

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED DURING SEPTEMBER 2003

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 September 2003, 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. 03CW82 – OLSON FAMILY TRUST, c/o Charles B. and Shirley L. Olson, Trustees, 29624 Thimbleberry Lane, Evergreen, CO 80439

Application for Water Rights (Surface)

Chaffee County

2. Name of Structure: Olson Ditch (96CW193, conditional). **3. Legal description of each point of diversion:** Chaffee County, NE ¼ of the NW ¼ Section 35, Township 13 South, Range 79 West, 6th P.M., 1050 feet from the North section line and 1550 feet from the West section line. **4. Source:** An unobstructed stream flow, of Powell Creek beginning at the diversion point of senior water rights on Powell Creek in the NW ¼ of the NE ¼, Section 33, Township 13 S., Range 79 W., of the 6th P.M. and ending at the point of diversion of the Olson Ditch, as described above, a distance of approximately 1.8 miles. Powell Creek is an intermittent tributary of the Arkansas River. **5. A. Date of initiation of appropriation:** March 29, 1996; **B. How appropriation was initiated:** By the act of appropriation, claiming the Olson Ditch, its decree and its development. **C. Date water applied to beneficial use:** Diversion to the Olson Ditch started May 22, 2001. **6. Amount claimed:** 1.6 cfs Conditional. **7. Use or proposed use:** To allow a stream flow, to the Olson Ditch, from flows passing the diversion of the described, senior, water rights and from flows of tributaries to Powell Creek, that are downstream from same, senior, water rights, through a continuous, natural or restored stream channel that is free of man-made obstructions, diversions and impoundments. **A. If irrigation, complete the following: Number of acres historically irrigated:** 0; **proposed to be irrigated:** 60. **Legal description of acreage:** Within the S ½ SE ¼, S26, T 13S, R 79W, 6th P.M. as designated by 96CW193. **B. If non-irrigation, describe purpose fully.** **8. Names and addresses of owners of land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use:** Claimed unobstructed flow is within the properties of: James N. Thurman and Michael B. Thurman, 2085 Dahlia Street, Denver, CO 80207, and Adventure Unlimited Ranches, P. O. Box 2036, Buena Vista, CO 81211. Place of use for water diverted to the Olson Ditch is on the property of: Olson Family Trust, 29624 Thimbleberry Lane, Evergreen, CO 80439. **9. Remarks:** The unobstructed flow of 1.6 cfs is claimed, not to increase the decreed amount of diversion to the

Olson Ditch, but to make possible the diversion of that same amount as decreed by 96CW193. This claim is not a challenge to the uses or impoundments of water fed by senior water rights on Powell Creek.

(Application, 3 pages)

CASE NO. 03CW83 – BEVERLY E. SAVOY and KARLA J. WEATHERLEY, 12710 Myrick Road, Colorado Springs, CO 80908

Application for Underground Water Right

El Paso County

2. Name of well and permit, registration, or denial number: #99153; John Keller. **3. Legal description of well:** SW ¼ of the SW ¼ Section 11, Township 12 South, Range 65 West, 6th P.M., 500 feet from the South line and 480 feet from the West line. **Street Address:** 12710 Myrick Road; **Subdivision:** Conifer Grove Estates, **Lot:** 2. **4. A. Source:** Dawson; **B. Depth:** 150'. **5. A. Date of appropriation:** June 5, 1978. **B. How appropriation was initiated:** By applying for a permit; **C. Date water applied to beneficial use:** 8/3/78 (Date Tested). **6. Amount claimed:** 10 gpm. **7. If well is non-tributary:** **A. Name of Aquifer:** ____; **B. Amount claimed in acre feet annually:** _____. **8. Proposed use:** If irrigation, complete the following: **(1) Number of acres historically irrigated:** ____; **(2) Total number of acres proposed to be irrigated:** ____; **(3) The legal description of the land irrigated:** ____; **(4) Area of lawns and gardens irrigated:** _____. **B. If non-irrigation, describe purpose fully:** For watering lawns, flower beds, dogs, cats and horses. Domestic – serves 1 home; approximately 1 acre irrigated. **9. Names and addresses of owners of the land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use:** _____.

(Application and attachments, 7 pages)

CASE NO. 03CW84 – STEVE FRITZ, SR. and SHEILA M. FRITZ, 2001 E. 74th Avenue, Suite B, Denver, CO 80229-6940 (James G. Felt, Felt, Monson & Culichia, Attorneys for Applicants, 319 North Weber Street, Colorado Springs, CO 80903)

Application for Underground Water Rights

Pueblo County

2. Application for Underground Water Rights: **A. Name of Well:** Fritz's Well. **B. Legal Description:** Fritz's Well is located in the NE1/4 of the NE1/4 of Section 30, Township 24 South, Range 67 West of the 6th P.M. being 760 feet from the north section line and 2815 feet from the west section line of said Section 30, Pueblo County, Colorado. **C. Source:** Tributary groundwater of an unnamed drainage, tributary to Cold Spring Creek, tributary to Greenhorn Creek, tributary to the St. Charles River, tributary to the Arkansas River. The depth of the well is 250 feet. **D. Appropriation:** **(a) Date of Initiation of Appropriation:** August 5, 1977; **(b) How Appropriation was Initiated:** The appropriation of this well was initiated on August 5, 2002 by the application for exempt permit No. 92189, with the intent to appropriate the water from the well

and apply the water to beneficial use: See Exhibit A attached to the Application (Well Permit No. 92189). All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the Clerk of this Court. **(c) Date Water Applied to Beneficial Use:** December 7, 1977. **E. Amount Claimed:** Up to 15 g.p.m. absolute. **F. Use:** Domestic and livestock use as per permit No. 92189. The domestic uses included under C.R.S. 37-92-602 for ordinary household purposes, fire protection, the watering of poultry, domestic animals, and livestock on farms and ranches, and the irrigation of not over one acre of home gardens and lawns. **G. Land Ownership:** The land upon which Fritz's Well is located is owned by the Applicants as set forth in Section 1 of this Application. See Exhibit B, Warranty Deed, attached to the Application. **H. Additional Information.** The well which is the subject of this application is an exempt well under C.R.S. § 37-92-602(3)(b)(II) and a decree for this exempt well is sought pursuant to C.R.S. 37-92-602(4). **WHEREFORE,** the Applicants request that this Application for Underground Water Rights be granted as requested herein.

(Application and attachments, 7 pages)

CASE NO. 03CW85 – DONALA WATER AND SANITATION DISTRICT (District), 15850 Holbein, Colorado Springs, CO 80921 (Please transmit all correspondence to: Carmen S. Hall, Esq., Petrock & Fendel, P.C., Attorneys for Applicant, 700 – 17th Street, #1800, Denver, CO 80202)

Application for Change of Water Right and Request for Alternate Point of Diversion

El Paso County

El Paso County

2. Decree information: Case No. 95CW111, District Court, Water Division 2, as entered on August 27, 1997. In that decree, Applicant's Well 2A (Permit No. 27229-F) which is decreed and permitted to withdraw 294 acre-feet per year of nontributary Arapahoe aquifer groundwater, and Applicant's Well 3A (Permit No. 34671-F) which is decreed and permitted to withdraw 272 acre-feet per year of nontributary Arapahoe aquifer groundwater, were designated as alternate points of diversion for each other. Also, Wells 2A and 3A, were designated as alternate points of diversion to withdraw an additional 259 acre-feet per year of nontributary Arapahoe aquifer groundwater associated with Applicant's Well 1 (Permit No. 16140-F). The decree allows withdrawal of a total of 825 acre-feet per year of nontributary Arapahoe aquifer groundwater through one or a combination of Wells 2A and 3A. The wells are located within the boundary of the District and the water from the wells is used in a unified municipal water supply system for service within the District. The District is generally located in parts of Section 1, T12S, R67W; Section 6, T12S, R66W; and Sections 29, 31, and 32, T11S, R66W, all of the 6th P.M., as shown on Attachment A to the Application. All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the Clerk of this Court. **4. Proposed change and request for alternate point of diversion:** Applicant is not enlarging, expanding or increasing the decreed quantity of water which may be applied to beneficial use, nor is it attempting to change the character, purpose or place of

use of the subject water. By this application, Applicant requests an additional alternate point of diversion for the wells and water described above. The alternate point of diversion well will be located within the boundary of the District in the NE1/4NE1/4 of Section 31, T11S, R66W of the 6th P.M., and subject to the same limitations of Wells 2A and 3A described above. The alternate point of diversion well will operate at a rate of flow not to exceed 500 gpm, and pumping from all three wells at one time will not exceed a combination of 1025 gpm. WHEREFORE, Applicant prays that this Court enter a decree granting this application and for a finding that the change requested herein will not injuriously affect other owners or users of vested or conditional water rights, and for such other relief as it deems proper in the premises.

(Application and attachments, 4 pages)

CASE NO. 03CW86 – EVERGREEN RESOURCES, INC., 1401 Seventeenth Street, Suite 1200, Denver, CO 80202 (Wayne B. Schroeder, Jody Harper

Alderman, Marcus A. McAskin, Grimshaw & Haring, P.C., Attorneys for Applicant, 1700 Lincoln Street, Suite 3800, Denver, CO 80203)

Amended Application for Water Rights

Las Animas County, Colorado

2. Name of structure into which produced water is pumped and for which an absolute water storage right to fill and refill is sought:

<u>PIT NAME</u>	<u>STRUCTURE DIMENSIONS</u>	<u>VOLUME</u>
Bowman 41-21	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Bull 12-11	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Cora 21-19	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Dorothy 34-02	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Filbert 21-31	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Filly 44-13	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Julieanna 42-22	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Lorencito 01-20-34-66	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Lorencito 03-06-34-66	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Lorencito 03-13-34-67	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Lorencito 04-17-34-66	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Lorencito 06-21-34-66	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Lorencito 07-07-34-66	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Lorencito 07-12-34-67	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Lorencito 08-18-34-66	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Lorencito 09-05-34-66	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Lorencito 10-31-33-66	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Lorencito 12-12-34-67	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Lorencito 13-07-34-66	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Lorencito 13-07-34-66 Kv	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Lorencito 14-08-34-66	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Los Ninos 14-21	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Martinez 43-20	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Maxima 44-05	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Moltrier 31-07	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Aston 33-13	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)

Benetton 11-23	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Bentley 14-24	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Bronco 44-22	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Cobra 31-27	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Columbine 43-24	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Crossle 24-19	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Givens 24-25	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Graneros 11-25	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Island 44-26	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Katlynn 12-25	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Led 31-21	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Lotus 23-35	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
McDonald 34-36 Tr	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Monument 24-35	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Nuggett 44-2	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Pikes Peak 33-2	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Viper 42-24	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Banty Rooster 21-34	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
C. Brown 14-34	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Ivanhoe 23-27	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Tamburelli 33-3	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Straight Shooter 21-28	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)
Third Base 42-29	30' x 70' x 6' in depth	12,600 cubic feet (94,248 gallons)

49 Pits * 94,248 gal. =

TOTAL PITS: 49

Total Storage (gal.):

4.618 million gal.

Total Storage (acre feet):

14.17

Note: each Pit has the following dimensions: 30' x 70' x 6' in depth, representing a storage volume of 12,600 cubic feet, or 94,248 gallons. This amended application for water rights involves forty-nine (49) wells and related Pits. The aggregate storage of all Pits, for which Applicant seeks the right to fill and refill, is 14.17 acre-feet. Applicant claims an absolute storage right of 94,248 gallons per Pit, plus the right to fill and refill the Pits, as the wells produce the water.

3. A. Legal description of each well: (include distance and bearing from established government section corner or quarter corner; or distances from section lines, and indicate ¼ ¼, section number, township, range and meridian; include map). The location may include UTM coordinates based on Zone 13 and NAD27(CONUS) datum. In urban areas, include street address, lot, block, and subdivision:

WELL NAME

LEGAL DESCRIPTION

Bowman 41-21	NE ¼ NE ¼ Section 21, Township 33 South, Range 65 West
Bull 12-11	SW ¼ NW ¼ Section 11, Township 34 South, Range 66 West
Cora 21-19	NE ¼ NW ¼ Section 19, Township 33 South, Range 65 West
Dorothy 34-02	SW ¼ SE ¼ Section 2, Township 33 South, Range 66 West
Filbert 21-31	NE ¼ NW ¼ Section 31, Township 32 South, Range 65 West
Filly 44-13	SE ¼ SE ¼ Section 13, Township 33 South, Range 66 West
Julieanna 42-22	SE ¼ NE ¼ Section 22, Township 32 South, Range 65 West
Lorencito 01-20-34-66	NE ¼ NE ¼ Section 20, Township 34 South, Range 66 West
Lorencito 03-06-34-66	NE ¼ NW ¼ Section 6, Township 34 South, Range 66 West

Lorencito 03-13-34-67	NE ¼ NW ¼ Section 13, Township 34 South, Range 67 West
Lorencito 04-17-34-66	NW ¼ NW ¼ Section 17, Township 34 South, Range 66 West
Lorencito 06-21-34-66	SE ¼ NW ¼ Section 21, Township 34 South, Range 66 West
Lorencito 07-07-34-66	SW ¼ NE ¼ Section 7, Township 34 South, Range 66 West
Lorencito 07-12-34-67	SW ¼ NE ¼ Section 12, Township 34 South, Range 67 West
Lorencito 08-18-34-66	SE ¼ NE ¼ Section 18, Township 34 South, Range 66 West
Lorencito 09-05-34-66	NE ¼ SE ¼ Section 5, Township 34 South, Range 66 West
Lorencito 10-31-33-66	NW ¼ SE ¼ Section 31, Township 33 South, Range 66 West
Lorencito 12-12-34-67	NW ¼ SW ¼ Section 12, Township 34 South, Range 67 West
Lorencito 13-07-34-66	SW ¼ SW ¼ Section 7, Township 34 South, Range 66 West
Lorencito 13-07-34-66 Kv	SW ¼ SW ¼ Section 7, Township 34 South, Range 66 West
Lorencito 14-08-34-66	SE ¼ SW ¼ Section 8, Township 34 South, Range 66 West
Los Ninos 14-21	SW ¼ SW ¼ Section 21, Township 33 South, Range 65 West
Martinez 43-20	NE ¼ SE ¼ Section 20, Township 33 South, Range 65 West
Maxima 44-05	SE ¼ SE ¼ Section 5, Township 33 South, Range 65 West
Moltrer 31-07	NW ¼ NE ¼ Section 7, Township 34 South, Range 65 West
Aston 33-13	NW ¼ SE ¼ Section 13, Township 32 South, Range 67 West
Benetton 11-23	NW ¼ NW ¼ Section 23, Township 32 South, Range 67 West
Bentley 14-24	SW ¼ SW ¼ Section 24, Township 32 South, Range 67 West
Bronco 44-22	SE ¼ SE ¼ Section 22, Township 32 South, Range 67 West
Cobra 31-27	NW ¼ NE ¼ Section 27, Township 32 South, Range 67 West
Columbine 43-24	NE ¼ SE ¼ Section 24, Township 32 South, Range 67 West
Crossle 24-19	SE ¼ SW ¼ Section 19, Township 32 South, Range 66 West
Givens 24-25	SE ¼ SW ¼ Section 25, Township 32 South, Range 67 West
Graneros 11-25	NW ¼ NW ¼ Section 25, Township 32 South, Range 67 West
Island 44-26	SE ¼ SE ¼ Section 26, Township 32 South, Range 67 West
Katlynn 12-25	SW ¼ NW ¼ Section 25, Township 32 South, Range 67 West
Led 31-21	NW ¼ NE ¼ Section 21, Township 32 South, Range 67 West
Lotus 23-35	NE ¼ SW ¼ Section 35, Township 32 South, Range 67 West
McDonald 34-36 Tr	SW ¼ SE ¼ Section 36, Township 32 South, Range 67 West
Monument 24-35	SE ¼ SW ¼ Section 35, Township 32 South, Range 67 West
Nuggett 44-2	SE ¼ SE ¼ Section 2, Township 33 South, Range 67 West
Pikes Peak 33-2	NW ¼ SE ¼ Section 2, Township 33 South, Range 67 West
Viper 42-24	SE ¼ NE ¼ Section 24, Township 32 South, Range 67 West
Banty Rooster 21-34	NE ¼ NW ¼ Section 34, Township 32 South, Range 65 West
C. Brown 14-34	SW ¼ SW ¼ Section 34, Township 32 South, Range 65 West
Ivanhoe 23-27	NE ¼ SW ¼ Section 27, Township 32 South, Range 65 West
Tamburelli 33-3	NW ¼ SE ¼ Section 3, Township 33 South, Range 65 West
Straight Shooter 31-28	NE ¼ NW ¼ Section 28, Township 32 South, Range 65 West
Third Base 42-29	SE ¼ NE ¼ Section 29, Township 32 South, Range 65 West

B. Legal description of each Pit: (include distance and bearing from established government section corner or quarter corner; or distances from section lines, and indicate ¼ ¼, section number, township, range and meridian; include map). The location may include UTM coordinates based on Zone 13 and NAD27(CONUS) datum. In urban areas, include street address, lot, block, and subdivision:

<u>PIT NAME</u>	<u>LEGAL DESCRIPTION</u>	<u>FLOW RATE INTO THE PIT (GPM)</u>
Bowman 41-21	NE ¼ NE ¼ Section 21, Township 33 South, Range 65 West	98.5470

Bull 12-11	SW ¼ NW ¼ Section 11, Township 34 South, Range 66 West	16.7451
Cora 21-19	NE ¼ NW ¼ Section 19, Township 33 South, Range 65 West	7.0827
Dorothy 34-02	SW ¼ SE ¼ Section 2, Township 33 South, Range 66 West	7.9426
Filbert 21-31	NE ¼ NW ¼ Section 31, Township 32 South, Range 65 West	9.9792
Filly 44-13	SE ¼ SE ¼ Section 13, Township 33 South, Range 66 West	20.0488
Julieanna 42-22	SE ¼ NE ¼ Section 22, Township 32 South, Range 65 West	12.2194
Lorencito 01-20-34-66	NE ¼ NE ¼ Section 20, Township 34 South, Range 66 West	7.9652
Lorencito 03-06-34-66	NE ¼ NW ¼ Section 6, Township 34 South, Range 66 West	6.2228
Lorencito 03-13-34-67	NE ¼ NW ¼ Section 13, Township 34 South, Range 67 West	7.2637
Lorencito 04-17-34-66	NW ¼ NW ¼ Section 17, Township 34 South, Range 66 West	12.8982
Lorencito 06-21-34-66	SE ¼ NW ¼ Section 21, Township 34 South, Range 66 West	12.3325
Lorencito 07-07-34-66	SW ¼ NE ¼ Section 7, Township 34 South, Range 66 West	32.8565
Lorencito 07-12-34-67	SW ¼ NE ¼ Section 12, Township 34 South, Range 67 West	5.2724
Lorencito 08-18-34-66	SE ¼ NE ¼ Section 18, Township 34 South, Range 66 West	31.1594
Lorencito 09-05-34-66	NE ¼ SE ¼ Section 5, Township 34 South, Range 66 West	10.1149
Lorencito 10-31-33-66	NW ¼ SE ¼ Section 31, Township 33 South, Range 66 West	6.2455
Lorencito 12-12-34-67	NW ¼ SW ¼ Section 12, Township 34 South, Range 67 West	5.0461
Lorencito 13-07-34-66	SW ¼ SW ¼ Section 7, Township 34 South, Range 66 West	25.3891
Lorencito 13-07-34-66 Kv	SW ¼ SW ¼ Section 7, Township 34 South, Range 66 West	42.0890
Lorencito 14-08-34-66	SE ¼ SW ¼ Section 8, Township 34 South, Range 66 West	19.4831
Los Ninos 14-21	SW ¼ SW ¼ Section 21, Township 33 South, Range 65 West	35.1194
Martinez 43-20	NE ¼ SE ¼ Section 20, Township 33 South, Range 65 West	8.2368
Maxima 44-05	SE ¼ SE ¼ Section 5, Township 33 South, Range 65 West	8.4630
Moltrer 31-07	NW ¼ NE ¼ Section 7, Township 34 South, Range 65 West	0.9278
Aston 33-13	NW ¼ SE ¼ Section 13, Township 32 South, Range 67 West	19.26
Benetton 11-23	NW ¼ NW ¼ Section 23, Township 32 South, Range 67 West	23.58
Bentley 14-24	SW ¼ SW ¼ Section 24, Township 32 South, Range 67 West	6.22
Bronco 44-22	SE ¼ SE ¼ Section 22, Township 32 South, Range 67 West	15.82
Cobra 31-27	NW ¼ NE ¼ Section 27, Township 32 South, Range 67 West	14.30
Columbine 43-24	NE ¼ SE ¼ Section 24, Township 32 South, Range 67 West	7.85
Crossle 24-19	SE ¼ SW ¼ Section 19, Township 32 South, Range 66 West	13.31
Givens 24-25	SE ¼ SW ¼ Section 25, Township 32 South, Range 67 West	6.34
Graneros 11-25	NW ¼ NW ¼ Section 25, Township 32 South, Range 67 West	5.79
Island 44-26	SE ¼ SE ¼ Section 26, Township 32 South, Range 67 West	55.60
Katlynn 12-25	SW ¼ NW ¼ Section 25, Township 32 South, Range 67 West	16.65
Led 31-21	NW ¼ NE ¼ Section 21, Township 32 South, Range 67 West	12.76
Lotus 23-35	NE ¼ SW ¼ Section 35, Township 32 South, Range 67 West	5.63
McDonald 34-36 Tr	SW ¼ SE ¼ Section 36, Township 32 South, Range 67 West	5.63
Monument 24-35	SE ¼ SW ¼ Section 35, Township 32 South, Range 67 West	14.46
Nuggett 44-2	SE ¼ SE ¼ Section 2, Township 33 South, Range 67 West	13.89
Pikes Peak 33-2	NW ¼ SE ¼ Section 2, Township 33 South, Range 67 West	26.16
Viper 42-24	SE ¼ NE ¼ Section 24, Township 32 South, Range 67 West	5.79
Banty Rooster 21-34	NE ¼ NW ¼ Section 34, Township 32 South, Range 65 West	16.84
C. Brown 14-34	SW ¼ SW ¼ Section 34, Township 32 South, Range 65 West	5.45
Ivanhoe 23-27	NE ¼ SW ¼ Section 27, Township 32 South, Range 65 West	6.34
Tamburelli 33-3	NW ¼ SE ¼ Section 3, Township 33 South, Range 65 West	5.54
Straight Shooter 31-28	NE ¼ NW ¼ Section 28, Township 32 South, Range 65 West	1.88
Third Base 42-29	SE ¼ NE ¼ Section 29, Township 32 South, Range 65 West	2.85
	Total gallons per minute (gpm):	757.60
	Cubic feet per second (cfs):	1.69

4. Source: (tributary and river) Produced water that is a byproduct from the operation of Applicant’s coalbed methane gas wells identified in ¶ 3.A., above. The water is defined as “produced water” under Colorado Oil & Gas Conservation Commission Rule 907(c). **5. A. Date of initiation of appropriation:** date of filing of this amended application, for all water rights claimed herein. **B. How appropriation was initiated:** by filing the present amended application. **6. Use or proposed use:** Produced water from wells identified in ¶ 3.A., above, is collected in the Pits identified in ¶¶ 2 and 3.B., above. The produced water will be used for stockwatering and other approved beneficial use(s) in Las Animas County, Colorado. **A. If irrigation, complete the following: Number of acres historically irrigated:** N/A **Proposed to be irrigated:** N/A **B. If non-irrigation, describe purpose fully.** Applicant and its successors and assigns intend to put the produced water to beneficial use(s), including but not limited to stockwatering, fire control, dust suppression, construction, and wildlife habitat. **7. Name(s) and address(es) of owner(s) of the land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use:**

<u>Land/Surface Estate</u>	<u>Corresponding Well(s) / Pit(s)</u>	<u>Beneficial Use(s)</u>
<u>Owner (and Address)</u> John & Rudolph Bowman 13104 County Road 53.5 Trinidad, CO 81082	Bowman 41-21	Stockwatering Fire Control Dust Suppression Construction Wildlife Habitat
John & Filbert Garcia 908 South Chestnut Street Trinidad, CO 81082	Filbert 21-31	Stockwatering Fire Control Dust Suppression Construction Wildlife Habitat
Douglas Taylor Burro Canyon Ranch LLC c/o Kathy Jorden 22895 Highway 12 Trinidad, CO 81082	Cora 21-19 Dorothy 34-02 Filly 44-13 Maxima 44-05	Stockwatering Fire Control Dust Suppression Construction Wildlife Habitat
Moltrer Family Moltrer Brothers, LLC 117 Pine Street Trinidad, CO 81082	Moltrer 31-07	Stockwatering Fire Control Dust Suppression Construction Wildlife Habitat
James J. Martinez 25850 Highway 12 Trinidad, CO 81082	Los Ninos 14-21 Martinez 43-20	Stockwatering Fire Control Dust Suppression Construction Wildlife Habitat
Anthony Tamburelli	Julieanna 42-22	Stockwatering

**Land/Surface Estate
Owner (and Address)**
19359 County Road 53.5
Trinidad, CO 81082

Corresponding Well(s) / Pit(s)

Beneficial Use(s)
Fire Control
Dust Suppression
Construction
Wildlife Habitat

Rita/Hill Ranch:
B.F. Hill
3794-C Highway 67
Glen Rose, TX 76043

Bull 12-11
Lorencito 01-20-34-66
Lorencito 03-06-34-66
Lorencito 03-13-34-67
Lorencito 04-17-34-66
Lorencito 06-21-34-66
Lorencito 07-07-34-66
Lorencito 07-12-34-67
Lorencito 08-18-34-66
Lorencito 09-05-34-66
Lorencito 10-31-33-66
Lorencito 12-12-34-67
Lorencito 13-07-34-66
Lorencito 13-07-34-66 Kv
Lorencito 14-08-34-66

Stockwatering
Fire Control
Dust Suppression
Construction
Wildlife Habitat

Warren McDonald
15403 C.R. 41.7
Weston, CO 81091

Aston 33-13
Benetton 11-23
Bentley 14-24
Bronco 44-22
Cobra 31-27
Columbine 43-24
Crossle 24-19
Givens 24-25
Graneros 11-25
Island 44-26
Katlynn 12-25
Led 31-21
Lotus 23-35
McDonald 34-36 Tr
Monument 24-35
Nuggett 44-2
Pikes Peak 33-2
Viper 42-24

Stockwatering
Fire Control
Dust Suppression
Construction
Wildlife Habitat

Charles Tamburelli
Estate of Charles Tamburelli
c/o Patricia Tamburelli
P.O. Box 73
Bon Carbo, CO 81024

Banty Rooster 21-34
C. Brown 14-34
Ivanhoe 23-27
Tamburelli 33-3

Stockwatering
Fire Control
Dust Suppression
Construction
Wildlife Habitat

John T. Kosovich
Box 33
Bon Carbo, CO 81024

Straight Shooter 21-28
Third Base 42-29

Stockwatering
Fire Control
Dust Suppression
Construction
Wildlife Habitat

8. Remarks: The produced water, which is the subject matter of this Amended Application, is a byproduct of production from Applicant's wells identified in ¶ 3.A., and will not be available after the wells are taken out of production. Applicant seeks the right to fill and refill the Pits identified in ¶ 2 and ¶ 3.B. for the beneficial uses described in ¶¶ 6.B. and 7.

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 November 2003, (forms available at Clerk's office, must be submitted in quadruplicate, after serving parties and attaching a certificate of mailing, filing fee \$70.00). The foregoing are resumes and the entire application, amendments, exhibits, maps and any other attachments filed in each case may be examined in the office of the Clerk for Water Division No. 2, at the address shown below.

Witness my hand and the seal of this Court this _____ day of October, 2003.

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

(Court seal)
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