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**Application for Change in Use and Place of Water Rights, Concerning the Application for Water Rights of Valley Development Group, L.L.C., in Indian Creek in the South Platte River Watershed, Douglas County, Colorado. Case No. 2000CW231 (Water Division 1, Dec. 2000). Applicant: Valley Development Group, L.L.C. (Atty. Thomas C. Williamsen, Helton & Williamsen, P.C.).**

Kirk Waible

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# COLORADO WATER RIGHTS APPLICATIONS

## WATER COURT DIVISION 1

**APPLICATION FOR CHANGE IN USE AND PLACE OF WATER RIGHTS, CONCERNING THE APPLICATION FOR WATER RIGHTS OF VALLEY DEVELOPMENT GROUP, L.L.C., IN INDIAN CREEK IN THE SOUTH PLATTE RIVER WATERSHED, DOUGLAS COUNTY, COLORADO. Case No. 2000CW231 (Water Division 1, Dec. 2000). Applicant: Valley Development Group, L.L.C. (Atty. Thomas C. Williamsen, Helton & Williamsen, P.C.).**

### *1. Application*

The Valley Development Group ("Valley") seeks to change the use and place of use of a decreed water right. Valley is the owner of Meadow Ditch and its associated water rights. Valley requests the historic diversion from Meadow Ditch be expanded from exclusively irrigation purposes to include storage, augmentation, domestic, commercial, fire protection, fish and wildlife propagation, and aesthetic purposes. Valley is not requesting an enlargement, expansion, or increase of the decreed quantity of water historically applied to beneficial use.

The Meadow Ditch headgate is located in the W1/2, NE1/4, Section 21, Township 7 South, Range 68 West of the 6th P.M. at a point 2055 feet from the North section line and 2380 feet from the East section line. Meadow Ditch diverts from Indian Creek, upstream from that stream's confluence with West Plum Creek. West Plum Creek is tributary to the South Platte River. The original ditch right of 5.0 c.f.s. was adjudicated on December 10, 1883. Valley claims the calculated historical use of the Meadow Ditch water right, measured during a representative period of time, attained a maximum consumptive use of 218.4 acre-feet per year. The historical use of the Meadow Ditch water right is the annual irrigation of approximately 100 acres on the Lambert Ranch ("ranch").

Valley plans to develop the ranch into a residential community. However, Valley will develop the ranch incrementally. Therefore, the Valley will continue to utilize the portion of the ranch that remains undeveloped for the commercial production of hay. Valley plans to transfer slowly the use of the water right from irrigation to residential purposes as it develops the ranch. In addition, Valley will change points of diversion from Meadow Ditch incrementally. Valley claims it will alter the present return flow regimen only when designated lands are taken out of irrigation, and water is transferred to new uses as well

as alternate points of diversion.

Valley immediately requires a portion of the water right use to be changed from irrigation to fire protection. The water required for this use would be stored in an existing pond on the ranch property. Lambert Ranch Fire Protection Pond No. 1 is located in the NW1/4 of the SE1/4, Section 6, Township 7 South, Range 68 West of the 6th P.M. at a point approximately 1500 feet from the South section line, and 2100 feet from the East section line. The dimensions of the pond are approximately 250 feet by 200 feet by 5 feet, with a total capacity of about 6.0 acre-feet. Valley claims that the requested change will not injuriously affect other owners or persons entitled to use water under vested or decreed conditional water rights.

## *2. Opposition*

No letters of opposition have been filed.

*Kirk Waible*

**APPLICATION FROM SOUTH SUBURBAN PARK AND RECREATION DISTRICT, FOR WATER RIGHTS IN ARAPAHOE COUNTY.** Case No. 2000CW230 (Water Division 1, Dec. 2000). Applicant: South Suburban Park and Recreation District (Attys. Robert G. Cole & Evan D. Ela, Collins, Cockrel & Cole, P.C.).

## *1. Application*

South Suburban Park and Recreation District ("South Suburban") seeks a decree for water rights from Big Dry Creek, a tributary of the South Platte River. South Suburban owns approximately 190 acres of golf course and landscaping known as the South Suburban Golf Course. South Suburban wishes to divert water from two locations and store water in four ponds located on the golf course property. The two diversion points are (1) the Upper Big Dry Creek Diversion located on the left bank of Big Dry Creek in Section 31, Township 5 South, Range 67 West of the 6th P.M., at a point approximately 2050 feet from the east section line of said Section 31 and 250 feet from the south section line of said Section 31, in Arapahoe County, and (2) the Lower Big Dry Creek Diversion located on the left bank of Big Dry Creek in Section 31, Township 5 South, Range 67 West of the 6th P.M., at a point approximately 1050 feet from the west section line of said Section 31 and 1250 feet from the south section line of said Section 31, in Arapahoe County. The four storage rights pertain to existing ponds on the golf course property. The four ponds are off-channel storage structures used to irrigate the property and provide golfing hazards and aesthetic value to the course. The four ponds are the Upper South Pond, Lower South Pond, North Pond, and Entrance Pond.

South Suburban requests an amount of 10.0 c.f.s. of conditional water from the Upper Dry Creek Diversion and from the Lower Dry Creek Diversion. South Suburban requests the right to divert water at