

Upper Arkansas Water Conservancy District

PO Box 1090 Salida, CO 81201

Phone (719) 539-5425 Fax (719) 539-7579

RULE 14 – AMENDED RULES & REGULATIONS

REPLACEMENT PLAN APPLICATION

Date: _____

Augmentation # _____

(To Be Completed By Office)

Plan Year: _____

No Change in Usage

Well number: _____

Change in Use Requested

First Name: _____

Last Name: _____

First Name: _____

Last Name: _____

Admin contact

Mailing Address: _____

City: _____

State: _____

Zip: _____

Phone Number: _____ Email Address: _____

LOCATION OF WATER TO BE AUGMENTED

Structure:

Choose One: Existing Proposed

Choose One: Well On-stream reservoir/pond Off-stream reservoir/pond Surface diversion

Structure Location and Permit:

Physical Address: _____

City: _____

State: _____

Zip: _____

Legal Description: _____ ¼ of the, _____ ¼, Section _____ Township _____ N or S

Range _____ E or W Meridian NMPM or 6th

Acres in Tract: _____

Distance from Section lines: _____ ft from the N or S and _____ ft from the E or W

OR

GPS Location (Must be in UTM format. Datum must be NAD83)

Easting: _____ Northing: _____
Lot # _____ Tract # _____ Block # _____ Filing # _____

Subdivision: _____

Permit Number (if it is an existing well): _____ Case Number if adjudicated water right: _____

Use: Type of water for which augmentation is requested. Check all that apply.

Complete this section for existing or proposed wells.

- In-house domestic uses

- Lawn/garden irrigation (identify square footage) _____

- Domestic livestock water (how many animals?) _____

- RV park (how many hookups?) _____

- Bath house

- In-building office use

- Motel (identify # of motel units, restaurant, etc.) _____

- Other (commercial or industrial) _____

Use: Type of water for which augmentation is requested. Check all that apply.

Complete this section only for on-stream ponds, off-stream ponds, or surface diversions.

- On-stream pond (identify surface area in square-feet) _____

- Off-stream pond (identify surface area in square-feet) _____

- Surface diversion (please fill out information below)

Name of point of diversion: _____

Location of diversion: _____

Choose One: Decreed Un-decreed Case Number, if Decreed: _____

Choose one and fill in required information:

- Off-stream pond filled by surface diversion

Surface Area (acres or square-feet): _____ Capacity (acre-feet): _____

Surface diversion for irrigation Acres to be irrigated (acres or square-feet): _____

* If you checked Surface Diversion you must also provide and Engineering Report.

Right:

* Has applicant applied to Water Court or State Engineer's office for supplemental supply plan or other plan using or identifying the water structure to be augmented? Yes No

* Does the applicant have or has the applicant applied for trans-basin water associated with the structure to be augmented? Yes No

Wastewater Treatment System:

Choose One: Public Private

Choose One: Central wastewater treatment system (not septic/leach)

Septic tank/ leach field

Location of treatment system (choose one): Onsite Offsite

If offsite, please provide legal description:

Physical Address: _____

City: _____ State: _____ Zip: _____

Legal Description: _____ ¼ of the, _____ ¼, Section _____ Township _____ N or S

Range _____ E or W Meridian NMPM or 6th

Distance from Section lines: _____ ft from the N or S and _____ ft from the E or W

OR

GPS Location (Must be in UTM format. Datum must be NAD83)

Easting: _____ Northing: _____

Choose One: Vault Other

If other, please describe: _____

Name of Stream & Stream Segment to which impacted by use or diversion: _____

The Applicant hereby agrees to the following terms and conditions and verifies the accuracy of the information contained herein above:

1. Applicant shall pay to the Upper Arkansas Water Activity Enterprise (UAWAE) an application fee of \$800.00 per structure included in the UAWCD Rule 14 Replacement Plan, and any engineering fees associated with development of an engineering analysis. Engineering fees may be estimated and based upon each applicant's circumstances. These fees are due and payable to the UAWAE upon submission and signing of this application.

2. The Applicant shall comply with the requirements of the UAWCD's Rule 14 plan and the requirements of the Amended Rules and Regulations Governing the Measurement of Tributary Ground Water Diversions Located in the Arkansas River Basin as promulgated in Case 95CW211, hereinafter referred to as "Amended Rules". As such the Amended Rules will require the Applicant to install and maintain a totalizing flow meter to measure the quantity of water flowing from Applicant's water structure (well) and any other measurement device as may be required by the State pursuant to the applicable judgments and decrees and to report as necessary the measurement readings.

3. Applicant shall pay to UAWAE at its office in Salida, Colorado, annually, an amount of \$200.00 per acre foot of calculated annual well head depletions for structures located outside the Southeastern Colorado Water Conservancy District and \$75.00 per acre foot for calculated annual well head depletions for structures located within the Southeastern Colorado Water Conservancy District. Such fee is due upon application and shall be paid annually thereafter on or before **February 1 of each year**. UAWAE has the right and authority to increase or decrease such fees upon ninety (90) days prior written notice to Applicant at Applicant's address herein, **or such other address as Applicant may advise UAWAE in writing.**

4. UAWAE may withhold the delivery of water for Applicant for any defaults or delinquencies of payment of any fees, charges, and assessments and remove the Applicant's structure from the UAWCD Rule 14 Plan. The right of the Applicant to use water pursuant to this agreement shall be subject to permanent forfeiture for failure to pay fees, charges, installments, or assessments that from time to time may become due or upon default or failure to comply with this agreement. UAWCD's Board may declare such forfeiture to UAWAE and may resell, lease, or otherwise dispose of the water or right to use water upon which forfeiture has been declared, after making demand for the amount due either in person or by written or printed notice duly mailed to the last known address of Applicant at least thirty days prior to the time the forfeiture is to take effect. Notice will be given to the State Engineer and the Division of Water Resources, that such right to use water pursuant to this agreement has been forfeited and/or that the delivery of water has been withheld. All remedies herein or elsewhere provided for the collection of delinquencies shall be cumulative, and the exercise of one or more of such remedies shall not prevent UAWAE from invoking other remedies provided by law.

5. Applicant, upon transfer of the real property to which the replacement plan applies, shall pay all fees and charges owed to UAWAE within 60 days of such transfer, **and notify UAWAE in writing of the ownership transfer**. Upon payment of said fees and charges, Applicant may assign the right to use the replacement water only to a successive owner of real property and water structure described above. Applicant must notify UAWAE of any such assignment and provide UAWAE with a copy of an assignment and assumption of rights and obligations within 60 days of such assignment. If full assignment and assumption of Applicant's rights and obligations related to the use of such water is not made upon the transfer of such real property and water structure, all rights and obligations of all parties related to the provision of such augmentation water shall immediately

terminate without further notice.

6. UAWAE shall provide the replacement water so applied for only upon approval of this application by UAWAE and the approval of the UAWCD Rule 14 Plan annually by the Division 2 Engineer.

7. The location of delivery of the replacement water shall be pursuant to applicable judgments and decrees and the Amended Rules and the approved UAWCD Rule 14 Plan.

8. Provision of augmentation and inclusion in UAWAE's Rule 14 Replacement plan(s) is subject to application and approval procedures and the terms and conditions of applicable judgments and decrees and laws including approval of the Office of the Colorado State Engineer – The Amended Rules. UAWAE shall not be responsible for failure to deliver or provide the augmentation due to conditions beyond UAWAE's control, including natural conditions resulting in physical or legal unavailability. All fees are a full take-or-pay obligation of the Applicant, meaning that the Applicant is responsible for the full amount of the fee regardless of the amount of augmentation required by Applicant in any particular year. If Applicant does not require the full amount of augmentation purchased in any year, Applicant shall not be entitled to any refund or credit, and shall not be entitled to carryover unused augmentation water to any ensuing year.

9. UAWAE does not warrant the quality of the replacement water for any type of human, animal, or plant consumption.

11. UAWAE retains the sole right to any successive use of such water and to any return flows from such water.

These provisions shall be binding upon the heirs, legal representatives and assigns of the Applicant.

Applicant: _____

Date: _____

Applicant: _____

Date: _____