Woodard Well No. 2, along with any replacement wells that may

subsequently be constructed. **Water Rights to be Used for Augmentation.** The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from Woodard Well No. 1 and Woodard Well No. 2 together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. **Statement of Plan for Augmentation.** Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer proposed herein. Water use criteria and their consumptive use component for replacement of actual depletions for the lot is estimated as follows: **Use.** The wells will pump a maximum of 1.20 acre-feet of water per year from the Dawson aquifer. Such use shall be a combination of household use, irrigation of lawn and garden, greenhouse irrigation, equipment and structure washing, and the watering of horses, chickens, or equivalent livestock. The quantified amount planned for each use is 0.26 acre-feet per year per residence for in home use, 0.05 acre-feet per year for up to four large animals or a combination of large animals and other livestock such as pigs and chickens, 0.28 acre-feet per year for watering of lawn and gardens, greenhouse irrigation, and structure and equipment washing. Wastewater will be treated via the existing non-evaporative septic system. All water will be used on the overlying land. **Depletions.** It is estimated that maximum stream depletions over a 300-year pumping period for the Dawson aquifer amounts to approximately twenty percent (20%) of pumping. Maximum annual depletions for total residential pumping from all wells is therefore 0.24 acre-feet in year 300. Should Applicant's pumping be less than the 1.20 acre-foot described herein, resulting depletions will be correspondingly reduced thereby maintaining proper replacement by non-evaporative septic return flows from household use. **Augmentation of Depletions During Pumping.** Pursuant to § 37-90-137(9)(c.5), C.R.S., Applicant is required to replace actual stream depletions attributable to pumping of augmented wells to the Dawson aquifer. Depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At a household use rate of 0.26 acre-feet per residence per year, 0.234 acre-feet is replaced to the stream system per year per residence as the houses will utilize non-evaporative septic systems for a total annual return flow for both residences of 0.47 acre-feet. With up to 5,000 square feet of lawn and garden using 0.05 acre-feet per 1000 square feet, the amount of water applied per year would be up to 0.28 acre-feet per residence. With eighty-five percent (85%) of such irrigation application consumed, the fifteen percent (15%) return flow would be 0.084 acre-feet. Adding this to the in-home return flow totals 0.56 acre-feet of return flow. Thus, during pumping for 300 years at a rate of 1.20 acre-feet per year, stream depletions will be adequately augmented by septic return flows with additional return flows also being generated from irrigation return flows. Therefore, stream depletions occurring during the life of Woodard Well No. 1 and Woodard Well No. 2 will be sufficiently replaced. **Augmentation for Post Pumping Depletions.** For the replacement of any injurious post-pumping depletions which may be associated with the use of Woodard Well No. 1 and Woodard Well No. 2, Applicant will reserve 388 acre-feet of water from the nontributary Laramie-Fox Hills aquifer in order to cover post-pumping depletions totaling 322.8 acre-feet. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping

depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. Upon entry of a decree in this case, Applicant will be entitled to apply for and receive a new well permit for Woodard Well No. 1 and for Woodard Well No. 2 for the uses in accordance with this Application and otherwise in compliance with § 37-90-137, C.R.S. Applicants request a finding that they have complied with § 37-90-137(4), C.R.S., and that the ground water requested herein is legally available for withdrawal by the requested not-nontributary Dawson aquifer wells upon the entry of a decree approving an augmentation plan pursuant to § 37-90-137(9)(c.5), C.R.S. The term of this augmentation plan is for 300 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. Pursuant to § 37-90-137, C.R.S. upon approval of the plan for augmentation requested herein, Applicants will file an application with the State Engineer's office to repermit the existing Woodard Well No. 1 on Applicant's Property for operation under the plan for augmentation. Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. All wells shall be installed and metered as reasonably required by the State Engineer. Any well must be equipped with a totalizing flow meter and Applicant shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. Applicant shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. Applicant intends to waive the 600-foot well spacing requirement for any wells to be located upon the Applicant's Property. Applicants will comply with any lienholder notice provisions set forth in § 37-92-302(2)(b), C.R.S. and § 37-90-137(4)(b.5)(I), C.R.S. and such notice will be sent within 14 days of the filing of this application.

CASE NO. 2018CW3036, Water Division 2 and CASE NO. 2018CW3078, Water Division 1 - BENJAMIN AND LISA NELSON, 11340 Black Forest Road, Colorado Springs, CO 80908.

(Please direct all pleadings and documents to Applicants' attorneys: Steven T. Monson and Brian G. Sheldon of Monson, Cummins & Shoheit, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921 (719) 471-1212).

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

EL PASO COUNTY

Benjamin and Lisa Nelson (collectively "Applicant") seek to quantify the Denver Basin groundwater underlying their approximately 9.77 acre property in El Paso County, Colorado, and for approval of a plan for augmentation for the use of not-nontributary supplies therefrom for household uses, commercial uses including a winery, as well as

outdoor use to include irrigation of a vineyard and associated uses, lawn, landscaping, and garden irrigation, firefighting, watering of stock and domestic animals, and other beneficial uses. **Property Description.** The Applicant's Property, located in the NE 1/4 NE 1/4 Section 19, Township 12 South, Range 65 West of the 6th P.M., El Paso County, Colorado, contains approximately 9.77 acres, more or less ("Applicant's Property"). See Exhibit A to the Application for a general location map. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) Applicant proposes that the existing exempt well ("Nelson Well No.1"), located 775 feet from the north line of section 19 and 200 feet from the east line of section 19 of the Property's boundaries, and constructed to the not-nontributary Dawson aquifer under Division of Water Resources Permit No. 173158, be re-permitted to non-exempt status for the uses herein upon entry of a decree approving the requested plan for augmentation. **Not-Nontributary.** The ground water to be withdrawn from the Dawson and Denver aquifers of the Denver Basin underlying the Applicant's Property is not-nontributary. Pursuant to C.R.S. §37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. The not-nontributary Denver aquifer is located greater than one mile from contact with any stream system, and therefore pursuant to C.R.S. §37-90-137(9)(c) the augmentation requirements for wells in the Denver aquifer will require replacement of 4 percent of pumping to prevent injurious effect. **Nontributary.** The groundwater that will be withdrawn from the Arapahoe and Laramie-Fox Hills aquifers of the Denver Basin underlying the Applicant's Property is nontributary. **Estimated Rates of Withdrawal.** Pumping from the well will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of any well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. **Estimated Average Annual Amounts of Ground Water Available.** Applicant requests a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicant's Property. Said amounts may be withdrawn over the 100-year aquifer life pursuant to C.R.S. §37-90-137(4). Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant's Property:

AQUIFER	Acreage		Average Specific Yield	Average Saturated Thickness		Total Quantity Available For Withdrawal
Dawson (NNT)	9.77		0.20	210		410
Denver (NNT)	9.77		0.17	310		515
Arapahoe (NT)	9.77		0.17	260		432
Laramie Fox Hills (NT)	9.77		0.15	190		279

The above amounts are estimates and decreed amounts may vary based upon the State's Determination of Facts. Pursuant to C.R.S. §37-92-305(11), the Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. **Requested Uses.** The

Applicant requests the right to use the ground water for all beneficial uses upon the Applicant's Property including domestic, commercial (including operation of a winery), irrigation (including irrigation of a vineyard, lawn, landscaping, and gardens), stock water, recreation, wildlife, fire protection, and also for storage and augmentation purposes associated with such uses. The Applicant also requests that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant's Property subject, however, to the requirement of C.R.S. §37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to construct a well or use water from the not-nontributary Dawson and Denver aquifers pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with C.R.S. §37-90-137(9)(c.5). **Well Fields.** Applicant requests that it be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells. Applicant requests that these wells be treated as a well field. **Averaging of Withdrawals.** Applicant requests that it be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicant's Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicant is entitled to withdraw from the aquifers underlying the Applicant's Property. The land upon which the wells are and will be located is owned by the Applicant. **Structures to be Augmented.** The structures to be augmented are Nelson Well No.1, along with any replacement or additional wells associated therewith, as may be constructed to the Dawson and Denver aquifers underlying the Applicant's Property as requested and described herein. **Water Rights to be Used for Augmentation.** The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from Nelson Well No.1, together with water rights from the nontributary Arapahoe and/or Laramie-Fox Hills aquifers for any injurious post pumping depletions. **Statement of Plan for Augmentation.** Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer Nelson Well No. 1, or replacements therefore to the Dawson or Denver aquifers. Potential water use criteria and their consumptive use components for replacement of actual depletions for the lots are estimated as follows: **Uses.** The Estimated uses to be augmented are as follows: **Household Use Only:** 0.28 acre feet annually within a single family dwelling, with a maximum of ten percent consumptive use based on a nonevaporative septic leach field disposal systems. The annual consumptive use for each lot will therefore be 0.028 acre feet per well, with return flows of 0.252 annual acre feet. **Winery Operation.** Commercial uses include the following uses associated with the operation of a winery: Wine Production estimated at 22,000 gallons annually with 100 percent consumptive use. Winery Sanitation uses estimated at 13,000 gallons annually with 10 percent consumptive use and return flows of 11,700 gallons annually. Vineyard Irrigation estimated at 24,000 gallons annually, with a 100 percent

consumptive use. Landscape and Garden Irrigation: 0.05 acre feet annually per 1,000 square feet (2.25 acre feet per acre application) per year, with an 85 percent consumptive use. The annual diversions and consumptive use for the irrigation of one fourth of an acre is therefore 0.562 and 0.478 acre feet, respectively, with return flows of 0.084. Horses (or equivalent livestock): 0.011 acre feet annually (10 gallons per day) per head with a one hundred percent consumptive use component. Hot Tub Use: 0.006 acre feet (2100 gallons) annually, based upon six fillings per year, with a 50% consumptive use rate. The annual consumptive use for each hot tub is therefore 0.003 acre feet (1,050 gallons). The Nelson Well No. 1 will pump a maximum of 1.2 acre feet of water per year from the Dawson and Denver aquifers per year. Such use shall be a combination of uses set forth above. Depletions. Applicant has determined that maximum stream depletions over the 100 year pumping period for the Dawson aquifer amounts to approximately 18% percent of pumping. Maximum annual depletions for total pumping from the Nelson Well No. 1 is therefore estimated at 0.216 acre feet in year 100. Should Applicant's annual pumping be less than the 1.2 acre feet described herein, resulting depletions and required replacements will be correspondingly reduced and the period of augmented pumping may be extended. Augmentation of Depletions During Pumping. Pursuant to C.R.S. §37-90-137(9)(c.5), Applicant is required to replace actual stream depletions attributable to pumping of the Nelson Well No. 1 as constructed to the Dawson aquifer.¹ Applicant's depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems and irrigation. Those return flows from section IV.C.1. above equal 0.372 annual acre feet, which are adequate of replace the estimated annual depletions during pumping of 0.216. Thus, during pumping, stream depletions will be adequately augmented. Applicant may also claim the 15 percent return flows from the lawn, landscape, and garden irrigation. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Nelson Well No. 1, Applicant will reserve up to 122.4 acre feet of water from the nontributary Arapahoe and Laramie Fox Hills aquifers, less accounting for actual stream depletions replaced during the plan pumping period, or such greater amounts as necessary to replace any injurious post pumping depletions. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Arapahoe and/or Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive a new well permit for the Nelson Well No. 1 for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137. Remarks. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return

¹ To the extent any replacement well may be constructed to the Denver aquifer where only 4% of pumping need be replaced, this plan for augmentation will provide for greater augmentation water than actually required by statute.

flows set forth herein will accrue to tributaries of the Arkansas River system where the majority of such depletions will occur, and it is Applicant's intent to consolidate this Division 1 application in Water Division 2 upon completion of publication and the period for filing statements of opposition. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the Arkansas River as set forth herein, and for a finding that those replacements are sufficient. Applicant requests a finding that it has complied with C.R.S. §37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c.5). Subject to the following subsection, the term of this augmentation plan is for 100 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a well or wells only to the extent related to the well's actual pumping. Applicant may extend the plan for augmentation for up to 300 years provided that adequate return flows are available to meet depletions during pumping and adequate nontributary water in the Arapahoe and Laramie Fox Hill aquifers are available and committed to the post pumping replacement of depletions. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. The Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. All wells shall be installed and metered as reasonably required by the State Engineer. Each well must be equipped with a totalizing flow meter and Applicant shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicant shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. The Applicant intends to waive the 600 feet well spacing requirement for any wells to be located upon the Applicant's Property, as applicable. Applicant will comply with any lienholder notice provisions set forth in C.R.S. §37-92-302(2)(b) and §37-90-137(4)(b.5)(I), and such notice will be sent within 14 days of the filing of this application.

2018CW3037; Previous Case No. 2011CW87 - WINSTON H. CONKLING, 5310 DTC Parkway, Ste. F, Greenwood Village, CO 80111-3010 (Please send all pleadings and documents in care of David M. Shohet and/or Brian G. Sheldon of Monson, Cummins & Shohet, LLC, Attorneys for Applicant, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921, 719-471-1212).

Application for Findings of Diligence and to Make Absolute In Part

FREMONT COUNTY

Summary of Application. Winston H. Conkling ("Applicant") seeks a finding of reasonable diligence and to make absolute in part the conditional water rights decreed in Case No. 11CW87, District Court, Water Division 2 ("Decree"). **Name of Structures:** The following spring and reservoir rights are collectively referred to as the "Conkling Water Rights": Conkling Spring No. 1. Conkling Spring No. 2. Conkling Spring No. 3

and seep. Conkling Reservoir No. 1. Conkling Reservoir No. 2. Conkling Reservoir No. 3. Conkling Reservoir No. 4. Conkling Reservoir No. 6. **Description of Conditional Water Rights:** Date of Original Decree: May 15, 2012. Case No.: 11CW87. Court: District Court, Water Division 2. **Legal Descriptions.** Conkling Spring No. 1. Located in the SW 1/4 Section 11, Township 20 South, Range 70 West of the 6th P.M., in a spring of water at a point whence the southwest corner of said Section 11, bears north two degrees and five minutes (2° 5') east eighteen hundred ninety (1890) feet. Conkling Spring No. 2. Located in the SW 1/4 Section 11, Township 20 South, Range 70 West of the 6th P.M. in and near the channel of South Oak Creek at a point whence the southwest corner of said Section 11 bears north forty-eight degrees seven minutes (48° 7') east, a distance of fifteen hundred fifty eight (1558) feet. Conkling Spring No. 3 and Seep. Located in the SW 1/4 Section 11, Township 20 South, Range 70 West of the 6th P.M., lying 660 feet north of the south section line and 600 feet east of the west section line of said Section 11. Conkling Reservoir No. 1. In the SW 1/4, Section 11, Township 20 South, Range 70 West of the 6th P.M., Fremont County, Colorado, lying 40 feet north of the south section line and 530 feet east of the west section line of said Section 11. Conkling Reservoir No. 2. In the SW 1/4, Section 11, Township 20 South, Range 70 West of the 6th P.M., Fremont County, Colorado, lying 1050 feet north of the south section line and 1320 feet east of the west section line of said Section 11. Conkling Reservoir No. 3. In the SW 1/4, Section 11, Township 20 South, Range 70 West of the 6th P.M., Fremont County, Colorado, lying 2030 feet north of the south section line and 1690 feet east of the west section line of said Section 11. Conkling Reservoir No. 4. In the SW 1/4, Section 11, Township 20 South, Range 70 West of the 6th P.M., Fremont County, Colorado, lying 2890 feet south of the north section line and 1990 feet east of the west section line of said Section 11. Conkling Reservoir No. 6. Conkling Reservoir No. 6 in the SW 1/4, Section 11, Township 20 South, Range 70 West of the 6th P.M., Fremont County, Colorado, lying approximately 1920 feet north of the south section line and 1240 feet east of the west section line of said Section 11. **Sources of Water.** Conkling Springs Nos. 1-3. Conkling Springs Nos. 1 through 3 are spring waters tributary to South Oak Creek, tributary to Oak Creek, tributary to the Arkansas River. Conkling Reservoirs Nos. 1-4. Conkling Reservoirs Nos. 1 through 4 are on-stream reservoirs on South Oak Creek, tributary to Oak Creek, tributary to the Arkansas River. Conkling Reservoir No.6. Conkling Reservoir No. 6 is an off-channel reservoir that is filled by Conkling Reservoirs Nos. 1 through 4, Conkling Springs Nos. 1 through 3, and natural precipitation. **Appropriation Date.** December 31, 2011, for all structures and uses adjudicated in Case No. 11CW87. **Amounts.** Conkling Spring No. 1. 5 g.p.m., conditional. Conkling Spring No. 2. 3 g.p.m., conditional. Conkling Spring No. 3 and seep. 5 g.p.m., conditional. Conkling Reservoir No. 1. 9.2 acre feet, conditional. Conkling Reservoir No.2. 8.6 acre feet, conditional. Conkling Reservoir No.3. 8.0 acre feet, conditional. Conkling Reservoir No.4. 1.8 acre feet, conditional. Conkling Reservoir No. 6. 10.0 acre feet, conditional. **Uses.** Irrigation (all structures). Additionally, Conkling Reservoir No. 6 was decreed for domestic, livestock, piscatorial, wildlife habitat, and erosion control. **Detailed Outline of Diligence.** The Conkling Water Rights are part of Applicant's integrated water supply system, which consist of surface water rights and storage water rights. Pursuant to C.R.S. § 37-92-301(4)(b), work on one component of an integrated system shall be

considered in finding that reasonable diligence has been shown for all components of the integrated system. During the subject diligence period, Applicant has outlaid the following expenditures or completed the following work related to the Conkling Water Rights and his integrated water system: Excavated, constructed and lined Conkling Reservoir No. 6. Installed tanks and plumbing for water released from Conkling Reservoir No. 6 to irrigate fields below Conkling Reservoir No. 6. Excavated and began construction on Conkling Reservoir No. 1. Excavated, constructed and plumbed a number of the Conkling Springs, including all water lines associated therewith to deliver the Conkling Springs to either irrigated fields or to storage. Excavated and lined a transfer pond as part of the integrated system of water management. Hydro seeding across Applicant's property. Purchased a gate valve and an engineering valve mounting block for Conkling Reservoir No. 1. Purchased and installed steel tubing for a water release pipe. Placed a bid on concrete mounting blocks and anti-seep collars. Employed the services of a consulting engineering firm to coordinate the information gathering, annual reporting, and annual inspections by state officials to establish safe operation of the Conkling Water Rights. The total cost of the above listed actions was approximately \$291,673.02, including material, labor, and consulting costs. This is in addition to routine maintenance of all water rights. The applicant also incurred legal fees associated with drafting and filing of documents pertaining to the Conkling Water Rights, including previous related applications and decrees as well as the present filing, and obtaining legal advice. This includes the application and issuance of a decree set forth in Case No. 15CW3077, dated April 26, 2016, where the Applicant was awarded 7 additional acres beyond those awarded in Case No. 11CW87, allowing for the irrigation of 15 acres total using the Conkling Water Rights referred to herein. Furthermore, the Applicant has actively cooperated with the Division Engineer to maintain and improve its integrated water system. A letter from the Division Engineer to the Applicant dated November 6, 2017 granted approval for Conkling Reservoirs Nos. 1 through 5 based on the Applicant's prior submittal of a Notice of Intent to Construct a Non-Jurisdictional Water Impoundment Structure form for each structure. **Claim to Make Absolute:** In light of the continuous diversion and application of water to beneficial use described above, Applicant seeks to make absolute the amounts decreed in Case No. 11CW87, as stated below: **Conkling Spring No. 1.** Date water Applied to Beneficial Use: June 1, 2014. Amount: 5 g.p.m., absolute. Use: Irrigation. Description of Place of Use Where Water is Applied to Beneficial Use: property owned by the Applicant in the SW 1/4 Section 11, Township 20 South, Range 70 West of the 6th P.M. ("Applicant's Property"). **Conkling Spring No. 3.** Date water Applied to Beneficial Use: June 1, 2014. Amount: 5 g.p.m., absolute. Use: Irrigation. Description of Place of Use Where Water is Applied to Beneficial Use: Applicant's Property. **Conkling Reservoir No. 6.** Date water Applied to Beneficial Use: June 1, 2014. Amount: 2.31 acre-feet, absolute, 7.69 acre-feet conditional. Use: Pursuant to C.R.S. § 37-92-301(4)(e), all uses decreed in 11CW87, including irrigation, domestic, livestock, piscatorial, wildlife habitat, and erosion control. Description of Place of Use Where Water is Applied to Beneficial Use: Applicant's Property. Applicant owns the land where Conkling Springs 1 to 3 and Conkling Reservoirs 1 to 4 and 6 are located and the beneficial use of the water from these sources will be within the Applicant's service area. Applicant requests the Court find that (1) Applicant has maintained diligence for the conditional water rights described

herein; (2) that the Applicant can and will complete the decreed conditional appropriations; (3) that the conditional appropriations for Conkling Spring No.1, Conkling Spring No.3, and Conkling Reservoir No. 6, as awarded in Case No. 11CW87, be made final and absolute in relevant part; (4) continue the remaining conditional surface water storage right at Conkling Reservoir No. 6 in the amount of 7.69 acre-feet in full force and effect for an additional diligence period; and (5) for such other relief as the Court deems appropriate.

CASE NO. 2018CW3038; Previous Case No. 2011CW79 - L.G. OXFORD AND DOROTHY L. OXFORD, 231 Park Lane, Canon City, CO 81212 (Please address all

correspondence and inquiries regarding this matter to Applicants' attorneys: Austin J. Chambers, Marcus J. Lock and Kendall K. Burgemeister, Law of the Rockies, 525 N. Main St., Gunnison, Colorado 81230, 970-641-1903)

Application to Make Conditional Rights Absolute and for Finding of Reasonable Diligence

FREMONT COUNTY

Original Decree: 11CW79, District Court, Water Division 2, May 4, 2012. **Description of Conditional Water Rights in Original Decree:** **Silver Spruce Ranch Pipeline**, located at a point on the west bank of Stout Creek in the NW1/4SW1/4 of Section 23, T48N, R10E, NMPM, 1365 feet from the south section line and 240 feet from the west section line. The source is Stout Creek, tributary to the Arkansas River. Appropriation date is November 30, 2011 with an amount of 0.421 cfs. The beneficial uses are recreational, piscatorial, wildlife watering, and aesthetic through the filling and refilling of the Silver Spruce Ranch Pond Nos. 1-4. **Silver Spruce Ranch Exchange**, with a lower terminus at the confluence of the Arkansas River and Stout Creek and an upper terminus at the point of diversion for the Silver Spruce Ranch Pipeline, as described above. Water will also be diverted at the Silver Spruce Ranch Picnic Area Pipeline point of diversion, which lies within the exchange reach, and is located at a point on the east bank of Stout Creek in the NW1/4 of the SW1/4 of Section 23, T48N, R10E, NMPM, 2077 feet from the south section line and 696 feet from the west section line. Appropriation date is November 30, 2011 with an amount of 0.421 cfs and a maximum volume exchanged per year of 7.45 acre-feet. The beneficial uses are recreational, piscatorial, wildlife watering, and aesthetic by diversion through and storage in the structures associated with Silver Spruce Ranch, and pursuant to the Plan for Augmentation approved in the 11CW79 Decree. For the source, Applicants entered into a 30-year lease with Upper Arkansas Water Conservancy District ("UAWCD") for a quantity of water sufficient to allow for replacement of annual depletions from the structures associated with Silver Spruce Ranch plus transit loss from the point of release by UAWCD. The water delivered pursuant to the leases may be any fully consumable water that UAWCD owns or has a right to use, except for Fryingpan-Arkansas Project water, including: (i) Water attributable to shares of stock in Twin Lakes Reservoir and Canal Company, which is derived from the following water rights: (1) Colorado River Water Rights: Case No. 3802, District Court, Garfield County, August 25, 1963 and Case No. W-1901, District Court, Water Div. No.5, May 12, 1976; priority: August 23, 1930, No. 431; source: Roaring Fork River and its tributaries, all tributaries of the Colorado River in Water Div. No. 5; use: direct flow and storage purposes for

irrigation, domestic, commercial, industrial, municipal, and all beneficial uses; amount: direct flow amount for diversions through transmountain tunnels of 625 c.f.s., with an annual limit of 68,000 acre-feet, a running ten year limit of 570,000 acre-feet; and (2) Arkansas River Water Rights: Case No. 2346, District Court, Chaffee County, July 14, 1913 as modified in Case No. W-3965, District Court, Water Div. No.2, April 19, 1974; priorities: December 15, 1896, No.3 and March 25, 1897, No. 4; source: Lake Creek and its tributaries, tributary to the Arkansas River; use: storage for irrigation, domestic, commercial, industrial, and municipal purposes on any site in the Arkansas River Basin of Colorado below the Twin Lakes Reservoir which are capable of being served by water by diversion from said Arkansas River; amount: 54,452 acre-feet (20,645.3 acre-feet for Priority No.3 and 33,806.7 acre-feet for Priority No. 4); (ii) North Fork Reservoir, with a storage right of 595 acre feet of water, priority date of September 9, 1982, for irrigation, municipal, industrial, recreational, and augmentation decreed in Case No. 82CW204, Water Division No. 2, Colorado on April 14, 1983. The source for the North Fork Reservoir is the North Fork of the South Arkansas River. The North Fork Reservoir is located in the SE¼ of Section 5, Township 50 North, Range 6 East, N.M.P.M. in Chaffee County, Colorado; (iii) North Fork Reservoir, 1984 Enlargement: a conditional storage right of 500 acre feet of water with an appropriation date of October 1, 1983, for agricultural, municipal, irrigation, replacement, fisheries, augmentation and exchange, and recreation uses, decreed on September 18, 1985, Case No. 84CW141, District Court, Water Division No. 2, Colorado. Its source is the North Fork of the South Arkansas River. North Fork Reservoir is located as follows: Beginning at the Northeasterly point of contact of the dam axis with the existing ground said point being situated whence the Northwest corner of Section 21, T.50N., R.7E, N.M.P.M., in Chaffee, County, Colorado bears South 68°50' East a distance of 31,920 feet; said point being further described by bearing on the Peak of Granite Mountain of North 23°28' West and by bearing on the Peak of Calico Mountain of North 37°03' East, thence South 15°30' West a distance of 500 feet to the Southwesterly point of contact of the dam axis with existing ground, Chaffee County; (iv) O'Haver Reservoir: a storage right for 193 acre feet of water with an appropriation date of September 9, 1982, for irrigation, municipal, industrial, recreational, and augmentation purposes, decreed on June 28, 1985 in Case No. 82CW205, Water Division No.2, Colorado. Its source is Gray's Creek. O'Haver Reservoir is located near the center of Section 12, Township 48 North, Range 7 East, N.M.P.M.; (v) UAWCD's interest in the White Ditch No. 1, priority 51, appropriation date May 1, 1874, decreed June 19, 1890, as changed by Case No. 91CW19 (Water Division 2) to allow the storage of 26.08 acre-feet of water to be stored under the White Ditch No. 1 water right in North Fork Reservoir for subsequent use within UAWCD's boundaries for municipal, irrigation, augmentation, and recreational uses; (vi) Exchanged Water: Water and water rights that UAWCD exchanges and makes available for UAWCD's use pursuant to the decree in Case No. 04CW96, District Court, Water Division No. 2; and (vii) Any other water and water rights that UAWCD has or may acquire that legally can be used to augment or replace out-of-priority depletions, provided the amounts of such water available for such uses have been adjudicated and quantified for such use. **APPLICATION TO MAKE CONDITIONAL RIGHTS ABSOLUTE** Applicants seek to make the Silver Spruce Ranch Exchange absolute for 0.421 cfs and 7.45 acre-feet per year. Water was first put to beneficial use on April 22,

2010. The Silver Spruce Ranch Exchange has been operated by the Water Commissioner for District 11 pursuant to the Decree and Plan for Augmentation. This operation includes (1) the initial fill of Silver Spruce Ranch Pond Nos. 1-7; (2) refills of Silver Spruce Ranch Pond Nos. 1-3; (3) replacement of diversions through the Silver Spruce Ranch Picnic Area Pipeline; and (4) replacement of evaporation losses. Applicants made a lease payment to UAWCD on October 28, 2011 of \$8,141.40 for an initial fill of Silver Spruce Ranch Pond Nos. 1-7 using the Silver Spruce Ranch Exchange pursuant to the 11CW79 Decree. Applicants have since made yearly lease payments of \$2,257.20 to UAWCD for refills of Silver Spruce Ranch Pond Nos. 1-3 using the Silver Spruce Ranch Exchange and replacements of water diverted for refilling Silver Spruce Ranch Pond Nos. 5-7 using the Silver Spruce Ranch Exchange.

APPLICATION FOR REASONABLE DILIGENCE Applicants seek a finding of reasonable diligence with respect to the Silver Spruce Ranch Pipeline. During the diligence period, the following actions have been taken, which demonstrate diligence towards completion of the appropriation of the Silver Spruce Ranch Pipeline. Applicants have made physical improvements to infrastructure for other water rights within the Silver Spruce Ranch, including paying \$5,542.08 for the construction of a drainage system out of one of the Silver Spruce Ranch ponds on September 19, 2012; paying \$20,827.00 for pond construction on September 12, 2013; and paying \$693.65 for pond construction on October 16, 2013. The foregoing activities and expenditures do not reflect each and every activity of Applicants to place the water rights decreed to the Silver Spruce Ranch to beneficial use, but are illustrative of Applicants' reasonable diligence in applying the subject water rights to a beneficial use in accordance with the standards set forth in C.R.S. § 37-92-301(4). Additional work may be performed and additional expenses may be incurred between the date this Application is filed and the entry of any decree in this matter. All of the water rights owned by Applicants are part of an integrated project for the Silver Spruce Ranch. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b); *see also City & Cty. of Denver By & Through Bd. of Water Comm'rs v. Colorado River Water Conservation Dist.*, 696 P.2d 730, 750 (Colo. 1985) ("work accomplished on one portion of an integrated project may be considered evidence of reasonable diligence on the part of the appropriator as to another portion of the project, even in another drainage basin, if the portion on which the work is done must necessarily be constructed in order that the second portion may be successfully operated."). The Applicants are the owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored.

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 July 2018, (forms available at Clerk's office or at www.courts.state.co.us, 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 6th day of June, 2018.

Mardell R. DiDomenico



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: June ____, 2018

National Register Nomination for Gas Creek School, 20925 U.S. Highway 285, Nathrop vicinity, Chaffee County (5CF.314) (affiliated water rights are not a part of the nomination), per HB11-1289.

Applicant: Steve W. Turner, State Historic Preservation Officer, History Colorado, 1200 Broadway, Denver, CO (contact: Erika Warzel, National & State Register Coordinator, History Colorado. 303-866-4683)

Owners of private properties nomination to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of an individually nominated property who chooses to object to National Register listing may submit to the State Historic Preservation Officer (SHPO) a notarized statement certifying that the party is the sole or partial owner of the private property and objects to the listing. Each owner, be it individual or corporation, has one vote. In a historic district, each owner or partial owner of the property in the district may also object to the district listing by submitting a notarized statement to the SHPO that the party is the sole or partial owner of the private property within the boundaries of the historic district. Each owner or partial owner within a historic district has one vote regardless of the number of properties owned in the district. If the majority of owners in a historic district object, the district will not be listed. However, the SHPO shall submit the nomination to the Keeper of the National Register for a determination of eligibility of the property for listing in the National Register. If the property is determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation the opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If you choose to object to the listing of your property, the notarized objection must be submitted by October 12, 2018, to: Steve W. Turner, State Historic Preservation Officer, History Colorado, 1200 Broadway, Denver, CO 80203. If you wish to comment on the nomination of the property to the National Register, please send your comments to the State Historic Preservation Office before the Colorado Historic Preservation Review Board considers this nomination on September 21, 2018.