

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

“Plan for augmentation” means a detailed program, which may be either temporary or perpetual in duration, to increase the supply of water available for beneficial use in a division or portion thereof by development of new or alternate means or points of diversion, by a pooling of water resources, by water exchange projects, by providing substitute supplies of water, by the development of new sources of water, or by any other appropriate means. “Plan for augmentation” does not include the salvage of tributary waters by the eradication of phreatophytes, nor does it include the use of tributary water collected from land surfaces that have been made impermeable, thereby increasing the runoff but not adding to the existing supply of tributary water. § 37-92-103(9), C.R.S.

In reviewing a proposed plan for augmentation and in considering terms and conditions that may be necessary to avoid injury, the referee or the water judge shall consider the depletions from an applicant's use or proposed use of water, in quantity and in time, the amount and timing of augmentation water that would be provided by the applicant, and the existence, if any, of injury to any owner of or persons entitled to use water under a vested water right or a decreed conditional water right. A plan for augmentation shall be sufficient to permit the continuation of diversions when curtailment would otherwise be required to meet a valid senior call for water, to the extent that the applicant shall provide replacement water necessary to meet the lawful requirements of a senior diverter at the time and location and to the extent the senior would be deprived of his or her lawful entitlement by the applicant's diversion. A proposed plan for augmentation that relies upon a supply of augmentation water which, by contract or otherwise, is limited in duration shall not be denied solely upon the ground that the supply of augmentation water is limited in duration, so long as the terms and conditions of the plan prevent injury to vested water rights. Said terms and conditions shall require replacement of out-of-priority depletions that occur after any groundwater diversions cease. Decrees approving plans for augmentation shall require that the state engineer curtail all out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights. A plan for augmentation may provide procedures to allow additional or alternative sources of replacement water, including water leased on a yearly or less frequent basis, to be used in the plan after the initial decree is entered if the use of said additional or alternative sources is part of a substitute water supply plan approved pursuant to § 37-92-308, C.R.S., or if such sources are decreed for such use. § 37-92-305(8), C.R.S.

Generally, the statutes and case law require that injurious out-of-priority depletions must be replaced in time, location, quality and amount.

It is the applicant's responsibility to provide the location for each structure in this application. For structures that are already decreed, 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. 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. Name(s) of structure(s) to be augmented. \_\_\_\_\_

A. Is structure decreed?  Yes  No. If Yes, provide the following:

Case number: \_\_\_\_\_ Name of Court: \_\_\_\_\_

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

Provide a verbatim legal description of each structure 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).

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Appropriation date: \_\_\_\_\_

Amount in gallons per minute (gpm), cubic feet per second (cfs), or acre-feet: Conditional  
 \_\_\_\_\_ Absolute \_\_\_\_\_

Source of water (for example, unnamed tributary to North Clear Creek, tributary to Clear Creek, tributary to Platte River): \_\_\_\_\_

Decreed uses: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Are there other water rights diverted from this structure(s)?  Yes  No. If Yes, identify the court case number(s) and court(s) for each such water right: \_\_\_\_\_

B. If the structure is not decreed, provide the legal description of structure:

**(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; 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 structure.

<b>UTM coordinates</b>		
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 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.

<b>Legal Description:</b> 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				

**3. Water right(s) to be used for augmentation:**

**A.** Date of original and all relevant subsequent decrees: \_\_\_\_\_ Case No: \_\_\_\_\_  
Court: \_\_\_\_\_

**B.** Type of water right:  surface  underground  storage  other: \_\_\_\_\_

**C.** Legal description of each point or diversion storage structure:

Provide a verbatim legal description of each structure 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.

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D. Source of water (for example, unnamed tributary to North Clear Creek, tributary to Clear Creek, tributary to Platte River): \_\_\_\_\_

E. Appropriation Date: \_\_\_\_\_

F. Amount decreed: Conditional \_\_\_\_\_ Absolute \_\_\_\_\_  
Amount to be included in this plan for augmentation: \_\_\_\_\_

G. Decreed uses: \_\_\_\_\_

4. Does the Applicant intend to change a water right to provide a source of augmentation? \_\_\_ Yes \_\_\_ No (If the answer is "yes" Applicant must also request a change of water right. Refer to JDF300W to make this request.)

5. Complete statement of plan for augmentation. Mark the location of use on a USGS topographic map and attach to this application a legible 8½ x 11 inch copy of the applicable portion of the map. Include records or summaries of records of actual diversions of each right the applicant intends to rely on for augmentation to the extent such records exist. § 37-92-302(2)(a), C.R.S. In addition, the applicant may submit a report by an engineer that includes this information. Please be aware that early in the proceedings, the applicant will be required to supply detailed information, such as consumptive use, out-of-priority depletions, and amounts of replacement water on a monthly basis. The applicant is encouraged to provide such information with this application.

A. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Does the plan for augmentation include an exchange that the Applicant desires to adjudicate? \_\_\_ Yes \_\_\_ No (If the answer is "yes", the Applicant should request a water right for the exchange. Refer to JDF 296W to make this request.)

6. Name(s) and address(es) of owner(s) or reputed owner(s) 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 by no later than 14 days after filing this application. The certification form is on page 6 of this form.

Name of Owner	Mailing Address

\_\_\_\_\_  
Signature of Applicant(s) (if self-represented) or Attorney

\_\_\_\_\_  
Date



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<b>Certificate of Notice</b>	

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