

STATE OF COLORADO DIVISION OF PARKS AND OUTDOOR RECREATION (Staunton).

2010CW305

APPLICATION FOR GROUNDWATER RIGHTS CHANGE OF WATER RIGHT, WATER STORAGE RIGHTS, CHANGE IN WATER STORAGE RIGHTS, APPROPRIATIVE RIGHTS OF EXCHANGE AND PLAN FOR AUGMENTATION IN PARK AND JEFFERSON COUNTIES, COLORADO.

1. Name of Applicant:

State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation ("State Parks"), 1313 Sherman Street, Room 618, Denver, Colorado 80203, (303) 866-3203, c/o Jennifer Mele, Assistant Attorney General, 1525 Sherman Street, 7th Floor, Denver, CO 80203, telephone (303) 866-5033.

2. Names and addresses of owners of land on which structures are located or proposed to be located:

State Parks, see paragraph 1, above. Keith D. and Judith E. Davis, 01060 Alkire Street, Golden, CO 80401, First Claim – Groundwater Rights

3. Staunton Well No. 3319

A. Location: In the NE1/4 of the SE1/4 of Section 24, T6S, R72W, 2045 feet from the south section line, 728 feet from the east section line.

B. Amount: 20 gpm

C. Use: Commercial, domestic and irrigation

D. Source: groundwater tributary to the North Fork of the South Platte River

E. Appropriation Date: December 30, 2010

4. Staunton Well No. 3320

A. Location: In the SE1/4 of the SE1/4 of Section 24, T6S, R72W, 1276 feet from the south section line, 400 feet from the east section line.

B. Amount: 20 gpm

C. Use: Commercial, domestic and irrigation

D. Source: groundwater tributary to the North Fork of the South Platte River

E. Appropriation Date: December 30, 2010

5. Staunton Well No. 3322

A. Location: In the SW1/4 of the SE1/4 of Section 19, T6S, R71W, 0 feet from the south section line, 2450 from the east section line.

- B. Amount: 20 gpm
 - C. Use: Commercial, domestic and irrigation
 - D. Source: groundwater tributary to the North Fork of the South Platte River
 - E. Appropriation Date: December 30, 2010
6. Staunton Well No. 3323
- A. Location: In the SE1/4 of the SW1/4 of Section 19, T6S, R71W, 60 from the south section line, 2150 from the west section line.
 - B. Amount: 20 gpm
 - C. Use: Commercial, domestic and irrigation
 - D. Source: groundwater tributary to the North Fork of the South Platte River
 - E. Appropriation Date: December 30, 2010
7. Staunton Well No. 3325
- A. Location: In the SE1/4 of the NW1/4 of Section 23, T6S, R72W, 1802 feet from the north section line, 2010 feet from the west section line.
 - B. Amount: 20 gpm
 - C. Use: Commercial, domestic and irrigation
 - D. Source: groundwater tributary to the North Fork of the South Platte River
 - E. Appropriation Date: December 30, 2010
8. Staunton Well No. 3326
- A. Location: In the SW1/4 of the NE1/4 of Section 30, T6S, R71W, 2160 feet from the north section line, 1780 feet from the east section line.
 - B. Amount: 20 gpm
 - C. Use: Commercial, domestic and irrigation
 - D. Source: groundwater tributary to the North Fork of the South Platte River
 - E. Appropriation Date: December 30, 2010
9. Staunton Well No. 3327
- A. Location: In the SE1/4 of the NE1/4 of Section 30, T6S, R71W, 2240 feet from the north section line, 1180 feet from the east section line. B Amount: 20 gpm
 - C. Use: Commercial, domestic and irrigation
 - D. Source: groundwater tributary to the North Fork of the South Platte River
 - E. Appropriation Date: December 30, 2010
10. Staunton Well No. 3328

A. Location: In the SE1/4 of the NE1/4 of Section 30, T6S, R71W, 2760 feet from the north section line, 1020 feet from the east section line.

B. Amount: 20 gpm

C. Use: Commercial, domestic and irrigation

D. Source: groundwater tributary to the North Fork of the South Platte River

E. Appropriation Date: December 30, 2010

Second Claim – Change of Water Rights

11. Decreed name of water rights for which change is sought:

Davis Ditch No. 1, Priority No.317 (Priority No.57 in the North Fork Drainage) in Water District 23.

A. From previous decrees:

i. Dates: The original decree for the Davis Ditch rights was entered May 22, 1913 in CA 1678. The appropriation date of the Davis Ditch No. 1 is March 1, 1884.

ii. Use: irrigation.

iii. Source: Elk Creek, tributary to the North Fork of the South Platte River.

iv. Decreed Point of Diversion: On the right bank of Elk Creek, at a point whence the southwest corner of Section 30, T6S, R71W of the 6th PM, Jefferson County, bears South 53°38' West, 1,211 feet.

v. Amount: 2.5 cfs

12. Decreed name of water rights for which change is sought:

Davis Ditch No. 2, Priority No.328 (Priority No.63 in the North Fork Drainage) in Water District 23.

A. From previous decrees:

i. Dates: The original decree for the Davis Ditch rights was entered May 22, 1913 in CA 1678. The appropriation date of the Davis Ditch No. 2 is March 1, 1888.

ii. Use: irrigation.

iii. Source: Black Mountain Creek, tributary to Elk Creek, tributary to the North Fork of the South Platte River.

iv. Decreed Point of Diversion: On the left bank of Black Mountain Creek at a point whence the southwest corner of Section 30, T6S, R71W of the 6th PM, Jefferson County, Colorado, bears South 20°45' West, 1,393.50 feet.

v. Amount: 1.5 cfs

13. Decreed name of water rights for which change is sought:

Davis Ditch No. 3, Priority No.351 (Priority No.75 in the North Fork Drainage) in Water District 23.

A. From previous decrees:

i. Dates: The original decree for the Davis Ditch rights was entered May 22, 1913 in CA 1678. The appropriation date of the Davis Ditch No. 3 is 25 November 11, 1896.

ii. Use: irrigation.

iii. Source: a Spring Branch (a/k/a Jones Creek) of Elk Creek, tributary to the North Fork of the South Platte River.

iv. Decreed Point of Diversion: On the left bank of a Spring Branch (a/k/a Jones Creek) of Elk Creek, at a point whence the northwest corner of Section 31, T6S, R71W of the 6th PM, Jefferson County, Colorado, bears North 59°32' West, 1,731 feet.

v. Amount: 1 cfs

14. Proposed Change:

State Parks seeks to add recreational, piscatorial and wildlife use as decreed uses for these water rights as well as direct augmentation of such uses and augmentation of irrigation, domestic and commercial use, augmentation of evaporation, return flow replacement and storage for all such uses. This water right may be stored for such uses in the Elk Creek Falls Reservoir, Davis Reservoir Nos. 1, 2 and/or 3 and/or the Staunton Reservoir Nos. 1 and/or 2. State Parks also seeks a change in place of use to allow use anywhere within the Staunton State Park boundaries, located at Sections 18, 19, 20, 29, 30, and 31 of Township 6 South, Range 71 West of the 6th Principal Meridian; and sections 13, 14, 15, 22, 23, 24, 25, and 26 of Township 6 South, Range 72 West of the 6th Principal Meridian and depicted on the attached Exhibit A.

Third Claim – Water Storage Rights

15. Elk Creek Falls Reservoir

A. Location: SE1/4 NW1/4 Section 23, T 6 S, R 72 W of the 6th P.M.

B. Amount: 12.6 acre feet

C. Use: recreation, piscatorial and wildlife as well as augmentation of irrigation, domestic and commercial use, augmentation of evaporation and return flow replacement.

D. Source: North Elk Creek, tributary to Elk Creek, tributary to the North Fork of the South Platte River.

E. Appropriation Date: December 30, 2010

16. Staunton Reservoir No. 1

A. Location: A point on Black Mountain Creek in NW1/4 SW1/4 of Section 30, Township 6 South, Range 71 West of the 6th P.M.

B. Amount: 15 acre feet

C. Use: recreation, piscatorial and wildlife as well as augmentation of irrigation, domestic and commercial use, augmentation of evaporation and return flow replacement.

D. Source: Black Mountain Creek, tributary to Elk Creek, tributary to the North Fork of the South Platte River.

E. Appropriation Date: December 30, 2010

17. Staunton Reservoir No. 2

A. Location: A point on Black Mountain Creek in NW1/4 SW1/4 of Section 30, Township 6 South, Range 71 West of the 6th P.M.

B. Amount: 15 acre feet

C. Use: recreation, piscatorial and wildlife as well as augmentation of irrigation, domestic and commercial use, augmentation of evaporation and return flow replacement.

D. Source: Black Mountain Creek tributary to Elk Creek, tributary to the North Fork of the South Platte River.

E. Appropriation Date: December 30, 2010 Remarks: State Parks intends to consolidate Davis Reservoir No. 3 and Davis Reservoir No. 2 to create Staunton Reservoir No. 1. Davis Reservoir No. 1 will be renamed Staunton Reservoir No. 2.

Fourth Claim – Change in Water Storage Rights

18. Decreed name of water rights for which change is sought: Davis Reservoir No. 1

A. From previous decrees:

i. Dates: The original decree for the Davis Reservoir storage rights was entered November 15, 1971 in CA 3701. The appropriation date of the Davis Reservoir No. 1 is May 1, 1936.

ii. Use: irrigation, livestock, domestic and piscatorial.

iii. Source: Black Mountain Creek, tributary to Elk Creek, tributary to the North Fork of the South Platte River.

iv. Decreed Point of Diversion: At a point whence the southwest corner of Section 30, T6S, R71W of the 6th PM, Jefferson County, bears South 3°15' West, 2,020 feet.

v. Amount: 11.3 acre feet storage

19. Decreed name of water rights for which change is sought: Davis Reservoir No. 2.

A. From previous decrees:

i. Dates: The original decree for the Davis Reservoir storage rights was entered November 15, 1971 in CA 3701. The appropriation date of the Davis Reservoir No. 1 is May 1, 1936.

- ii. Use: irrigation, livestock, domestic and piscatorial.
- iii. Source: Black Mountain Creek, tributary to Elk Creek, tributary to the North Fork of the South Platte River.
- iv. Decreed Point of Diversion: At a point whence the southwest corner of Section 30, T6S, R71W of the 6th PM, Jefferson County, Colorado, bears South 6°0' West, 2,400 feet.
- v. Amount: 10.4 acre feet

20. Decreed name of water rights for which change is sought: Davis Reservoir No. 3.

A. From previous decrees:

- i. Dates: The original decree for the Davis Reservoir storage rights was entered November 15, 1971 in CA 3701. The appropriation date of the Davis Reservoir No. 1 is May 1, 1936.
- ii. Use: irrigation, livestock, domestic and piscatorial.
- iii. Source: Black Mountain Creek, tributary to 26 Elk Creek, tributary to the North Fork of the South Platte River.
- iv. Decreed Point of Diversion: At a point whence the northwest corner of Section 30, T6S, R71W of the 6th PM, Jefferson County, Colorado, bears South 5°15' West, 2,795 feet.
- v. Amount: 2.7 acre feet

21. Proposed Change: State Parks seeks to add recreational, piscatorial and wildlife use, as well as augmentation of irrigation commercial and domestic use, augmentation of evaporation and return flow replacement as decreed uses for these water rights. State Parks also seeks a change in place of use to allow use anywhere within the Staunton State Park boundaries, and a change in place of storage to allow for storage of these rights in Elk Creek Falls Reservoir and Staunton Reservoir Nos. 1 and 2.

Fifth Claim – Appropriative Rights of Exchange

22. Davis Ditches to Staunton State Park storage facilities State Parks is claiming exchanges from all three Davis Ditches, described above, to Staunton Reservoir No. 1 (a/k/a Davis Reservoir Nos. 2 and 3, herein referred to as Staunton Reservoir No. 1) and Staunton Reservoir No. 2 (a/k/a Davis Reservoir No. 1, herein referred to as Staunton Reservoir No. 2), and Elk Creek Falls Reservoir, all described above.

A. Legal Descriptions of Exchange-from Points:

- i. Confluence of Jones Creek and Elk Creek: NW1/4 NE1/4 of Section 31, Township 6 South, Range 71 West of the 6th P.M.
- ii. A point on Elk Creek at or near Davis Ditch No. 1 headgate SW1/4 SW1/4 of Section 30, Township 6 South, Range 71 West of the 6th P.M.
- iii. A point on Black Mountain Creek at or near the Davis Ditch No. 2 headgate NE1/4 SE1/4 of Section 25, Township 6 South, Range 72 West of the 6th P.M.

B. Legal Description of Exchange-to Points:

- i. Staunton Reservoir No. 1: A point on Black Mountain Creek in NW1/4 SW1/4 of Section 30, Township 6 South, Range 71 West of the 6th P.M.
- ii. Staunton Reservoir No. 2 : A point on Black Mountain Creek in NW 1/4 SW1/4 of Section 30, Township 6 South, Range 71 West of the 6th P.M.
- iii. Elk Creek Falls Reservoir: SE1/4 NW1/4 Section 23, T 6 S, R 72 W of the 6th P.M.

C. Maximum Rate of Exchange:

- i. 5 cfs from Davis Ditch Nos. 1, 2 and 3 to the Staunton State Park reservoirs.
- ii. 2 cfs from Staunton Reservoir No. 1 and Staunton Reservoir No. 2 to Elk Creek Falls Reservoir.

23. Deer Creek Rights to Staunton State Park storage facilities State Parks is claiming exchanges from State Parks' water rights tributary to the North Fork of the South Platte River to Staunton Reservoir No. 1, Staunton Reservoir No. 2, and Elk Creek Falls Reservoir.

A. Legal Description of Exchange-from Point: Elk Creek confluence with the North Fork of the South Platte: NE1/4 SE1/4 Section 27, T 7 S, R 71 W of 6th P.M.

B. Legal Description of Exchange-to Points: same as 22.B

C. Maximum Rate of Exchange: 1.30 cfs

Sixth Claim – Plan for Augmentation

24. Description of Plan for Augmentation: State Parks seeks to augment out of priority depletions arising from use of the eight new wells, as well as from any replacement wells or supplemental wells thereto, and out of priority depletions arising from storage structures located at Staunton State Park, to supply water for irrigation, domestic, commercial, piscatorial, wildlife and recreational uses at Staunton State Park.

A. Structures to be Augmented: The eight wells described in above paragraphs nos. 3-10, Elk Creek Falls Reservoir, Staunton Reservoirs Nos. 1 and 2, Davis Reservoir Nos. 1, 2 and 3, described above

B. Source of Replacement Water: Water derived from Davis Ditch Nos. 1, 2 and 3 water rights, either directly or by storage, water stored in Staunton Reservoir Nos. 1 and 2, including rights decreed to Davis Reservoir Nos. 1, 2 and 3, Elk Creek Falls Reservoir and Staunton Reservoir Nos. 1 and 2 junior rights sought herein, all described above, and water derived from water rights changed in Case No. 84CW566.

25. New Water Supply Wells: The uses associated with Staunton State Park will be supplied by the eight wells described in above paragraphs nos. 3-10. These wells are located in Sections 19 and 30 of T6S, R71W, and Sections 23 and 24 of T6S, R72W of

the 6th P.M. See Exhibit A attached hereto. These wells will be permitted for commercial, irrigation and domestic use. This Plan for Augmentation shall allow operation of the eight wells to supply Staunton State Park uses described herein as well as any supplemental or replacement wells for such uses duly permitted by the Office of the Division of Water Resources pursuant to § 37-90-137(2), C.R.S.

26. Water Usage: Water uses at Staunton State Park include potable demands for the visitors center, seasonal employee housing, maintenance and operations buildings, camper services building and 27 headquarters, campsites (some with toilets and showers), day uses, cabins with kitchenettes, as well as irrigation. Furthermore, State Parks will use its water rights described herein to replace evaporation in Staunton State Parks reservoirs and for replacement of return flows.

27. Operation of the Plan: State Parks' operation of the eight Staunton State Parks will result in stream depletions to Elk Creek. Replacement will be made to the stream at times when the call is senior to the priority date of the wells. Replacement water will be derived from the water rights of the Davis Ditch Nos. 1,2 and 3; the Davis Reservoir Nos. 1, 2, and 3; Staunton Reservoirs 1 and 2; Elk Creek Falls Reservoir; and rights changed in Case No. 84CW566. Replacement will be made either directly from these water rights or after storage of the rights in the Staunton Reservoirs Nos. 1 and 2 and Elk Creek Falls Reservoir. State Parks projects that depletions from the wells will not be more than 5 acre feet annually.

WHEREFORE, State Parks requests the Court to enter a decree approving the groundwater rights, change of water rights, water storage rights, change in water storage rights, appropriative rights of exchange and plan for augmentation requested herein and determining that such claims of groundwater rights, change in water rights, water storage rights, change in water storage rights, appropriative rights of exchange and the plan for augmentation will not cause injury to any vested water right or decreed conditional water right.

Dated this 30th day of december 2010

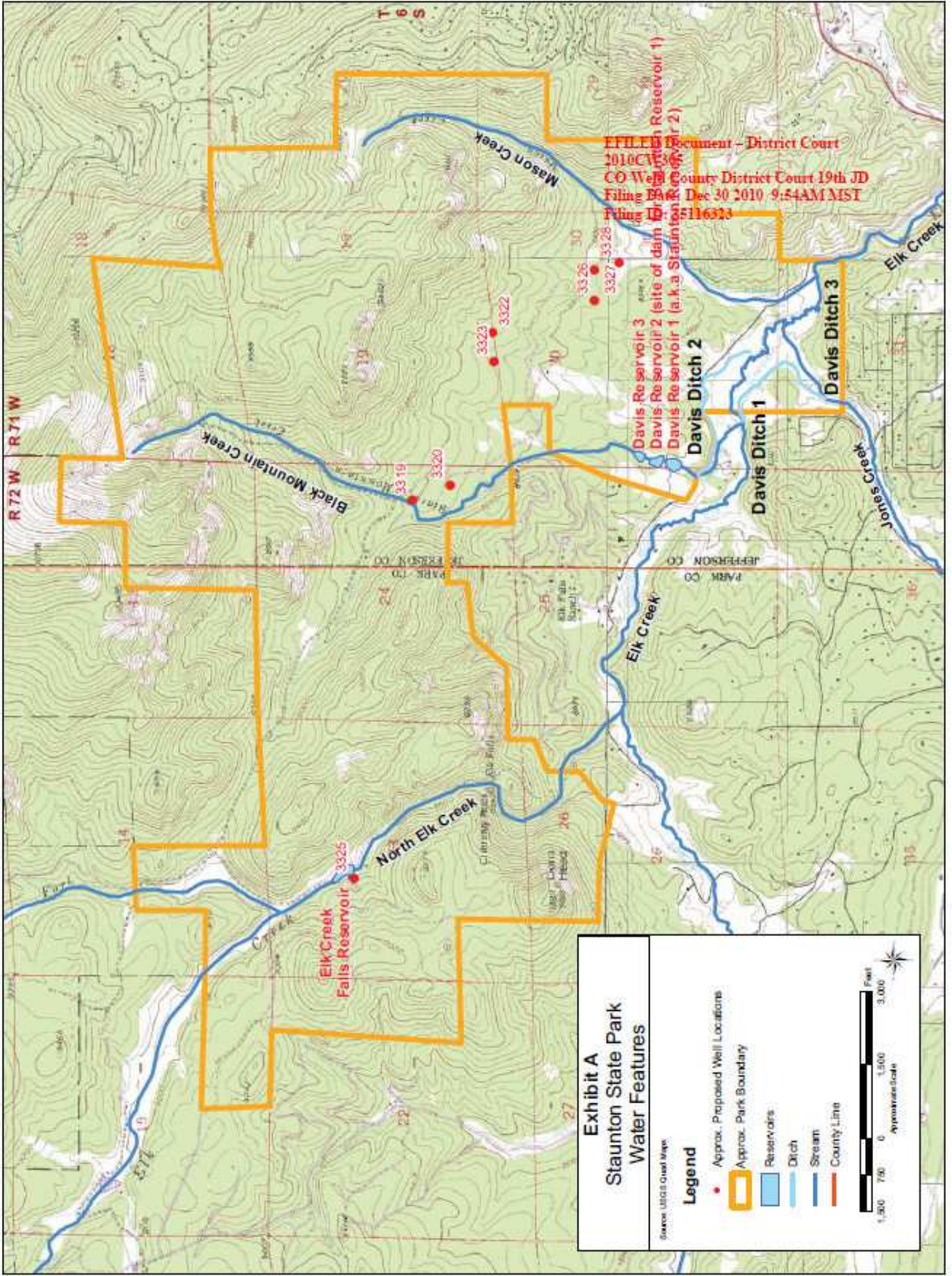


Exhibit A
Staunton State Park
Water Features

Source: USGS Quad Maps

Legend

- Approx. Proposed Well Locations
- Approx. Park Boundary
- Reservoirs
- Ditch
- Stream
- County Line



FILED Document - District Court
 2010C133
 CO-Well County District Court 19th JD
 Filing on Dec 30 2010 9:54AM MST
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Davis Reservoir 3
 Davis Reservoir 2 (site of dam)
 Davis Reservoir 1 (a.k.a. Statton Reservoir)

Davis Ditch 2

Davis Ditch 1

Davis Ditch 3

Elk Creek Falls Reservoir

North Elk Creek

Black Mountain Creek

Mason Creek

Jones Creek

Elk Creek

PARK CO

JEFFERSON CO

PARK TOWNSHIP

JEFFERSON CO

PARK TOWNSHIP

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