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## Application of the Town of Fowler, Colorado to Make Water Right Absolute.

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**Application of the Town of Fowler, Colorado to Make Water Right Absolute.**

for irrigation on Pleasant Valley Farm. The PVLC Water will be diverted, stored, and used in Lone Bear Pond and Little Bear Pond.

Dixon also requests a decree confirming his Lone Bear and Little Bear Pond water rights. Dixon claims six acre-feet of Lone Bear Pond ("Pond I"), with January 10, 1996 as the date of appropriation. Further, Dixon claims two acre-feet of Little Bear Pond ("Pond II"), with January 10, 1996 as the date of appropriation. Dixon does not claim a right to recapture irrigation waste water or return flow under the original decree on either pond.

The Plan for Augmentation replaces out-of-priority evaporative depletions of tributary groundwater from the surface of Ponds I and II. The Ponds are unlined excavations filled by tributary groundwater, irrigation waste water, and irrigation return flows. Dixon's requested uses may deplete the Cache La Poudre River by evaporation of tributary groundwater. Dixon will replace depletions through augmentation, substitution, replacement and exchange water rights. The exchange water rights consist of one inch of PVLC water, water purchased by Dixon from West Fort Collins Water District, and water released from Joe Wright Reservoir.

Dixon will provide augmentation supplies in three ways. First, he may divert the PVLC water of 0.55 acre-feet maximum into the ponds. Second, Dixon may purchase water from West Fort Collins Water District and deliver 0.55 acre-feet into the ponds. Third, Dixon may use Joe Wright Reservoir water based on a lease with Fort Collins as replacement supply for evaporative depletions under a substitute supply plan approved by the State Engineer. Dixon asserts the Plan for Augmentation does not injure the owners and users of water rights on the Cache La Poudre River.

## *2. Opposition*

No statements of opposition have been filed.

*Susan Curtis*

## WATER COURT DIVISION 2

**APPLICATION OF THE TOWN OF FOWLER, COLORADO TO MAKE WATER RIGHT ABSOLUTE.** Case No. 2002CW167(79CW186) (Water Division 2, Dec. 31, 2002). Applicant: Town of Fowler (Atty. H. Barton Mendenhall, Mendenhall & Malouff, R.L.L.P.)

## *1. Application*

The Town of Fowler ("Fowler"), in Otero County, Colorado, seeks permission to use replacement water from any source for the Hammond Spring. The original decree for the Hammond Spring was entered on December 17, 1985. The water source for the Hammond Spring is the Arkansas River, appropriated on April 5, 1979 in the

amount of 4456 cubic feet per second. Fowler obtained replacement water from the Colorado Water Protective Development Association and seeks to use replacement water from this source, the Frying Pan Arkansas Project, or any other sources approved by Water Division 2 or the State Engineer.

The historic use for the water rights is municipal use in the Town of Fowler. Per the December 17, 1985 decree, Fowler has completed construction of a collection building and galleries and installed and maintained a totalizing flow meter. Fowler requests to make this water right absolute.

*2. Opposition*

No statements of opposition have been filed.

*Stefania Niro*

**APPLICATION OF COLORADO SWITZER, L.L.C. FOR WATER STORAGE RIGHTS IN HUERFANO COUNTY, COLORADO.** Case No. 2002CW175 (Water Division 2, Dec. 24, 2002). Applicant: Colorado Switzer, L.L.C. (Atty. Julianne M. Woldridge, MacDougall, Woldridge & Worley, P.C.).

*1. Application*

Colorado Switzer LLC (“Switzer”) requests a water storage right for nontributary ground water drawn from Rio South Well No. 1, which was originally decreed on February 7, 1973 in Case No. W-4208 for municipal, industrial and commercial uses.

Switzer will fill and refill a total of 400 acre-feet of water per year in the River Ridge Ranch Pond, located on the Dacodle Creek Ranch, for piscatorial and recreational uses. Switzer initiated this appropriation on December 30, 2002 by filing this application.

*2. Opposition*

No statements of opposition have been filed.

*Jessica L. Grether*

**APPLICATION OF BOVAIRD LAND COMPANY FOR WATER STORAGE RIGHTS, SURFACE WATER RIGHT, CHANGE OF WATER RIGHT, AND APPROVAL OF PLAN FOR AUGMENTATION.** Case No. 2002CW172 (Water Division 2, Dec. 20, 2002). Applicant: Bovaird Land Company in Fremont County (Atty. Steven T. Monson, Felt, Monson & Culichia, L.L.C.).

*1. Application*

The Bovaird Land Company (“Bovaird”) requests a decree adjudicating three ponds (“Iron Horse Ponds”) on Bovaird’s property and a change in a senior surface water right to augment the water