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Application of Bovaird Land Company for Water Storage Rights, Surface Water Right, Change of Water Right, and Approval of Plan for Augmentation.

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Application of Bovaird Land Company for Water Storage Rights, Surface Water Right, Change of Water Right, and Approval of Plan for Augmentation.

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

source. To irrigate part of their land, Bovaird uses its water rights of 1.0 cubic feet per second ("c.f.s.") of water from Vipond Ditch and an additional 1.0 c.f.s. from Mill Ditch. Both ditches issue from Texas Creek, which is a tributary of the Arkansas River. Both the Vipond Ditch and the Mill Ditch were decreed in 1894 as part of the original Adjudication of Water Rights in District 12, District Court of the Eleventh Judicial District in Fremont County, Colorado.

Bovaird holds water storage rights for the Iron Horse Ponds, which it uses for stock watering, recreation, fish culture and propagation, and creation and enhancement of wetlands and wildlife habitat. The original date of appropriation for water to fill the ponds was July 31, 1983. The total amount of water appropriated in the storage right is 1.98 acre-feet, to fill and refill the capacity of the pond. Bovaird diverts the water to fill the ponds from Vipond Ditch. Based on State Engineer's standards, the net annual evaporative depletions from the Iron Horse Ponds is 1.5 acre-feet annually.

In pursuing adjudication of its water rights, Bovaird wishes to refill the Iron Horse Ponds' evaporative loss and augment the Vipond Ditch with a portion of Bovaird's senior water right to Mill Ditch. In doing so, Bovaird is also applying for an additional surface water right of 1.0 c.f.s. from Vipond Ditch, and requests the court to decree a change of the Vipond Ditch right to allow for water to pass through the Iron Horse Ponds for irrigation. By augmenting the Vipond Ditch with its own senior water right, Bovaird intends to prevent material injury from other water right holders.

Approximately 1.2 acres of property currently irrigated by water from the Mill Ditch appropriation will be allowed to dry up, freeing the water for augmentation purposes. In doing so, Bovaird will be permanently changing the traditional irrigation use, resulting in a consumptive use credit to the stream of approximately 1.5 acre-feet annually. Bovaird plans to monitor evaporative depletions and consumptive use credits on a monthly basis, and may store consumptive use credits in excess of evaporative depletions in the Iron Horse Ponds. Alternatively, the level of one or more of the ponds may be reduced to account for evaporative depletions.

2. Opposition

No statements of opposition have been filed.

Katharine J. Ellison

APPLICATION OF THE WILLIS FAMILY LIMITED PARTNERSHIP FOR WATER RIGHTS, CHANGE OF WATER RIGHTS, AND APPROVAL OF PLAN OF AUGMENTATION. Case No. 2002CW179 (Water Division 2, Dec. 30, 2002) (Original Decrees: June 12, 1889; Oct. 3, 1921; May 10, 1974, Case No. W-3111). Applicant: Willis Family Limited Partnership (Attys. David C. Hallford, Nicole D. Garrimone, Leavenworth & Karp, P.C.).