

District Court, Water Division 4, Colorado Court Address: 1200 N. Grand Blvd, Montrose CO 81401	
CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicants: Board of County Commissioners of Ouray County, Colorado Ouray County Water Users Association Tri-County Water Conservancy District In the Uncompahgre River or its Tributaries, in Ouray County	▲ COURT USE ONLY ▲
Attorney (Name and Address): Carol Viner # _____ Martha P. Whitmore #8696 Hockersmith & Whitmore, LLC P.O. Box 646 Ouray, CO 81427 970-325-4414 marti@ouraylaw.com For Tri-County Water Conservancy District: Aaron R. Clay #9666 Clay and Dodson, P.C. PO Box 38, Delta, CO 81416 Telephone 970-874-9777, fax 970-874-7224 aaronclay@qwestoffice.net	Case Number: 2019CW ____
APPLICATION FOR CONDITIONAL WATER RIGHTS (SURFACE)	

First Claim: Surface Diversion for the Cow Creek – Ridgway Reservoir Pipeline.

1. Name, mailing address, email address and telephone number of applicant(s) (if there are multiple applicants, and the space provided is not adequate to list all of the applicants, the names, addresses, telephone numbers and available email addresses must be provided as an attachment):

Name of Applicant	Mailing Address	Email address	Telephone Number
Tri-County Water Conservancy District	647 N. 7 th St., Montrose CO 81401	mike@tricountywater.org	970-249-3369
Ouray County, Colorado	PO Box C, Ouray, CO 81427	Chunt@ouraycountyco.gov	970-325-_____

2. Name of structure: Cow Creek - Ridgway Reservoir Pipeline ditch spring other **Pipeline**
3. Legal description of each point of diversion: **See Exhibit B (word document of Legal Descriptions) and Exhibit C (Location Figure for Points of Diversion)**
4. Source: **Cow Creek**
 A. Date of appropriation: November 20, 2019

B. How appropriation was initiated: **On the ground site visit and survey by Engineer, Ouray County Resolution Dated _____, Tri-County Water Conservancy District Board of Directors Resolution dated November 20, 2019, Application in Division 4 Water Court. ; Ouray County BOCC; OCWUA; add intent to approp.**

C. Date water applied to beneficial use: N.A. (Conditional)_____

5. Amount claimed in cubic feet per second: Conditional **20 cfs**

If claiming an absolute water right, application shall include supporting evidence that applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed.

6. List All Uses or Proposed Uses: **Storage, Augmentation, Exchange, Piscatorial, Municipal, Irrigation, Domestic, Industrial, Commercial, Reuse, Aquifer Recharge, Streamflow Enhancement, Hydropower generation and Augmentation (for aquatic life including improving water quality for aquatic habitat predicated upon approval from the Colorado Water Conservation Board).**

A. If irrigation, complete the following:

Number of acres historically irrigated _____ Only historically irrigated lands will be irrigated, as generally depicted on Exhibit _____. The water claimed in this application will be used to supplemental or augment historically irrigated lands, and lands of downstream senior water rights holders; proposed to be irrigated _____.

Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right? **Yes**

Legal description of irrigated acreage. Mark the location of the irrigated acreage 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.

Point of Diversions (Shown on Exhibit C) and Irrigated Acreage (Shown on Place of Use Figure, Exhibit D).

B. If non-irrigation, describe purpose fully. Mark location of 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.

Place of Use is Ouray County, Montrose County, and Delta County as shown on Exhibit D.

7. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The applicant must notify these persons that the applicant is applying for this water right, and certify to the Court that the applicant has done so by no later than 14 days after filing this application. The certification form is on page 4 of this form.

Name of Owner	Mailing Address
See Exhibit A	

8. Remarks or any other pertinent information:

Due to tunneling and potential geotechnical uncertainty the applicant is requesting the point of diversion to be located along an approximately 2,000-foot reach of Cow Creek between two points as described above and shown on Exhibit C to allow flexibility in design and construction of the pipeline project to avoid future changes to the point of diversion.

Second Claim: Alternate Points of Diversion for the Cow Creek – Ridgway Reservoir Pipeline Project

A. The Alternative Points of Diversion for the Cow Creek Ridgway Reservoir Pipeline Project including Ditch Name, Location, and Landowner are provided in Exhibit A (Landowners) and described in Exhibit B (Legal Descriptions) and shown on Exhibit C (map of point of diversion).

Third Claim: Rams Horn Reservoir Use Enlargement

1. Name of Reservoir: **Rams Horn Reservoir Use Enlargement**

2. Legal description of location of dam centerline. Attach legal description if necessary.

See Exhibit A (Landowners) and described in Exhibit B (Legal Descriptions) and shown on Exhibit C (map of point of diversion).

3. Source: **Cow Creek tributary to the Uncompahgre River**

4. If filled from a ditch: N/A

5. A. Date of appropriation: **November 20, 2019**

B. How appropriation was initiated: **Preliminary geotechnical evaluation, Site visit by Professional Engineer, Ouray County Commissioner Resolution Dated _____, Tri-County Water Conservation District Board Resolution Dated November 20, 2019, Application for water right in Division 4 Water Court. Ouray Water Users Association**

C. Date water applied to beneficial use: N/A

6. Amount claimed:

A. In acre feet (one acre-foot is the amount of water required to cover an area of one acre to a depth of one foot, and is equal to approximately 325,900 gallons)
Conditional **25,349.15** (acre feet)

B. If filled from a ditch, rate of diversion in cubic feet per second (cfs) (1 cfs = 448.8 gallons per minute (gpm)) for filling the reservoir: N/A

If claiming an absolute water right, application shall include supporting evidence that confirms the capacity of the reservoir and that applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed.

7. List All Uses or Proposed Uses: In addition to the **currently decreed conditional uses of: Irrigation, domestic, municipal, industrial and flood control, the applicants request a 2019 priority for the following additional uses: Flow Stabilization, Augmentation, Exchange, Aquifer Recharge, Reuse, Streamflow Enhancement and Augmentation (for aquatic life including improving water quality for aquatic habitat predicated upon approval from the Colorado Water Conservation Board) and Piscatorial Use in the Reservoir. These uses are limited by the terms of prior diligence decrees.**

A. If irrigation, complete the following:

Number of acres historically irrigated _____; proposed to be irrigated _____.

Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right? yes

Legal description of irrigated acreage. Mark the location of the irrigated acreage 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.

Irrigation within the Tri-Counties of Ouray, Montrose and Delta is already a decreed use, in the Alternative a 2019 water right for irrigation in Ouray, Montrose and Delta County through direct reservoir release, augmentation or exchange. The water right decreed herein will be used throughout Ouray County for augmentation, exchange, irrigation, domestic and municipal uses.

B. If non-irrigation, describe purpose fully. Mark location of use 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.

8. Surface area of high water line: 10,247,500 (Decree) 9,960,000 (Lidar Data) (Square Feet Acres)

A. Vertical height of dam in feet measured vertically from the elevation of the lowest point of the natural surface of the ground where that point occurs along the longitudinal centerline of the dam up to the crest of the emergency spillway of the dam: 260 (Decree) 312 (Lidar Data) (feet)

B. Length of dam in feet: 720 (Lidar Data) (feet)

9. Total capacity of reservoir in acre feet: 25,349.15 (acre feet)

Active capacity: _____ Dead storage: _____

10. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The applicant must notify these persons that the applicant is applying for this water right, and certify to the Court that the applicant has done so by no later than 14 days after filing this application. **See Exhibit A (Table of Land Ownership)**

Fourth Claim: Conditional Appropriative Right of Exchange

A. Applicant also seeks an appropriative right of exchange between the upstream terminus (Rams Horn Reservoir) and the downstream terminus at the confluence of Cow Creek and the Uncompahgre River (see Exhibit E). The purpose of the exchange is to allow the out-of-priority diversion, withdrawal, depletion and storage of water for structures located in Cow Creek Basin by releasing water from Ridgway Reservoir as a substitute source for water rights call emanating from structures located downstream of the confluence of Cow Creek and the Uncompahgre River. And, exchange up Dallas Creek.

B. The flow rate of the exchange is 30 cfs conditional.

C. The appropriation date of the exchange is 11/20/2019.

D. How appropriation was initiated:

Site visit by a Professional Engineer, Ouray County Commissioner Resolution Dated _____, Tri-County Water Conservation District Meeting Vote Dated **, Application for water right in Division 4 Water Court. SAME AS OTHERS – RESOLUTIONS, ETC.

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form.

Signature of Attorney

Date

VERIFICATION AND ACKNOWLEDGMENT OF APPLICANT OR OTHER PERSON HAVING KNOWLEDGE OF THE FACTS STATED IN THIS APPLICATION

I _____ being first duly sworn, hereby state that I have read this Application, that I have personal knowledge of the facts stated and, that I verify its contents to the best of my knowledge, information, and belief.

SignatureDate

The foregoing instrument was acknowledged before me in the County of _____, State of Colorado, this ____ day of _____, 20__, by the person whose signature appears above.

My Commission Expires: _____

Notary Public/Deputy Clerk

The person signing this verification is: Applicant Engineer Other (describe) _____

Verifications of other persons having knowledge of the facts may be attached to this Application.

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_____ CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicants: In the Uncompahgre River or its Tributaries In Ouray COUNTY		▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: E-mail: FAX Number: Atty. Reg. #:		Case Number: 2019CW 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 owner(s) of the land 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:

See attached Exhibit "A"

The application was provided to the landowner(s) by Certified or Registered mail, return receipt requested, within 14 days after the application was filed with the Court.

Date: _____

Signature/Title