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Application for Approval of Plan for Augmentation Including Exchange, in Jefferson County, Colorado.

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Jefferson County, Colorado.**

water available in the Lower Arapahoe from 307 acre-feet to 296.2 acre-feet. Of this amount, Denver claimed 290.1 acre-feet and WMC claimed 6.1 acre-feet.

All of the amended applications include a provision that all previously filed statements of opposition apply to the amended applications without the necessity of further filing.

2. Opposition

Both the City of Aurora (“Aurora”) and the United States filed statements of opposition to the applications. In objecting to 377 and 378, Aurora stated that it is the owner and claimant of numerous water rights in the Lower Dawson and Denver Aquifers and that Denver’s proposed use may adversely affect its rights. Aurora asked that Denver be placed on strict proof concerning its ownership or permission for its requested rights and for the subject property. Aurora next stated that Denver must show compliance with applicable statutes and regulations controlling the Denver Basin. Finally, Aurora asked that no decree issue until Denver has an approved plan for augmentation. Aurora’s opposition to 379 and 380 was identical, for the Laramie-Fox Hills and the Upper and Lower Arapahoe Aquifers, excluding the provision requesting a plan for augmentation.

The United States submitted the same statement of opposition for all four applications. The United States stated that the applications requested a right to withdraw water underlying the Lowry Superfund site. The United States objected because it has a lien on that property and thus has an interest in how the water is used. The United States asked that the applications not be granted unless the applicants comply with terms and conditions necessary to protect the interests of other water users, as well as the public. Finally, the United States asked that the applicants be placed on strict proof of each element of the claimed appropriations.

Rebekah King

APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION INCLUDING EXCHANGE, IN JEFFERSON COUNTY, COLORADO. Case No. 01CW140 (Water Division 1, August 2001) (Original decree: July 19, 1977). Applicant: Scott A. Wilson (“Wilson”) (Atty. Douglas M. Sinor, Trout, Witwer & Freeman, P.C.).

1. Application

Scott A. Wilson (“Wilson”) seeks to construct eight wells on individually owned ten acre lots, limited to household and domestic use. Total consumptive use for the eight wells is estimated at 0.2512 acre-feet per year, not to exceed 0.02 c.f.s. Water rights through direct exchange or releases from Cold Springs Reservoir (“Reservoir”) will provide the required volume for augmentation.

Although an approved subdivision plat is necessary to determine

the exact location of the wells, the lots are located within the S1/2 SW1/4 of Section 25 and the NW1/4 of Section 36, T.4 S., R. 71 W., 6th P.M., Jefferson County, Colorado ("Kerr Gulch Highlands"). The Reservoir is located on Cold Springs Gulch upstream of the proposed Kerr Gulch Highlands development in the SW1/4 SW1/4 of Section 14, T.4 S., R. 71 W., 6th P.M., Jefferson County, Colorado.

Wilson's plan for augmentation was dependent on the Spring Ranch Augmentation Plan decreed on July 19, 1977 ("Decree"). The Decree states that 11.76 acre-feet of annual consumptive use credits may be stored in the Reservoir or used by direct exchange to replace consumptive depletions from proposed wells serving up to seventy-four residences in the Spring Ranch Subdivision. The Decree specifically allowed for the sale of water not required for augmentation of the Spring Ranch Subdivision. Pursuant to the Decree, Wilson will acquire a pro rata interest and the right to use a portion of the 11.76 acre-feet of annual consumptive use credits determined associated with eight shares in the Hodgson Ditch Operating Association.

Wilson seeks judicial confirmation that 0.2512 acre-feet of the annual consumptive use credits, available by direct exchange or stored in the Reservoir, can be utilized for replacement and augmentation purposes to replace consumptive depletions of the eight wells as described herein. Wilson also requested that the water court approve his plan for augmentation, specifically determining that the source and location for delivery of augmentation water are sufficient to prevent material injury to vested water rights, and that the eight wells can be operated without curtailment so long as out-of-priority stream depletions are replaced.

2. Opposition

No statements of opposition have been filed.

Kiowa K. Engwis

WATER COURT DIVISION 5

APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHT ABSOLUTE (IN PART), IN EAGLE COUNTY, COLORADO. Case No. 01CW142 (Water Division 5, May 30, 2001) (Original decree: May 30, 1995, Case No. 94CW288). Applicants: Bear Gulch Homeowners Association, Inc., Richard E. Delia and Melinda Delia, and Vail Associates, Inc. (Attys. Lori J.M. Satterfield, Balcomb & Green, P.C. and Glenn E. Porzak, Porzak Browning & Bushong, L.L.P.)

1. Application

The Applicants are the successors in interest of George Jouflas, the claimant in Case No. 94CW288. Bear Gulch Homeowners Association,