

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 SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO § 37-92-305(3.5), C.R.S.	

A “simple change in a surface point of diversion” means a change in the point of diversion from a decreed surface diversion point to a new surface diversion point that is not combined with and does not include any other type of change of water right and for which there is no intervening surface diversion point or inflow between the new point of diversion and the diversion point from which a change is being made. It does not include a change in point of diversion from below or within a stream reach for which there is an intervening surface diversion point or inflow or decreed in-stream flow right to an upstream location within or above that reach. § 37-92-305(3.5)(a)(II), C.R.S. An “intervening surface diversion point or inflow” means any ditch diversion or other point of diversion for a decreed surface water right, point of replacement or point of diversion by exchange that is part of an existing decreed exchange, well or well field that is decreed to operate as a surface diversion, or point of inflow from a tributary surface stream. § 37-92-305(3.5)(a)(I), C.R.S.

An application for a simple change in a surface 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(3.5), C.R.S.

It is the applicant’s responsibility to provide the location for the decreed surface point of diversion and the new surface point of diversion. For the decreed surface point of diversion, use, verbatim, the location from the most recent decree that adjudicated the location. For the new surface 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, provided additional sheets as needed):

Name of Applicant	Mailing Address	Email address	Telephone Number

2. Decreed water right for which change 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 1/2 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):

Conditional _____ Absolute _____

G. Decreed use or uses: _____

H. Amount of water that applicant intends to change:

Conditional _____ Absolute _____

3. Detailed description of proposed change in a surface point of diversion:

A. Complete statement of change, including a description of how the change meets the definition of a simple change in a surface point of diversion. The applicant bears the burden to prove that the simple change in a surface point of diversion will not: (I) result in diversion of a greater flow rate or amount of water than has been decreed to the water right and, without requantifying the water right, is physically and legally available at the diversion point from which a change is being made; or (II) injuriously affect the owner of or persons entitled to use water under a vested water right or decreed conditional water right. The applicant is encouraged to provide evidence to support such information with this application.

B. Location of the new surface 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 a 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(s) of Diversion (Required): (Complete 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 1/2 x 11 inch map to this application illustrating the location of the new surface point of diversion structure.

UTM coordinates		
Easting _____ Northing _____		
<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 1/2 x 11 inch map to this application illustrating the location of the structure(s).

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 structure, or modification to any existing diversion structure is or will be constructed. 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.

