

PUBLICATION NOTICE OF INCLUSION

The following Application has been submitted to the Huerfano County Water Conservancy District (“HCWCD”) for inclusion of Participating Diversions into HCWCD’s Regional Augmentation Plan decreed on November 14, 2016 in Case No. 13CW3062, District Court, Water Division 2, State of Colorado (“Regional Augmentation Plan”).

1. Applicant. Aspen River, LLC, 202 Bogue Drive, Morehead City, North Carolina, 28557 (“Aspen River”).
2. Means of Diversion. Off channel storage and ditch diversion to ponds.
3. Location of Diversion. The two ponds are located in the NW1/4 of the SE1/4 of Section 27, Township 27 South, Range 72 West of the 6th P.M.
4. Water Source. Huerfano River.
5. Amount Depletion. 1.5 acre-feet for annual evaporation, plus periodic fill as needed.
6. Type of Use. Water use will be for recreation and livestock.
7. Depletions. All diversions for fill and evaporation will be considered to be one hundred percent consumptive.

HCWCD staff and consultants have determined that the Application is complete and that Applicants’ proposed diversions and water uses are eligible to fit within the terms and provisions of the Regional Augmentation Plan as Participating Diversions. The Regional Augmentation Plan provides for the replacement of stream depletions to the Huerfano River from Participating Diversions.

Non-parties and parties to the Regional Augmentation Plan are entitled to submit comments on the requested inclusion of the Applicants’ diversion into the Regional Augmentation Plan as a Participating Diversion. Any comments to the proposed Application for augmentation of commercial use must be submitted in writing and received by all of the following parties by June 8, 2023 (“Comment Period”): (i) Huerfano County Water Conservancy District, Attn: Carol Dunn, P.O. Box 442, LaVeta, CO 81055, hewcdistrict@gmail.com; (ii) Steven T. Monson, Ryan W. Farr, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, CO 80921, stm@cowaterlaw.com; rwf@cowaterlaw.com; (iii) Rachel Zancanella, Division Engineer, Office of the Division Engineer for Division 2, 210 E. Abriendo Ave., Ste. B, Pueblo, CO. 81004, rachel.zancanella@state.co.us; (iv) Lori Lest, Assistant Division Engineer – Litigation, Office of the Division Engineer for Division 2, 210 E. Abriendo Ave., Ste. B, Pueblo, CO. 81004 lori.lest@state.co.us; (v) Melissa van der Poel, Colorado Division of Water Resources, 1313 Sherman St., Rm 818, Denver, CO. 80203, melissa.vanderpoel@state.co.us.

Comments received after the Comment Period may not be considered. The entire Application and supporting engineering analysis are available upon written request to the undersigned at the address provided above, with reimbursement of any applicable copying charges. HCWCD will take action on the Application following the Comment Period.

Date: April 6, 2023

Ryan W. Farr

Steven T. Monson

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Attorneys for Huerfano County Water

Conservancy District