



January 31, 2019

DATE FILED: January 31, 2019 12:00 PM
CASE NUMBER: 2018CW3173

SUMMARY OF CONSULTATION HELD JANUARY 14, 2019

OCTOBER 2018 RESUME

CASE NO. 18CW3173, Pinewood Springs Water District (Applicant), Larimer County

The Applicant is seeking a finding of reasonable diligence and to make absolute in part the Pinewood Springs Water District Reservoir Exchange as decreed in Division 1 Water Court Case No. 10CW290. The appropriation date is December 9, 2010 for 1 cfs, conditional. This exchange was previously decreed in Division 1 Water Court Case No. 10CW290. Water and Water Rights to be used for substitution and exchange supply include fully consumable water available to the Applicant from its seven (7) shares of stock of the Culver Irrigation Company quantified in Case No. W-8001-75 and Colorado-Big Thompson Project water owned and/or leased by the Applicant. The points of introduction of substitute supply (exchange-from points) and the points of diversion by exchange (exchange-to points) are as follows:

Exchange-From Points

- a. Culver Lateral Ditch. The headgate of the Culver Lateral Ditch is located on the North bank of the Little Thompson River at a point in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 2, T3N, R70W of the 6th P.M.
- b. Culver Reservoir (a/k/a/ Blue Mountain Reservoir). Culver Reservoir is located in the SE $\frac{1}{4}$ of Section 31, T4N, R69W of the 6th P.M.

Exchange-To Points

- c. Pinewood Springs Collection Gallery. Located on the Little Thompson River in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 28, T4N, R71W, 6th P.M. Water diverted by exchange at this location will be conveyed by pipelines to Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2, Pinewood Springs Reservoir and/or Maure Hollow Reservoir for storage and subsequent beneficial use.
- d. Crescent Lake/Powelson Reservoir Diversion Point. Located on the Little Thompson River in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 28, T4N, R71W, 6th P.M. Water diverted by exchange at this location will be conveyed by pipeline to Crescent Lake/Powelson Reservoir for storage and subsequent beneficial use.
- e. Crow Lane Reservoir No. 1. Crow Lane Reservoir No. 1 is an existing reservoir located on an unnamed tributary of the Little Thompson River, in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29 and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32, T4N, R71W of the 6th P.M.
- f. Crow Lane Reservoir No. 2. Crow Lane Reservoir No. 2 will be located on an unnamed tributary of the Little Thompson River, in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32, T4N, R71W of the 6th P.M.
- g. Pinewood Springs Reservoir. Pinewood Springs Reservoir will be located on an unnamed tributary of the Little Thompson River, in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 28, T4N, R71W of the 6th P.M.
- h. Maure Hollow Reservoir. Maure Hollow Reservoir will be located on Maure Hollow, a tributary of the Little Thompson River, in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 28, T4N, R71W of the 6th P.M.
- i. Crescent Lake/Powelson Reservoir. Crescent Lake/Powelson Reservoir will be located on an unnamed tributary of the Little Thompson River, in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 28, T4N, R71W of the 6th P.M.

The Applicant is seeking to make the Pinewood Spring Water District Reservoir Exchange absolute in the amount of 0.5 cfs by leaving this water in the Little Thompson River that was available to the Applicant at the headgate of the Culver Lateral Ditch and diverting this water by exchange at the Pinewood Springs Collection Gallery. The Applicant reserves the right to claim a higher absolute rate if it operates the exchange at a higher rate while this application is pending.



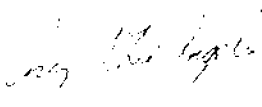
Prior to the entry of a decree by the Division One Water Court, the Division Engineer requests that the Referee consider and incorporate the following items in the ruling:

- The Applicant's claim to make absolute the Pinewood Springs Water District Reservoir Exchange in the amount of 0.5 cfs from the Culver Lateral Ditch headgate to the Pinewood Springs Collection Gallery is supported by the Water Commissioner diversion records for Irrigation Year 2017. Provided that the Applicant received authorization from the US Forest Service to divert or convey water across Federal lands, the Division Engineer recommends the Court consider granting the Applicant's request to make the subject right absolute for 0.5 cfs for the exchange reach defined from the Culver Lateral Ditch headgate to the Pinewood Springs Collection Gallery.
- Only during the pendency of this case, the Court may consider a claim to make the subject water right absolute for an amount greater than 0.5 cfs for the exchange reach defined from the Culver Lateral Ditch headgate to the Pinewood Springs Collection Gallery providing the water right was diverted in priority or with the local Water Commissioner's permission at the claimed increased amount.
- The Court should verify that the work claimed for diligence has been steadily applied toward the completion of this water right within this diligence period and consistent with the Supreme Court holding in *Vermillion Ranch Ltd. P'ship v. Raftopoulos Bros.*, 2013 CO 41, 307 P.3d 1056.
- If not already in place, properly maintained measuring and recording devices acceptable to the Division Engineer or Water Commissioner may be required for the administration of this water right.
- This water right, if granted, will be subject to administration. As such, Applicant may be required to report the amounts and dates of water diversion under this right to the local Water Commissioner on at least a monthly basis.

A written response to this summary is necessary for the referee's investigations as required by C.R.S. §37-92-302(4). **Please provide the Court with a written response to the following concerns:**

1. Provide the Court with proof that authorization from the US Forest Service was obtained.

For parties represented by counsel, responses should be filed via Colorado Courts E-Filing. If you have any questions regarding this letter, you may contact Referee John Cowan via email at john.cowan@judicial.state.co.us or by telephone at (970) 475-2509.



Corey T. DeAngelis, P.E.
Division One Engineer

CTD:mdh/srb

xc: Kevin Rein, P.E., Director/State Engineer
Jean Lever, Water Commissioner in District 4



COLORADO
Division of Water Resources
Department of Natural Resources

CERTIFICATE OF MAILING

Case No. 18CW3173


I hereby certify that on January 31, 2019 a copy of the foregoing Summary of Consultation of the Division Engineer has been served through Colorado Courts E-Filing to the individuals listed below:

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And all objectors of record for the above case.


Yvonne K. Thornberg

