

HUERFANO COUNTY WATER CONSERVANCY DISTRICT
APPLICATION FOR TIER 2 AUGMENTATION WATER USER DIVERSIONS
HUERFANO RIVER SUBSTITUTE WATER SUPPLY PLAN AND REGIONAL AUGMENTATION PLAN
Case No. 13CW3062

1. Applicant's name, address, phone number and email:

2. Name and description of direct river diversion structure used to obtain water (wells do not qualify for Tier 2 Augmentation Water):

3. Provide history, if any, of water use at this structure:

4. Name, address, phone number and email of each owner of the diversion structure(s) and the property to be served by the structure or diversion:

5. Provide legal descriptions of each property to be served by the structure or diversion:

6. Location of structure or diversion (include quarter quarter, section, township, and range, and approximate feet from section lines; include a map of the location showing the diversion structure(s)):

7. GPS coordinates for structure or diversion (if available):

8. Provide a detailed description of proposed water uses for each property and the basis and calculation whereby you have estimated your water. Also, answer the applicable questions:

8.1. How many square feet or acres of irrigation:

8.2. Number and type of livestock and other animals:

9. If one or more ponds are or will be present, please answer the following questions:

9.1. Location(s) of the pond(s):

9.2. Surface area of each pond: _____

9.3. Depth of each pond: _____

9.4. Sources used to fill each pond:

9.5. Use of water or destination after release from each pond, if any:

10. If water use will be phased-in, please describe expected timing of projected water uses:

11. If able, provide projection of volume of water use on a monthly basis for upcoming year:

12. What is the date the structure was first used to divert water for each beneficial use:

13. Does the activity for which water use is requested require permits to legally conduct operations?

14. If the commercial activity requires permits to legally conduct operations, please list and describe what permits you currently have and what, if any, permits of which you are still in need. If there are still needed permits to be obtained, please describe why they have not yet been obtained, a description of the steps necessary to obtain them, and an estimated timeframe to obtaining such permits:

15. Provide a detailed description, with relevant documentation, of any existing dispute or controversy involving the diversion structure(s) or property that is the subject of this application, including any outstanding matters in dispute with the Colorado Division of Water Resources:

I understand that the Board of Directors (“Board”) of the Huerfano County Water Conservancy District (“HCWCD”) will rely upon the statements I have made in this Application and that such statements are subject to the provisions of § 18-8-503, C.R.S. § 18-8-503, C.R.S. states that a person commits Second Degree Perjury if he/she makes a materially false statement (*i.e.*, one that he/she does not believe to be true) while under oath with the intent to mislead a public servant in the performance of the servant’s duty. I further understand such statements are subject to the provision of § 18-8-306, C.R.S. § 18-8-306, C.R.S. states that a person commits the crime of Attempting to Influence a Public Servant if he/she attempts to influence a public servant by means of deceit, with the intent to alter the public servant’s decision, vote, opinion, or action concerning any matter which is to be considered or performed by him/her or the agency or body of which he/she is a member.

I understand that the Board’s approval of this Application may be rescinded, whether or not the Board institutes civil or criminal proceedings against the Applicant, if it is determined that one or more of my statements herein are materially false or misleading.

The Applicant further acknowledges and understands the following:

A. Tier 2 Augmentation Water is augmentation water provided only for uses that are immediately curtailable and that do not require consistent water supplies on a daily, monthly, or yearly basis.

B. HCWCD charges a non-refundable application fee for processing this Application, the amount of which is determined on a case-by-case basis; subject to paragraph H below.

C. The amount of the actual application fee will be predicated upon the fees and costs incurred by HCWCD in determining if and how to incorporate my request for water into HCWCD's substitute water supply plan or regional augmentation plan.

D. These fees and costs are the result of administrative, legal, engineering, and miscellaneous fees and costs associated with proper application processing.

E. HCWCD will provide to me an estimated application fee subsequent to my submission of this Application. After being provided the estimated application fee I may choose to decline to have the Application processed, thereby avoiding payment of any application fee.

F. If I choose to have HCWCD process my application I must pay the entire estimated application fee set forth by HCWCD before HCWCD will conduct any application processing activities.

G. HCWCD will endeavor to provide an accurate estimate; however, I understand in some circumstances, the estimated application fee may not be the same amount as the actual application fee. The amount of the actual application fee will be determined after the completion of the application processing. By authorizing the processing of this Application, I agree to pay the actual application fee which shall be the total of all reasonable administrative costs, engineering fees and costs, legal fees and costs, and any other fees and costs incurred by HCWCD in the processing of my Application. I agree to pay the actual application fee whether or not HCWCD ultimately approves my application, or whether or not I ultimately lease or purchase water from HCWCD.

H. Any amount of the estimated application fee paid by me that is over and above the actual application fee will be returned to me upon approval or denial of my application by HCWCD. Alternatively, any amount of the actual application fee that is over and above the estimated application fee is due by me upon the completion of the Application processing.

I. If I choose to proceed with the application process there is no guaranty or representation of success or the timeliness of inclusion into the HCWCD plan. I understand that if measuring devices or other equipment are necessary for the administration or acceptance of my diversions into the HCWCD plan, that I will be responsible for such costs. Such costs will be separate and in addition to the actual application fee.

J. If my application is successfully processed to include my diversions as augmented under the HCWCD's regional augmentation plan, I will be required to pay the difference between the estimated application fee and the actual application fee, if any, and to sign a purchase or lease agreement with HCWCD for the provision of the temporary or permanent replacement water, as the case may be under the circumstance. This lease or purchase agreement shall set forth the lease or purchase price and the terms and provisions for inclusion within HCWCD's plan.

J. Such lease or purchase agreement shall be upon terms satisfactory to HCWCD, and I have

been encouraged to inquire as to the expected terms and prices for the provision of replacement water by HCWCD.

K. All water uses and the augmentation water supplied to me by HCWCD is subject to the HCWCD legally enacted rules and regulations as they now exist and as they may be added, amended, or supplemented in the future, and I agree to be bound by and comply with all such applicable HCWCD rules and regulations.

Applicant: _____
Title: _____
Date: _____

APPLICANT:

Signature

_____, _____
PRINT Name Title

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by

_____.

Witness my hand and official seal.
My commission expires:

Notary Public

This section to be completed after Applicant is provided an estimated application fee: Please mark and sign only one selection.

I hereby authorize Huerfano County Water Conservancy District to process this application, and thereby agree to pay the actual application fee.

Signature

I hereby cancel my request for Huerfano County Water Conservancy District to process this application and thereby do not incur any fees or costs.

Signature