

## PUBLICATION NOTICE OF INCLUSION

The following Application has been submitted to the Huerfano County Water Conservancy District (“HCWCD”) for inclusion of a Participating Diversion 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. Bear Bottom Investments, Inc. c/o Philae Dominick, 2700 E. 11<sup>th</sup> Ave, Denver, Colorado 80206.
2. Means of Diversion. Ditch diversions to fill and cover evaporative losses from a pond.
3. Location of Diversion. The pond is located in the NE1/4 of the NW1/4 and the SE1/4 of the NW1/4 of Section 26, Township 27 South, Range 72 West of the 6<sup>th</sup> P.M. The diversion point is located in the SE1/4 of the NW1/4 of Section 26, Township 27 South, Range 72 West of the 6<sup>th</sup> P.M.
4. Water Source. South Fork of the Huerfano River
5. Amount of Depletion. 0.33 acre-feet.
6. Type of Use. Recreation and piscatorial.
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 the Applicant’s 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 October 24, 2023 (“Comment Period”): (i) Huerfano County Water Conservancy District, Attn: Carol Dunn, P.O. Box 442, LaVeta, CO 81055, [hcwcdistrict@gmail.com](mailto:hcwcdistrict@gmail.com); (ii) Ryan W. Farr, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, CO 80921, [rwf@cowaterlaw.com](mailto:rwf@cowaterlaw.com); (iii) Rachel Zancanella, Division, Office of the Division Engineer for Division 2, 210 E. Abriendo Ave., Ste. B, Pueblo, CO. 81004, [rachel.zancanella@state.co.us](mailto: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](mailto: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](mailto: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: August 24, 2023

*Ryan W. Farr*

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Conservancy District