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## Application of Roland Dixon for Water Rights and for Approval of Change of Water Right and Plan for Augmentation.

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The application contains detailed descriptions for determining the amount of replacement water required for residential indoor use, indoor consumptive use, irrigation consumptive use, livestock use, pond water surface evaporation, and commercial, industrial and business water use. Similarly, the application details the description of the conditional exchanges and the absolute exchanges that will take place. Affected streams for conditional exchanges include the South Fork of the South Platte River (2.0 c.f.s.), the Middle Fork of the South Platte River (2.0 c.f.s.), Tarryall Creek (3.0 c.f.s.), Michigan Creek (2.0 c.f.s.), Jefferson Creek (2.0 c.f.s.), the North Fork of the South Platte River (3.0 c.f.s.), the South Platte River (2.0 c.f.s.), Horse Creek (2.0 c.f.s.), West Creek (2.0 c.f.s.) and Trout Creek (2.0 c.f.s.). All of the above listed conditional exchanges have an appropriation date of December 4, 2002. The downstream points of exchange for the absolute exchanges include the Spinney Mountain Reservoir and the confluence of the North Fork of the South Platte River and the South Platte River. The upstream points of exchange for the absolute exchanges consist of a well owned by Saint Mary of the Rockies (0.1 c.f.s., January 6, 1999), a well owned by Fairplay Mobile Home Park (0.1 c.f.s., January 1, 1998), a well owned by Forest Glen Sports Association (0.1 c.f.s., April 30, 1998) and the Lininger Ditch from Beaver Creek owned by the Lininger Reservoir Kenosha Trout Club (2.2 c.f.s., March 14, 2000). An agreement of the USPD to replace depletions to each of the structures initiated the appropriation dates.

## *2. Opposition*

No statements of opposition have been filed.

*Staci A. McComb*

**APPLICATION OF ROLAND DIXON FOR WATER RIGHTS AND FOR APPROVAL OF CHANGE OF WATER RIGHT AND PLAN FOR AUGMENTATION.** Case No. 2002CW328 (Water Division 1, Dec. 2002). Applicant: Roland Dixon (Atty. David F. Jankowski, White & Jankowski, L.L.P.).

## *1. Application*

Roland Dixon ("Dixon") requests a change in a portion of his decreed water right. Dixon owns fifty inches of water adjudicated to the Pleasant Valley and Lake Canal ("PVLC"). Dixon requests up to one inch of his water right for piscatorial, wildlife habitat, stock watering, recreation and aesthetic purposes, and for augmentation, substitution, replacement and exchange uses. Dixon seeks to add this change to his presently decreed irrigation use.

The point of diversion is located on the south side of the Cache La Poudre River. The original appropriation occurred between September 1, 1861 and June 10, 1864. Dixon presently uses the water

for irrigation on Pleasant Valley Farm. The PVLC Water will be diverted, stored, and used in Lone Bear Pond and Little Bear Pond.

Dixon also requests a decree confirming his Lone Bear and Little Bear Pond water rights. Dixon claims six acre-feet of Lone Bear Pond ("Pond I"), with January 10, 1996 as the date of appropriation. Further, Dixon claims two acre-feet of Little Bear Pond ("Pond II"), with January 10, 1996 as the date of appropriation. Dixon does not claim a right to recapture irrigation waste water or return flow under the original decree on either pond.

The Plan for Augmentation replaces out-of-priority evaporative depletions of tributary groundwater from the surface of Ponds I and II. The Ponds are unlined excavations filled by tributary groundwater, irrigation waste water, and irrigation return flows. Dixon's requested uses may deplete the Cache La Poudre River by evaporation of tributary groundwater. Dixon will replace depletions through augmentation, substitution, replacement and exchange water rights. The exchange water rights consist of one inch of PVLC water, water purchased by Dixon from West Fort Collins Water District, and water released from Joe Wright Reservoir.

Dixon will provide augmentation supplies in three ways. First, he may divert the PVLC water of 0.55 acre-feet maximum into the ponds. Second, Dixon may purchase water from West Fort Collins Water District and deliver 0.55 acre-feet into the ponds. Third, Dixon may use Joe Wright Reservoir water based on a lease with Fort Collins as replacement supply for evaporative depletions under a substitute supply plan approved by the State Engineer. Dixon asserts the Plan for Augmentation does not injure the owners and users of water rights on the Cache La Poudre River.

## *2. Opposition*

No statements of opposition have been filed.

*Susan Curtis*

## WATER COURT DIVISION 2

**APPLICATION OF THE TOWN OF FOWLER, COLORADO TO MAKE WATER RIGHT ABSOLUTE.** Case No. 2002CW167(79CW186) (Water Division 2, Dec. 31, 2002). Applicant: Town of Fowler (Atty. H. Barton Mendenhall, Mendenhall & Malouff, R.L.L.P.)

## *1. Application*

The Town of Fowler ("Fowler"), in Otero County, Colorado, seeks permission to use replacement water from any source for the Hammond Spring. The original decree for the Hammond Spring was entered on December 17, 1985. The water source for the Hammond Spring is the Arkansas River, appropriated on April 5, 1979 in the