

District Court, Water Division _____, Colorado Court Address: <hr/> CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicant: In the _____ River or its Tributaries In _____ COUNTY	▲COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division: _____ Courtroom: _____
APPLICATION FOR CORRECTION FOR AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6), C.R.S.	

An “established but erroneously described point of diversion” means a point of diversion of either surface or groundwater: (1) that has been at the same physical location since the applicable decree or decrees confirmed the water right, unless it was relocated pursuant to § 37-86-111, C.R.S., or, in the case of a well, relocated according to a valid well permit; (2) that is not located at the location specified in the applicable decree or decrees confirming the water right; and (3) from which the diverter has diverted water with the intent to divert pursuant to the decree or decrees confirming the water right. § 37-92-305(3.6)(a)(II), C.R.S. A “diverter” is the owner or user of a decreed water right. § 37-92-305(3.6)(a)(I), C.R.S.

To proceed with a correction in point of diversion for an established but erroneously described point of diversion that is due to a clerical mistake in the decree but does not fall within the 3-year period set forth in § 37-92-304(10), C.R.S., for the water clerk to correct the mistake, the diverter of the established but erroneously described point of diversion may file a petition with the water clerk within 3 years after the diverter became aware of the mistake. § 37-92-305(3.6)(c), C.R.S. To proceed with a correction in point of diversion for an established but erroneously described point of diversion that is not due to a clerical mistake, the diverter has the burden to prove that a point of diversion is an established but erroneously described point of diversion. § 37-92-305(3.6)(d), C.R.S.

This process only applies to points of diversion that are already in place and if one or more water rights are diverted at the corrected point of diversion. § 37-92-305(3.6)(d)(IV), C.R.S.

An application for correction for an established but erroneously described point of diversion is subject to all the provisions of Article 92, including sections 37-92-302 to 37-92-305, except as specifically modified by § 37-92-305(3.6), C.R.S.

1. Name, mailing address, email address and telephone number of applicant(s) (if there are multiple applicants, and the space provided is not adequate to list all of the applicants, the names, addresses, telephone numbers and available email addresses must be provided as an attachment):

Name of Applicant	Mailing Address	Email address	Telephone Number

2. Decreed water right for which correction is sought:

A. Name of structure: _____

B. Date of original and all relevant subsequent decrees: _____ Case No: _____
Court: _____

C. Legal description of structure as described in most recent decree that adjudicated the location:

Provide a verbatim legal description from the most recent decree that adjudicated the location. Mark the location of the structure on a USGS topographic map and attach to this application a legible 8 ½ x 11 inch copy of the applicable portion of the map.

D. Decreed source of water: _____

E. Appropriation Date: _____

F. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs):

Absolute _____

G. Decreed use or uses: _____

H. Amount of water decreed:

Absolute _____

3. Detailed description of proposed correction to an established but erroneously described point of diversion:

A. Complete statement of correction to an established but erroneously described point of diversion, including whether it is erroneously described. See §§ 37-92-305(3.6)(a) & (b), C.R.S. The applicant is encouraged to provide evidence to support such information with this application.

B. The legal description of the corrected point of diversion:

Location information in UTM format (Preferred):

UTM Zone must be 12 or 13; Units must be Meters; Datum must be NAD83; and Units must be set to true North. Include the source of the UTM coordinates, for example: GPS device, a GIS system such as DWR AquaMap or CDSS MapViewer; scaled from USGS topographic map; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 ½ x 11 inch map to this application illustrating location of the new point of diversion structure.

UTM coordinates		
Northing _____ Easting _____		
<input type="checkbox"/> Zone 12 <input type="checkbox"/> Zone 13		
Street Address: _____		
Subdivision:	Lot	Block
Source of UTM's (for example, hand-held Garmin GPS):		
Accuracy of location displayed on GPS device (for example, accurate to within 200 feet):		

Legal Description Using the Public Land Survey System (PLSS) (Optional; Please include the PLSS if known): Include perpendicular distances from section lines, and indicate ¼ ¼, section number, township, range, meridian and county; mark the location of the structure on a USGS topographic map and attach to this application a legible 8 ½ x 11 inch copy of the applicable portion of the map. In areas where section lines have not been established, a bearing and distance to an established government monument is acceptable. Include the source of PLSS information, for example: GIS system such as DWR AquaMap or CDSS MapViewer; field survey; scaled from a USGS topographic map; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision.

Legal Description: County	_____ 1/4 of the	_____ 1/4	Section	Township N or S <input type="checkbox"/> <input type="checkbox"/>	Range E or W <input type="checkbox"/> <input type="checkbox"/>	Principal Meridian
Distance from section lines (not from property lines) _____ Feet from <input type="checkbox"/> N <input type="checkbox"/> S and _____ Feet from <input type="checkbox"/> E <input type="checkbox"/> W						
Source of PLSS information: _____						
Street Address: _____						
Subdivision:	Lot	Block				

4. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The applicant must notify these persons that the applicant is applying for this water right, and certify to the Court that the applicant has done so.

Name of Owner	Mailing Address

Signature of Applicant (if self-represented) or Attorney Date

**VERIFICATION AND ACKNOWLEDGMENT OF APPLICANT OR OTHER PERSON HAVING
KNOWLEDGE OF THE FACTS STATED IN THIS APPLICATION**

I _____ being first duly sworn, hereby state that I have read this Application, that I have personal knowledge of the facts stated and, that I verify its contents to the best of my knowledge, information, and belief.

Signature

Date

The foregoing instrument was acknowledged before me in the County of _____, State of Colorado, this ____ day of _____, 20____, by the person whose signature appears above.

My Commission Expires: _____

Notary Public/Deputy Clerk

The person signing this verification is: Applicant Engineer Other (describe) _____

Verifications of other persons having knowledge of the facts may be attached to this application.

District Court, Water Division _____, Colorado Court Address: _____ <hr/> CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicant: _____ In the _____ River or its Tributaries In _____ COUNTY	
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	▲ COURT USE ONLY ▲
Certificate of Notice	

I, _____ (insert name) hereby certify that I have provided a copy of the application filed on _____ (date) with the Court to the following owner(s) of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored:

1. _____
2. _____
3. _____

The application was provided to the landowner(s) by Certified or Registered mail, return receipt requested, within 14 days after the application was filed with the Court.

Date: _____

Signature/Title