

District Court, Water Division _____ County, Colorado Court Address: _____ <hr/> CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicant: _____ IN _____ COUNTY	▲ COURT USE ONLY ▲
If Represented by an Attorney, Attorney's Name and Address: _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division: _____ Courtroom: _____
APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION	

A plan for augmentation is a detailed program, which may be either temporary or perpetual in duration, to increase the supply of water available for beneficial use in a division or portion thereof by development of new or alternate means or points of diversion, by a pooling of water resources, by water exchange projects, by providing substitute supplies of water, by the development of new sources of water, or by any other appropriate means. "Plan for augmentation" does not include the salvage of tributary waters by the eradication of phreatophytes, nor does it include the use of tributary water collected from land surfaces that have been made impermeable, thereby increasing the runoff but not adding to the existing supply of tributary water. (§37-92-103(9), Colo. Rev. Stat.)

In reviewing a proposed plan for augmentation and in considering terms and conditions that may be necessary to avoid injury, the referee or the water judge shall consider the depletions from an applicant's use or proposed use of water, in quantity and in time, the amount and timing of augmentation water that would be provided by the applicant, and the existence, if any, of injury to any owner of or persons entitled to use water under a vested water right or a decreed conditional water right. A plan for augmentation shall be sufficient to permit the continuation of diversions when curtailment would otherwise be required to meet a valid senior call for water, to the extent that the applicant shall provide replacement water necessary to meet the lawful requirements of a senior diverter at the time and location and to the extent the senior would be deprived of his or her lawful entitlement by the applicant's diversion. A proposed plan for augmentation that relies upon a supply of augmentation water which, by contract or otherwise, is limited in duration shall not be denied solely upon the ground that the supply of augmentation water is limited in duration, so long as the terms and conditions of the plan prevent injury to vested water rights. Said terms and conditions shall require replacement of out-of-priority depletions that occur after any groundwater diversions cease. Decrees approving plans for augmentation shall require that the state engineer curtail all out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights. A plan for augmentation may provide procedures to allow additional or alternative sources of replacement water, including water leased on a yearly or less frequent basis, to be used in the plan after the initial decree is entered if the use of said additional or alternative sources is part of a substitute water supply plan approved pursuant to §37-92-308, C.R.S., or if such sources are decreed for such use. (37-92-305(8), Colo. Rev. Stat.)

Generally, the statutes and case law require that injurious out of priority depletions must be replaced in time, location, quality and amount.

1. Name, mailing address, email address and home telephone number of applicant(s):

Name of Applicant	Mailing Address	Email address	Home Number	Phone

2. Name(s) of structure(s) to be augmented. _____

A. Is structure decreed? Yes No. If Yes, provide the following:

Case number: _____ Name of Court: _____

Appropriation date: _____

Amount: _____

Source of water (for example, unnamed tributary to North Clear Creek, tributary to Clear Creek, tributary to Platte River): _____

Decreed uses: _____

Are there other water rights diverted from this structure(s)? Yes No. If Yes, identify the court case number(s) and court(s) for each such water right: _____

B. Legal description of structure: (PLSS) (include perpendicular distances from section lines, and indicate 1/4 1/4, section number, township, range, meridian and county; mark the location of the structure on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map). In areas where section lines have not been established, a bearing and distance to an established government monument is acceptable. In areas having generally recognized street addresses, include street address, and if applicable, the lot, block, and subdivision.

Preferred Legal Description (PLSS):

Preferred Legal Description: County	_____ 1/4	_____ 1/4	Section	Township	Range	Principal Meridian
	of the			N or S <input type="checkbox"/> <input type="checkbox"/>	E or W <input type="checkbox"/> <input type="checkbox"/>	
Distance from section lines (section lines are typically not property lines) _____ Feet from <input type="checkbox"/> N <input type="checkbox"/> S and _____ Feet from <input type="checkbox"/> E <input type="checkbox"/> W						
Street Address: _____						
Subdivision:	Lot		Block			

OR, in the alternative, if PLSS is not available. GPS location information in UTM format.

Required settings for GPS units are as follows: Format must be UTM; Zone must be 12 or 13; Units must be Meters; Datum must be NAD83, and Units must be set to true North.

Alternative Description (UTM): Were points averaged? <input type="checkbox"/> Yes <input type="checkbox"/> No	Northing _____ Easting _____ <input type="checkbox"/> Zone 12 <input type="checkbox"/> Zone 13
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3. Water right(s) to be used for augmentation:

- A. Date of original and all relevant subsequent decrees: _____ Case No: _____
 Court: _____
- B. Type of water right: surface underground storage other: _____
- C. Legal description of each point or diversion storage structure: (PLSS) (include perpendicular distances from section lines, and indicate ¼ ¼, section number, township, range, meridian and county; mark the location of the structure on a USGS topographic map and attach to this application a legible 8 ½ x 11 inch copy of the applicable portion of the map). In areas where section lines have not been established, a bearing and distance to an established government monument is acceptable. In areas having generally recognized street addresses, include street address, and if applicable, the lot, block, and subdivision.

Preferred Legal Description (PLSS):

Preferred Legal Description: County	_____ 1/4 of the	_____ 1/4	Section	Township _____ N or S <input type="checkbox"/> <input type="checkbox"/>	Range _____ E or W <input type="checkbox"/> <input type="checkbox"/>	Principal Meridian
	Distance from section lines (section lines are typically not property lines) _____ Feet from <input type="checkbox"/> N <input type="checkbox"/> S and _____ Feet from <input type="checkbox"/> E <input type="checkbox"/> W					
Street Address: _____						
Subdivision:		Lot		Block		

OR, in the alternative, if PLSS is not available. GPS location information in UTM format.

Required settings for GPS units are as follows: Format must be UTM; Zone must be 12 or 13; Units must be Meters; Datum must be NAD83, and Units must be set to true North.

Alternative Description (UTM): Were points averaged? <input type="checkbox"/> Yes <input type="checkbox"/> No	Northing _____ Easting _____ <input type="checkbox"/> Zone 12 <input type="checkbox"/> Zone 13
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- C. Source of water (for example, unnamed tributary to North Clear Creek, tributary to Clear Creek, tributary to Platte River): _____
- D. Appropriation Date: _____ Amount: _____
 Amount to be included in this plan for augmentation: _____
- E. Current uses: _____

4. Complete statement of plan for augmentation. Mark the location of historical use on a USGS topographic map and attach to this application a legible 8 ½ x 11 inch copy of the applicable portion of the map. Include records or summaries of records of actual diversions of each right the applicant intends to rely on for augmentation to the extent such records exist. §37-92-302(2)(a), Colo. Rev. Stat. In addition, you may submit a report by an engineer that includes this information. Please be aware that early in the proceedings, you will be required to supply detailed information, such as consumptive use, out-of-priority depletions, and amounts of replacement water on a monthly basis. You are encouraged to provide such information with this application.

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Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
CERTIFICATE OF NOTICE	

I, _____ (insert name) hereby certify that I have provided a copy of the application filed on _____ (date) with the Court to the following landowner(s) upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored:

1. _____
2. _____
3. _____

The application was provided to the landowner(s) by Certified or Registered mail, return receipt requested, within 10 days after the application was filed with the Court.

Date: _____

Signature/Title