

DISTRICT COURT, WATER DIVISION 2, COLORADO

Court Address: 501 North Elizabeth Street
Suite 116
Pueblo, Colorado 81003
Phone Number: (719) 404-8832

**IN THE MATTER OF THE APPLICATION FOR
WATER RIGHTS OF CUCHARAS SANITATION &
WATER DISTRICT, HUERFANO COUNTY WATER
CONSERVANCY DISTRICT, AND TOWN OF LA
VETA**

**IN HUERFANO AND PUEBLO COUNTIES,
COLORADO**

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Case No.: 17CW_____

Ctrm.: 406

**APPLICATION FOR CONDITIONAL WATER STORAGE RIGHTS AND
CONDITIONAL APPROPRIATIVE RIGHTS OF EXCHANGE**

I. Names and Addresses of Applicants.

Cucharas Sanitation & Water District
16925 Highway 12
Cuchara, Colorado 81055
(719) 742-3108
("Cucharas")

Town of La Veta
P.O. Box 174
La Veta, Colorado 81055
(719) 742-5420
("La Veta")

Huerfano County Water
Conservancy District
P.O. Box 442
La Veta, CO 81055
(719) 746-2413
("Huerfano")

Cucharas, Huerfano, and La Veta are referenced herein either individually, or collectively as "Applicants."

II. Summary of Application.

The Applicants seek joint conditional water storage rights for the structures listed below and joint conditional appropriative rights of exchange through portions of the Huerfano River and Cucharas River basins using water rights listed in Paragraph IV, below, as the sources of substitute supply. The Application seeks in part to implement the findings and recommendations of the Cucharas Basin Collaborative Storage Study ("Storage Study") commissioned by the Applicants and other interested parties.

III. Water Storage Rights

A. Name of Structure: Maria Stevens Reservoir – Existing Storage Space and Enlargement.

1. *Legal Description of Structure.* The center of the dam is located in the SW1/4 of the NW1/4 of Section 28, Township 27 South, Range 65 West of the 6th P.M. UTM coordinates NAD83 13 S; Easting: 528333, Northing: 4169042.

2. *Source.* The source for the filling of Maria Stevens Reservoir Existing Storage Space and Enlargement is the Cucharas River by means of the Duran Ditch, tributary to the Huerfano River, tributary to the Arkansas River.

3. *Appropriation.* The appropriation date is July 18, 2017, the date of the meeting between the Applicants to pursue an application for the herein claimed exchanges and

water storage rights to effectuate the findings of the Storage Study after public notices of the meetings concerning the Storage Study were published and after the final portion of the Storage Study was completed in June of 2017 thereby confirming, implementing, and demonstrating the Applicants' intent and actions to initiate and appropriate the water right for the beneficial uses as set forth herein.

4. *Amount of Water Claimed.* 602 acre-feet with the right to fill and refill, conditional for the existing storage space, and 642 acre-feet with the right to fill and refill, conditional for the enlargement.

5. *Uses.* Municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, wetlands, fire protection and suppression, aquifer recharge, substitution, exchange, and replacement, including use, reuse, successive use, and full consumption and disposition to extinction.

6. *Reservoir Specifications.* Maria Stevens Reservoir Enlargement will result in a maximum surface area at high water line of 227 acres. The maximum height of the dam will be approximately 19.5 feet. Maria Stevens Reservoir as currently exists has a maximum surface area at high water line of 202 acres with a maximum dam height of approximately 16.5 feet.

7. *Total Capacity.* Total capacity of the reservoir after the Maria Stevens Enlargement will be approximately 2,743 acre-feet with 642 acre-feet constituting the enlargement with 1,101 acre-feet of dead storage with the entirety of the enlargement being active capacity.

8. *Date Water Applied to Beneficial Use.* Water has not yet been put to beneficial use.

9. *Places of Use.* Within the service area boundaries of the Applicants as they presently exist or as may be modified in the future.

10. *Ownership.* The owner of the land containing Maria Stevens Reservoir is the Maria Lake Grazing Association, LLC, 7343 South Alton Way, Suite 100, Centennial, Colorado 80112-2342.

B. Name of Structure: La Veta Town Reservoir Enlargement.

1. *Legal Description of Structure.* The center of the dam is located in the NW1/4 of the SE1/4 of Section 28, Township 29 South, Range 68 West of the 6th P.M. UTM coordinates NAD83 13 S; Easting: 499522, Northing: 4149667.

2. *Source.* The source for the filling of La Veta Town Reservoir Enlargement is the Cucharas River, tributary to the Huerfano River, tributary to the Arkansas River.

3. *Appropriation.* The appropriation date is July 18, 2017, the date of the meeting between the Applicants to pursue an application for the herein claimed exchanges and water storage rights to effectuate the findings of the Storage Study after public notices of the meetings concerning the Storage Study were published and after the final portion of the Storage Study was completed in June of 2017 thereby confirming, implementing, and demonstrating the Applicants' intent and actions to initiate and appropriate the water right for the beneficial uses as set forth herein.

4. *Amount of Water Claimed.* 150 acre-feet with the right to fill and refill, conditional.

5. *Uses.* Municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, wetlands, fire protection and suppression, aquifer recharge, substitution, exchange, and replacement, including use, reuse, successive use, and full consumption and disposition to extinction.

6. *Reservoir Specifications.* La Veta Town Reservoir Enlargement will result in a maximum surface area at high water line of 39 acres. Maximum height of the dam will be approximately 10 feet. La Veta Town Reservoir as currently exists has a maximum surface area at high water line of 32 acres with a maximum dam height of approximately 10 feet.

7. *Total Capacity.* Total capacity after the La Veta Town Reservoir Enlargement will be approximately 416 acre-feet with 150 acre-feet constituting the enlargement with 27 acre-feet of dead storage with the entirety of the enlargement being active capacity.

8. *Date Water Applied to Beneficial Use.* Water has not yet been put to beneficial use.

9. *Places of Use.* Within the service area boundaries of the Applicants as they presently exist or as may be modified in the future.

10. *Ownership.* The owner of the property where the La Veta Town Reservoir is located is the Town of La Veta, P.O. Box 174, La Veta, Colorado 81055

11. *Comments.* The water right herein claimed for the La Veta Town Reservoir Enlargement is to be stored in the same enlargement space as set forth in Case No. 00CW149, District Court, Water Division 2.

C. Name of Structure: Bruce Canyon Reservoir.

1. *Legal Description of Structure.* The center of the dam is located in the SE1/4 of the NW1/4 of Section 5, Township 30 South, Range 68 West of the 6th P.M. UTM coordinates NAD83 13 S; Easting: 497394, Northing: 4147036.

2. *Source.* The source for the filling of Bruce Canyon Reservoir is the Cucharas River, tributary to the Huerfano River, tributary to the Arkansas River.

3. *Appropriation.* The appropriation date is July 18, 2017, the date of the meeting between the Applicants to pursue an application for the herein claimed exchanges and water storage rights to effectuate the findings of the Storage Study after public notices of the meetings concerning the Storage Study were published and after the final portion of the Storage Study was completed in June of 2017 thereby confirming, implementing, and demonstrating the Applicants' intent and actions to initiate and appropriate the water right for the beneficial uses as set forth herein.

4. *Amount of Water Claimed.* 1,406 acre-feet with the right to fill and refill, conditional.

5. *Uses.* Municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, wetlands, fire protection and suppression, aquifer recharge, substitution, exchange, and replacement, including use, reuse, successive use, and full consumption and disposition to extinction.

6. *Reservoir Specifications.* Bruce Canyon Reservoir will have a maximum surface area at high water line of 62 acres. The maximum height of the dam will be approximately 77 feet.

7. *Total Capacity.* Total capacity of Bruce Canyon Reservoir will be approximately 1,406 acre-feet with 189 acre-feet of dead storage.

8. *Date Water Applied to Beneficial Use.* Water has not yet been put to beneficial use.

9. *Places of Use.* Within the service area boundaries of the Applicants as they presently exist or as may be modified in the future.

10. *Ownership.* The owner of the property whereby the Bruce Canyon Reservoir is to be constructed is Lon Otto Goemmer, P.O. Box 165, La Veta, Colorado 81055.

D. Name of Structure: South Baker Creek Reservoir.

1. *Legal Description of Structure.* The center of the dam is located in the SW1/4 of the NE1/4 of Section 16, Township 31 South, Range 69 West of the 6th P.M. UTM coordinates NAD83 13 S; Easting: 490452, Northing: 4133683.

2. *Source.* The sources for the filling of South Baker Creek Reservoir are South Baker Creek and Baker Creek, tributary to the Cucharas River, tributary to the Huerfano River, tributary to the Arkansas River.

3. *Appropriation.* The appropriation date is July 18, 2017, the date of the meeting between the Applicants to pursue an application for the herein claimed exchanges and water storage rights to effectuate the findings of the Storage Study after public notices of the meetings concerning the Storage Study were published and after the final portion of the Storage Study was completed in June of 2017 thereby confirming, implementing, and demonstrating the Applicants' intent and actions to initiate and appropriate the water right for the beneficial uses as set forth herein.

4. *Amount of Water Claimed.* 122 acre-feet with the right to fill and refill, conditional.

5. *Uses.* Municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, wetlands, fire protection and suppression, aquifer recharge, substitution, exchange, and replacement, including use, reuse, successive use, and full consumption and disposition to extinction.

6. *Reservoir Specifications.* South Baker Creek will have a maximum surface area at high water line of 5 acres. The maximum height of the dam will be approximately 66 feet.

7. *Total Capacity.* Total capacity of South Baker Creek Reservoir will be approximately 122 acre-feet with 29 acre-feet of dead storage.

8. *Date Water Applied to Beneficial Use.* Water has not yet been put to beneficial use.

9. *Places of Use.* Within the service area boundaries of the Applicants as they presently exist or as may be modified in the future.

10. *Ownership.* The owner of the property where the South Baker Creek Reservoir is to be located is Marshall M. Moore, 144 Aspen Road, Cuchara, CO 81055.

E. Name of Structure: Britton Reservoirs Enlargement.

1. *Legal Description of Structure.* The center of the dam is located in the SW1/4 of the NE1/4 of Section 22, Township 31 South, Range 69 West of the 6th P.M. UTM coordinates NAD83 13 S; Easting: 491938, Northing: 4131986.

2. *Source.* The source for the filling of Britton Reservoirs Enlargement is the South Fork of the Cucharas River, tributary to the Cucharas River, tributary to the Huerfano River, tributary to the Arkansas River.

3. *Appropriation.* The appropriation date is July 18, 2017, the date of the meeting between the Applicants to pursue an application for the herein claimed exchanges and water storage rights to effectuate the findings of the Storage Study after public notices of the

meetings concerning the Storage Study were published and after the final portion of the Storage Study was completed in June of 2017 thereby confirming, implementing, and demonstrating the Applicants' intent and actions to initiate and appropriate the water right for the beneficial uses as set forth herein.

4. *Amount of Water Claimed.* 42 acre-feet with the right to fill and refill, conditional.

5. *Uses.* Municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, wetlands, fire protection and suppression, aquifer recharge, substitution, exchange, and replacement, including use, reuse, successive use, and full consumption and disposition to extinction.

6. *Reservoir Specifications.* The Britton Reservoir Enlargement will result in a maximum surface area at high water line of 2.2 acres. The maximum height of the dam will be approximately 48 feet.

7. *Total Capacity.* Total capacity of the Britton Reservoir Enlargement will be approximately 42 acre-feet with 5 acre-feet of dead storage.

8. *Date Water Applied to Beneficial Use.* Water has not yet been put to beneficial use.

9. *Places of Use.* Within the service area boundaries of the Applicants as they presently exist or as may be modified in the future.

10. *Ownership.* The owners of the property where the Britton Ponds are located and where the Britton Reservoirs Enlargement is to be located is Cucharas Sanitation & Water District, 16925 Highway 12, Cucharas, Colorado 81055, and Robert P. Beck and Kathy L. Beck, 555 Community Road, La Veta, CO 81055.

F. Approximations. The dimensions, capacities, and locations of the above listed reservoir structures are approximations and may change. Applicants reserve the right to modify the dimensions, capacities, and locations.

G. Locations. The approximate locations of all of the above listed structures are as shown on attached **Exhibit A**.

IV. Sources of Substitute Supply for the Exchanges.

A. Cucharas' Water Rights.

1. *Ballejos Ditch – Priority Nos. 8 and 13.*

a. Decree Information: Priority No. 8 and Priority No. 13 on the

Cucharas River were originally decreed for diversion at the Ballejos Ditch by the Huerfano County District Court on June 12, 1889, in what is commonly known as the “Read” decree for former Water District No. 16. Cucharas is the owner of 0.375 c.f.s. of Priority No. 8 and 0.375 c.f.s. of Priority No. 13. The point of diversion and type and place of use of Cucharas’ interest in the Priority No. 8 and Priority No. 13 water rights were changed in Water Division 2 Case No. 82CW215, entered September 29, 1984, and Water Division 2 Case No. 85CW136, entered June 19, 1987.

b. Decreed Points of Diversion:

i. The headgate of the Ballejos Ditch is located approximately two miles east of the Town of Walsenburg on the north bank of the Cucharas River in the SE1/4 of the NE1/4 of Section 2, Township 28 South, Range 66 West, 6th P.M.

ii. Based on the changes of water rights decreed in Case No. 82CW215 and Case No. 85CW136, Cucharas’ interest in Priority No. 8 and Priority No. 13 can also be diverted at the following locations:

(a) The intake to the Cucharas Sanitation & Water District’s treatment facilities on the Cucharas River at a point in Section 22, Township 31 South, Range 69 West, 6th P.M., from which the west quarter corner of Section 15, Township 31 South, Range 69 West, 6th P.M. bears north 14°25’ west a distance of 5,770 feet.

(b) The White Creek Reservoir storage facility decreed for Sections 14, 15, 22, and 23, Township 31 South, Range 69 West, 6th P.M.

(c) The Goemmer Reservoir storage facility decreed for Sections 5 and 6, Township 30 South, Range 68 West, 6th P.M.; filled by diversions through the Butte Ditch, which diverts from the Cucharas River in the NW1/4 of the NW1/4 of Section 8, Township 30 South, Range 68 West, 6th P.M.

(d) Britton Reservoir No. 1, located in the SW1/4 of the NE1/4 of Section 22, Township 31 South, Range 69 West, 6th P.M., at a point approximately 1,608 feet west and 2,730 feet south of the NE corner of Section 22.

(e) Britton Reservoir No. 2, located in the SW1/4 of the NE1/4 of Section 22, Township 31 South, Range 69 West, 6th P.M., at a point approximately 175 feet north and 1,979 feet west from the east quarter corner of Section 22; filled by diversions through the Deadman Creek Feeder, located in the NW1/4 of the SE1/4 of Section 22, Township 31 South, Range 69 West, 6th P.M., approximately 2,200 feet west of the east section line and 2,500 feet north of the south section line of Section 22, and the South Fork Feeder, located in the SW1/4 of the NE1/4 of Section 22, Township 31 South, Range 69 West, approximately 1,700 feet west of the east quarter corner of Section 22.

(f) Britton Reservoir No. 3, located in the SW1/4 of

the NE1/4 of Section 22, Township 31 South, Range 69 West, 6th P.M., at a point approximately 300 feet north and 1,999 feet west from the east quarter corner of Section 22; filled by diversions through the Deadman Creek Feeder, located in the NW1/4 of the SE1/4 of Section 22, Township 31 South, Range 69 West, 6th P.M., approximately 2,200 feet west of the east section line and 2,500 feet north of the south section line of Section 22, and the South Fork Feeder, located in the SW1/4 of the NE1/4 of Section 22, Township 31 South, Range 69 West, approximately 1,700 feet west of the east quarter corner of Section 22.

(g) The intake for the Cucharas Sanitation & Water District located on Baker Creek at a point on the north bank of Baker Creek, which is 850 feet easterly of the center of Section 17, Township 31 South, Range 69 West, 6th P.M.

(h) The intake for the Cucharas Sanitation & Water District located on Dotson Creek (aka Dodgeton Creek and Dodston Creek) from whence the east quarter corner of Section 4, Township 31 South, Range 69 West bears south 52°10' east, a distance of 3,245 feet more or less.

c. Source: The source of water for the Ballejos Ditch is the Cucharas River, tributary to the Huerfano River, tributary to the Arkansas River.

d. Appropriation Date:

i. Priority No. 8: April 1, 1868

ii. Priority No. 13: April 1, 1869

e. Comments: In Case Nos. 82CW215 and 85CW136, the Cucharas interest in the Priority No. 8 and Priority No. 13 water rights was decreed for diversion at the points of diversion described in Paragraph IV.A.1.b.ii in the combined maximum amount of 0.525 c.f.s. This amount may be used, reused, successively used, and fully consumed and disposed of to extinction.

B. Huerfano's Water Rights.

1. *William Craig Ditch.*

a. Decree Information: The William Craig Ditch ("Wm. Craig Ditch") was decreed on June 12, 1889 by the original adjudication of the District Court of Huerfano County for irrigation as local Priority No. 7. Huerfano owns a 6/7th interest in the Wm. Craig Ditch, which interest was changed in Case No. 13CW3062, District Court, Water Division 2 ("Wm. Craig Ditch Water Right").

b. Decreed Point of Diversion: The decreed point of diversion for the Wm. Craig Ditch is located in Section 31, Township 26 South, Range 67 West, 6th P.M.

c. Source: The source of water for the Wm. Craig Ditch is the Huerfano River, tributary to the Arkansas River.

d. Appropriation Date: The appropriation date for the Wm. Craig Ditch is May 1, 1864 for 2.4 c.f.s., 2.06 c.f.s. of which is Huerfano's Water Right.

e. Comments: Huerfano adjudicated a change of water right of the Wm. Craig Ditch Water Right in Case No. 13CW3062, District Court, Water Division 2. Huerfano changed the use of the Wm. Craig Ditch Water Right from direct flow irrigation to direct flow and storage for irrigation, domestic, municipal, commercial, industrial, and recreations uses, and other beneficial uses including augmentation, exchange, recharge, and replacement. The place of use was changed from the historically irrigated property to use within the boundaries of Huerfano's service area.

2. *Jose Maria Ditch*

a. Decree Information: The Jose Maria Ditch was decreed on June 12, 1889 by the original adjudication of the District Court of Huerfano County for irrigation as local Priority No. 51. Huerfano owns a one-third ($1/3^{\text{rd}}$) interest in the Jose Maria Ditch ("Jose Maria Ditch Water Right").

b. Decreed Point of Diversion: The decreed point of diversion for the Jose Maria Ditch is in the NW1/4 of the SE1/4 of Section 3, Township 27 South, Range 68 West, 6th P.M.

c. Source: The source for the Jose Maria Ditch is the Huerfano River, tributary to the Arkansas River.

d. Appropriation Date: The appropriation date for the Jose Maria Ditch is May 1, 1873 for 0.24 c.f.s., 0.08 c.f.s. of which is the Jose Maria Ditch Water Right.

C. La Veta's Water Rights.

1. *Mexican Ditch*

a. Decree Information: The Mexican Ditch water right was originally decreed on June 12, 1889 by the original adjudication of the District Court of Huerfano County for irrigation as local Priority No. 14.

b. Decreed Point of Diversion: the decreed point of diversion for the Mexican Ditch is in the NE1/4 of the NW1/4 of Section 31, Township 27 South, Range 65 West, 6th P.M.

c. Source: The source for the Mexican Ditch is the Cucharas River, tributary to the Huerfano River, tributary to the Arkansas River.

d. Appropriation Date: the appropriation date for the Mexican Ditch is April 8, 1869 for 4.9 c.f.s.

e. Comments: The historical consumptive use of La Veta's 2.0 c.f.s. interest in the Mexican Ditch was quantified in Case No. 00CW130, District Court, Water Division 2, on July 19, 2010; its decreed uses were changed to include municipal uses including exchange, and the place of use was changed to include La Veta's municipal service area as it existed in 2010, or may exist in the future.

D. Other Water Rights.

1. *Pueblo Board of Water Works.* Pueblo Board of Water Works ("PBWW") leases direct source and augmentation water from its water rights to water users. Applicants intend to lease such water rights for exchange hereunder. Water available for lease by PBWW includes PBWW's water stored in Clear Creek Reservoir, Turquoise Reservoir, Twin Lakes Reservoir, from direct flow transmountain water or from any other reservoir or place from which PBWW may deliver water, the sources of which are at the option of PBWW, as long as they are legally available for their requested purposes. Water deliveries may include, without limitation, water stored in Twin Lakes Reservoir (located in all or portions of Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 30 in Township 11 South, Range 81 West, 6th P.M., in Lake County), Turquoise Reservoir (located on Lake Fork Creek in Sections 7, 8, 17, 18, 19, and 20, Township 9 South, Range 80 West, 6th P.M. and Sections 10, 11, 12, 13, 14, and 15, Township 9 South, Range 81 West, 6th P.M., in Lake County), Clear Creek Reservoir (located in Sections 7 and 8, Township 12 South, Range 79 West, and Section 12, Township 12 South, Range 80 West, 6th P.M. in Chaffee County, and reusable return flows. The sources of such water may include, but are not limited to, the water rights decreed in Case Nos. 84CW177, District Court, Water Div. No. 2; 84CW177(B), District Court, Water Div. No. 2; 90CW340, District Court, Water Div. No. 5; W-1901, District Court, Water Div. No. 5; 95CW321, District Court, Water Div. No. 5; 90CW55, District Court, Water Div. No. 2; and 04CW130, District Court, Water Div. No. 2.

2. *Water Storage Rights.* The water storage rights identified in Section III of this Application.

E. Additional Water Rights. Other water rights may be included in the below requested exchanges by amendment to any decree entered in this case identifying the additional substitute water supply, and allowing for the addition of any terms and conditions to the extent necessary to prevent material injury to other water rights from the inclusion and use of the additional exchange source.

V. Appropriative Rights of Exchange.

The Applicants seek a decree confirming and approving the following described joint appropriative rights of exchange. The lower terminus of the exchange reaches is the confluence

of the Huerfano River and the Arkansas River. The upper termini of the exchange reaches is either the points of diversion for the existing Britton Reservoirs or the intake for Cucharas wastewater treatment plant on Cucharas River. Within this total reach are a number of exchange-from and exchange-to points, as described below. Applicants will jointly utilize the decreed exchange potential and the exchange-from and exchange-to points to separately and jointly move and manage the sources of substitute supply described in Section IV.

A. Exchange-from and Exchange-to Points. (See attached **Exhibit B** map)

Exchange-from Points (approx. locations):

Name	Q40	Q160	Sec.	Town	Range	UTM Coordinates
Confluence of Huerfano River and Arkansas River	NW	SW	8	21S	61W	565196 Easting 4231892 Northing
Confluence of Huerfano River and Cucharas River	SW	NW	35	24S	64W	541152 Easting 4196790 Northing
Confluence of Cucharas River and Maria Stevens Reservoir outlet	SW	NW	28	27S	65W	528381 Easting 4168906 Northing
La Veta Mexican Ditch Augmentation Station #1 at Cucharas River	NE	SW	31	27S	65W	525288 Easting 4167307 Northing
La Veta Augmentation Station #2 at Cucharas River	SE	SW	29	27S	65W	526926 Easting 4168354 Northing
Confluence of Cucharas River and Ballejos Ditch Headgate	SE	NE	2	28S	66W	522894 Easting 4165877 Northing
Lake Miriam Ditch Outlet Outfall to Cucharas River	SE	NW	17	28S	66W	517240 Easting 4162743 Northing
Coler Reservoir Ditch Outlet Ditch Outfall	NE	SW	17	28S	66W	516904 Easting 4162387 Northing

Town of La Veta Lagoons Discharge at Cucharas River	NW	SW	15	29S	68W	500406 Easting 4152742 Northing
Town of La Veta WWTP Discharge at Cucharas River	NE	SE	16	29S	68W	500230 Easting 4152716 Northing
Confluence of Cucharas River and La Veta Town Lakes outlet	NE	SE	29	29S	68W	498537 Easting 4149756 Northing
Confluence of Cucharas River and Bruce Canyon Reservoir outlet	NW	NE	5	30S	68W	497898 Easting 4147272 Northing
Confluence of Cucharas River and Baker Creek	NE	NE	16	31S	69W	490690 Easting 4134049 Northing
Confluence of Cucharas River and White Creek	NW	NE	35	30S	69W	493220 Easting 4139438 Northing
Confluence of Cucharas River and Dotson Creek		L12	3	31S	69W	491228 Easting 4136957 Northing
Confluence of Cucharas River and South Fork of Cucharas River	NE	NW	22	31S	69W	491716 Easting 4132525 Northing

Exchange-to Points (approx. locations):

Cucharas River at Duran Ditch, inlet to Maria Stevens Reservoir	SW	SW	29	27S	65W	526471 Easting 4168271 Northing
Cucharas River at City Lake Inlet			25, 26, 27, 28, 32, 33	28S	67W	
Cucharas River at Lake Miriam Ditch	NW	SE	32	28S	67W	508061 Easting 4157924 Northing

Cucharas River at Walsenburg Pipeline	SW	SW	28	29S	68W	498652 Easting 4149169 Northing
Cucharas River at Pipeline Inlet to La Veta Town Lake	SW	NE	5	30S	68W	497771 Easting 4146702 Northing
Cucharas River at Butte Ditch, inlet to Bruce Canyon Reservoir	NW	NW	8	30S	68W	497151 Easting 4145723 Northing
Intake to Cucharas Sanitation & Water District WTP on Dotson Creek (aka Dodgeton Creek and Dodston Creek)	SW	NE	4	31S	69W	490280 Easting 4137319 Northing
Baker Creek at inlet to South Baker Creek Reservoir	SE	NE	17	31S	69W	489410 Easting 4133609 Northing
South Baker Creek at South Baker Creek Dam	SW	NE	16	31S	69W	490398 Easting 4133630 Northing
Intake to Cucharas Sanitation & Water District WTP on Cucharas River	NW	SW	22	31S	69W	491335 Easting 4131546 Northing
Intake to Cucharas Sanitation & Water District WTP on Baker Creek	SW	NE	17	31S	69W	488983 Easting 4133625 Northing
White Creek Reservoir Storage Facility	N/A	N/A	14, 15 22, 23	31S	69W	492424 Easting 4132536 Northing
South Fork of Cucharas River at Britton Reservoirs Enlargement Dam	SW	NE	22	31S	69W	492000 Easting 4131842 Northing
Britton Reservoir No. 1	SW	NE	22	31S	69W	492000 Easting 4131842 Northing

Britton Reservoir No. 2 and Britton Reservoir No. 3 – Deadman Creek Feeder	NW	SE	22	31S	69W	491943 Easting 4131621 Northing
Britton Reservoir No. 2 and Britton Reservoir No. 3 – South Fork Feeder	SW	NE	22	31S	69W	492147 Easting 4131670 Northing

B. Exchange Rates. The exchange rates for the above Exchange-From and Exchange-To points are as set forth in attached **Exhibit C** and range up to 97 c.f.s.

C. Operation of Exchanges. The decreed sources of supply will be exchanged from the exchange-from points up the exchange reaches to the exchange-to points. Water may be exchanged from and to points within the exchange reaches listed consisting of portions of the entire exchange reaches.

D. Operations between the Applicants. Applicants will enter into an intergovernmental agreement (“IGA”) that establishes the joint and shared use of the requested water storage rights, substitute water supplies, and appropriative rights of exchange and the shared priority dates of the storage rights and exchanges. Nothing in this Application or requested decree operates to transfer water rights from or between the Applicants. Cucharas, Huerfano, and La Veta maintain full ownership and control over their respective water rights. The IGA will set forth any agreements that excess water and water rights, as determined by the owner of that water right, may be leased to the other Applicants who may thereafter utilize the leased water pursuant to the decreed exchanges for their respective uses. The lessor of any such leased water rights is responsible for leasing the fully consumable water and fulfilling all terms and conditions of the applicable decree. Additionally, the IGA will set forth the terms and conditions for the utilization of the herein requested exchanges and water storage rights between the Applicants.

E. Uses. The Applicants will use the water diverted by exchange for all types of beneficial uses under their respective existing and future decrees, including, without limitation, direct use and storage and subsequent release for municipal, irrigation, stock watering, fire protection and suppression, domestic, commercial, industrial, and recreational uses, fish and wildlife preservation and propagation, wetlands, augmentation, replacement, substitution, exchange, and recharge, including use, reuse, successive use, and full consumption and disposition to extinction.

F. Appropriation Date. The appropriation date claimed for the exchange rate for any of the requested appropriative rights of exchange located: between the confluence of the Huerfano River and the Arkansas River to the Duran Ditch of up to 50.1 c.f.s.; between the

Duran Ditch and the confluence of Wahatoya Creek and the Cucharas River (located at UTM 502304 Easting, 4153728 Northing) of up to 43 c.f.s.; between the confluence of Wahatoya Creek and the Cucharas River and the confluence of Middle Creek and the Cucharas River (located at UTM 498966 Easting, 4152123 Northing) of up to 11.8 c.f.s.; between the confluence of Middle Creek and the Cucharas River and Boyd Ranch (located at UTM 495313 Easting, 4141473 Northing) of up to 31.1 c.f.s.; between Boyd Ranch and White Creek at the inlet to White Creek Reservoir of up to 5.7 c.f.s.; between Boyd Ranch and the Dotson Creek intake of Cucharas water treatment plant of up to 4.8 c.f.s.; between Boyd Ranch and the Baker Creek intake of Cucharas' water treatment plant of up to 5.1 c.f.s.; between Boyd Ranch and Baker Creek at the inlet to South Baker Creek Reservoir of up to 2.3 c.f.s.; between Boyd Ranch and the inlet to Britton Reservoirs from the South Fork of the Cucharas River of up to 1.1 c.f.s.; and between Boyd Ranch and the Cucharas River at the intake of Cucharas' water treatment plant up to 11.2 c.f.s., is July 18, 2017, the date of the meeting between the Applicants to pursue an application for the herein claimed exchanges and water storage rights to effectuate the findings of the Storage Study after public notices of the meetings concerning the Storage Study were published and after the final portion of the Storage Study was completed in June of 2017 thereby confirming, implementing, and demonstrating the Applicants' intent and actions to initiate and appropriate the water rights for the beneficial uses as set forth herein. These exchange rates from the Storage Study are average flow rates of exchange, and the Applicants' also claim the higher peak flow rates of exchange that are associated with and correspond with the above average flow rates of exchange.

For all exchange rates herein claimed that are greater than the rates listed above for a corresponding exchange reach, the appropriation date is December 28, 2017, which is the date of filing of this Application with Water Court, thereby confirming, implementing, and demonstrating the Applicants' intent and actions to initiate and appropriate the water rights for the beneficial uses as set forth herein

G. Names and Addresses of Owners of Land Upon Which Structures are Located.

1. All owners as referenced in Paragraphs III.A.10, III.B.10, III.C.10, III.D.10, and III.E.10.

2. Cucharas. Cucharas structures identified herein owned by Cucharas, 16925 Highway 12, Cuchara, Colorado 81055.

3. Huerfano. The owners of land upon which the structures used to administer the Wm. Craig Ditch Water Right are: a) headgate, augmentation station, and recharge facility – the Huerfano County Water Conservancy District, P.O. Box 442, La Veta, Colorado 81055; b) Red Wing Augmentation Facility and Wilson Ditch – Growing Roots, LLC, P.O. Box 874, Ft. Collins, Colorado 80522; c) Sheep Mountain Augmentation Facility – Rialm, LLC, a California limited liability company, 205 S. Broadway, Suite 800, Los Angeles, California 90012.

4. La Veta. The owners of the land upon which the La Veta Town Pipeline point of diversion is located and the Town of La Veta Pipeline No. 2 will be located is Ewing Homestead, L.L.C., 9035 Ladue Road, St. Louis, Missouri 63124. Other owners of land upon which La Veta structures are located are Kreutzer Family, LLC, 3322 County Road 450, La Veta, Colorado 81055, Corsentino Dairy Farms, Inc., 2689 Hwy 10 East, Walsenburg, Colorado 81089, and Davis Family Land, LLC, 5239 County Road 230, Walsenburg, Colorado 81089.

H. Terms and Conditions.

1. Live Stream. The exchanges will only be operated at times and to the extent that there is a live stream between the exchange-from point and the exchange-to point to be used.

2. Intervening Water Rights. An exchange cannot operate at times when there is a valid call, senior to the exchange, within the exchange reach that is diverting the entire available stream flow.

3. Accounting. Applicants will develop and utilize accounting acceptable to the Division Engineer for Division 2 to account for the water right usage pursuant to any decree entered in this case.

WHEREFORE, the Applicants request that this Application for Conditional Water Storage Rights and Conditional Appropriative Rights of Exchange be granted as requested herein and for such other and further relief as the Court deems appropriate.

Respectfully submitted this 29th day of December, 2017.

VRANESH and RAISCH, LLP

By: /s/ Stuart B. Corbridge
Stuart B. Corbridge, #33355
Geoffrey M. Williamson, #35891
Attorneys for Cucharas Sanitation
& Water District

HOSKIN FARINA & KAMPF, PC

By: /s/ John J. Cyran
John J. Cyran, #23144
Attorneys for Town of LaVeta

**MONSON, CUMMINS & SHOHET,
LLC**

By: /s/ Steven T. Monson
Steven T. Monson, #11329
Ryan W. Farr, #39394
Attorneys for Huerfano County Water
Conservancy District

VERIFICATION

STATE OF COLORADO)
) ss
COUNTY OF BOULDER)

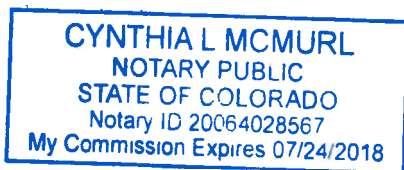
I, STUART B. CORBRIDGE, being first duly sworn, state that I have read the foregoing and that the same is true and accurate to the best of my knowledge and belief concerning the Cucharas Sanitation & Water District's water rights.

Stuart B. Corbridge 12/29/17

The foregoing instrument was acknowledged before me this 29th day of December, 2017, by STUART B. CORBRIDGE for Cucharas Sanitation & Water District.

My commission expires: 7/24/18

(Seal)



Cynthia L McMurl
Notary Public

VERIFICATION

STATE OF COLORADO)
) ss
COUNTY OF HUERFANO)

I, Michael White, as a Director of HCWCD, being first duly sworn, state that I have read the foregoing and that the same is true and accurate to the best of my knowledge and belief concerning the Huerfano County Water Conservancy District's water rights.



Michael White, Director

The foregoing instrument was acknowledged before me this 29 day of December, 2017, by Michael White as a Director of Huerfano County Water Conservancy District.

My commission expires: July 6, 2019

(Seal)



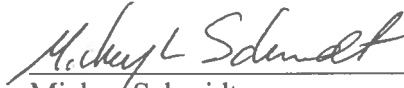


Notary Public

VERIFICATION

STATE OF COLORADO)
) ss
HUERFANO COUNTY)

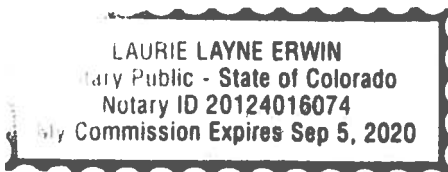
I, Mickey Schmidt, Mayor pro tempore, Town of La Veta, hereby state under oath that I have read the foregoing ***Application for Storage Rights and Rights of Exchange*** and certify that the contents are true to the best of my knowledge and belief.




Mickey Schmidt
Mayor pro tempore
Town of La Veta

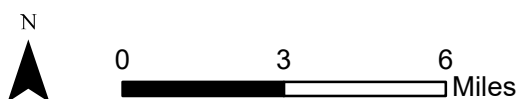
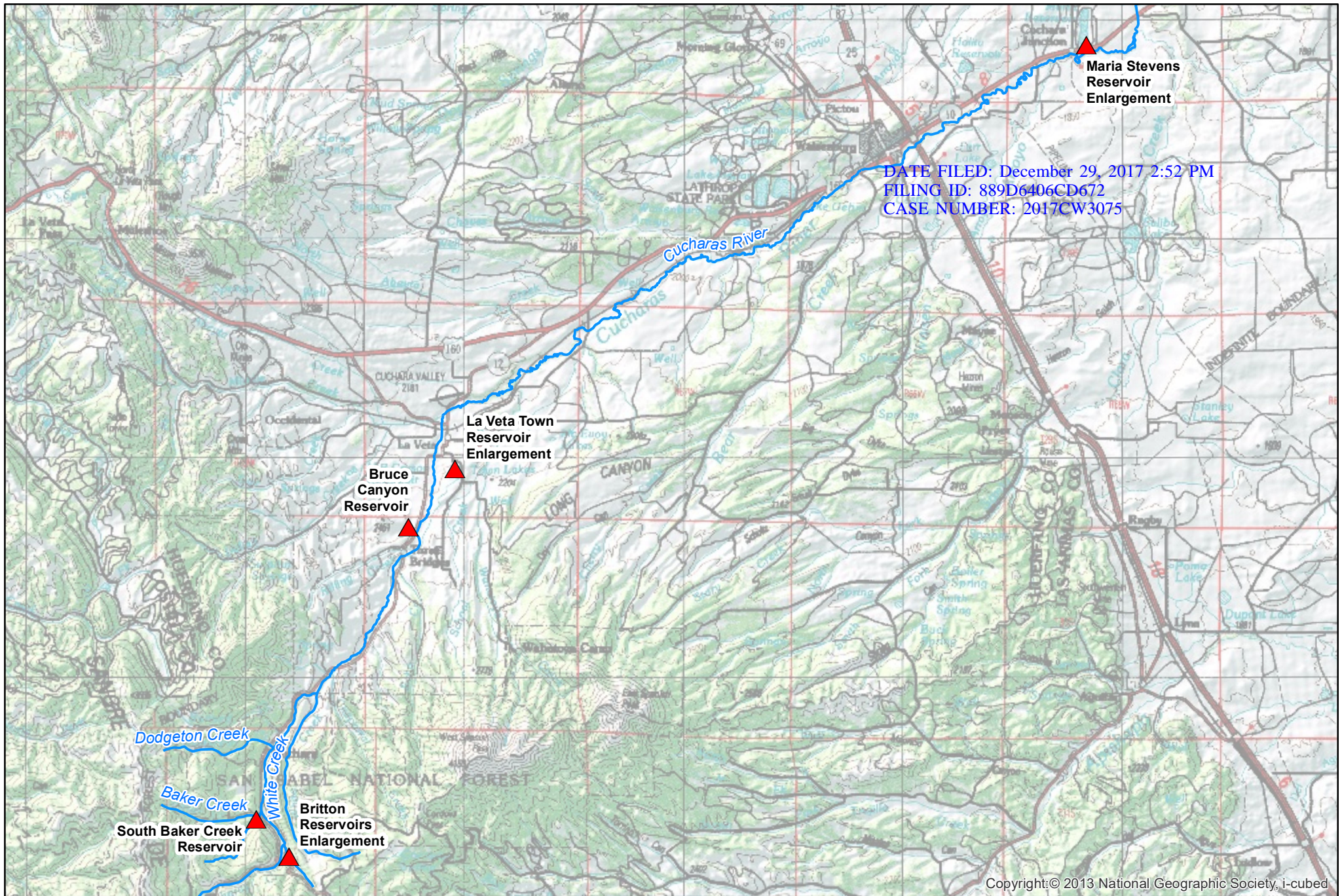
Subscribed and sworn to before me this 29th day of December, 2017.

[SEAL]





NOTARY PUBLIC
My Commission expires: 9-5-2020




Legend

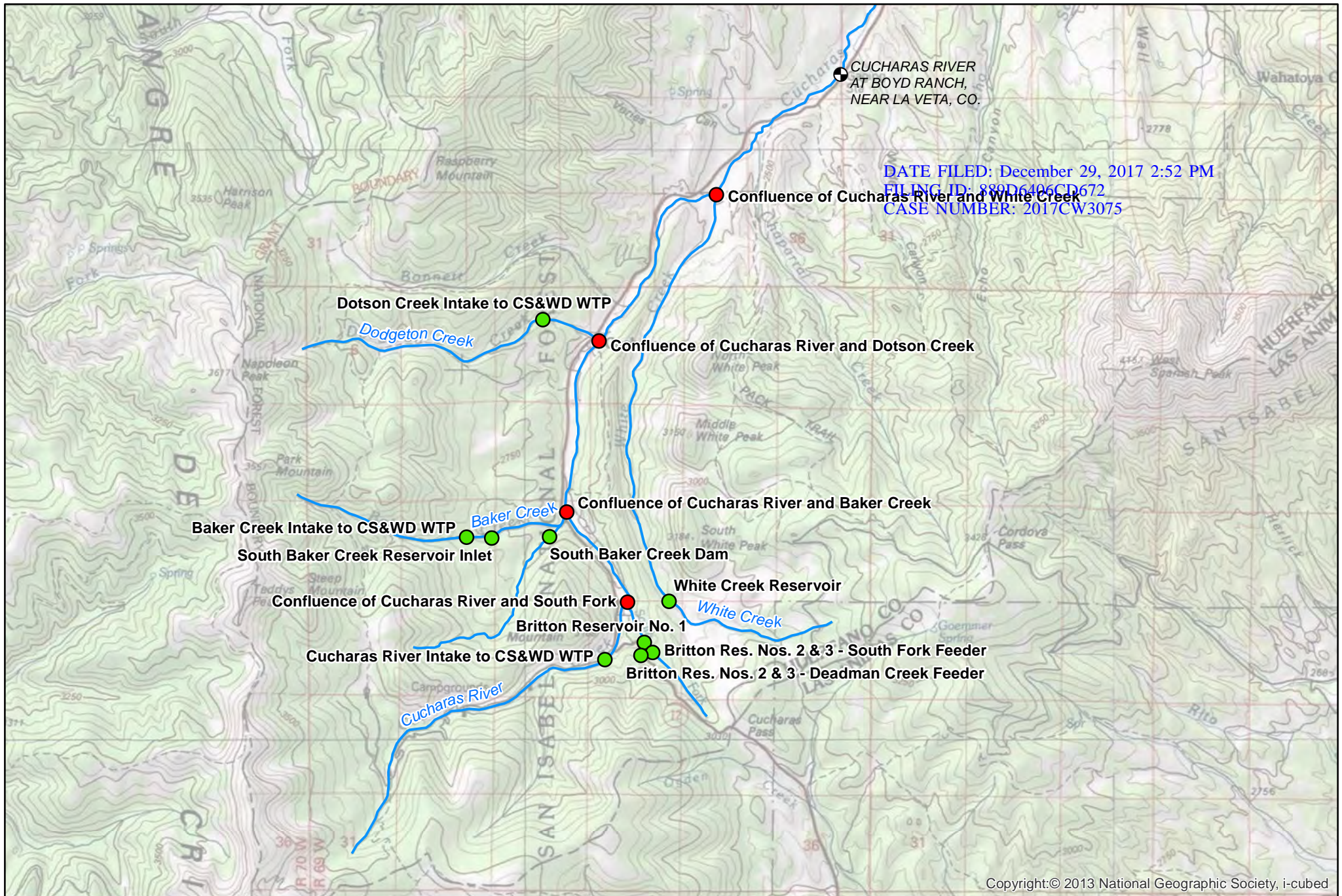
▲ Storage Locations

Exhibit A




**New Cucharas River Water Storage
Right Appropriation Locations**

 **TZA Water Engineers**
a Lampson & Associates Company

December 2017



Legend

-  Gaging Stations
-  Exchange-From Points
-  Exchange-To Points

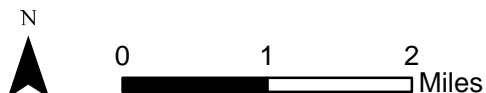
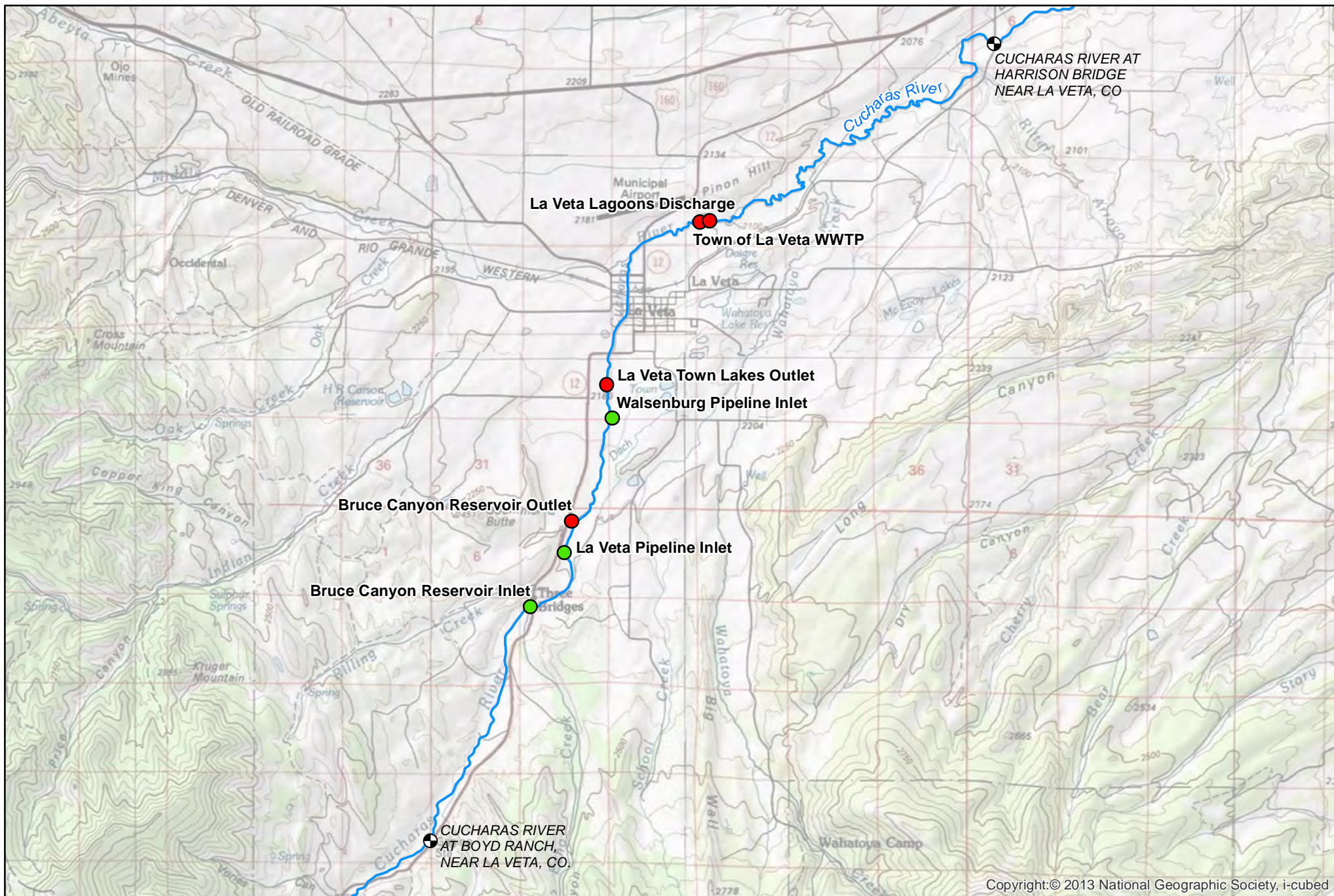


Exhibit B: Map 1 Cucharas River Exchange






December 2017



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Legend

-  Gaging Stations
-  Exchange-From Points
-  Exchange-To Points

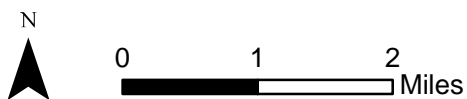
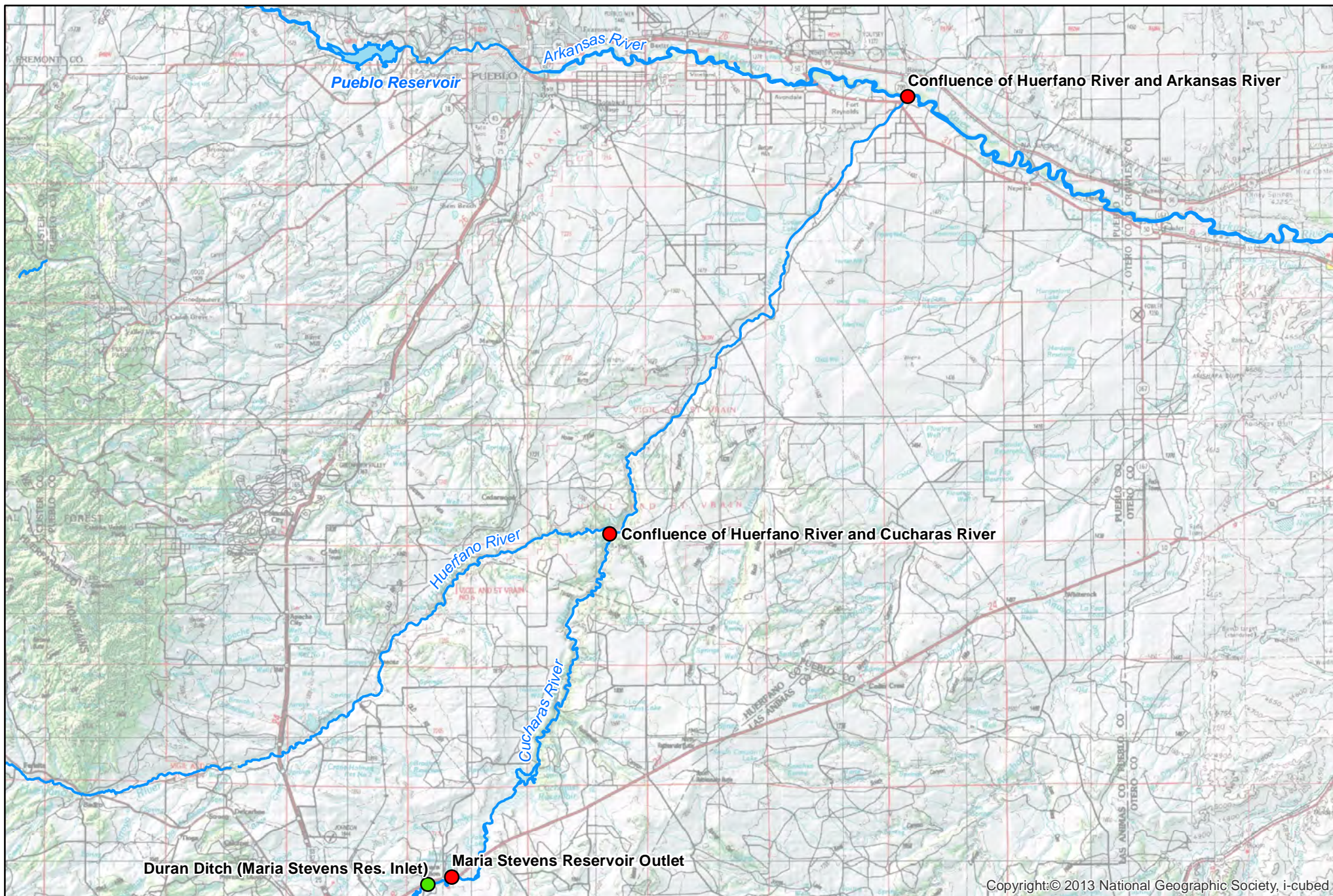


Exhibit B: Map 2 Cucharas River Exchange






December 2017



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Legend

-  Gaging Stations
-  Exchange-From Points
-  Exchange-To Points

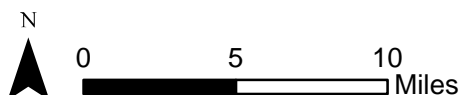


Exhibit B: Map 4 Cucharas River Exchange



December 2017

EXHIBIT C - Exchange Matrix (Rates in CFS)

		Exchange-To Points														
		Cucharas River at Duran Ditch, Inlet to Maria Stevens Reservoir	Cucharas River at City Lake Inlet	Cucharas River at Lake Miriam Ditch Headgate	Cucharas River at Walsenburg Pipeline	Cucharas River at La Veta Pipeline Inlet	Cucharas River at Butte Ditch, Inlet to Bruce Canyon Reservoir	Intake to CS&WD WTP on Dotson Creek	Baker Creek at inlet to South Baker Creek Reservoir	South Baker Creek at South Baker Creek Dam	Intake to CS&WD WTP on Cucharas River	Intake to CS&WD WTP on White Creek	White Creek Reservoir	Britton Reservoir No. 1	Britton Reservoir No. 2 and Britton No. 3 - South Fork Feeder	Britton Reservoir No. 2 and Britton No. 3 - Deadman Creek Feeder
Exchange-From Points	Confluence of Huerfano River and Arkansas River	37	20	20	20	8	50	5	77	77	5	5	77	77	77	77
	Confluence of Huerfano River and Cucharas River	3.4	3.4	3.4	3.4	3.4	3.4	3.4	3.4	3.4	3.4	3.4	3.4	3.4	3.4	3.4
	Maria Stevens Reservoir Outlet at Cucharas River		20	20	20	8	50	5	77	77	5	5	77	77	77	77
	La Veta Mexican Ditch Augmentation Station #1 at Cucharas River		2	2	2	2	2	2	2	2	2	2	2	2	2	2
	La Veta Mexican Ditch Augmentation Station #2 at Cucharas River		2	2	2	2	2	2	2	2	2	2	2	2	2	2
	Confluence of Cucharas River and Baljeos Ditch Headgate		0.525	0.525	0.525	0.525	0.525	0.525	0.525	0.525	0.525	0.525	0.525	0.525	0.525	0.525
	Lake Miriam Ditch Outlet Outfall		20		20	8	20	5	20	20	5	5	20	20	20	20
	Coler Reservoir Outlet Ditch Outfall		20		20	8	20	5	20	20	5	5	20	20	20	20
	Town of La Veta Lagoons Discharge at Cucharas River				5	5	5	5	5	5	5	5	5	5	5	5
	Town of La Veta WWTP Discharge at Cucharas River				1	1	1	1	1	1	1	1	1	1	1	1
	Town of La Veta Lake Outlet at Cucharas River				28		28	5	28	28	5	5	28	28	28	28
	Bruce Canyon Reservoir Outlet at Cucharas River					8		5	97	97	5	5	97	97	97	97
	Baker Creek Confluence with Cucharas River										5	5			40	40
	White Creek Confluence with Cucharas River							5	40	40	5	5		40	40	40
	Dotson Creek Confluence with Cucharas River							5								
	South Fork Cucharas Confluence with Cucharas River										5					

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