DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

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

AND INVITATION FOR INCLUSION ON THE PRODUCED NONTRIBUTARY GROUND WATER NOTIFICATION LIST FOR WATER DIVISION TWO

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TO: ALL INTERESTED PARTIES

Pursuant to C.R.S. 37-92-302, you are hereby notified that the following is a resume of applications and certain amendments filed and ordered published during January 2012, in Water Division No. 2. The names and addresses of applicants, description of water rights or conditional water rights involved and description of ruling sought as reflected by said applications, or amendments, are as follows:

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**CASE NO. 98CW173 – BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, P. O. Box 964, 505 Harrison Avenue, Leadville, CO 80461** (David C. Hallford and Chad J. Lee, Balcomb & Green, P.C., Attorneys for Applicant, Post Office Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546)

Amended Application for Changes of Water Rights, Approval of Plan for Augmentation, and Confirmation of Appropriative Rights of Exchange

**LAKE COUNTY**

**General Case Info. Purpose:** This Amended Application seeks ct. approval of three changes of water rights and approval of an umbrella plan for augmentation, including appropriative rights of exchange (the “Plan for Augmentation” or “Water Supply Plan”) for the Board of Cty. Commissioners of Lake Cty., CO (“Lake Cty.” or the “Cty.”). The Plan for Augmentation will establish a dependable legal water supply for the Cty. and participants who enter into water service contracts with Lake Cty. (the “Contractees”). The geographic scope of the Water Supply Plan is a defined area within Lake Cty. denominated as “Area A,” which includes those areas located near the Arkansas River, or its tributaries, where use of the Cty.’s water rights and supplies for augmentation is sufficient to offset the out-of-priority depletions of the Cty.’s Contractees. The Area A region consists of 5 general sub-areas described as Areas A-1 through A-5. Each sub-area has unique augmentation and exchange potential as described more fully below. Sub-Areas A-1 through A-5 are depicted on Ex. A. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) The purpose of this Plan for Augmentation is to establish a framework within which water users, who meet certain criteria, can be included directly into this decreed Plan for Augmentation and utilize Lake Cty. owned or controlled water rights and supplies to replace out-of-priority stream depletions from diversions by future and existing wells, springs, surface diversions, and storage ponds, when such points are authorized for diversion under this Plan for Augmentation. Several sources of replacement water are contained in this application, including: Twin Lakes Reservoir and Canal Company Shares: Lake Cty. currently owns water in the Twin Lakes Reservoir and Canal Company native to the Arkansas River that may be used for augmentation purposes and may obtain additional Shares allowing for augmentation use. Historical Consumptive Use from Derry Ditches No. 2 and 3: Lake Cty. also owns water rights in the Derry Ditches No. 2 and 3, which were historically used for irrigation. This Amended Application requests that the historical consumptive water use associated with these ditches be changed for other uses consistent with Lake Cty.’s Water Supply Plan, including for augmentation purposes. Cond. Reservoirs: Lake Cty. filed an application for confirmation of two cond. water storage rights in Case No. 11CW86: the Birdseye Gulch Reservoir and Hayden Meadows Recreation Pond, both of which may be used for augmentation. This Amended Application requests that these reservoirs be incorporated into this Plan for Augmentation as sources of replacement water. Future Contract Exchanges: Finally, Lake Cty. is currently in negotiations with several parties to trade the Cty.’s Twin Lakes Native Water or other supplies for other water supplies in order to make water available to Lake Cty. for augmentation, including by exchange, at certain points of release within Lake Cty., as depicted on Ex. A, either directly or after storage. Currently, water users within the Cty. but outside of the boundaries of its sole water provider, the Parkville Water Dist., are required to develop their own water supplies, including by obtaining their own augmentation supplies and plans for augmentation. Lake Cty. is anticipating, and planning for, significant growth and development in the future. The comprehensive “umbrella” plan for augmentation approach requested in this Amended Application has the following advantages compared to the individual augmentation approach: It describes the specific areas that will be served by Lake Cty.’s Water Supply Plan utilizing Lake Cty. water supplies. It defines the quantity of water that will be diverted and depleted within specific sub-areas of Lake Cty. This provides local and downstream appropriators with a description and understanding of the extent of Lake Cty.’s water service obligations, including key stream segments that will be served through operation of an appropriative right of exchange. The Water Supply Plan will be more judicially and economically efficient than having individual users within Lake Cty. each file for individual, private plans for augmentation in the Water Ct. By establishing a decreed framework that includes limits on stream depletions and exchange points, qualifying contractees can be integrated into the augmentation plan immediately. At the same time, vested water right owners have certainty that their rights will be protected and not injured by future diversions included in Lake Cty.’s Water Supply Plan. The Plan for Augmentation will streamline water rights administration of individual users that rely on a contract with Lake Cty. under this Plan for Augmentation. Specifically, Lake Cty. will provide an annual operating plan to the Div. Engineer's Office that identifies diversions and depletions associated with all the Cty.’s contractees under this Plan for Augmentation, along with operation of the augmentation sources described herein. Note on Federal Land Within Area A. There is a significant portion of federal land located within Areas A-1 through A-5. The Cty. will require any Contractee operating a water conveyance facility on, or over, federal land to obtain any needed permission from the appropriate federal land management agency prior to using water based on the Plan for Augmentation. Purpose of Amended Application: The original application in this matter, filed on 12/31/1998 requested ct. approval of changes of water rights and an umbrella augmentation plan to replace depletions from certain existing and future wells, springs, surface water diversions, and water storage structures within the boundaries of Lake Cty. Lake Cty, is filing this Amended Application to: incorporate 2 new water storage rights as replacement sources under this Plan for Augmentation; clarify the operation of the Plan for Augmentation: clarify and more precisely define the appropriative rights of exchange sought in the Application; implement certain benefits received by the Cty. under an Intergovernmental Agreement between the Cty. and the City of Aurora, including implementation of sources of supply available under that IGA; and recognize the potential use of augmentation supplies by contract exchanges with other parties. Effect of Amended Application. This Amended Application supersedes and replaces in entirety the Application filed on 12/31/1998, except that the claims made in this Amended Application shall relate back to the original Application. **First Claim: Changes of Water Rights. Change of Derry Ditch No. 2:** **Derry Ditch No. 2. Previous Decree:** 7/12/1904, Case No. 1857, Dist. Ct. for Chaffee Cty. **Decreed Point of Diversion:** whose decreed point of diversion is on the left bank of Box Creek at a point whence the NE corner of Sec. 5, T. 11 S., R. 80 W., of the 6th P.M., bears N. 88 deg. 54' E., 1,098.2 ft. The decreed location lies within the NE 1/4 of the NE 1/4 of Sec. 5, T. 11 S., R. 80 W. of the 6th P.M. approximately 30 ft. from the N. line and 1098 ft. from the E. line of Sec. 5. **Source:** Box Creek, tributary to the Arkansas River. **Appropriation Date:** 10/1/1895. **Total Amt. Decreed to Structure:** 1.0 cfs absolute. **Amt. to be Changed:** 1.0 cfs. **Decreed Use:** Irrigation. The Derry Ditch No. 2 has been used for the irrigation of approximately 6 acres of pasture grass located in the SE 1/4 of the SE 1/4 of Sec. 32 and the SW 1/4 of the SW 1/4 of Sec. 33, T. 10 S., R. 80 W., and the NW 1/4 and NE 1/4 of the NW 1/4 of Sec. 4 and the NE 1/4 of the NE 1/4 of Sec. 5, T. 11 S., R. 80 W., of the 6th P.M. A map showing the location of the irrigated areas and the diversion location is attached as Ex. B to this application. A summary of historical diversions of these water rights obtained from the State Engineer's Office is attached as Ex. C to this Application. Average annual historical diversions for use of Derry No. 2 total approximately 52.8 a.f. per year. **Change in Type of Use:** Applicant requests a change in the type of use for the Derry Ditch No. 2 from irrigation to domestic, municipal, irrigation, creation and maintenance of wetlands, commercial, industrial, aesthetic, snowmaking, recreation, livestock watering, piscatorial, fire protection, and augmentation either directly or through storage, including by exchange, in accordance with the Plan for Augmentation described below. **Change in Method of Use:** Applicant requests a change in the method of use for the Derry Ditch No. 2 from direct flow to direct flow, use directly for augmentation credits, or for storage of the historical consumptive use credits in one or more of reservoirs within Lake Cty., including the Hayden Meadows Recreation Pond, Box Creek Reservoir, and Birdseye Gulch Reservoir, described below, and in accordance with the Plan for Augmentation below. **Change of Derry Ditch No. 3: Previous Decree:** 7/12/1904, Case No. 1857, Dist. Ct. of Chaffee Cty. **Decreed Point of Diversion:** The headgate is located on the left bank of the N. Fork of Cozart Creek at a point whence the NE corner of Sec. 5, T. 11 S., R. 80 W., of the 6th P.M., bears N. 66 deg. 36' 20" E., 17,055 ft. **Source:** Cozart Creek, a tributary of the Arkansas River. **Appropriation Date:** 6/21/1884. **Total Amt. Decreed to Structure:** 4.0 cfs absolute. **Amt. Owned by Applicant:** 2.0 cfs. **Amt. to be Changed:** 2.0 cfs. **Decreed Use:** Irrigation. **Remarks:** The N. Fork of Cozart Creek is within Bartlett Gulch, tributary to Lake Creek, tributary to the Arkansas River. **Historical Use of Derry Ditch No. 3:** The Derry Ditch No. 3 historically irrigated approximately 85 acres of pasture grass within the NW 1/4 of Sec. 4 and the NE 1/4, the SE 1/4, and the SW 1/4 of Sec. 5, T. 11 S., R. 80 W., of the 6th P.M. A map showing the location of the irrigated areas and the diversion locations is attached as Ex. B to this application. A summary of historical diversions of these water rights obtained from the State Engineer's Office is attached as Ex. C to this Application. Average annual historical diversions for the use of the Derry No. 3 total approximately 254 AF per year of which 127 AF are attributed to Lake Cty.’s 2 cfs ownership. **Change in Point of Diversion:** Applicant requests a change in the point of diversion for the Derry Ditch No. 3 from its originally decreed point of diversion described above to its current actual point of diversion consistent with historical diversion practice, administration, and measurement, which is located at a point in the NE 1/4 of the SW 1/4 of Sec. 5, T. 11 S., R. 80 W., of the 6th P.M at a point 1,820 ft. from the W. line and 1,400 ft. from the S. line of Sec. 5. **Change in Type of Use:** Applicant requests a change in the type of use for the Derry Ditch No. 3 from irrigation to domestic, municipal, irrigation, creation and maintenance of wetlands, commercial, industrial, aesthetic, snowmaking, recreation, livestock watering, piscatorial, fire protection, and augmentation either directly or through storage, including by exchange, in accordance with the Plan for Augmentation described below. **Change in Method of Use:** Applicant requests a change in the method of use for the Derry Ditch No. 3 from direct flow to direct flow, use directly for augmentation credits, or for storage of the historical consumptive use credits in one or more of reservoirs within Lake Cty., including the Hayden Meadows Recreation Pond, Box Creek Reservoir, and Birdseye Gulch Reservoir, described below, and in accordance with the Plan for Augmentation below. **Net Stream Depletion Table for Derry Ditches No. 2 and 3:** Applicant’s engineers have analyzed the historical consumptive use of the Derry Ditches No. 2 and 3. Net stream depletions equal the river headgate diversion minus ditch losses and return flows. The resulting calculation returns both positive and negative numbers. A positive number indicates a river credit, while a negative number indicates a river debit. Net stream depletions are presented in the table below and indicate that river credits exist from May through September and river debits or replacement obligations exist in October through March. Net stream depletions equal the actual consumptive use, but over a different distribution due to the effect of lagged return flows. River credits total 42.6 AF and river debits total 9.2 AF. The net stream depletion equals the difference between the 2 or 33.4 AF. The Applicant’s engineers have concluded that the average annual net stream depletions of each ditch on a monthly basis are as follows:

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Source | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Tot. |
| Derry Ditch No. 2 | 0.0 | 0.0 | 0.0 | 0.0 | 0.4 | 0.6 | 0.5 | 0.2 | 0.1 | 0.0 | -0.1 | 0.0 | 1.7 |
| Derry Ditch No. 3 | -1.4 | -1.0 | -0.7 | -0.5 | 3.3 | 12.9 | 12.6 | 9.1 | 2.9 | -0.8 | -2.8 | -1.9 | 31.7 |
| Total | -1.4 | -1.0 | -0.7 | -0.5 | 3.7 | 13.5 | 13.1 | 9.3 | 3.0 | -0.8 | -2.9 | -1.9 | 33.4 |

**Change of Twin Lakes Native Water: Purpose of Claim.** Applicant asserts that no change is necessary to utilize Twin Lakes Native Water for augmentation use. Twin Lakes Native Water has been integrated into other plans for augmentation without such a change, including in Cases No. 92CW84 and 06CW32, Dist. Ct., Water Div. No. 2. Consistent with Paragraph 22(z.) of the Decree in Case No. 06CW32, Div. No. 2, approximately 90 percent of the Twin Lakes Native Water is available for consumptive use by Applicant. This Amended Application seeks to utilize the Twin Lakes Native Water for augmentation use on this same basis. Should the Ct. determine that no change is necessary to utilize the Twin Lakes Native Water for augmentation use, Applicant will withdraw this claim to change Twin Lakes Native Water for augmentation purposes. **Water Rights and Structure For Which Change is Sought.** Twin Lakes Native Water Represented by Shares of Twin Lakes Reservoir and Canal Company (“Twin Lakes Native Water”) available to the Cty. under an IGA between the Cty. and the City of Aurora dated 6/20/2011; only those shares are included in this provisional change request, and no “ditch-wide” change is requested. **Decree:** Original Decree, Case No. 2346, Dist. Ct., Chaffee Cty., 7/14/1913, as modified by Case No. W-3965, Dist. Ct., Water Div. 2, 4/19/1974. **Priorities:** 12/15/1896 (No. 3) and 3/25/1897 (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. **Amt.:** 54,452 a.f. (20,645.3 a.f. for Priority No. 3 and 33,806.7 a.f. for Priority No. 4). **Amt. Changed by Applicant:** 55 AF. **Location of Reservoir:** Twin Lakes Reservoir is located in all or portions of Sec. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 30, T. 11 S., R. 80 W., 6th P.M., Lake Cty., on Lake Creek tributary to the Arkansas River. The Twin Lakes Dam axis and centerline of Lake Creek intersect at a point when the SE corner of Sec. 23, T. 11 S., R. 80 W. of the 6th P.M. bears S. 54 deg. 13’8”E. a distance of 3,803.10 ft., as more particularly described in the decree in Civil Action 5141, Dist. Ct., Chaffee Cty., CO. **Remarks:** Lake Cty. owns an interest in Twin Lakes Reservoir and Canal Company, but only currently to the extent of 55 AF of water native to the Arkansas River drainage. **Historical Use:** Twin Lakes Native Water has been used by the City of Aurora and shareholders of Twin Lakes Reservoir and Canal Company in accordance with its decree. **Change in Type of Use:** Applicant requests a change in the type of use for the Twin Lakes Native Water from its currently decreed uses to also include augmentation directly, by release from storage, or by exchange. **Second Claim: Request for Approval of Plan for Augmentation.** **Statement of Plan for Augmentation, Including Exchanges:** As a step towards the effective management and development of the present and future growth of the Cty. and the resources of the region, Lake Cty. requests by this Amended Application to develop a regional or “umbrella” augmentation plan within the Cty. to replace out-of-priority depletions from such growth and developments and to protect senior water rights. This Plan will establish a framework within which new water users that meet certain criteria can be included directly into this Plan for Augmentation utilizing Lake Cty. owned or controlled water rights to replace out-of-priority stream depletions from diversions by future and existing wells, springs, surface diversions, and storage ponds or ponds when such points are authorized for diversion under this plan for augmentation. For purposes of this Plan, the Cty.’s “Water Supply Program” shall mean the operation of the contracts entered into by the Dist. under this Plan and the provision of the augmentation water and operation of exchanges approved under the decree in this case. The total amt. of augmentation water immediately available upon issuance of a final decree in this case will be 88.4 AF based on the Cty.’s claims. As outlined in more detail below, the Cty. also seeks the right to add new sources of augmentation supply in the future as provided by law. The total cumulative rate of all river exchanges necessary to support the Plan is 5.5 cfs. Augmentation Areas. For purposes of this application, the Cty. requests a Plan for Augmentation to augment out-of-priority diversions by the Cty. and/or its Contractees as necessary within the Cty.’s “Area A, shown on Ex. A.” Area A. Area A encompasses those regions that are located near the Arkansas River or on tributary creeks where use of the Cty.’s water rights or supplies for augmentation can offset the out-of-priority depletions of its and its Contractees’ water use under this Plan for Augmentation. Thus, within the Cty.’s “Area A” there are no calling water rights located between the proposed diversions and the Arkansas River or relevant tributaries that cannot be augmented with supplies available to Lake Cty. The Cty. has identified five augmentation Sub-Areas, Areas A-1 through A-5. A map depicting Area A and the Sub Areas is attached to the Amended Application as Ex. A. Sub-Areas. The Cty. has divided its Area A into Sub-Areas A-1, A-2, A-3, A-4, A-5. Each Sub-Area contains a portion or tributaries of the Arkansas River in which the Cty. will provide service in a different manner under this Plan for Augmentation. Generally, Area A-1 includes the Arkansas River below its confluence with Tennessee Creek; Area A-2 includes Lake Creek above Twin Lakes; Area A-3 includes portions of Turquoise Lake and Lake Fork basin; Area A-4 includes a portion of Tennessee Creek; and Area A-5 includes a portion of the E. Fork of Arkansas River. Depletions originating within Area A-1 can be augmented by exchange with existing Lake Cty. replacement supplies (Derry Ditches No. 2 & 3 and Twin Lakes Native Water). Other augmentation areas—Areas A-2 through A-5—have limits on exchange potential and require the development of upstream storage supplies and/or contract exchanges in cooperation with participating water diverters to develop year-around augmentation capability. The legal description of all land located within each Sub-Area is described on Ex. D. The Sub-Areas are specifically described below: **Area A-1 – Arkansas River Below the Confluence of the E. Fork of the Arkansas and Tennessee Creek:** Area A-1 includes structures that will divert water from within that portion of Area A encompassing all areas tributary to the Arkansas River and its tributaries in a stream reach extending from a downstream terminus at the point where the Arkansas River crosses from Lake Cty. into Chaffee Cty. to and upstream terminus, the confluence of the E. Fork of the Arkansas River and Tennessee Creek, a distance of approximately 15 miles. The downstream terminus, the S.ern boundary of Lake Cty. is located in the SW 1/4 of the SW 1/4 of Sec. 30, T. 11 S., R. 79 W. of the 6th P.M. The upstream terminus, the confluence of the E. Fork of the Arkansas River and Tennessee Creek is located within Lake Cty. in the SW 1/4 of the SW 1/4 of Sec. 16, T. 9 S., R. 80 W. of the 6th P.M. Depletions originating within Area A-1 can be augmented by exchange with existing Lake Cty. replacement supplies (Derry Ditches No. 2 & 3 and Twin Lakes Native Water). The boundary of Area A-1 is depicted on Ex. A. Major tributaries to the Arkansas River that are included within Area A-1 are defined below: **Spring Creek (S. of Sawmill Gulch).** Lower Terminus – The confluence of Spring Creek with the Arkansas River in Government Lot 1 (NE 1/4), Sec. 25, T. 11 S., R. 80 W. of the 6th P.M. Upper Termini – All areas tributary to Spring Creek. **Holmes Gulch.** Lower Terminus – The confluence of Holmes Gulch with the Arkansas River in the NW 1/4 of Sec. 13, T. 11 S., R. 80 W. of the 6th P.M. Upper Termini – All areas tributary to Holmes Gulch. **Sawmill Gulch.** Lower Terminus – The confluence of Sawmill Gulch with the Arkansas River in the NE 1/4 of Sec. 11, T. 11 S., R. 80 W. of the 6th P.M. Upper Termini – All areas tributary to Sawmill Gulch. **Spring Creek (N. of Sawmill Gulch).** Lower Terminus – The confluence of Spring Creek with the Arkansas River in the SE 1/4 of Sec. 34, T. 10 S., R. 80 W. of the 6th P.M. Upper Termini – All areas tributary to Spring Creek, including Brush Creek. **Dry Union Gulch.** Lower Terminus – The confluence of Dry Union Gulch with the Arkansas River in the NE 1/4 of Sec. 27, T. 10 S., R. 80 W. of the 6th P.M. Upper Termini – All areas tributary to Dry Union Gulch. **Empire Gulch.** Lower Terminus – The confluence of Empire Gulch with the Arkansas River in the NW 1/4 of Sec. 22, T. 10 S., R. 80 W. of the 6th P.M. Upper Terminus – All areas tributary to Empire Gulch below the Empre Creek Ditch (Moyer Headgate – See 97CW83) in the NE 1/4 of SW 1/4 of Sec. 14, T. 10 S., R. 80 W. of the 6th P.M. **Thompson Gulch.** Lower Terminus – The confluence of Thompson Gulch with the Arkansas River in the NE 1/4 of Sec. 16, T. 10 S., R. 80 W. of the 6th P.M. Upper Termini – All areas tributary to Thompson Gulch. **Iowa Gulch.** Lower Terminus – The confluence of Iowa Gulch with the Arkansas River in the NE 1/4 of Sec. 16, T. 10 S., R. 80 W. of the 6th P.M. Upper Terminus – All areas tributary to Iowa Gulch below the AASARCO Iowa Gulch Pumping Station in the W 1/2 of the unsurveyed Sec. 33, T. 9 S., R. 79 W. of the 6th P.M. **California Gulch.** Lower Terminus – The confluence of California Gulch with the Arkansas River in the NE 1/4 of Sec. 32, T. 9 S., R. 80 W. of the 6th P.M. Upper Terminus – All areas tributary to California Gulch excluding the Parkville Water Dist. service area. **Box Creek.** Lower Terminus – The confluence of Box Creek Gulch with the Arkansas River in the SE 1/4 of Sec. 11, T. 11 S., R. 80 W. of the 6th P.M. Upper Termini – All areas tributary to Box Creek below the Derry No. 2 Headgate in the NE1/4 of the SW1/4 of Sec. 5, T. 11 S., R. 80 W. of the 6th P.M. **Corske Creek.** Lower Terminus – Corske Creek joins Box Creek at an unknown location within either: Sec. 3, 4 or 5, T. 11 S., R. 80 W.; or Sec. 32, 33 or 34, T. 10 S., R. 80 W. of the 6th P.M. Upper Termini – All areas tributary to Corske Creek downstream of the intersection of Corske Creek with the western boundary of R. 80 W. located in Government Lot 2 (NW 1/4) of Sec. 7, T. 11 S., R. 80 W. of the 6th P.M. **Lake Creek.** Lower Terminus – The confluence of Lake Creek with the Arkansas River in the SE 1/4 of Sec. 24, T. 11 S., R. 80 W. of the 6th P.M. Upper Terminus – All areas tributary to Lake Creek downstream of the intersection of Lake Creek with the western boundary of R. 80 W located in Government Lot 4 (SW 1/4) of Sec. 19, T. 11 S., R. 80 W. of the 6th P.M. **Bartlett Gulch.** Lower Terminus – The confluence of Bartlett Gulch with Twin Lakes in Government Lot 5 (the NE 1/4) of Sec. 19, T. 11 S., R. 80 W. of the 6th P.M. Upper Termini – All areas tributary to Bartlett Gulch below the Lily Pond Ditch Headgate located in the SE 1/4 of Sec. 12, T. 11 S., R. 81 W. of the 6th P.M. **Dayton Gulch.** Lower Terminus – The confluence of Dayton Gulch with Twin Lakes in Government Lot 2 (the NW 1/4) of Sec. 19, T. 11 S., R. 80 W. of the 6th P.M. Upper Termini – All areas tributary to Dayton Gulch. **Area A-2 – Lake Creek Above Twin Lakes:** Area A-2 includes structures that will divert water from within that portion of Area A encompassing areas tributary to the Lake Creek and its tributaries in a stream reach extending from a downstream terminus at the point where Lake Creek crosses from R. 81 W. into R. 80 W., and flows into Twin Lakes to an upstream terminus, a point just upstream of the confluence of the Graham Gulch and Lake Creek, a distance of approximately 9 miles. The downstream terminus is located in the SE quarter of Sec. 24, T.11 S., R. 81 W. of the 6th P.M. The upstream terminus is located in the NE 1/4 of Sec. 22, T. 11 S., R. 82 W. of the 6th P.M. Depletions originating within Area A-2 will be augmented by exchange when exchange potential exists. However, exchange potential is limited within Area A-2 and the development of upstream storage supplies and/or contract exchange in cooperation with Colorado Springs is required to develop year-round augmentation. Specifically, Lake Cty. is working with third parties to execute a contract exchange of Twin Lakes Native Water for Twin Lakes Tunnel No. 1 trans-basin water supplies. The boundary of Area A-2 is depicted on Ex. A. Major tributaries to the Lake Creek that are included within Area A-2 are defined below: **Sunset Gulch.** Lower Terminus – The confluence of Sunset Gulch with Lake Creek in Government Lot 17 (SE 1/4), Sec. 26, T. 11 S., R. 81 W. of the 6th P.M. Upper Termini – All areas tributary to Sunset Gulch within Lake Cty. The Lake Cty. boundary is located in the SW1/4 of Sec. 26, T. 11 S., R. 81 W. of the 6th P.M. **Galena Gulch.** Lower Terminus – The confluence of Galena Gulch with Lake Creek in the NW 1/4 of Sec. 26, T. 11 S., R. 81 W. of the 6th P.M. Upper Termini – All areas tributary to Galena Gulch within Lake Cty. The Lake Cty. boundary is located in the SE 1/4 of Sec. 27, T. 11 S., R. 81 W. of the 6th P.M. **Crystal Lake Creek.** Lower Terminus – The confluence of Crystal Lake Creek with Lake Creek in the NW 1/4 of Sec. 28, T. 11 S., R. 81 W. of the 6th P.M. Upper Termini – All areas tributary to Crystal Lake Creek within Lake Cty. The Lake Cty. boundary is located in the SW 1/4 of Sec. 28, T. 11 S., R. 81 W. of the 6th P.M. **Gordon Gulch.** Lower Terminus – The confluence of Gordon Gulch with Twin Lakes in the NE 1/4 of Sec. 24, T. 11 S., R. 81 W. of the 6th P.M. Upper Termini – All areas tributary to Gordon Gulch. **Smith Gulch.** Lower Terminus – The confluence of Smith Gulch with Lake Creek in Government Lot 16 (the NW 1/4) of Sec. 26, T. 11 S., R. 81 W. of the 6th P.M. Upper Termini – All areas tributary to Smith Gulch. **Monitor Gulch.** Lower Terminus – The confluence of Monitor Gulch with Lake Creek in the NE 1/4 of Sec. 28, T. 11 S., R. 81 W. of the 6th P.M. Upper Termini – All areas tributary to Monitor Gulch. **Hayden Gulch.** Lower Terminus – The confluence of Hayden Gulch with Lake Creek in the NE 1/4 of Sec. 19, T. 11 S., R. 81 W. of the 6th P.M. Upper Termini – All areas tributary to Hayden Gulch. **Area A-3 – Turquoise Lake and Lake Fork:** Area A-3 includes structures that will divert water from within that portion of Area A encompassing areas tributary to the Lake Fork and its tributaries in a stream reach extending from a downstream terminus at the confluence of Lake Fork with the Arkansas River to an upstream terminus, a point just upstream of the confluence of Lake Fork with Turquoise Lake, a distance of approximately 9 miles. The downstream terminus is located in the SE 1/4 of Sec. 5, T. 10 S., R. 80 W. of the 6th P.M. The upstream terminus is located in the SW 1/4 of Sec. 10, T. 9 S., R. 81 W. of the 6th P.M. Depletions originating within Area A-3 will be augmented by exchange when exchange potential exists. However, exchange potential is limited within Area A-3 and the development of upstream storage supplies and/or contract exchange in cooperation with third parties, such as the Pueblo Board of Water Works (PBWW), City of Aurora, or the City of Colorado Springs is required to develop year around augmentation. Specifically, Lake Cty. is working with the municipalities and/or their water providers to execute a contract exchange of Twin Lakes Native Water for transbasin water supplies stored in Turquoise Reservoir. The boundary of Area A-3 is depicted on Ex. A. Major tributaries to Lake Fork that are included within Area A-3 are defined below: **Willow Creek.** Lower Terminus – The confluence of Willow Creek with Lake Fork in Government Lot 2 (NE 1/4), Sec. 6, T. 10 S., R. 80 W. of the 6th P.M. Upper Terminus – All areas tributary to Willow Creek, excluding any wilderness areas, downstream of the Willow Creek Ditch headgate located in the NW 1/4 of Sec. 12, T. 10 S., R. 81 W. of the 6th P.M. **North Willow Creek.** Lower Terminus – The confluence of North Willow Creek with Willow Creek in the SE 1/4, Sec. 1, T. 10 S., R. 81 W. of the 6th P.M. Upper Terminus – All areas tributary to North Willow Creek, excluding any wilderness areas, downstream of the W. line of the SW 1/4 of Sec. 1, T. 10 S., R. 81 W. of the 6th P.M. **Hunt Gulch.** Lower Terminus – The confluence of Hunt Gulch with Lake Fork in the SW 1/4, Sec. 31, T. 9 S., R. 80 W. of the 6th P.M. Upper Terminus – All areas tributary to Hunt Gulch, excluding any wilderness areas or National Fish Hatchery lands, downstream of the W. line of the SW 1/4 of Sec. 25, T. 9 S., R. 81 W. of the 6th P.M. **Colorado Gulch.** Lower Terminus – The confluence of Colorado Gulch with Lake Fork in Government Lot 3 (the SW 1/4), Sec. 30, T. 9 S., R. 80 W. of the 6th P.M. Upper Terminus – All areas tributary to Colorado Gulch, excluding any wilderness areas. **Strawberry Gulch.** Lower Terminus – The confluence of Strawberry Gulch with Lake Fork in Government Lot 5 (the NW 1/4), Sec. 30, T. 9 S., R. 80 W. of the 6th P.M. Upper Terminus – All areas tributary to Strawberry Gulch, excluding any wilderness areas. **Sugarloaf Gulch.** Lower Terminus – The confluence of Strawberry Gulch with Lake Fork in Government Lot 42 (the SW 1/4), Sec. 19, T. 9 S., R. 80 W. of the 6th P.M. Upper Terminus – All areas tributary to Sugarloaf Gulch, excluding any wilderness areas. **Bartlett Gulch.** Lower Terminus – The confluence of Bartlett Gulch with Lake Fork in the SW 1/4, Sec. 19, T. 9 S., R. 80 W. of the 6th P.M. Upper Terminus – All areas tributary to Bartlett Gulch, excluding any wilderness areas. **Busk Creek.** Lower Terminus – The confluence of Busk Creek with Lake Fork in the SW 1/4, Sec. 10, T. 9 S., R. 81 W. of the 6th P.M. Upper Terminus – All areas tributary to Busk Creek, excluding any wilderness areas. **Bear Creek.** Lower Terminus – The confluence of Bear Creek with Turquoise Lake in the SE 1/4, Sec. 10, T. 9 S., R. 81 W. of the 6th P.M. Upper Terminus – All areas tributary to Bear Creek, excluding any wilderness areas. **Area A-4 – Tennessee Creek:** Area A-4 includes structures that will divert water from within that portion of Area A encompassing areas tributary to Tennessee Creek and its tributaries in a stream reach extending from a downstream terminus at the confluence of Tennessee Creek with the Arkansas River to an upstream terminus, Tennessee Pass, a distance of approximately 8 miles. The downstream terminus is located in the SW 1/4 of Sec. 16, T. 9 S., R. 80 W. of the 6th P.M. The upstream terminus is located in the SE 1/4 of Sec. 10, T. 8 S., R. 80 W. of the 6th P.M. Depletions originating within Area A-4 will be augmented by exchange when exchange potential exists. However, exchange potential is limited within Area A-4 and the development of upstream storage supplies and/or contract exchange in cooperation with the Pueblo Board of Water Works (PBWW) is required to develop year-round augmentation. Specifically, Lake Cty. is working with PBWW to execute a contract exchange of Twin Lakes Native Water for Ewing Ditch and Wurtz Ditch transbasin water supplies. The boundary of Area A-4 is depicted on Ex. A. Major tributaries to Lake Fork that are included within Area A-4 are defined below: **Saint Kevin Gulch.** Lower Terminus – The confluence of Saint Kevin Gulch with Tennessee Creek in the NE 1/4 of Sec. 8, T. 9 S., R. 80 W. of the 6th P.M. Upper Terminus – All areas tributary to Saint Kevin Gulch, excluding any wilderness areas, downstream of the Morris No. 1 headgate located in the SE 1/4 of Sec. 6, T. 9 S., R. 80 W. of the 6th P.M. **Temple Gulch.** Lower Terminus – The confluence of Temple Gulch with Saint Kevin Gulch in the SE 1/4 of Sec. 5, T. 9 S., R. 80 W. of the 6th P.M. Upper Terminus – All areas tributary to Temple Gulch, excluding any wilderness areas, downstream of the Morris No. 3 headgate located in the SW 1/4 of Sec. 32, T. 8 S., R. 80 W. of the 6th P.M. **Porcupine Gulch.** Lower Terminus – The confluence of Porcupine Gulch with Tennessee Creek in the SE 1/4 of Sec. 32, T. 8 S., R. 80 W. of the 6th P.M. Upper Terminus – All areas tributary to Porcupine Gulch, excluding any wilderness areas. **Little Porcupine Gulch.** Lower Terminus – The confluence of Little Porcupine Gulch with Porcupine Gulch in the SE 1/4 of Sec. 32, T. 8 S., R. 80 W. of the 6th P.M. Upper Terminus – All areas tributary to Little Porcupine Gulch, excluding any wilderness areas. **Thayer Gulch.** Lower Terminus – The confluence of Thayer Gulch with Tennessee Creek in the SW 1/4 of Sec. 14, T. 8 S., R. 80 W. of the 6th P.M. Upper Terminus – All areas tributary to Thayer Gulch. **Area A-5 – E. Fork Arkansas River:** Area A-5 includes structures that will divert water from within that portion of Area A encompassing areas tributary to the E. Fork of the Arkansas River and its tributaries in a stream reach extending from a downstream terminus at the confluence of the E. Fork with the Arkansas River to an upstream terminus, just downstream of Fremont Pass, a distance of approximately 12 miles. The downstream terminus is located in the SW 1/4 of Sec. 16, T. 9 S., R. 80 W. of the 6th P.M. The upstream terminus is located at a headgate for the Stevens and Leiter water right in the SE 1/4 of Sec. 10, T. 8 S., R. 79 W. of the 6th P.M. Depletions originating within Area A-5 will be augmented by exchange when exchange potential exists. However, exchange potential is limited within Area A-5 and the development of upstream storage supplies and/or contract exchange in cooperation with the City of Aurora and/or Climax is required to develop year-around augmentation. Specifically, Lake Cty. is working with the City of Aurora and/or Climax to execute a contract exchange of Twin Lakes Native Water for Columbine Ditch trans-basin water supplies. The boundary of Area A-5 is depicted on Ex. A. Major tributaries to the E. Fork of the Arkansas that are included within Area A-5 are defined below: **Buckeye Gulch.** Lower Terminus – The confluence of Buckeye Gulch with the E. Fork of the Arkansas River in the SW 1/4 of Sec. 32, T. 8 S., R. 79 W. of the 6th P.M. Upper Terminus – All areas tributary to Buckeye Gulch. **Delmonica Gulch.** Lower Terminus – The confluence of Delmonica Gulch with the E. Fork of the Arkansas River in Government Lot 16 (the SE 1/4) of Sec. 16, T. 8 S., R. 79 W. of the 6th P.M. Upper Terminus – All areas tributary to Delmonica Gulch. **Chalk Creek.** Lower Terminus – The confluence of Chalk Creek with the E. Fork of the Arkansas River in Government Lot 16 (the SE 1/4) of Sec. 16, T. 8 S., R. 79 W. of the 6th P.M. Upper Terminus – All areas tributary to Chalk Creek. **French Gulch.** Lower Terminus – The confluence of French Gulch with the E. Fork of the Arkansas River in Government Lot 33 (the SE 1/4) of Sec. 21, T. 8 S., R. 79 W. of the 6th P.M. Upper Terminus – All areas tributary to French Gulch. **English Gulch.** Lower Terminus – The confluence of English Gulch with the E. Fork of the Arkansas River in Government Lot 8 (the NE 1/4) of Sec. 28, T. 8 S., R. 79 W. of the 6th P.M. Upper Terminus – All areas tributary to English Gulch. **Little English Gulch.** Lower Terminus – The confluence of Little English Gulch with the English Gulch in the NE 1/4 of Sec. 28, T. 8 S., R. 79 W. of the 6th P.M. Upper Terminus – All areas tributary to Little English Gulch. **Dutch Gulch.** Lower Terminus – The confluence of Dutch Gulch with the E. Fork of the Arkansas River in Government Lot 15 (the NE 1/4) of Sec. 33, T. 8 S., R. 79 W. of the 6th P.M. Upper Terminus – All areas tributary to Dutch Gulch. **Indiana Gulch.** Lower Terminus – The confluence of Indiana Gulch with the E. Fork of the Arkansas River in the SW 1/4 of Sec. 33, T. 8 S., R. 79 W. of the 6th P.M. Upper Terminus – All areas tributary to Indiana Gulch. **Birdseye Gulch.** Lower Terminus – The confluence of Birdseye Gulch with the E. Fork of the Arkansas River in the SW 1/4 of Sec. 33, T. 8 S., R. 79 W. of the 6th P.M. Upper Terminus – All areas tributary to Birdseye Gulch below the headgate of the Birdseye Gulch Ditch: A point located in the NW 1/4 of the SE 1/4 of Sec. 33, T 8 S, R 79 W, 6 P.M, 2,920 ft from W. line, 1,700 ft. from S. line, of Sec. 33. **Evans Gulch.** Lower Terminus – The confluence of Evans Gulch with the E. Fork of the Arkansas River in the SW 1/4 of Sec. 11, T. 9 S., R. 80 W. of the 6th P.M. Upper Terminus – All areas tributary to Evans Gulch excluding the Parkville Water Dist. service area downstream of the Big Evans Reservoir located in the NW 1/4 of Sec. 19, T. 9 S., R. 79 W. of the 6th P.M. **Little Evans Gulch.** Lower Terminus – The confluence of Little Evans Gulch with Evans Gulch in the SW 1/4 of Sec. 13, T. 9 S., R. 80 W. of the 6th P.M. Upper Terminus – All areas tributary to Little Evans Gulch excluding the Parkville Water Dist. service. **Structures to be Augmented.** Those wells, springs, surface water rights, and ponds, owned or used by Lake Cty. or its authorized contractees under its Water Supply Program, all of which are, or will be, located within Areas A-1­ through A-5 as depicted and defined in Ex. A and D, the depletions for which will be determined in accordance with, and will be augmented under, the terms of the Plan for Augmentation ("Augmented Structures"). **Water Rights and Supplies to be Used for Augmentation.** The water rights and supplies to be used for augmentation of out-of-priority depletions associated with the Augmented Structures consist of the following (all structures described below the “Augmentation Sources”): **Twin Lakes Water:** Shares in Twin Lakes Reservoir and Canal Company to be used as augmentation supply within this Plan for Augmentation include those shares now owned or controlled by Lake Cty., as well as shares to be acquired from Contractees or others in the future and committed to this plan (Twin Lakes native and trans-basin components together the “Twin Lakes Water”). Twin Lakes Water may be used directly by release at or above a controlling water right or by releases from storage after water has been placed there pursuant to storage rights or exchanges or administrative or statutory approvals. This stock ownership will represent a *pro-rata* interest in native Arkansas River diversions diverted for storage in the Twin Lakes Reservoir in southern Lake Cty., CO. Applicant currently controls 55 AF of Twin Lakes Water derived exclusively from the Arkansas River drainage, which includes water from Lake Creek and its tributaries tributary to the Arkansas River, usable for storage for irrigation, domestic, commercial, industrial, irrigation and municipal purposes on any site in the Arkansas River Basin of CO below the Twin Lakes Reservoir which are capable of being served by diversions from the Arkansas River (“Twin Lakes Native Water”). The Twin Lakes Native Water is available for approximately 90 percent consumptive use and reuse and is available for augmentation on that basis. The Twin Lakes Water is described as follows: **Colorado River Water Rights: Decrees:** Case No. 3082, Dist. Ct., Garfield Cty., 8/25/1936. Case No. W-1901, Dist. Ct., Water Div. 5, 5/12/1976. Priority: 8/23/1930, No. 431. **Legal Description of Storage Structure:** Twin Lakes Reservoir, as described above. **Source:** Roaring Fork River and its tributaries, all tributaries of the Colorado River in Water Div. 5, as more fully set forth in the above referenced Decrees. **Use:** Direct flow and storage purposes, for irrigation, domestic, commercial, industrial, municipal and all beneficial uses. **Amt.:** Direct flow amt. for diversions through transmountain tunnels of 625 cfs with an annual limit of 68,000 a.f., a running ten year limit of 570,000 a.f., and other limitations set forth in the decrees. **Amt. to be included in this plan for augmentation:** Lake Cty. may acquire portions of these water rights in the future, which may be used for augmentation under the Cty.’s Water Supply Program as more fully described below. Remarks: Any portion of the Twin Lakes Water native to the Colorado River will be 100 percent consumptive. **Arkansas River Water Rights (the “Twin Lakes Native Water”):** As described above. **Amt. to be included in this plan for augmentation:** 55 AF. **Remarks:** Twin Lakes Native Water has been successfully integrated into other plans for augmentation, including Case Nos. 92CW84 and 06CW32, Dist. Ct., Water Div. No. 2. Consistent with Paragraph 22(z.) of the Decree in Case No. 06CW32, approximately 90 percent of the Twin Lakes Native Water is available for consumptive use by Applicant. This Amended Application seeks to utilize the Twin Lakes Native Water for augmentation use on this same basis. **Hayden Meadows Recreation Pond:** A request to adjudicate the Hayden Meadows Recreation Pond is pending in Case No. 11CW86. Water will be stored under its own priority, by storage exchange using Cty. Twin Lakes Native Water, or as consumptive use credits from another water right owned or acquired by Lake Cty. such as the Derry Ditches No. 2 and 3. Such storage supply may be released to augment out of priority depletions of Lake Cty.’s Contractees. **Date of Original Decree:** Currently pending in 11CW86. **Type of Water Right:** Storage. **Legal Description:** the center of the dam is located in the SE 1/4 of the NW 1/4 of Sec. 22, T 10 S, R 80 W, 6 P.M, 1,510 ft. from W. line, 2,120 ft. from N. line of Sec. 22. **Source:** Arkansas River. **Appropriation Date:** 12/19/2011. **Amt. Decreed:** 51 AF, cond. **Amt. Included in this Plan for Augmentation:** 51 AF. **Uses:** Domestic, municipal, irrigation, creation and maintenance of wetlands, commercial, industrial, aesthetic, snowmaking, recreation, livestock watering, piscatorial, fire protection, and augmentation either directly or through storage in and release from the reservoir, including by exchange. **Remarks:** The Hayden Meadows Recreation Pond was constructed using a grant from Great Outdoors Colorado. As such, it is subject to certain restrictions on use for a time certain. Applicant will comply with these restrictions. **Derry Ditch No. 2:** As described above. Consumptive use credits from the Derry Ditch No. 2 may be bypassed directly to offset depletions or by release after storage in another structure owned or controlled by Lake Cty., including the Hayden Meadows Recreation Pond, Birdseye Gulch Reservoir, and/or future storage developed within Area A. **Derry Ditch No. 3:** As described above. Consumptive use credits from the Derry Ditch No. 3 may be bypassed directly to offset depletions, or by release after storage in another structure owned or controlled by Lake Cty., including the Hayden Meadows Recreation Pond, Birdseye Gulch Reservoir, and/or future storage developed within Area A. **Birdseye Gulch Reservoir.** A request to adjudicate the Birdseye Gulch Reservoir is currently pending in Case No. 11CW86. Water will be stored in under its own priority, by storage exchange using Cty. Twin Lakes water, or as consumptive use credits from another water right owned or acquired by Lake Cty. such as the Derry Ditches No. 2 and 3. Such storage supply may be released to augment out-of-priority depletions. **Date of Original Decree:** Currently pending in 11CW86. **Type of Water Right:** Storage. **Legal Description:** the center of the dam is located in NW 1/4 of the SE 1/4 of Sec. 33, T 8 S, R 79 W, 6 P.M., 3,050 ft. from the W. line and 2,120 ft. from the S. line of Sec. 33, T 8 S, R 79 W, 6 P.M. **Source:** Birdseye Gulch, tributary to the E. Fork Arkansas River, tributary to the Arkansas River. **Appropriation Date:** 12/19/2011. **Amt. Decreed:** 20 AF, cond. **Amt. Included in this Plan for Augmentation:** 20 AF. **Uses:** Domestic, municipal, irrigation, creation and maintenance of wetlands, commercial, industrial, aesthetic, snowmaking, recreation, livestock watering, piscatorial, fire protection, and augmentation either directly or through storage in and release from the reservoir, including by exchange. **Box Creek Reservoir.** Pursuant to a contract with the City of Aurora, Lake Cty. may store augmentation water in Box Creek Reservoir, or its forebay, once constructed for later release to augment out-of-priority depletions. Water will be stored in Box Creek Reservoir, or its forebay, under various alternatives including: by storage exchange using Cty. Twin Lakes water, or as consumptive use credits from another water right owned or acquired by Lake Cty. such as the Derry Ditches No. 2 and 3. Such storage supply may be released to augment out of priority depletions of Lake Cty.’s contractees. Under an agreement with the City of Aurora, Lake Cty. is entitled to utilize storage space in Box Creek Reservoir. Box Creek Reservoir is proposed to be constructed on Box Creek, tributary to the Arkansas River, located in portions of Sec. 32 and 33, T. 10 S., R. 80 W., and Sec. 4 and 5, T. 11 S., R. 80 W., of the 6th P.M. **Contemplated Contract Exchanges.** Contract exchanges, as used in this Amended Application, are those trades of water supplies enabled by existing or contemplated agreements with the Pueblo Board of Water Works, Colorado Springs, the City of Aurora, or other parties, by which Applicant may trade Twin Lakes Native Water for supplies available from owners thereof (the contemplated or existing agreement, the “Contract Exchange”). Pursuant to the “character of exchange” rule, the Twin Lakes Native Water will assume the characteristics of the traded water and *vice versa. See, e.g. City of Thornton v. Bijou Irrigation Co.,* 926 P.2d 1, 54 (Colo. 1996). Upon such a trade, water would be available to the exchanging party in Twin Lakes Reservoir and the Twin Lakes Native Water will be available to Applicant for direct use at the point of release of the traded-for water into Water Div. 2, or by storage and later release from any reservoir owned or controlled by Lake Cty., including the Hayden Meadows Recreation Pond and/or the Birdseye Gulch Reservoir. A contract exchange would enable the Applicant to release water from the locations described on Ex. A for direct use to augment out-of-priority depletions or for storage in any structure owned or controlled by the Cty., including the Hayden Meadows Recreation Pond and/or the Birdseye Gulch Reservoir, for subsequent release to augment out of priority depletions by Lake Cty.’s Contractees in accordance with the Plan for Augmentation requested by this Amended Application, while providing replacement water at or above the calling water right. Possible contract exchange sources include, but are not limited to: Turquoise Reservoir; Twin Lakes Tunnel No. 1; Wurtz Ditch; Ewing Ditch; and Columbine Ditch. The points of release for these structures into Water Div. 2 are shown on Ex. A. **Future Acquisitions.** The Cty. will also utilize other water rights it owns, leases, or acquires in the future for augmentation. In the event of such an acquisition, the Cty. shall furnish the Div. Engineer with proof of ownership or right to use of any additional water which Lake Cty. may acquire for use in this plan prior to utilizing the same as a source of augmentation under this plan. (*See* C.R.S. § 37-92-305(8)(c)). **Operation of Plan for Augmentation.** Lake Cty. requests approval of a plan for augmentation to augment out-of-priority depletions from the Augmented Structures utilizing the Augmentation Sources described above when it or its Contractees divert within Area A-1 through A-5, depicted in Ex. A. **Replacement Releases.** During periods in which an administrative call is placed on the Arkansas River, or any of its tributaries, within Area A, calculated out-of-priority depletions will be replaced using one or more of the Augmentation Sources described above. The Augmentation Sources shall be made available to replace the total depletions from the Augmented Structures under this Plan for Augmentation. **Replacement Sources.** In its discretion, Lake Cty. may utilize any of the foregoing augmentation sources or any combination of such sources, provided the source is suitable for replacement, given the timing, amt., and locations of the stream depletions and the priority of the calling water right. **Amt. of Replacement.** Using water use data for its use and use of its Contractees, Lake Cty. will account for the diversions and depletions under the subject plan for augmentation to the Div. of Water Resources, as required by the Div. Engineer, to administer Lake Cty.’s Water Supply Program. Lake Cty. will ensure that the total out-of-priority depletions under the requested Plan for Augmentation will not exceed the replacement water available to Lake Cty. **Quantity and Quality of Replacement Water.** The substituted water will be of a quantity and quality so as to meet the requirements for which the water diverted by senior appropriators has normally been used. **Process for Inclusion of Augmented Structures.** Any water users within the Cty.’s Area A desiring to be covered by the Plan for Augmentation may submit an application to Lake Cty. detailing the location, type, amt., and use of the diverted water, and other contracting requirements. The Cty. will calculate anticipated diversions, depletions, return flows and lagged depletions pursuant to methods described below. If Lake Cty. determines there is sufficient unallocated augmentation water available for the applicant under this Plan for Augmentation, the Cty. will forward a copy of the application and water use calculations to the Div. Engineer for review and approval. If the Div. Engineer does not object within thirty days of receipt of the application material, Lake Cty. may, in its discretion, include the structure as an Augmented Structure in the requested Plan for Augmentation. **Depletions.** The depletions associated with the Augmented Structures will be determined based on assumptions, methods, and calculations commonly used and accepted in the water resource engineering profession in the State of Colorado including, without limitation, based upon a schedule of consumptive use to be established applicable to each category of use based upon estimated usage and return flows (i.e. irrigation per portion of acre, domestic use per household, head of livestock, commercial useper square foot, etc.), or as determined by specific engineering analysis. A summary of the engineering assumptions that will be used to determine the augmentation requirements under this Plan for Augmentation are outlined below: **Domestic In-House Use Diversions and Depletions:** Diversions associated with domestic in-house are calculated according to the following schedule: Single family home = 3.5 persons using 100 GPCD (gallons/capita/day) = 350 gallons per day = 1 Equivalent Residential Unit (EQR). Apartments = 0.75/EQR unit. Mobile Homes = 0.75/EQR unit. A substantial portion of in‑house diversions will return to the stream system following wastewater treatment. The consumptive use, expressed as a percent of diversions, is assumed to be as follows: Central treatment system = 5.0 percent. Septic tank/leachfield system = 10.0 percent. Evaporative system = 100.0 percent. **Commercial Use:** Commercial uses are to be calculated on a case-by-case basis using specific water use data, when available. If specific water use data is not available, EQR ratings based on the type and size of commercial facility will be used. Some examples of commercial EQR ratings are included below: Office = 0.60 EQR/1,000 S.F. Warehouse = 0.30 EQR/1,000 S.F. Retail Sales = 0.60 EQR/1,000 S.F. **Irrigation Water Use: Evapotranspiration Calculation Inputs - Climatic Data:** While methods for calculating evapotranspiration vary, each method requires that the user input site-specific temperature and precipitation data. In order to provide a standardized methodology that will provide site-specific data for calculating evapotranspiration, each irrigation contract will rely on data collected from the closest reliable weather station (at this time these stations include: Twin Lakes Reservoir, Sugarloaf Reservoir, Leadville Lake, and Climax). **Evapotranspiration Calculation Methodology:** The generally accepted methodology of calculating evapotranspiration varies by crop type. The Modified Blaney Criddle Method, as outlined by the Soil Conservation Service in Technical Release No. 21, or other method approved methodology accepted by the Div. Engineer, Water Div. 2, will be used in calculating bluegrass consumptive use for proposed contracts. The consumptive use coefficients and altitude correction factors are taken from the Pochop, Borrelli and Burman Paper titled “Elevation – A Bias Error in SCS Blaney Criddle Estimates” (ASAE, 1984). This methodology requires the user to input data regarding the temperature and precipitation regimes, and elevation, of the irrigated land. For the purposes of calculating augmentation requirements, bluegrass will be assumed to start growing, and requiring irrigation, when mean daily temperatures exceed 45 deg. Fahrenheit. Average monthly precipitation and temperature for the land proposed for irrigation by the proposed contractee will be evaluated at the nearest weather station and adjusted for elevation. The DWR’s recommended methodology for calculating consumptive use for pasture grass and alfalfa relies on procedures outlined in the Soil Conservation Service’s Technical Release No. 21 (T.R. No. 21). The DWR also recommends modifying the T.R. No. 21 calculations using a crop’s elevation based on ASCE Manual and Report No. 70 (1990). Consumptive use will be calculated using these methods in combination with local climatic data. The most common crop types that will be considered for potential contracts are bluegrass, pasture grass and alfalfa. If a non-traditional crop type is proposed, consumptive use will be calculated using a methodology generally accepted by the DWR that incorporates growth coefficients specific to that crop. **Diversion Rate:** Once the crop and/or lawn consumptive use is determined, total diversion requirements will be calculated based upon expected application rates for the different irrigation methods. The application rate for sprinkler irrigation was assumed to be 1.25 times the C.U. rate (80 percent efficient) and the application rate for flood irrigation was assumed to be 3.33 times the C.U. rate (30 percent efficient). **Surface Evaporation.** Annual surface evaporation for proposed contracts will be calculated according to the following methodology. Gross annual evaporation will be calculated using NOAA Technical Report NWS 33, Evaporation for the Contiguous 48 United States, using the isopleths of annual shallow lake evaporation for the State of CO. The gross annual evaporation will be distributed on a monthly basis according to the General Guidelines for Substitute Water Supply Plans for Sand and Gravel Pits Submitted to the State Engineer Pursuant to SB-120 & SB 93-260. For the purposes of augmentation, evaporation is assumed to occur only when the average daily temperature is greater than 32 deg. Fahrenheit. Thus, monthly evaporation will be modified according to average monthly temperatures at local weather stations including Leadville Lake, Sugarloaf Reservoir, Climax and Twin Lakes Reservoir. The potential for adjusting gross evaporation for effective precipitation will be considered on a case-by-case basis. This is required by State Policy No. 2004-3 which states that no effective precipitation credit shall be allowed to offset evaporative losses occurring as a result of reservoirs and ponds constructed outside the streambed. If effective precipitation can be considered, it will be based on average monthly precipitation calculated using local weather stations including Leadville Lake, Sugarloaf Reservoir, Climax and Twin Lakes Reservoir. Livestock Water Use. Livestock requires approximately 11 gallons of water per day per head. This water use will be considered 100 percent consumptive. **Delayed Depletions:** The Dist. will account for delayed depletions with respect to any wells that will be authorized for diversion under this plan for augmentation. Stream depletions resulting from well pumping are both lagged and attenuated. The lag time and magnitude of attenuation is a function of a well’s distance from the stream and the aquifer characteristics. The stream depletions from some wells are expected to be delayed significantly, but the depletions may be reasonably expected to reach a steady state. Other wells will be completed in alluvial formations close to the Arkansas River, or its tributaries, and will have little or no delayed impact. In order to replace out-of-priority depletions in time and amt., delayed depletion factors have been developed using the Glover well pumping depletion model. The depletion factors have been developed for alluvial and bedrock aquifers. Alluvial aquifers are classified as either “Tributary” or “Main Stem” based on the average distance from the stream to the alluvial boundary. “Main Stem” aquifers include the Arkansas River, the E. Fork of the Arkansas River and Tennessee Creek. All other streams within Area A are considered “Tributary.” The factors are described as follows: Band T1: Tributary, 100 to 500 ft. from the stream, Band T2: Tributary, greater than 500 ft. from the stream, Band MS1 Main Stem, 100 to 500 ft. from the stream, Band MS2 Main Stem, 501 to 1000 ft. from the stream, Band MS3 Main Stem, 1001 to 2000 ft. from the stream, Band MS4 Main Stem, 2001 to 3000 ft. from the stream, Band MS5 Main Stem, greater than 3001 ft. from the stream, and Band B1, Bedrock, all bedrock well completions. For wells located within 100 ft. of a stream the depletions are assumed to occur with the same monthly distribution pattern as the pumping. To determine appropriate stream depletion factors for each of the 8 bands, a series of Glover analyses were conducted. Wells in both alluvial aquifers and bedrock aquifers were analyzed. Table 1 summarizes the results of the analyses.

Table 1:

Monthly Lagged Stream Depletion Factors

For Alluvial and Bedrock Wells

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | T1 | T2 | MS1 | MS2 | MS3 | MS4 | MS5 | B1 |
| Month | 100-500 ft | >500 ft | 100-500 ft | 501-1000 ft | 1001-2000 ft | 2001- 3000 ft | >3000 ft | all |
| 1 | 53 | 32 | 59 | 33 | 10 | 5 | 7 | 7 |
| 2 | 34 | 46 | 21 | 28 | 23 | 14 | 7 | 18 |
| 3 | 10 | 16 | 6 | 11 | 16 | 17 | 9 | 15 |
| 4 | 3 | 4 | 3 | 7 | 11 | 13 | 9 | 11 |
| 5 |  | 1 | 3 | 5 | 9 | 11 | 9 | 9 |
| 6 |  | 1 | 2 | 4 | 7 | 9 | 9 | 8 |
| 7 |  |  | 2 | 3 | 6 | 8 | 9 | 7 |
| 8 |  |  | 1 | 3 | 5 | 6 | 9 | 6 |
| 9 |  |  | 1 | 2 | 4 | 5 | 8 | 5 |
| 10 |  |  | 1 | 2 | 3 | 5 | 8 | 5 |
| 11 |  |  | 1 | 2 | 3 | 4 | 8 | 5 |
| 12 |  |  |  |  | 3 | 3 | 8 | 4 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

The depletion factors are assumed to apply to both well pumping diversions and to return flows. Thus, for determining the timing and amt. of augmentation storage releases the depletion factors are applied to calculated depletions. **Non-Delayed Depletions:** Diversions from springs or surface diversions from creeks or rivers or diversions from alluvial aquifers within 100 ft. of the stream are assumed to have no delayed depletion impact. **Third Claim: Request for Appropriative Rights of Exchange.** **Purpose and Types of Appropriative Rights of Exchange.** Lake Cty. seeks confirmation of appropriative rights of exchange to the extent that any augmentation replacement is introduced to the river system at a point downstream of the authorized points of diversion to be augmented under the Cty.’s Plan for Augmentation. The Cty. has identified five exchange regions, Areas A-1 through A-5. Each Sub-Area has a unique exchange potential and, with the exception of Area A-1, will involve the development of upstream storage supplies and/or Contract Exchanges in cooperation with participating water suppliers in order to fully develop and implement the proposed exchanges. Area A-1 as described below and shown graphically in Ex. A, represents that area within the Cty. that can be fully augmented by exchange using the Cty.’s available augmentation sources including its native Twin Lakes Native Water storage supply and consumptive use credits associated with the Derry Ditches No. 2 and 3 as applied for herein. The Cty. will implement two types of exchanges: storage exchanges and river exchanges: **Storage Exchanges.** Storage Exchanges are those exchanges of water whereby Lake Cty. stores available water by exchange in upstream storage facilities, for subsequent release to augment out-of-priority depletions in accordance with the Plan for Augmentation requested by this Amended Application, while providing sufficient replacement water at or above the calling water right. **River Exchanges.** The Cty.’s proposed river exchanges will provide augmentation supply by exchange within the Plan for Augmentation’s service Area A in amts. necessary to replace depletions attributed to Cty. Contractees located at various upstream locations. **Description of Exchanges. Storage Exchanges: Twin Lakes to Box Creek Reservoir Exchange.** The purpose of this exchange is to move the Cty.’s Twin Lake Native Water to an upstream storage site at the proposed Box Creek Reservoir, described above. **Legal Description of Exchange Reach:** Downstream Terminus: The confluence of Lake Creek with the Arkansas River located in the NE 1/4 of the SE 1/4 of Sec. 24, T. 11 S., R. 80 W. of the 6th P.M. The downstream terminus is located approximately 3,310 ft. from the W. line and 2,820 ft. from the N. line of Sec. 24. Upstream Terminus: The dam centerline of Box Creek Reservoir to be located in the NW 1/4 of the NE 1/4 of Sec. 4, T. 11 S., R. 80 W. of the 6th P.M. The upstream terminus is approximately 2,130 ft. from the E. line and 210 ft. from the N. line of Sec. 4. **Maximum Rate of Exchange:** 5 cfs. **Source:** Twin Lakes Native Water. **Twin Lakes to Hayden Meadows Recreation Pond Exchange.** The purpose of this exchange is to move the Cty.’s Twin Lake Native Water to an upstream storage site at the existing Hayden Meadows Recreation Pond. **Legal Description of Exchange Reach:** Downstream Terminus: The confluence of Lake Creek with the Arkansas River located in the NE 1/4 of the SE 1/4 of Sec. 24, T. 11 S., R. 80 W. of the 6th P.M. The downstream terminus is located approximately 3,310 ft. from the W. line and 2,820 ft. from the N. line of Sec. 24. Upstream Terminus: The Upper River Ditch headgate located in the NE 1/4 of the SE 1/4 of Sec. 16, T. 10 S., R. 80 W. of the 6th P.M. The upstream terminus is located approximately 790 ft. from the E. line and 1,850 ft. from the S. line of Sec. 16. **Maximum Rate of Exchange:** 3 cfs. **Source:** Twin Lakes Native Water, as described above. **Twin Lakes to Birdseye Gulch Exchange.** The purpose of this exchange is to move the Cty.’s Twin Lakes Native Water to an upstream storage site at the proposed Birdseye Gulch Reservoir. **Legal Description of Exchange Reach:** Downstream Terminus: The confluence of Lake Creek with the Arkansas River located in the NE 1/4 of the SE 1/4 of Sec. 24, T. 11 S., R. 80 W. of the 6th P.M. The downstream terminus is located approximately 3,310 ft. from the W. line and 2,820 ft. from the N. line of Sec. 24. Upstream Terminus: A reservoir fill ditch located on Birdseye Gulch in the NE 1/4 of the SE 1/4 of Sec. 33, T. 8 S., R. 79 W. of the 6th P.M. The upstream terminus is located approximately 2,920 ft. from the W. line and 1,700 ft. from the S. line of Sec. 33. **Maximum Rate of Exchange:** 1.5 cfs. **Source:** Twin Lakes Native. **Box Creek Reservoir and the Derry Ditches No. 2 and 3 to Hayden Meadows Recreation Pond Exchange.** The purpose of this exchange is to move the Cty.’s Box Creek Reservoir storage supply and/or the Cty.’s Derry Ditches No. 2 and 3 consumptive use credits upstream to the existing Hayden Meadows Recreation Pond. **Legal Description of Exchange Reach:** Downstream Terminus: The confluence of Box Creek with the Arkansas River located in the NW 1/4 of the SE 1/4 of Sec. 11, T. 11 S., R. 80 W. of the 6th P.M. The downstream terminus is located approximately 3,550 ft. from the W. line and 2,510 ft. from the S. line of Sec. 11. Upstream Terminus: The Upper River Ditch headgate located in the NE 1/4 of the SE 1/4 of Sec. 16, T. 10 S., R. 80 W. of the 6th P.M. The upstream terminus is located approximately 790 ft. from the E. line and 1,850 ft. from the S. line of Sec. 16. **Maximum Rate of Exchange:** 3 cfs. **Sources:** Box Creek Reservoir, Derry Ditch No. 2 and Derry Ditch No. 3. **Box Creek Reservoir and the Derry Ditches No. 2 and 3 to Birdseye Gulch Exchange.** The purpose of this exchange is to move the Cty.’s Box Creek Reservoir storage supply and/or the Cty.’s consumptive use credits associated with the Derry Ditches No. 2 and 3 upstream to the proposed Birdseye Gulch Reservoir, described above. **Legal Description of Exchange Reach:** Downstream Terminus: The confluence of Box Creek with the Arkansas River located in the NW 1/4 of the SE 1/4 of Sec. 11, T. 11 S., R. 80 W. of the 6th P.M. The downstream terminus is located approximately 3,550 ft. from the W. line and 2,510 ft. from the S. line of Sec. 11. Upstream Terminus: A reservoir fill ditch located on Birdseye Gulch in the NE 1/4 of the SE 1/4 of Sec. 33, T. 8 S., R. 79 W. of the 6th P.M. The upstream terminus is located approximately 2,920 ft. from the W. line and 1,700 ft. from the S. line of Sec. 33. **Maximum Rate of Exchange:** 1.5 cfs. **Sources:** Box Creek Reservoir, Derry Ditch No. 2 and Derry Ditch No. 3. **Hayden Meadows Recreation Pond to Birdseye Gulch Reservoir Exchange.** The purpose of this exchange is to move the Cty.’s Hayden Meadows Recreation Pond storage supply upstream to the proposed Birdseye Gulch Reservoir. **Legal Description of Exchange Reach:** Downstream Terminus: The confluence of the Hayden Meadows Recreation Pond outlet channel and the Arkansas River located in the SE 1/4 of the NW 1/4 of Sec. 22, T. 10 S., R. 80 W. of the 6th P.M. The downstream terminus is located approximately 1,920 ft. from the W. line and 1,990 ft. from the N. line of Sec. 22. Upstream Terminus: A reservoir fill ditch located on Birdseye Gulch in the NE 1/4 of the SE 1/4 of Sec. 33, T. 8 S., R. 79 W. of the 6th P.M. The upstream terminus is located approximately 2,920 ft. from the W. line and 1,700 ft. from the S. line of Sec. 33. **Maximum Rate of Exchange:** 1.5 cfs. **Source:** Hayden Meadows Recreation Pond. **Future Storage Exchange.** The purpose of this exchange is to allow the Cty. to move its downstream storage supplies and/or its Derry Ditches No. 2 and 3 consumptive use credits to future upstream storage sites located within the defined exchange regions: Areas A-1 through A-5. **Legal Description of Exchange Reach.** Downstream Terminus: The confluence of Lake Creek with the Arkansas River located in the NE 1/4 of the SE 1/4 of Sec. 24, T. 11 S., R. 80 W. of the 6th P.M. The downstream terminus is located approximately 3,310 ft. from the W. line and 2,820 ft. from the N. line of Sec. 24. Upstream Terminus: Upstream boundaries of Areas A-1 through A-5 as more fully described above. **Maximum Rate of Exchange:** 1.5 cfs. **Sources:** Twin Lakes Native Water, Derry Ditch No. 2, Derry Ditch No. 3, Box Creek Reservoir, Hayden Meadows Recreation Pond, Birdseye Gulch Pond. **River Exchanges. Area A-1 River Exchange.** Under this exchange, the Cty. will replace the depletions with the release of storage supplies, the Derry Ditch No. 2 and Derry Ditch No. 3 consumptive use credits, and Contract Exchange water. Legal **Description of Exchange Reach:** Downstream Terminus: the S.ern boundary of Lake Cty. The downstream terminus is located in the SW 1/4 of the SW 1/4 of Sec. 30, T. 11 S., R. 79 W. of the 6th P.M. approximately 520 ft. from the W. line and 0 ft. from the N. line of Sec. 30. Upstream Terminus: Upstream boundaries of Area A-1 as more fully described above. **Maximum Rate of Exchange:** 2 cfs. **Area A-2 River Exchange.** Under this exchange, the Cty. will replace the depletions associated with Area A-2 with the release of storage supplies, the Derry Ditch No. 2 and Derry Ditch No. 3 consumptive use credits, and Contract Exchange water. **Legal Description of Exchange Reach.** Downstream Terminus: Downstream Terminus: The confluence of Lake Creek with the Arkansas River located in the NE 1/4 of the SE 1/4 of Sec. 24, T. 11 S., R. 80 W. of the 6th P.M. The downstream terminus is located approximately 3,310 ft. from the W. line and 2,820 from the N. line of Sec. 24. Upstream Terminus: Upstream boundaries of Area A-2 as more fully described above. **Maximum Rate of Exchange:** 0.5 cfs. **Area A-3 River Exchange.** Under this exchange, the Cty. will replace the depletions associated with Area A-3 with the release of storage supplies, the Derry Ditch No. 2 and Derry Ditch No. 3 consumptive use credits, and Contract Exchange water. **Legal Description of Exchange Reach.** Downstream Terminus: Downstream Terminus: The confluence of Lake Creek with the Arkansas River located in the NE 1/4 of the SE 1/4 of Sec. 24, T. 11 S., R. 80 W. of the 6th P.M. The downstream terminus is located approximately 3,310 ft. from the W. line and 2,820 ft. from the N. line of Sec. 24. Upstream Terminus: Upstream boundaries of Area A-3 as more fully described above. **Maximum Rate of Exchange:** 0.5 cfs. **Area A-4 River Exchange.** Under this exchange, the Cty. will replace the depletions associated with Area A-4 with the release of storage supplies, the Derry Ditch No. 2 and Derry Ditch No. 3 consumptive use credits, and Contract Exchange water. **Legal Description of Exchange Reach.** Downstream Terminus: Downstream Terminus: The confluence of Lake Creek with the Arkansas River located in the NE 1/4 of the SE 1/4 of Sec. 24, T. 11 S., R. 80 W. of the 6th P.M. The downstream terminus is located approximately 3,310 ft. from the W. line and 2,820 ft. from the N. line of Sec. 24. Upstream Terminus: Upstream boundaries of Area A-4 as more fully described above. **Maximum Rate of Exchange:** 2.0 cfs. **Area A-5 River Exchange.** Under this exchange, the Cty. will replace the depletions associated with Area A-5 with the release of storage supplies, the Derry Ditch No. 2 and Derry Ditch No. 3 consumptive use credits, and Contract Exchange water. **Legal Description of Exchange Reach.** Downstream Terminus: Downstream Terminus: The confluence of Lake Creek with the Arkansas River located in the NE 1/4 of the SE 1/4 of Sec. 24, T. 11 S., R. 80 W. of the 6th P.M. The downstream terminus is located approximately 3,310 ft. from the W. line and 2,820 ft. from the N. line of Sec. 24. Upstream Terminus: Upstream boundaries of Area A-5 as more fully described above. **Maximum Rate of Exchange:** 0.5 cfs. **Sources for all River Exchanges:** Augmentation Sources, as described above, including Twin Lakes Reservoir; Derry Ditch No. 2 and Derry Ditch No. 3 consumptive use credits as requested herein; Box Creek Reservoir; Hayden Meadows Recreation Pond; Birdseye Gulch Reservoir; and Contract Exchange Sources. **Use for All Exchanges:** To replace out of priority depletions by the Contractees pursuant to the Plan for Augmentation described above. **Priority Date for All Exchanges:** 12/7/1998. The appropriation was initiated by Cty. action authorizing this Plan for Augmentation and related exchanges and the posting of public notices within Lake Cty. describing the nature and extent of the proposed appropriation, all with the intent to acquire and appropriate water for beneficial uses as set forth in this Application. **Terms and Conditions.** The Cty. proposes the following additional terms and conditions to prevent injury to other vested water rights by this Application: **Measurement:** Applicant shall install and maintain such measuring devices as are reasonably required by the Div. Engineer to administer Applicant’s plan for augmentation and exchanges. **Accounting:** Applicant shall maintain records of diversions made pursuant to its augmentation plan and its replacements of out-of-priority depletions from those diversions and shall report the same to the Div. Engineer annually on or before November 15th of each year. **Curtailment:** In conformance with C.R.S. § 37-92-305(8), the State Engineer shall curtail all out-of-priority diversions, the depletions from which are not so replaced under the terms and conditions of this decree as to prevent injury to vested water rights. **Retained Jurisdiction:** Applicant shall include a reasonable period of retained jurisdiction. **Structures Owned by Third Parties.** Applicant may utilize storage in, or water rights decreed to, the structures owned by third parties, including Turquoise Reservoir, Wurts Ditch, Ewing Placer Ditch, Columbine Ditch, Twin Lakes Tunnel No. 1, or the Box Creek Reservoir, only as part of a negotiated trade or exchange with the owners of these sources. **No Change to Other Water Rights.** This Amended Application does not request a change of water rights for any water rights other than the Derry Ditches No. 2 and 3 and, conditionally, the Twin Lakes Native Water. No change is requested for rights decreed to any other structure, including those for which Lake Cty. is currently contemplating and negotiating for use as a Contract Exchange. **Exchange Use.** The exchange requested in this plan shall be made only at such times as there are adequate flows in the subject reach of the Arkansas River and its tributaries so as to satisfy the legal entitlement of senior priorities within that reach at that time. **Use of Federal Land.** Any use of federal land by Applicant or its Contractees for the purposes sought herein is contingent upon and subject to obtaining appropriate authorization issued by the appropriate federal land management agency. **Names and addresses of owners or reputed owners of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Birdseye Gulch Reservoir and Ditch:** Bureau of Land Management, 3028 E. Main Street, Canon City, CO 81212. **Hayden Meadows Recreation Pond:** Applicant. **Twin Lakes Reservoir:** Twin Lakes Reservoir and Canal Company, P.O. Box 8, Ordway, CO, 81063. **Derry Ditches No. 2 and 3:** The City of Aurora, 15151 E. Alameda Parkway, Suite 3600, Aurora, CO 80012. **Turquoise Reservoir:** Water and Land Operations Div., U.S. Department of Interior, Bureau of Reclamation, E. Colorado Projects Office, 11056 W. Cty. Road 18E, Loveland, CO, 80537-9711. **Box Creek Reservoir:** To be constructed on lands owned by the City of Aurora, 15151 E. Alameda Parkway, Suite 3600, Aurora, CO. **Upper River Ditch:** City of Aurora, 15151 E. Alameda Parkway, Suite 3600, Aurora, CO.

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**CASE NO. 09CW149 – PARKVILLE WATER DISTRICT, Attn: Greg Teter, General Management, P. O. Box 45, Leadville, CO 80461** (Henry D. Worley, Worley Law Firm, LLC, Attorney for Applicant, 611 N. Weber St. #102, Colorado Springs, CO 80903; (719) 634-8330)

Second Amended Application for Change of Water Rights, for Conditional Appropriative Exchange Right, and for Approval of Plan for Augmentation

**LAKE COUNTY**

**I. APPLICATION FOR CHANGE OF WATER RIGHTS** **2. Decreed name of structure:** Canterbury Tunnel. **A. Historical information**: **i. Decree for Stevens and Leiter Ditch:** entered September 10, 1904 in Civil Action No. 1856 by the District Court of the Eleventh Judicial District sitting in and for the County of Chaffee; decree changing point of diversion of 3.0 cfs of the Stevens and Leiter Ditch right to Canterbury Tunnel was entered June 14, 1960 in Case No. 4918, Chaffee County District Court **ii. Appropriation date:** September 1, 1873. **iii. Source:** For Stevens and Leiter Ditch, East Branch of the Arkansas River; for Canterbury Tunnel, ground water tributary to the East Branch of the Arkansas River. **iv. Amount and Use**: 36 cfs for placer mining, power, manufacturing, domestic, fire protection and milling purposes and other uses incident thereto, of which 3.0 cfs was transferred to the Canterbury Tunnel in Case No. 4918, Chaffee County District Court on June 14, 1960. 1.5 cfs of that 3.0 cfs was changed to include the Arkansas Wells Nos. 1, 2 and 3 as additional points of diversion in Consolidated Case Nos. 88CW58 and 95CW6, Water Division 2, October 20, 1999. That 1.5 cfs is not affected by this application. **v. Decreed Point of Diversion:** Stevens and Leiter Ditch – from a point in the NE1/4 SW1/4 Section 33, T. 8 S., R. 79 W., 6th P.M., whence the West quarter corner of Section 33, T. 8 S., R. 79 W. bears North 84 degrees 45' West 2038.9 feet; Canterbury Tunnel – the portal of the Canterbury Tunnel, at a point which bears approximately South 65 degrees 35' East 207.42 feet from Corner No. 7 of the Cass Placer, which Corner No. 7 is 660 feet East of the internal quarter corner of Section 12, T. 9 S., R. 80 W. of the 6th P.M. **B. Proposed change**: Change of point of diversion from the portal of Canterbury Tunnel to Canterbury Well No. 1, permit no. 75161-F, located in the NE1/4 SE1/4 Section 12, T. 9 S., R. 80 W., 6th P.M., Lake County, at a point 1,932 feet north of the south section line and 504 feet west of the east section line. **C. Detailed description of proposed change:**  Applicant’s predecessor in interest of the water rights to be changed was Leadville Water Company, which in 1960 obtained a change in point of diversion for 3.0 cfs of the Stevens and Leiter Ditch to the portal of the Canterbury Tunnel in Case No. 4918 in Chaffee County District Court. Applicant now owns that water right, and diverted water from the portal of the Canterbury Tunnel for use in its municipal service area until the latter part of 1999, when a series of collapses of the Canterbury Tunnel greatly diminished the flow of water from the tunnel. Applicant seeks a new point of diversion, the Canterbury Well No. 1, for 1.5 cfs of this water right, the other 1.5 cfs having been given three alternate points of diversion in Consolidated Case Nos. 88CW58 and 95CW6. The Canterbury Well No. 1 is drilled vertically into the Canterbury Tunnel, thereby accessing the water which is backed up behind the cave-in. Applicant’s annual diversions of this water right from the portal of the Canterbury Tunnel averaged 1022.6 acre feet from January 1990 through September 1999. Applicant proposes to limit diversions from the Canterbury Well No. 1 to 10,226 acre feet over a ten year running average. Contrary to the original application in this case, the only change for the Stevens and Leiter / Canterbury Tunnel water right sought in the present amended application is a change of point of diversion to the Canterbury Well No. 1. No change in use is sought. **D. Other.** The Canterbury Well No. 1 is located on an easement owned by the Applicant. The servient estate is owned by Evergreen Land Co., L.P., 100 Crescent Court, Suite 1150, Dallas Texas 75201. It was provided a copy of the original application in this case. This amended application does not increase or change the nature of the burden that the easement will cause to the servient estate. **II. APPLICATION FOR CONDITIONAL RIGHT OF EXCHANGE. 3. A. Name of “structure”:**  Parkville Twin Lakes Exchange **B. Location**: From the confluence of Lake Creek and the Arkansas River in the NW1/4 SE1/4 Section 24, T. 11 S., R. 80 W., to Big Evans Reservoir No. 2, located in the E1/2 SW1/4 Section 15, T. 9 S., R. 79 W., 6th P.M. **C. Amount**: 0.5 cfs, conditional, limited to 1.1 acre foot annually. **D. Appropriation date**: January 30, 2012, the date of filing of this application. **IV. AMENDED APPLICATION FOR PLAN FOR AUGMENTATION.** **4.** **Name of structure to be augmented**: Canterbury Well No. 1, permit no. 75161-F. The Canterbury Well No. 1 is not a decreed structure. Pursuant to the change of water rights contemporaneously requested herein, the only water right to be withdrawn from this structure is 1.5 cfs of the Stevens and Leiter Ditch right, as changed to the Canterbury Tunnel. Those rights are described in detail in the “Change of Water Rights” portion of this application, as is the location of the Canterbury Well No. 1. **5.** **Water rights to be used for augmentation.** Applicant has entered a one-time lease of eight acre feet of fully consumable Twin Lakes Reservoir and Canal Company water and will store it in Big Evans Reservoir No. 2 by an administrative exchange. Applicant is also the owner of one share of stock in Twin Lakes Canal and Reservoir Company, which may also be utilized for augmentation purposes. As needed to maintain eight acre feet of water in Big Evans Reservoir No. 2, Applicant will cause that water to be released from Twin Lakes Reservoir and will contemporaneously store it in Big Evans Reservoir No. 2 by the appropriative right of exchange sought to be conditionally decreed herein. Twin Lakes Reservoir and Canal Company water rights are described as follows: A. Twin Lakes Reservoir and Canal Company - Independence Pass Transmountain Diversion System. The Independence Pass Trans­mountain Diversion System diverts water from the headwaters of Roaring Fork River and its tributaries, and carries such water through the Continental Divide for delivery to Lake Creek, a tributary of the Arkansas River. The System is decreed for 625 c.f.s. through the transmountain tunnel by decree dated August 25, 1936, with an appropriation date of August 23, 1930, by the District Court, Garfield County, Civil Action No. 3082. The original decree for the system was modified by a decree in Case No. W-1901 (District Court, Water Division No. 5), dated May 12, 1976, which decree contains additional limits more fully set forth therein. The land upon which most of the above diversion system is located is owned by the United States of America and is administered by the Department of Agriculture, National Forest Service Rocky Mountain Regional Office, 740 Simms, P.O. Box 25127, Lakewood, CO 80225. Its phone number is 303-275-5350. B. Twin Lakes Reservoir and Canal Company - Twin Lakes Reservoir and Twin Lakes Reservoir Enlargement. Native water stor­ed in Twin Lakes Reservoir pursuant to the decrees for the Twin Lakes Reservoir and Canal Company adjudicated in Civil Action No. 2346, District Cour­t, Chaffee County, on July 14, 1913, with an appropriation date of December 15, 1896, for 20,645.3 acre-feet and March 29, 1897, for 33,806.7 acre-feet, as changed by decree in Case No. W-3965, Water Division No. 2, entered April 19, 1974. The land upon which Twin Lakes Reservoir is located is owned by United States of America, and is administered by the Department of Agriculture, National Forest Service Rocky Mountain Regional Office, address listed above, and/or Twin Lakes Canal and Reservoir Company, 331 Main Street, Ordway, CO 81063. Its phone number is 719-267-4411.C. Twin Lakes Reservoir and Canal Company water rights are decreed for all beneficial uses, including augmentation. **6. Complete statement of plan for augmentation. A.** The Stevens and Leiter Ditch right has a very senior priority for this part of the Arkansas River system and is very seldom out of priority. Thus, it is anticipated that the vast majority of the time, the 1.5 cfs of the water right originally decreed to the Stevens and Leiter Ditch will be diverted in priority from the Canterbury Well No. 1. **B.**  Due to large system losses calculated at 57 percent of diversions, bleeding of water lines during the winter to keep them from freezing, and the short summer and small lawns in Leadville, the historical consumptive use of this 1.5 cfs water right was calculated to equal only 4.6 percent of diversions. During the rare times when the Stevens and Leiter Ditch right is out of priority, Applicant may continue to pump water from the Canterbury Well No. 1. To augment depletions which occur during such times, Applicant will contemporaneously release from Big Evans Reservoir No. 2 into Evans Gulch an amount of its fully consumable augmentation water equal to 4.6 percent of the amount being pumped from the Canterbury Well No. 1. If Evans Gulch is dry at any location between Evans Gulch Reservoir (as distinguished from Big Evans Reservoir No. 2), as sometimes occurs, Applicant will deliver the augmentation water to the Arkansas River by releasing it from Big Evans Reservoir No. 2, then diverting it from the downstream Evans Gulch Reservoir and piping it generally north to the SW1/4 Section 12, T. 9 S., R. 80 W., 6th P.M., metering it, and discharging it into the East Fork Arkansas River. The piping necessary to accomplish that is mostly in place; it will be necessary to install a meter and construct an appropriate facility to discharge that water into the East Fork Arkansas River. Replacements will be made daily. **C.** Applicant will routinely maintain 8.0 acre feet of fully consumable water in Big Evans Reservoir No. 2. After using any of the 8.0 acre feet for augmentation purposes, Applicant will replenish it as expeditiously as possible. Applicant’s share of stock in Twin Lakes Canal and Reservoir Company may be used for that purpose. To the extent that the Twin Lakes water is insufficient to fully replenish the 8.0 acre feet of augmentation water in storage, Applicant will lease fully consumable Twin Lakes Reservoir and Canal Company water for that purpose. If Applicant proposes to use some source of water other than Twin Lakes Reservoir and Canal Company Water, Applicant will seek judicial approval of such source, after notice.

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**CASE NO. 11CW53 – STONE CREEK ENTERPRISES, LLC and MICHAEL R. DuPRE, 619 Pontalba Drive S.W., Supply, NC 28462; (910-846-2804 and 18980 County Road 162, Nathrop, CO 81236; (719) 395-6287**

Amended Application for Conditional Water Rights (Surface)

**CHAFFEE COUNTY**

**Name of Structure:** Stone Creek. **Legal Description: UTM coordinates, Zone 13:** Northing 4286004, Easting 393409. **PLSS Location:** Chaffee County, SW ¼ NE ¼ Section 28, Township 15 South, Range 79 West, 6th P.M., 1,900 feet from the east section line and 2,670 feet from the south section line. **Source:** Agnes Vail Fall; **Date of appropriation:** August 3, 2011; **How appropriation was initiated:** Mailed form JDF 296W. **Date water applied to beneficial use:** N/A. **Amount claimed:** 1 cfs Conditional. **Use:** Irrigation. **Number of acres historically irrigated:** 1; **proposed to be irrigated:** 1. **Legal description of acreage:** 1 acre of land within the NW ¼ of the SW ¼ of Section 27, Township 15 South, Range 79 West, 6th P.M., Chaffee County, Colorado, also known as 18980 County Road 162, Nathrop, CO 81236 or Joe Love Subdivision 2, Lot 9. **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:** U.S. Forest Service. **Remarks:** There is an existing ditch that runs from Agnes Vale Falls through said property. This ditch was active from 1957 until 2006. Evidence of activity is supported by the existence of a culvert placed under Hwy. 162. This request is an effort to support re-vegetation.

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**CASE NO. 12CW1 – WOODMOOR WATER AND SANITATION DISTRICT NO. 1, P. O. Box 1407, Monument, CO 80132** (Veronica A. Sperling, Buchanan and Sperling, P.C., Attorneys for Applicant, 7703 Ralston Road, Arvada, Colorado 80002, 303-431-9141).

Application for Change of Water Rights

**EL PASO COUNTY.**

**2. Background:** Woodmoor has purchased 58.0 shares of the Chilcott Ditch Company and seeks to change the type, manner, season and place of use of the water rights represented by the shares as described in paragraph 3 below. There are 105 outstanding shares of the Chilcott Ditch Company. Woodmoor has also purchased the Liston and Love Ditch, Lock Ditch, Lock Ditch No. 2 and Callahan Reservoir water rights described in paragraphs 4, 5 and 6 below and seeks to change the type, manner, season and place of use of those water rights. **3. Decreed water right for which change is sought: 3.1 Name of structure:** Chilcott Ditch. **3.2 Date, case number and court of original and all relevant subsequent decrees:** 3.2.1 February 15, 1882, Case No. 751, District Court, El Paso County, Colorado, former Water District 10, Fountain Creek Priority No. 27, for 27.0 cfs for irrigation with an appropriation date of March 21, 1866 and Priority No. 39, for 20.63 cfs for irrigation with an appropriation date of March 21, 1874. 3.2.2 June 2, 1919, Case No. 10146, District Court, El Paso County, former Water District 10, Fountain Creek Priority No. 172, for 30.95 cfs for irrigation with an appropriation date of December 18, 1905. 3.2.3 August 11, 2009, Case No. 2006CW119, Water Court, Water Division 2, average annual historical consumptive use of the Chilcott Ditch water rights was quantified at 24.61 acre feet per share for all shares of the Chilcott Ditch Company, based on a ditchwide consumptive use analysis. **3.3 Legal description of structure:** The point of diversion of the Chilcott Ditch is located at a point on the east bank of Fountain Creek in the SE 1/4 of Section 25, Township 15 South, Range 66 West of the 6th P.M., El Paso County, Colorado. The location of the point of diversion of the Chilcott Ditch is shown on the map attached to the application as Appendix A. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) **3.4 Decreed source of water:** Fountain Creek, tributary to the Arkansas River. **3.5 Appropriation dates:** March 21, 1866 in the amount of 27.0 cfs; March 21, 1874 in the amount of 20.63 cfs; December 18, 1905 in the amount of 30.95 cfs. **Total amount originally decreed to structure:** 78.58 cfs. **3.6 Decreed use or uses:** The decreed use for the Chilcott Ditch water rights is irrigation except for those portions of the Chilcott Ditch water rights that have been changed to municipal and other uses by the City of Fountain and Security Water District in Case No. 2006CW119. **3.7 Amount of water that applicant intends to change:** Woodmoor intends to change its *pro rata* interest in the Chilcott Ditch water rights (“Subject Chilcott Ditch Water Rights”) which is as follows: Priority No. 27, Total Decreed 27.00 cfs, Woodmoor *Pro Rata* Interest 14.914 cfs; Priority No. 39, Total Decreed 20.63 cfs, Woodmoor *Pro Rata* Interest 11.396 cfs; Priority No. 172, Total Decreed 30.95 cfs, Woodmoor *Pro Rata* Interest 17.096 cfs. In Case No. 2006CW119, the average annual historical consumptive use of the Chilcott Ditch water rights was quantified at 24.61 acre feet per share for all shares of the Chilcott Ditch Company, based on a ditchwide consumptive use analysis. The total average annual historical consumptive use for Woodmoor’s 58 shares is 1,427.38 acre feet. **4. Decreed water right for which change is sought: 4.1 Name of structure:** Liston and Love Ditch. Woodmoor owns and seeks to change 75% of the water rights decreed to the Liston and Love Ditch. **4.2 Date, case number and court of original and all relevant subsequent decrees:** 4.2.1 February 15, 1882, Case No. 751, District Court, El Paso County, Colorado, former Water District 10, Fountain Creek Priority No. 14, for 8.82 cfs for irrigation with an appropriation date of March 21, 1863 and Priority No. 33, for 3.6 cfs for irrigation with an appropriation date of December 31, 1871. 4.2.2 75% interest owned by Woodmoor and proposed to be changed: March 2, 1987, Case No. 1985CW38, Water Court, Water Division 2, average annual historical consumptive use of the 75% interest in the Liston and Love Ditch water rights presently owned by Woodmoor was quantified as 855 acre feet and diversion at the alternate point of diversion described in paragraph 4.3 below was approved, as well as use at the alternate places of use described in said decree. 4.2.3 25% interest not owned by Woodmoor and not proposed to be changed: October 18, 1974, Case No. W-4077, Water Court, Water Division 2, change of point of diversion of the 25% interest in the Liston and Love Ditch water rights not presently owned by Woodmoor. The 25% interest in the Liston and Love Ditch water rights was thereafter referred to in records maintained by the Division of Water Resources as “Liston and Love South Ditch.” A further change of this 25% interest was approved by decree entered June 10, 2008, Case No. 02CW27, Water Court, Water Division 2. **4.3 Legal description of structure:** The original point of diversion for the Liston and Love Ditch is located on the East bank of Fountain Creek in the SW 1/4 of Section 17, Township 16 South, Range 65 West, 6th P.M., El Paso County, Colorado, at a point approximately 4,100 feet from the North line and 2,500 feet from the West line of above said Section 17. The alternate point of diversion approved in Case No. 1985CW38 is the headgate of the Chilcott Ditch which is located on the east bank of Fountain Creek in the SE 1/4 of Section 25, Township 15 South, Range 66 West of the 6th P.M., El Paso County, Colorado, at a point whence the East quarter corner of said Section 25 bears North 36 minutes, 45 seconds East, approximately 571 feet. **4.4 Decreed source of water:** Fountain Creek, tributary to the Arkansas River. **4.5 Appropriation dates:** March 21, 1863 in the amount of 8.82 cfs; December 31, 1871 in the amount of 3.60 cfs. Total amount originally decreed to structure: 12.42 cfs. **4.6 Decreed use or uses for the 75% interest owned by Woodmoor and proposed to be changed:** Irrigation. **4.7 Amount of water that applicant intends to change:** Woodmoor intends to change its 75% interest in the Liston and Love Ditch (“Subject Liston and Love Ditch Water Rights”), which is as follows: Priority No. 14, Total Decreed 8.82 cfs, Woodmoor 75% Interest 6.615 cfs; Priority No. 33, Total Decreed 3.60 cfs, Woodmoor 75% Interest 2.700 cfs. **5. Decreed water right for which change is sought: 5.1 Name of structure:** Lock Ditch and Lock Ditch No. 2. Woodmoor owns and seeks to change 75% of the water rights decreed to the Lock Ditch and the Lock Ditch No. 2. **5.2 Date, case number and court of original and all relevant subsequent decrees:** 5.2.1 February 15, 1882, Case No. 751, District Court, El Paso County, Colorado, former Water District 10, Fountain Creek Priority No. 15, for 6.30 cfs for irrigation with an appropriation date of December 31, 1863, Priority No. 22, for 8.38 cfs for irrigation with an appropriation date of December 31, 1864, and Priority No. 45, for 5.02 cfs for irrigation with an appropriation date of December 31, 1880. 5.2.2 75% interest owned by Woodmoor and proposed to be changed: March 2, 1987, Case No. 1985CW38, Water Court, Water Division 2, average annual historical consumptive use of Woodmoor’s 75% interest in the Lock Ditch and Lock Ditch No. 2 water rights was quantified as 1,180 acre feet and diversion at the alternate point of diversion described in paragraph 5.3 below was approved. 5.2.3 25% interest not owned by Woodmoor and not proposed to be changed: September 21, 2009, Case No. 2006CW117, Water Court, Water Division 2, change of type of use, place of use and point of diversion of the 25% interest in the Lock Ditch water rights not owned by Woodmoor. **5.3 Legal description of structure:** The original point of diversion for the Lock Ditch and the Lock Ditch No. 2 is located on the East bank of Fountain Creek in the SE 1/4 of Section 6, Township 16 South, Range 65 West, 6th P.M., El Paso County, Colorado, at a point approximately 340 feet from the South line and 1,500 feet from the East line of said Section 6. The alternate point of diversion approved in Case No. 1985CW38 is the headgate of the Chilcott Ditch, which is located on the east bank of Fountain Creek in the SE 1/4 of Section 25, Township 15 South, Range 66 West of the 6th P.M., El Paso County, Colorado, at a point whence the East quarter corner of said Section 25 bears North 36 minutes, 45 seconds East, approximately 571 feet. **5.4 Decreed source of water:** Fountain Creek, tributary to the Arkansas River. **5.5 Appropriation dates:** December 31, 1863 in the amount of 6.30 cfs; December 31, 1864 in the amount of 8.38 cfs; December 31, 1880 in the amount of 5.02 cfs. Total amount originally decreed to structure: 19.7 cfs. **5.6 Decreed use or uses for the 75% interest owned by Woodmoor and proposed to be changed:** Irrigation. **5.7 Amount of water that applicant intends to change:** Woodmoor intends to change its 75% interest in the Lock Ditch and Lock Ditch No. 2 water rights (“Subject Lock Ditch Water Rights”), which is as follows: Priority No. 15, Total Decreed 6.30 cfs, Woodmoor 75% Interest 4.725 cfs; Priority No. 22, Total Decreed 8.38 cfs, Woodmoor 75% Interest 6.285 cfs; Priority No. 45, Total Decreed 5.02 cfs, Woodmoor 75% Interest 3.765 cfs. **6. Decreed water right for which change is sought: 6.1 Name of structure:** Callahan Reservoir a/k/a Calhan Reservoir. Applicant owns and seeks to change 100% of the water right decreed to Callahan Reservoir. **6.2 Date, case number and court of original and all relevant subsequent decrees:** June 2, 1919, Civil Action No. 10146, District Court, El Paso County, Colorado, former Water District 10, Fountain Creek Reservoir Priority No. 51, for 716 acre feet for irrigation with an appropriation date of November 20, 1909. **6.3 Legal description of structure:** Callahan Reservoir is located in the S ½ of Section 22 and the North ½ of Section 27, Township 16 South, Range 65 West, 6th P.M., El Paso County, Colorado, and fills through the Chilcott Ditch, the headgate of which is located on Fountain Creek on the east bank of Fountain Creek in the SE 1/4 of Section 25, Township 15 South, Range 66 West of the 6th P.M., El Paso County, Colorado, at a point whence the East quarter corner of said Section 25 bears North 36 minutes, 45 seconds East, approximately 571 feet. **6.4 Decreed source of water:** Fountain Creek, tributary to the Arkansas River. **6.5 Appropriation date:** November 20, 1909. Total amount originally decreed to structure: 716 acre feet. **6.6 Decreed use or uses:** The decreed use for the Callahan Reservoir water right is irrigation. **6.7 Amount of water that applicant intends to change:** Woodmoor intends to change 100% of the Callahan Reservoir water right. **7. Detailed description of proposed changes: 7.1 Historical use of Chilcott Ditch water rights:** The historical use and consumptive use of the Chilcott Ditch water rights was quantified on a ditchwide basis in Case No. 2006CW119, Water Court, Water Division 2, by decree entered on August 11, 2009 and that quantification is *res judicata* in this case. A map showing the lands historically irrigated by the Subject Chilcott Ditch Water Rights is attached to the application as Exhibit B. These lands are located within the service area of the Chilcott Ditch as determined in Case No. 2006CW119. Woodmoor intends to rely on the ditchwide quantification of historical use and consumptive use in Case No. 2006CW119 and therefore no diversion records or summaries of diversion records are included with the application. **7.2 Historical use of Subject Liston and Love Ditch Water Rights:** The historical use and consumptive use of the Liston and Love Ditch Water Rights was quantified and an alternate point of diversion and place of use for such water rights was approved in Case No. 1985CW38, Water Court, Water Division 2, by decree entered on March 2, 1987. A map showing the lands irrigated by the Subject Liston and Love Ditch Water Rights pursuant to the terms of the decree in Case No. 1985CW38 is attached to the application as Exhibit C. Summaries of diversion records for the Liston and Love Ditch Water Rights since the date of entry of the decree in Case No. 1985CW38 are attached to the application as Exhibit D. **7.3 Historical use of Subject Lock Ditch Water Rights:** The historical use and consumptive use of the Subject Lock Ditch Water Rights was quantified and an alternate point of diversion for such water rights was approved in Case No. 1985CW38, Water Court, Water Division 2, by decree entered on March 2, 1987. A map showing the lands historically irrigated by the Subject Lock Ditch Water Rights pursuant to the terms of the decree in Case No. 1985CW38 is attached to the application as Exhibit E. Summaries of diversion records for the Subject Lock Ditch Water Rights since the date of entry of the decree in Case No. 1985CW38 are attached to the application as Exhibit F. **7.4 Historical use of Callahan Reservoir water right:** A map showing the lands historically irrigated by the Callahan Reservoir water right is attached to the application as Exhibit G. Summaries of diversion records for the Callahan Reservoir water right are attached to the application as Exhibit H. **7.5 Change of type, manner and season of use:** Woodmoor seeks to change the Subject Chilcott Ditch Water Rights, the Subject Liston and Love Ditch Water Rights, the Subject Lock Ditch Water Rights and the Callahan Reservoir water right (collectively “Subject Water Rights”) to include, in addition to the existing irrigation use, all municipal uses, including without limitation domestic, agricultural, industrial, commercial, irrigation, stock watering, fire protection, recreation, fish and wildlife preservation and propagation, recharge of Denver Basin aquifers, exchange purposes, replacement of historical return flows, replacement of depletions resulting from the use of water from other sources, relinquishment pursuant to §37-90-137(9)(b), C.R.S., and all augmentation purposes. Woodmoor seeks to use the Subject Water Rights either directly or after storage and to reuse, successively use and use to extinction all return flows (including, but not limited to, lawn irrigation return flows and sewered return flows) after initial use of the Subject Water Rights. **7.6 Change in place of use:** Woodmoor seeks to change the place of use of the Subject Water Rights to include, in addition to the existing place of use, Woodmoor’s service area as it exists now and as it may exist in the future, including any areas served by Woodmoor by extra-territorial agreement or other contract. Woodmoor’s current service area is located in all or portions of Sections 1, 2, 11, 12, 13, 14, 23, and 24, Township 11 South, Range 67 West and Section 7, 18 and 19, Township 11 South, Range 66 West, 6th P.M., El Paso County, Colorado. A map showing the current boundaries of Woodmoor’s service area is attached to the application as Exhibit I. **7.7 Plan of operation:** No change of point of diversion is proposed. The Subject Water Rights will continue to be diverted at the headgate of the Chilcott Ditch and delivered through the ditch to Woodmoor for direct use or for storage and subsequent use. The Subject Water Rights, if stored and subsequently used, may be stored in a reservoir or reservoirs located on the JV Ranch, a portion of which Woodmoor has purchased, and/or at other locations to which water can be delivered through the Chilcott Ditch and/or laterals and pipelines therefrom. Available water will be delivered to Woodmoor’s service area through a pipeline or pipelines from the Chilcott Ditch or from storage, if stored prior to use. At times when they are not being used by Woodmoor, the Subject Water Rights may continue to be used for agricultural irrigation on the historically irrigated lands pursuant to a lease agreement between Woodmoor and JV Ranches II, LLC dated November 21, 2011, and recorded in the El Paso County real property records on November 21, 2011 at Reception No. 211114804, or other lease agreements. **7.8 Return flows:** Return flows from the historical use of the Subject Chilcott Ditch Water Rights have been to Fountain Creek and will be replaced by Woodmoor consistent with the terms of the decree in Case No. 2006CW119. Return flows from the historical use of the Subject Liston and Love Ditch Water Rights were to Fountain Creek and were quantified and are replaced in accordance with the terms of the decree in Case No. 1985CW38. Return flows from the historical use of the Subject Lock Ditch Water Rights and the Callahan Reservoir water right have been to Fountain Creek and will be replaced by Woodmoor in time, location and amount so as to prevent injury to other water rights. The sources of water for replacement of historical return flows will be any water decreed for replacement and/or augmentation purposes and available at the required time, location and amount to prevent injury to other water rights including, but not limited to, the historical return flow portion of the Subject Chilcott Ditch Water Rights, the Subject Lock Ditch Water Rights and the Callahan Reservoir water right. Except for historical return flows associated with the Liston and Love Ditch Water Rights, historical return flows will be replaced only to calling water rights senior to the date of the filing of this application and Woodmoor hereby appropriates for the uses described in paragraph 7.5 above any historical return flows not required to be so replaced. **8. Effect of ditchwide historical use determination for the Chilcott Ditch water rights:** Woodmoor’s consumptive use credits available from the Subject Chilcott Ditch Water Rights will be determined as set forth in the decree in Case No. 2006CW119. In that case, the ditchwide historical average annual consumptive use per share of the Chilcott Ditch Company was decreed to be 24.61 acre feet per year. This per-share average annual historical consumptive use results in an average annual consumptive use of 1,427.38 acre feet for the 58.0 shares that are the subject of the application. The amount of historical consumptive use from the Subject Chilcott Ditch Water Rights will vary from year to year, depending on the amount of water available for diversion under the Chilcott Ditch water rights. The historical consumptive use of the Chilcott Ditch water rights, as determined in Case No. 2006CW119, is *res judicata* in future proceedings, such as this case, involving the Chilcott Ditch water rights, pursuant to *Williams v. Midway Ranches Property Owners Assoc.,* 938 P.2d 515, 521 (Colo. 1997). **9. Names and addresses of owners or reputed owners of 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:** Any new diversion or storage structures or modifications to any existing diversion or storage structures that will be constructed will be located on the portion of the JV Ranch which Woodmoor has purchased. WHEREFORE, Applicant requests the Court to enter a decree approving the changes of water rights described herein.

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**CASE NO. 12CW2 – PROTEST TO REVISED ABANDONMENT LIST**. Protestant: Bear Bottom Investments, Inc. Structure: Shields Ditch. Source: Huerfano River.

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**CASE NO. 12CW3 – TAYLOR ADAMS, P. O. Box 84, Nathrop, CO 81236** (Jefferson V. Houpt, Beattie, Chadwick & Houpt, LLC, Attorney for Applicant, 932 Cooper Avenue, Glenwood Springs, CO 81601; (970) 945-8659)

Application for Approval of Alternate Point of Diversion of Absolute Water Right

**CHAFFEE COUNTY, COLORADO**

Applicant is the owner of 0.5 c.f.s. of the 5.0 c.f.s. originally decreed to the Thiele Ditch, which diverts water from Chalk Creek. By decree entered in 1954, 4.5 c.f.s. of this water right, now owned by the Colorado Division of Parks and Wildlife, was transferred to a downstream point of diversion known as Hatchery Headgate No. 1; Applicant’s interest was not included in that transfer. By this Application, Applicant is requesting approval of Hatchery Headgate No. 1 as an alternate point of diversion for her 0.5 c.f.s. interest in the water right decreed to the Thiele Ditch so that, upon approval of this application, the entire water right decreed to the Thiele Ditch may be diverted at the same point of diversion. Original decree entered on 1/18/1932 by the Chaffee County District Court in Case No. C.A. 3053. **Location:** South bank of Chalk Creek whence the W1/4, Sec. 20, T. 15 S., R. 78 W., 6th P.M. bears South 40° East 2,730 feet and is in Sec. 19, T. 15 S., R. 78 W., 6th P.M. **Source:** Chalk Creek, trib. to Arkansas River. **Appropriation Date:** 7/28/1929. **Amount:** 5.0 c.f.s., of which 0.5 c.f.s. owned by Applicant is the subject of this application. **Subsequent Decree:** Chaffee County District Court on 7/12/1954 in Case No. C.A. 4304 changed the point of diversion for 4.5 c.f.s. to Hatchery Headgate No. 1, located at SE¼ SE¼ of Section 18, Township 15 South, Range 78 West of the 6th P.M., at a point 1286 west of the East Section Line and 12 feet north of the South Section Line.

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**CASE NO. 12CW4 – PRAXIE VIGIL, 880 41st Lane, Pueblo, CO 81006; (719) 948-4223**

Application for Underground Water Right

**PUEBLO COUNTY**

**Name of well and permit, registration or denial number:** Knuth Well; Permit 11256R. **Legal description of well:** Pueblo County, NE ¼ of the SE ¼ Section 2, Township 21 South, Range 63 West, 6th P.M., 1465 feet from the South line and 110 feet from the East line. **Source of water:** Underground water tributary to the Arkansas River. **Depth of well:** 25. **Date of appropriation:** July 1, 1950. **How appropriation was initiated:** Well was first used for irrigation. **Date water applied to beneficial use:** July 1, 1950. **Amount claimed in gallons per minute:** 250 gpm Absolute. **If well operates pursuant to a decreed plan for augmentation:** Well operates pursuant to a Rule 14 plan submitted to and approved by the State Engineer under the Amended Rules and Regulations Governing the Use of Ground Water in the Arkansas Basin. **Is augmentation plan operational?** Yes. **Proposed use: If irrigation complete the following: Number of acres historically irrigated:** 30; **Total number of acres proposed to be irrigated:** 30. **Legal description of land irrigated:** 30 acres located in the NE ¼ of the SE ¼ Section 2, Township 21 South, Range 63 West of the 6th P.M. **If non-irrigation, describe purpose fully:** Well also provides water for a roadside fruit stand. Inside uses are less than 10 gpm. **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:** Phil Prutch, 2115 Santa Fe Drive, Pueblo, CO 81006. **Remarks:** Applicant also wishes to decree an alternate point of diversion for this water right at the following location: Pueblo County, NE ¼ of the SE ¼ Section 2, Township 21 South, Range 63 West, 6th P.M., 2515 feet from the South line and 10 feet from the East line. Location of use shall remain the same for alternate point of diversion.

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**CASE NO. 12CW5 – ROBERT C. NORRIS, 970 Summer Games Drive, Colorado Springs, CO 80905** (Scotty P. Krob and Nathan Krob, Krob Law Office, LLC, Attorneys for Applicant, 8400 E. Prentice Ave., Penthouse, Greenwood Village, CO 80111; (303) 694-0099)

Application for Change of Water Right and Approval of Plan for Augmentation

**EL PASO COUNTY**

**Proposed Change in Water Right Point of Diversion and Place of Use.** Applicant seeks to change the 10.45 cfs of the Robinson Ditch water right decreed to Priority No. 13 on Fountain Creek, a tributary of the Arkansas River. Applicant seeks to change the point of diversion of the right in the full amount to the Toof and Harman Ditch headgate, located on the West bank of Fountain Creek in Section 1, T. 18 S., R.65 W. W. of the 6th P.M. in Pueblo County, Colorado. Applicant further seeks approval of a new place of use for irrigation and augmentation uses on the Totten Ranch in the NE ¼, the SE ¼, and portions of the E ½ of the W ½ all within Section 12, T. 18 S., R. 65 W. and the W ½ of the NW ¼ of Section 7, T. 18 S., R. 64 W. of the 6th P.M. in Pueblo County, Colorado. Finally, Applicant also seeks approval of a new place of use for irrigation and augmentation purposes on a portion of the T-Cross Ranches located West of I-25, as described in Applicant’s Plan for Augmentation. **Plan for Augmentation.** Applicant currently withdraws and uses tributary ground water through Totten Wells 1, 2, 3, and 4 for irrigation on Totten Ranch. Applicant intends to withdraw and use additional tributary ground water through the Norris Well(s) on T-Cross Ranches west of I-25.The wells will be operated under their decreed water rights when in priority. Depletions resulting from Applicant’s out of priority pumping of Totten Wells 1, 2, 3, and 4 are currently replaced under CWPDA’s administratively approved Rule 14 Plan. Applicant intends to continue to include Totten Wells 1, 2, 3, and 4 in CWPDA’s Rule 14 plan and may add the Norris Well(s) to the CWPDA Rule 14 Plan. As an alternative, Applicant also seeks to use the historical depletions of the Robinson Ditch water right to augment out of priority depletions from the wells. Under this alternative, historical depletions attributable to the Robinson Ditch water right will be used to replace the out of priority depletions resulting from Applicant’s pumping from the wells. Applicant intends to use the Robinson Ditch water from augmentation directly, by storage, and through application of return flows. Replacement will be made by delivery of water to Fountain Creek from augmentation structures or by leaving Robinson Ditch water in the stream. At such times as return flows from Robinson Ditch water are greater than historic levels of return flows, the Applicant proposes to use excess return flows.

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**CASE NO. 12CW6 (Water Division 2) and CASE NO. 12CW19 (Water Division 1) – ELAINE D. TOLARI, 14150 Herring Road, Colorado Springs, CO 80908** (Henry D. Worley, Worley Law Firm, LLC, Attorney for Applicant, 611 N. Weber Street, #104, Colorado Springs, CO 80903; (719) 634-8330)

Application for Adjudication of Denver Basin Ground Water and for Approval of Plan for Augmentation

**EL PASO COUNTY**

**I. APPLICATION FOR DENVER BASIN WATER RIGHTS. 1. Names of wells and permit, registration, or denial numbers:** Permit No. 229191 **2. Legal description of wells:** Permit No. 229191 is constructed in the Dawson aquifer in the SE1/4 NE1/4 Section 5, T. 12 S., R. 65 W., 6th P.M., 1964 feet from the north section line and 684 feet from the east section line. One well in each of the Denver, Arapahoe and Laramie-Fox Hills aquifers is contemplated, plus all necessary additional and/or replacement wells, to be located anywhere on Applicant’s 14.656 acre property located in the SE/4 NE1/4 Section 6, T. 12 S., R. 65 W., 6th P.M., in El Paso County (the “Property”). The address of the property is 14150 Herring Road, Colorado Springs, CO 80908; its legal description is Lot 6 Wildwood Ranch Estates Filing 2. 1. A map showing its general location is attached to the Application as Figure 1; a second map which is a portion of the Wildwood Ranch Estates Filing 2 plat map is attached to the Application as Figure 2. The Property is located partially within Water Division 1 and partially within Water Division 2. A copy of the Applicant’s deed is attached to the Application as Exhibit A. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) **3. Sources:** not nontributary Dawson aquifer; nontributary Denver aquifer; nontributary Arapahoe aquifer; nontribu­tary Laramie-Fox Hills aquifer. **4. A. Date of appropriation:** Not applicable. **4.B. How appropriation was initiated:** Not applicable. **4.C. Date water applied to beneficial use:** Not applicable. **5. Amount claimed:** Dawson aquifer - 15 gpm, 14.27 acre feet annually, absolute; Denver aquifer - 15 g.p.m., 10.74 acre feet annual­ly, abso­lute; Arapahoe aquifer - 150 g.p.m., 6.45 acre feet annually, abso­lute; Laramie-Fox Hills aquifer - 150 g.p.m., 4.19 acre feet annu­al­ly, absolute. This amount includes the water underlying 0.344 acre to the center of the adjacent Herring Road. The water court will be asked to retain jurisdiction over such decree to enter a final determination of the amount of water available for appropriation from each aquifer based on geophysical logs for such wells. **6. Proposed use:** Drinking, cooking and sanitary purposes inside a primary house and a guest house/detached home office; commercial; stock water; hot tub/spa and/or swimming pool; lawn and garden irrigation; other landscaping features; augmentation. **7. Name and address of owner of land on which wells are/will be located:** Same as Applicant. **II. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION. 8. Name of structures to be augmented:** Well permit 229191. No other water rights are or will be diverted from that well. After entry of a decree, permit 229191 will be re-permitted consistent with the provisions of the decree. **9. Previous decrees for water rights to be used for augmenta­tion:**  None. **10. Historic use:** Not applicable. **11. Statement of plan for augmentation:**  Well permit 229191 is only permitted for indoor residential uses and noncommercial domestic animals. Applicant seeks approval of a plan for augmentation which will allow multiple uses from this structure, including without limitation indoor residential uses, commercial uses, a detached home office or guest house, landscape and garden irrigation, hot tub and/or swimming pool. Indoor use for the existing house is expected to equal 0.3 acre foot annually. Treatment of waste water from indoor uses will be achieved using a nonevaporative individual septic tank and leach field system (“ISDS”); consumption of water so treated will not exceed 10 percent of uses, with 90 percent, or 0.27 acre foot annually, returning to the nearest stream. Depletions in the 300th year are modeled to equal approximately 18 percent of annual pumping, or 0.27 acre foot based on the maximum allowable annual pumping rate of 1.5 acre foot. So long as a single family dwelling is located on the lot, ISDS return flows alone will equal or exceed maximum stream depletions each year during pumping. Change of the type of wastewater treatment to a central sewage treatment with direct discharge to any tributary of Fountain Creek or Cherry Creek shall not require an amendment to this plan for augmentation, but change to any other type of waste water disposal shall require an amendment. Applicant proposes to replace depletions during pumping with return flows from the ISDS, and to replace post-pumping depletions with the nontributary Denver aquifer water decreed herein, all of which will be reserved for that purpose. Applicant will reserve the right to replace such depletions with any other judicially acceptable source of augmentation water, upon judicial approval after appropriate notice. **12. Miscellaneous provisions.** (1) There is one lien against the Applicant’s property, a copy of the letter to the lienor as required by C.R.S. 37-92-302(2)(b) is attached to the Application as Exhibit A. (2) This application is being filed in Water Divisions 1 and 2. After the period for filing statements of opposition has expired, Applicant will seek to consolidate the two cases in Division 2, where a portion of the Property is located. (3) A copy of this application is being sent to the El Paso Board of County Commissioners by certified mail, return receipt requested. A copy of that letter is attached to the Application as Exhibit B.

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**CASE NO. 12CW7 (Water Division 2) and CASE NO. 12CW20 (Water Division 1) – GREGORY S. WOLFF and TANYA R. WOLFF, 14050 Rollercoaster Road, Colorado Springs, CO 80921-2026 (**Worley Law Firm, LLC, Henry D. Worley, Attorney for Applicants, 611 N. Weber St. #104, Colorado Springs, CO 80903; (719) 634-8330)

Application for Adjudication of Denver Basin Ground Water and for Approval of Plan for Augmentation

**EL PASO COUNTY.**

**I. APPLICATION FOR DENVER BASIN WATER RIGHTS. 1. Names of wells and permit, registration, or denial numbers:** Permit No. 34255-A **2. Legal description of wells:** Permit No. 34255-A is constructed in the Dawson aquifer in the SE1/4 NW1/4 Section 4, T. 12 S., R. 66 W., 6th P.M., 1720 feet from the north section line and 2560 feet from the west section line. Permission is sought herein to construct up to three additional Dawson aquifer wells. One well in each of the Denver, Arapahoe and Laramie-Fox Hills aquifers is contemplated, plus all necessary additional and/or replacement wells, to be located anywhere on Applicants’ 13.66 acre property located in the SE1/4 NW1/4 Section 4, T. 12 S., R. 66 W., 6th P.M., in El Paso County (the “Property”). The address of the property is 14050 Rollercoaster Road, Colorado Springs, CO 80921-2026; its legal description is the E1/2 SE1/4 NW1/4 minus the north 320 feet, Section 4, T. 12 S., R. 66 W., 6th P.M. A map showing its general location is attached to the Applicant as Exhibit A. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court.) The Property is located entirely within the Arkansas River drainage. **3. Sources:** not nontributary Dawson aquifer; not nontributary Denver aquifer; not nontributary Arapahoe aquifer; nontribu­tary Laramie-Fox Hills aquifer. **4. A. Date of appropriation:** Not applicable. **4.B. How appropriation was initiated:** Not applicable. **4.C. Date water applied to beneficial use:** Not applicable. **5. Amount claimed:** Dawson aquifer - 15 gpm, 5.29 AF/yr, absolute; Denver aquifer - 15 g.p.m., 12.65 AF/yr, abso­lute; Arapahoe aquifer - 150 g.p.m., 5.78 AF/yr, abso­lute; Laramie-Fox Hills aquifer - 150 g.p.m., 4.22 AF/yr, absolute. These amounts include the water underlying 1.164 acres of land underlying the north half of the easement for Old North Gate Road (30 feet) and the west half of the easement for Rollercoaster Road (30 feet) where they are adjacent to the Property. The water court will be asked to retain jurisdiction over such decree to enter a final determination of the amount of water available for appropriation from each aquifer based on geophysical logs for such wells. **6. Proposed use:** indoor residential, indoor commercial (drinking and sanitary uses only), livestock water, irrigation, hot tub or spa, augmentation. **7. Name and address of owner of land on which wells are/will be located:** Same as Applicants. **II. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION.** **8. Name of structures to be augmented:** Well permit 34255-A and three additional Dawson aquifer wells. No other water rights will be withdrawn through those wells. **9. Previous decrees for water rights to be used for augmenta­tion:**  None. **10. Historic use:**  Not applicable. **11. Statement of plan for augmentation:**  Well permit 34255-A is permitted for domestic uses. Applicants seek approval of a plan for augmentation which will allow this well to be used for the following purposes;indoor residential uses, indoor commercial uses (sanitary and drinking water only), landscape and garden irrigation, livestock water, hot tub and/or spa. In addition, Applicants seek approval of a plan for augmentation which will allow the same uses from three additional Dawson aquifer wells. Total Dawson aquifer annual pumping shall not exceed 1.6 acre feet and total Dawson aquifer pumping over the entire augmentation plan shall not exceed 480 acre feet. The Dawson aquifer wells will operate as a well field, in which each well will be limited to 1.6 acre feet annually in combination with the other three Dawson aquifer wells on the Property. Until the Property is subdivided, the existing well, permit 34255-A, shall be allowed to operate under its existing permit; when the Property is subdivided, a new well permit consistent with the terms of the plan for augmentation shall be required. Indoor use for each residence is expected to average 0.27 acre foot annually. Treatment of waste water from indoor uses will be achieved using nonevaporative individual septic tanks and leach fields (“ISDS”); consumption of water so treated will not exceed 10 percent of residential indoor uses, or 0.027 acre foot annually per lot, with 90 percent, or 0.243 acre foot annually, returning to the nearest stream. Depletions in the 300th year are modeled to equal 24.4 percent of annual pumping. Based on maximum annual pumping of 1.6 acre feet, depletions in the 300th year will equal 0.39 acre foot. So long as there are ISDS return flows from at least two single family dwellings, such return flows alone will equal at least 0.486 acre foot annually, which exceeds stream depletions each year during pumping. Change to a type of wastewater disposal other than nonevaporative ISDS shall require an amendment of this plan for augmentation. Applicants propose to replace depletions during pumping with Dawson aquifer return flows from the ISDS, and to replace post-pumping depletions with the nontributary Laramie-Fox Hills aquifer water decreed herein, all of which will be reserved for that purpose. Applicants will seek permission to reserve the right to replace such depletions with any other judicially acceptable source of augmentation water, upon judicial approval after appropriate notice. **12. Miscellaneous provisions.**  (1) There is one lien against the Applicants’ property, a copy of a letter notifying the lienor, US Bank Home Mortgage, of this application pursuant to C.R.S. 37-92-302(2)(b) is attached to the Application as Exhibit B. (2) Applicants are sending a copy of this letter to the Board of County Commissioners of El Paso County by certified mail, a copy of which is attached to the Application as Exhibit C. (3) This application is being filed in Water Divisions 1 and 2. After the period for filing statements of opposition has expired, Applicants will seek to consolidate the two cases in Water Division 2, where the Property is located.

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THE WATER RIGHTS CLAIMED BY THE FOREGOING APPLICATION(S) MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT AND PROTEST WITHIN THE TIME PROVIDED BY STATUTE, OR BE FOREVER BARRED.

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or application as amended, may file with the Water Clerk a verified statement of opposition setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions, such statement of opposition must be filed by the last day of March 2012, (forms available at Clerk’s office or at [www.courts.state.co.us](http://www.courts.state.co.us), must be submitted in quadruplicate, after serving parties and attaching a certificate of mailing, filing fee $130.00). The foregoing are resumes and the entire application, amendments, exhibits, maps and any other attachments filed in each case may be examined in the office of the Clerk for Water Division No. 2, at the address shown below.

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 Witness my hand and the seal of this Court this 9th day of February, 2012.

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 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)

Published: February \_\_\_\_\_, 2012

**Produced Nontributary Ground Water Notification List for Water Division Two**

Pursuant to Rule 17.5.B.2 of the Produced Nontributary Ground Water Rules, 2 CCR 402-17 (“Rules”), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5.B.2 of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division an invitation to be included on such notification list for the applicable water division.

Persons on the Produced Nontributary Ground Water Notification List shall be provided notice required pursuant to the Rules by either first-class mail, or, if a person so elects, by electronic mail. The Rules further describe the procedures to be followed by parties upon receiving notice of proceedings held pursuant to the Rules. The Rules are available on the Division of Water Resources website at: [www.water.state.co.us](http://www.water.state.co.us).

If you would like to be included on the Produced Nontributary Ground Water Notification List for any Water Division, please contact the following for the appropriate form: Produced Nontributary Ground Water Notification List, Colorado Division of Water Resources, 1313 Sherman Street, Room 818, Denver, CO 80203, Phone: (303) 866-3581, Fax: (303) 866-3589, e-mail: NontribGw@state.co.us, or sign up on the Division of Water Resources website under the “News &Notification” tab at: [www.water.state.co.us](http://www.water.state.co.us).