

District Court, Water Division _____, Colorado Court Address: _____ CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicant: In the _____ River or its Tributaries In _____ COUNTY	▲COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division: _____ Courtroom: _____
APPLICATION FOR CORRECTION FOR AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6), C.R.S.	

An “established but erroneously described point of diversion” means a point of diversion of either surface or groundwater: (1) that has been at the same physical location since the applicable decree or decrees confirmed the water right, unless it was relocated pursuant to § 37-86-111, C.R.S., or, in the case of a well, relocated according to a valid well permit; (2) that is not located at the location specified in the applicable decree or decrees confirming the water right; and (3) from which the diverter has diverted water with the intent to divert pursuant to the decree or decrees confirming the water right. § 37-92-305(3.6)(a)(II), C.R.S. A “diverter” is the owner or user of a decreed water right. § 37-92-305(3.6)(a)(I), C.R.S.

To proceed with a correction in point of diversion for an established but erroneously described point of diversion that is due to a clerical mistake in the decree but does not fall within the 3-year period set forth in § 37-92-304(10), C.R.S., for the water clerk to correct the mistake, the diverter of the established but erroneously described point of diversion may file a petition with the water clerk within 3 years after the diverter became aware of the mistake. § 37-92-305(3.6)(c), C.R.S. To proceed with a correction in point of diversion for an established but erroneously described point of diversion that is not due to a clerical mistake, the diverter has the burden to prove that a point of diversion is an established but erroneously described point of diversion. § 37-92-305(3.6)(d), C.R.S.

This process only applies to points of diversion that are already in place and if one or more water rights are diverted at the corrected point of diversion. § 37-92-305(3.6)(d)(IV), C.R.S.

An application for correction for an established but erroneously described point of diversion is subject to all the provisions of Article 92, including sections 37-92-302 to 37-92-305, except as specifically modified by § 37-92-305(3.6), C.R.S.

It is the applicant’s responsibility to provide the location for the decreed point of diversion and the corrected point of diversion. For decreed point of diversion, use, verbatim, the location from the most recent decree that adjudicated the location. For the corrected point of diversion, provide a PLSS location (quarter-quarter, section, township and range) and a single point location description using either UTM coordinates (for example from a GPS device) (preferred) or measured distances from known section lines.

1. Name, mailing address, email address and telephone number of applicant(s) (if there are multiple applicants, and the space provided is not adequate to list all of the applicants, provide additional sheets as needed):

Name of Applicant	Mailing Address	Email address	Telephone Number

2. Decreed water right for which correction is sought:

A. Name of structure: _____

B. Date of original and all relevant subsequent decrees: _____ **Case No:** _____
Court: _____

C. Legal description of structure as described in most recent decree that adjudicated the location:

Provide a verbatim legal description from the most recent decree that adjudicated the location. Mark the location of the structure on a USGS topographic map and attach to this application a legible 8 ½ x 11 inch copy of the applicable portion of the map.

D. Decreed source of water: _____

E. Appropriation Date: _____

F. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs):
 Absolute _____

G. Decreed use or uses: _____

H. Amount of water decreed:
 Absolute _____

3. Detailed description of proposed correction to an established but erroneously described point of diversion:

A. Complete statement of correction to an established but erroneously described point of diversion, including whether it is erroneously described. See §§ 37-92-305(3.6)(a) & (b), C.R.S. The applicant is encouraged to provide evidence to support such information with this application.

B. The legal description of the corrected point of diversion:

1. Public Land Survey System (PLSS) (Required):

Include the source of PLSS information, for example: GIS system such as CDSS MapViewer (<http://water.state.co.us/DATAMAPS/GISANDMAPS/MAPVIEWER/Pages/FAQ.aspx>); field survey; scaled from USGS topographic map; or other source:

Legal Description: County	_____ 1/4	_____ 1/4	Section	Township	Range	Principal Meridian
	of the			_____	_____	
				N or S	E or W	
				<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	

2. Point of diversion (Required): (Complete either a or b below)

a. Location information in UTM format (preferred):

UTM Zone must be 12 or 13; Units must be Meters; Datum must be NAD83; and Units must be set to true North. Include the source of the UTM coordinates, for example: GPS device, a GIS system such as CDSS MapViewer (<http://water.state.co.us/DATAMAPS/GISANDMAPS/MAPVIEWER/Pages/FAQ.aspx>); scaled from USGS topographic map; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 ½ x 11 inch map to this application illustrating the location of the new point of diversion structure.

UTM coordinates		
Northing _____ Easting _____		
<input type="checkbox"/> Zone 12 <input type="checkbox"/> Zone 13		
Street Address: _____		
Subdivision:	Lot	Block
Source of UTM's (for example, hand-held Garmin GPS or located from aerial map, etc.): _____		
Accuracy of location displayed on GPS device (for example, accurate to within 200 feet): _____		

b. Distance from Section Lines (if not providing a UTM coordinate above):

Include perpendicular distances from section lines to the structure location. Include the source of PLSS information, for example: GIS system such as CDSS MapViewer (<http://water.state.co.us/DATAMAPS/GISANDMAPS/MAPVIEWER/Pages/FAQ.aspx>); field survey; scaled from a USGS topographic map; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 ½ x 11 inch map to this application illustrating the location of the structure.

Distance from Section Lines (not from property lines)		
_____ Feet from <input type="checkbox"/> N <input type="checkbox"/> S and _____ Feet from <input type="checkbox"/> E <input type="checkbox"/> W		
Source of PLSS information: _____		
Street Address: _____		
Subdivision:	Lot	Block

4. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The applicant must notify these persons that the applicant is applying for this water right, and certify to the Court that the applicant has done so.

Name of Owner	Mailing Address

Signature of Attorney (if any)

Date

VERIFICATION

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the _____ day of _____, _____, at _____
(date) (month) (year) (city or other location, and state OR country)

Printed Name

Signature

The person signing this verification is: Applicant Engineer Other (describe) _____

Verifications of other persons having knowledge of the facts may be attached to this application.

District Court, Water Division _____, Colorado Court Address: _____ <hr/> CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicant: _____ In the _____ River or its Tributaries In _____ COUNTY	
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	▲ COURT USE ONLY ▲
Certificate of Notice	

I, _____ (insert name) hereby certify that I have provided a copy of the application filed on _____ (date) with the Court to the following owner(s) of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored:

1. _____
2. _____
3. _____

The application was provided to the landowner(s) by Certified or Registered mail, return receipt requested, within 14 days after the application was filed with the Court.

Signature

Printed Name	Signature/Title	Date
Address	City	State
		Zip Code