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## Application for Water Rights - Change of Use; Clarification of Point of Diversion; Alternative Point of Diversion, in Dolores County, Colorado.

Madoline E.S. Wallace

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**APPLICATION FOR WATER RIGHTS—CHANGE OF USE; CLARIFICATION OF POINT OF DIVERSION; ALTERNATIVE POINT OF DIVERSION, IN DOLORES COUNTY, COLORADO.** Case No. 99CW68 (Water Division 7, Jan. 2000). Applicants: Colorado Division of Wildlife and the Colorado Wildlife Commission (Atty. Ken Salazar).

### *1. Application*

The Colorado Division of Wildlife and the Colorado Wildlife Commission (“Colorado” or “the State”) seek to change their decreed use, to clarify their point of diversion, and to request an alternative point of diversion. Colorado currently holds a 0.5 c.f.s. absolute water right for irrigation and for stock watering purposes with an April 1, 1912 priority date. The decreed right originates from Morrison Creek, which is tributary to Disappointment Creek and to the Dolores River. The State’s diversion occurs in Water District 69 at Young Ditch No. 2, which runs in a northwesterly direction for 2300 feet until it terminates at Arrowhead Lake.

Colorado seeks to change its decreed beneficial use from irrigation and stock watering purposes to wildlife watering purposes. The State owns the Lone Cone State Wildlife Area, a remote 5030-acre tract, to preserve and to enhance wildlife habitat for big game species. Animals inhabiting the area include bear, mountain lion, elk, deer, turkey, blue grouse, and waterfowl.

Additionally, the State seeks to clarify its point of diversion for Young Ditch No. 2. Colorado’s decreed point of diversion occurs on the north bank of Morrison Creek on the southeast corner of the SW1/4, SW1/4, Section 32, T. 42 N., R. 13 W., New Mexico Prime Meridian. Based on the use of a global positioning system, the State finds that the headgate’s actual location occurs in the SE1/4, SE1/4, Section 31, T. 42 N., R. 13 W., such that the northeast corner of Section 31 bears approximately 4710 feet north 5° 29’, 27’’ east.

Consequently, Colorado seeks an alternative point of diversion for Young Ditch No. 2 because beaver activity changed the stream’s course making its current diversion ineffectual. Colorado seeks to change its diversion from the actual location discussed above so that the northeast corner of Section 31 bears 4,470 feet north 10°, 47’, 29’’ east. This would change the point of diversion by approximately 500 feet.

### *2. Opposition*

No statement of opposition has been filed.

*Madoline E.S. Wallace*