

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 SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO § 37-92-305(3.5), C.R.S.	

A “simple change in a surface point of diversion” means a change in the point of diversion from a decreed surface diversion point to a new surface diversion point that is not combined with and does not include any other type of change of water right and for which there is no intervening surface diversion point or inflow between the new point of diversion and the diversion point from which a change is being made. It does not include a change in point of diversion from below or within a stream reach for which there is an intervening surface diversion point or inflow or decreed in-stream flow right to an upstream location within or above that reach. § 37-92-305(3.5)(a)(II), C.R.S. An “intervening surface diversion point or inflow” means any ditch diversion or other point of diversion for a decreed surface water right, point of replacement or point of diversion by exchange that is part of an existing decreed exchange, well or well field that is decreed to operate as a surface diversion, or point of inflow from a tributary surface stream. § 37-92-305(3.5)(a)(I), C.R.S.

An application for a simple change in a surface 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(3.5), C.R.S.

It is the applicant’s responsibility to provide the location for the decreed surface point of diversion and the new surface point of diversion. For decreed surface point of diversion, use the location from the most recent decree that adjudicated the location. UTM coordinates (for example from a GPS device), or measured distances in the field from known section lines are acceptable for the new surface point of diversion. The Division Engineer, the Water Referee, or the Water Judge, may order the applicant to confirm the location of any structure with UTM coordinates, a survey, or other method.

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 change 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):

Conditional _____ Absolute _____

G. Decreed use or uses: _____

H. Amount of water that applicant intends to change:

Conditional _____ Absolute _____

3. Detailed description of proposed change in a surface point of diversion:

A. Complete statement of change, including a description of how the change meets the definition of a simple change in a surface point of diversion. The applicant bears the burden to prove that the simple change in a surface point of diversion will not: (I) result in diversion of a greater flow rate or amount of water than has been decreed to the water right and, without requantifying the water right, is physically and legally available at the diversion point from which a change is being made; or (II) injuriously affect the owner of or persons entitled to use water under a vested water right or decreed conditional water right. The applicant is encouraged to provide evidence to support such information with this application.

B. Location of the new surface 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		
Easting _____ Northing _____		
<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 both UTM and PLSS descriptions 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 structure, or modification to any existing diversion structure is or will be constructed. 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(s) (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 Case Number: _____ Division: _____ Courtroom: _____
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