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Jefferson, Lake, Clear Creek, Gilpin, Denver, Arapahoe, Adams, Washington, Boulder, Broomfield, Larimer, Weld, and Morgan.

The Applicants claim that no vested rights will be injured and that no new rights would be created by the requested decree. Additionally, although Applicants propose to attempt to comply with the existing bylaws and rules of the Fort Lyon Canal Company, Applicants reserve the right to contest or amend these rules as needed.

2. *Opposition*

No statements of opposition have been filed.

Chris Cummins

WATER COURT DIVISION 3

APPLICATION OF VACA PARTNERS, L.P. FOR CHANGE OF WATER RIGHT.

Case No. 2002CW067 (Water Division 3, Dec. 30, 2002) (Original Decree: Mar. 28, 1890). Applicant: Vaca Partners, L.P. (Atty. Timothy R. Buchanan, Timothy R. Buchanan, P.C.).

1. *Application*

Vaca Partners, L.P. ("Vaca") requests a change in the point of diversion for Baca Grant No. 4, Irrigating Ditch No. 7, Priority No. 10 (the "Water Right"). The Water Right was appropriated on May 10, 1870 and subsequently decreed for four cubic feet per second ("c.f.s") absolute on March 28, 1890. North Crestone Creek, tributary to San Luis Creek, supplies the Water Right. The decreed use is for irrigation on Baca Grant No. 4 ("Baca Grant"), servicing 200 acres.

Vaca's predecessor in interest changed the Water Right in Case No. W-2997 on October 2, 1975 from irrigation to municipal uses, including: fire protection; irrigation of lawns, gardens, and a golf course; recreational purposes; clear water retention; temporary storage; sewage disposal; industrial use; and irrigation of lands. An additional decree entered on this date authorized Well No. 26, drawing its water from Crestone Creek alluvium, as an alternate point of diversion for the Baca Grant Water Right, provided the well may not divert more than 1.33 c.f.s., conditional. On November 25, 1980, Case No. W-2997-79 authorized yet another well, Well No. 27, as an alternate point of diversion for the Baca Grant Water Right, provided the well may not divert more than 1.33 c.f.s, conditional.

An Order Canceling Conditional Water Right entered in Case No. 95CW5 on July 17, 2002, canceled the use of Well No. 26 as an alternate point of diversion for the Baca Grant Water Right. The order of cancellation was brought about by a June 28, 1995 Judgment and Decree for a sexennial finding of reasonable diligence. The sexennial finding of reasonable diligence required the Applicant (at that time, American Water Development, Inc.) to file for a finding of

reasonable diligence or, alternatively, make the Water Right absolute on or before June, 2001. Because Vaca's predecessor in interest failed to timely file or make the Water Right absolute, the conditional use of Well No. 26 as an alternate point of diversion was canceled.

Due to the cancellation, Vaca seeks a decree to again use Well No. 26 as an alternate point of diversion. Vaca intends to exercise the Water Right pursuant to the terms and conditions of the previous decree in Case No. W-2997, including municipal uses. Additionally, Vaca grants use of the Water Right to the Baca Grande Water and Sanitation District ("District") pursuant to the water service agreement executed by the District and Vaca's predecessor in interest. That memorandum is dated August 28, 1997 and recorded in Sagauche County under Reception No. 321547. Vaca makes clear that the District's rights shall be exercised in accordance with the water service agreement and any decree issued in this or any subsequent case.

Therefore, Vaca requests Water Division 3 to enter a decree for a Change of Water Right allowing Well No. 26 as an alternate point of diversion for the Baca Grant Water Right.

2. Opposition

No statements of opposition have been filed.

Kiowa K. Engwis

WATER COURT DIVISION 4

CONCERNING THE APPLICATION FOR WATER RIGHTS OF W.A.

MONCRIEF, JR., Case No. 2002CW199 (Water Division 4, Oct. 31, 2002). Applicant: W.A. Moncrief, Jr. (Atty. Rufus O. Wilderson, Wilderson, O'Hayre, Daswon, McGinty & Frazier, P.C.).

1. Application

W.A. Moncrief, Jr. ("Moncrief") owns partial interest in numerous surface decrees located on South Beaver Creek (tributary to the Gunnison River) and on the Gunnison River. These interests include: George Andrew No. 1 Ditch, Ditch No. 14; Alder Ditch, Ditch No. 20; Cottonwood Ditch, Ditch No. 23; South Beaver Ditch, Ditch No. 29; Frank Adams Ditch No. 2, Ditch No. 33; Browning Ditch, Ditch No. 39; Beaver Creek West Ditch, Ditch No. 41; Passtime No. 1 and No. 2 Ditches, Ditch Nos. 59 and 58; Cooper Ditch No. 2, Ditch No. 60; and Moore No. 1 and No. 2 Ditches, Ditch Nos. 75 and 77.

Moncrief requests the Division 4 Water Court to allow a change in water right for alternate points of diversion on the aforementioned water rights thereby allowing him the ability to divert his interests in said water rights through some or all of the aforementioned ditches. Additionally, Moncrief requests the ability to divert any or all the aforementioned interests through C.B. Moncrief's ditches and Tom O.