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*Received  
June 9, 1962  
L.R. Failer  
Jr. Dir. Eng.*

STATE OF COLORADO, )  
County of Eagle. ) ss.

IN THE DISTRICT COURT  
Civil Action No. 1193.

IN THE MATTER OF THE ADJUDICATION ) AMENDED AND SUPPLEMENTAL  
OF WATER RIGHTS IN WATER DISTRICT ) DECREE PURSUANT TO  
NUMBER 37. ) REMITTITUR OF THE SUPREME  
COURT OF COLORADO IN ITS  
CAUSE NUMBER 18855.

This matter coming on for hearing pursuant to the Opinion and Mandate of the Supreme Court of the State of Colorado in its cause Number 18855, and its Remittitur issued pursuant thereto, filed herein October 24, 1961, and the Court having considered said Opinion, Findings made therein, Remittitur and directions contained therein, IT IS ORDERED, ADJUDGED AND DECREED that the decree entered by the Court in these proceedings on July 23, 1958, be and the same hereby is amended and supplemented as follows:

IT IS ORDERED, ADJUDGED AND DECREED that each and all of the general and special provisions contained in paragraphs numbered 3 to 14, inclusive, of the decree entered in this cause on the 23rd day of July, A. D. 1958, be, and hereby are, incorporated herein by reference and the rights and priorities awarded herein in connection with the Homestake Project, the Red Cliff Project and the Roberts Tunnel Collection System are subject to each and all of said general and special conditions contained in said decree of July 23, A. D. 1958, herein amended and supplemented.

IT IS ORDERED, ADJUDGED AND DECREED with reference to the Homestake Project as follows:

That the Homestake Project is a system of works including ditches, tunnels and reservoirs, as hereinafter described, for the collection, diversion, storage, regulation in Water District No.

37 and elsewhere, and transportation of water to supply the water works and water systems of the City of Colorado Springs, City of Aurora and Metropolitan Suburban Water Users Association and other entities and persons as may use the water from the City of Colorado Springs, City of Aurora and the Metropolitan Suburban Water Users Association, for domestic and municipal uses and other uses made of water furnished through municipal and other water systems furnishing water to inhabitants of municipalities and suburban areas, including in such uses, but not by way of limitation or exclusion, domestic and household uses, industrial, business and mechanical uses, generation of power, sewage treatment, streetsprinkling and washing, watering of parks, lawns and gardens, fire protection and such other use as may be necessary or proper to safeguard the health and welfare of the persons and communities using these waters, including such uses as may be necessary, proper or incident to providing a safe, firm and adequate supply of water for the present and future water needs of the communities and the inhabitants thereof to be served by this water supply.

That the said works for the collection, diversion, storage, regulation and transportation of water, including the ditches, conduits, tunnels and reservoir, the stream or other sources of supply therefor, the points of diversion of the ditches, conduits and tunnels, the location of the reservoir and the amounts of water to be diverted or stored with the corresponding capacities of and appropriations by said facilities in Water District No. 37 are as follows:

A. HOMESTAKE CONDUIT

The Homestake Conduit is to receive and deliver water to Homestake Reservoir for conveyance to Homestake Tunnel or storage in said reservoir from the following sources:

Stream or Other Source of Supply	Point of Diversion	Amount Appropriated in Cubic Feet per Second of Time
(Bearing and Distance to Land Corners of the Sections, Ranges and Townships indicated, all referred to 6th P.M.)		
Un-named Creek	S 86° E 35177 ft. to NW cor 6-7S 80W	60
West Cross Creek	N 83°38' E 36256 ft to NW cor 6- 7S-80W	200
Cross Creek	N 83°05' E 35064 ft to NW cor 6- 7S-80W	300
East Cross Creek	N 74°24' E 26649 ft to NW cor 6- 7S-80W	130
Fall Creek	S 82°55' E 12812 ft to NW cor 6- 7S-80W	260
Peterson Creek	S 64°05' E 6822 ft to NW cor 6- 7S-80W	50
Un-named Creek	S 76°45' E 10572 ft to SW cor 18- 7S-80W	50
Whitney Creek	N 81°42' E 13489 ft to SW cor 18- 7S-80W	80
French Creek	S 85°29' E 20392 ft to NW cor 31- 7S-80W	180
Fancy Creek	S 81°39' E 24837 ft to NW cor 31- 7S-80W	130
Missouri	N 76°12' E 27880 ft to NW cor 31- 7S-80W	120
Sopris Creek	N 75°25' E 28166 ft to NW cor 31- 7S-80W	160
Small un-named streams, springs, seeps, sheet flows, and ground waters along Homestake Conduit		120
Total.....		1840

Said amount of water from any and all sources, however, being estimated at 1840 cubic feet of water per second of time, is limited by the capacity of Homestake Conduit to 1530 cubic feet of water per second of time and no more than a total of 1530 cubic feet of water per second of time shall ever be taken through any combination of the above described sources and then only upon the limitations

and conditions herein provided.

#### B. EAST FORK CONDUIT

The East Fork Conduit diverts water from the East Fork of Homestake Creek pursuant to its appropriation of 260 cubic feet per second of time therefrom and conveys these waters to Homestake Reservoir for conveyance to Homestake Tunnel or storage in the reservoir, said East Fork Conduit having a capacity of 260 cubic feet per second of time and a total length of approximately 3093 feet. The point of diversion of said conduit is at a point whence the Northwest corner of Section 31, Township 7 South, Range 80 West bears North  $58^{\circ}20'$  East 22,842 feet.

#### C. HOMESTAKE TUNNEL

Homestake Tunnel under the Continental Divide for the conveyance of water into the Arkansas River Basin with its northerly portal located at a point whence the North Quarter Corner of Section 31, Township 7 South, Range 80 West of the Sixth P.M., bears North  $53^{\circ}05'$  East 29,346 feet, appropriates a maximum amount of 10 cubic feet per second of time of water seeping and percolating into Homestake Tunnel from Water District No. 37 areas and 300 cubic feet per second of time from Middle Fork of Homestake Creek, at its said Northerly portal, its point of diversion; said tunnel has a length of 27,400 feet and a capacity of 700 cubic feet per second of time. The tunnel will convey out of Water District No. 37 up to a maximum of 700 cubic feet per second of time of waters appropriated by the tunnel from the Middle Fork of Homestake Creek, together with waters appropriated by the Homestake Creek and East Fork Conduits and Homestake Reservoir.

#### D. HOMESTAKE RESERVOIR

Homestake Reservoir, also known as Elliott-Weers Reservoir, has a storage capacity of 5,525,310,700 cubic feet or 126,843.68

acre feet, is located on Homestake Creek with a dam whence Homestake Peak bears South 73°26' East 10,477 feet from the easterly end thereof and South 74°57' East 13,347 feet from the westerly end thereof, said dam having a maximum height of 411.5 feet and a length of 3,380 feet. The sources of supply of said reservoir are Homestake Conduit (the sources of this conduit as hereinabove set forth), East Fork Conduit (the source of this conduit as hereinabove set forth), the Middle Fork of Homestake Creek and Homestake Creek and said reservoir has appropriated for storage 126,843.68 acre feet annually from said sources. Homestake Reservoir also conveys water from Homestake Conduit and East Fork Conduit to Homestake Tunnel.

#### E. EAGLE-ARKANSAS DITCH

The Eagle-Arkansas Ditch receives and delivers into the Tennessee Pass Tunnel for conveyance under the Continental Divide and out of Water District No. 37 into the Arkansas River Basin the water appropriated from the following sources:

Stream or Other Source of Supply	Point of Diversion	Amount Appropriated in Cubic Feet per Second of time
	(Bearing and Distance to Land Corners of the Sections, Ranges and Townships indicated, all referred to the 6th Prin- cipal Meridian)	
Cataract Creek	S 51°31' W 2031 ft to E/4 Cor. Sec. 24-73-80W	90
Sheep Gulch	N 75°05' W 6390 ft to E/4 Cor. Sec. 24-73-80W	20
East Fork Eagle River	N 55°38' W 11786 ft to E/4 Cor. Sec. 24-73-80W	230
Jones Gulch	N 62°36' E 704 ft to E/4 Cor. Sec. 26-73-80W	90
Fiddler Creek	N 78°32' E 699 ft. to NW Cor. Sec. 2-83-80W	30
Taylor Gulch	S 6°31' W 6186 ft to SE Cor. Sec. 11-83-80W	20
Piney Creek	S 6°54' W 2092 ft to SE Cor. Sec. 11-83-80W	20
Small un-named streams, springs, seeps, sheet flows, and ground waters along Eagle-Arkansas Ditch		30
Total.....		530



The component parts of the Homestake Project, as hereinafter set forth, are awarded conditional priorities as of the date September 22, 1952, and they are awarded and assigned the respective ditch or reservoir numbers and priority numbers as follows, to-wit:

<u>Number of Ditch</u>	<u>Name of Ditch or Reservoir</u>	<u>Original Construction or Enlargement</u>	<u>Priority Number</u>	<u>Water Allowed</u>
358 1/2 A	Homestake Conduit	Original	536 1/2 A	1840 cfs
358 1/2 B	East Fork Conduit	Original	536 1/2 B	260 cfs
358 1/2 C	Homestake Tunnel	Original	536 1/2 C	300 cfs
358 1/2 D	Homestake Reservoir	Original	536 1/2 D	126,843.68 AF
358 1/2 E	Eagle-Arkansas Ditch	Original	536 1/2 E	530 cfs

That each of said priorities numbered 536 1/2 A, 536 1/2 B, 536 1/2 C and 536 1/2 E awarded to ditches, conduits and tunnel herein are hereby awarded upon the express condition that each be completed with due diligence and the water thereof applied to the beneficial uses aforesaid within a reasonable time hereafter, and the priority 536 1/2 D hereinabove awarded is hereby awarded to said Homestake Reservoir upon the express condition that said reservoir be completed with due diligence and water impounded therein and applied to the beneficial uses aforesaid within a reasonable time hereafter, and there is hereby allowed to flow into said Homestake Reservoir under said Priority No. 536 1/2 D for the uses aforesaid and for the benefit of the parties entitled thereto, at any time when it does not interfere with prior appropriations of water from said streams, sufficient water to keep said reservoir reasonably well filled and provided further that as against junior appropriators, who need and can use the water capable of being impounded in said reservoir, only one filling shall be allowed each year. Provided, further, that no more than a total of 700 cubic feet of water per second of time shall ever be taken by any combination of the above-described sources through the

Homestake Tunnel and 530 cubic feet of water per second of time through the Tennessee Pass Tunnel.

By reason of the appropriations made by said ditches, reservoir, tunnel and other structures, they are entitled to the aforesaid priorities as of the date September 22, 1952, in the amounts, from the sources, at the points of diversion of the ditches and other structures for diverting water and the reservoir at its location for storing, conveying and regulating water and for the uses, all as hereinabove set forth, and that there be allowed to flow into said ditches, structures and reservoir the said amounts of water under said priorities. Provided, however, that the priorities awarded to the following conduit and reservoir are limited to the total maximum diversions as follows, to-wit: Homestake Conduit 1530 cubic feet per second of time at its lower end; and 1500 cubic feet of water per second of time of the flow of Homestake Creek for Homestake Reservoir. Provided, further, that the total maximum amounts of water to be diverted through the Continental Divide from all sources of the Homestake Project are 700 cubic feet of water per second of time through the Homestake Tunnel and 530 cubic feet of water per second of time through the Tennessee Pass Tunnel.

The priorities awarded the component parts of the Homestake Project, and rights to divert or store water thereof, shall be junior and inferior to any and all priorities adjudicated in decrees of this Court in this Water District No. 37 prior to the decree of July 23, 1958, herein and said priorities shall also be junior and inferior to the hereinafter numbered priorities awarded under said decree of July 23, 1958, to the ditches and reservoirs with respective numbers as follows:

Scotty Ditch, Priority No. 519; Bottolfson Ditch, Priority No. 520; Town of Eagle, Priority No. 521; Gravity Water System, Priority

No. 521; Nottingham Ditch, Priority No. 522; Edward Ditch, Priority No. 523; Mike Ditch, Priority No. 524; Robert Emmett Ditch, Priority No. 525; Hammer Ditch, Priority No. 526; Nottingham and Puder Ditch, Priority No. 527; Metcalf Ditch, Priority No. 528; Robinson Reservoir, Priority No. 529; Grace Park Ditch, Priority No. 530; Oxford Ditch, Priority No. 531; Townsend Ditch, Priority No. 532; Chalk Mountain Reservoir, Priority No. 533; Warren Ditch, Priority No. 534; Johnson and Howard Ditch, Priority No. 535; and Warren E. Wurts Ditch, First Enlargement and Extension, Priority No. 536. The said Homestake priorities shall, however, be senior and prior to the priorities of those ditches and reservoirs with respect to the priority numbers as follows:

A. B. DeGraw Ditch, Priority No. 537; Mayberry Ditch, Priority No. 538; Olesen Ditch, Pump and Pipeline, Priority No. 539; Buffehr and Rose Ditch, Priority No. 540; McMonagle Ditch, Priority No. 541; Otero-Tennessee Pass Ditch, Priority No. 542; Red Cliff Project, Priority Nos. 543, 544, 545, 546 and 547; and Roberts Tunnel Collection System, Priority Nos. 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566 and 567.

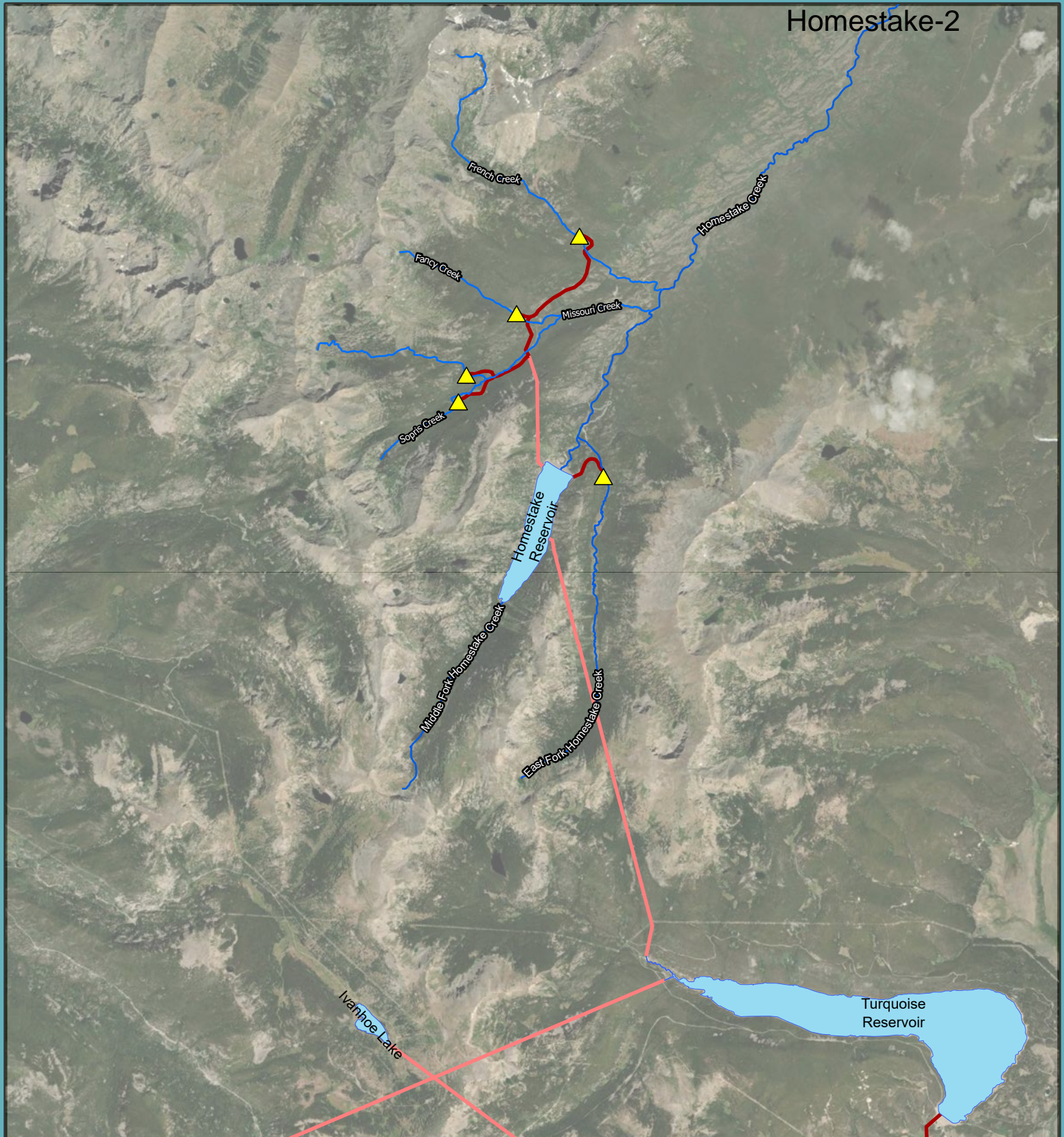
#### RED CLIFF PROJECT

IT IS ORDERED, ADJUDGED AND DECREED with respect to the Red Cliff Project as follows:

The name of the system of ditches, reservoirs and other structures by means of which water under such water right is to be diverted, stored and used is: RED CLIFF PROJECT.

A general physical description of said Red Cliff Project, and of the ditches, reservoirs and other structures which comprise the same, with the proposed capacity in second feet of all ditches and other structures for diverting and transmitting water, and the





# Homestake System

## Aurora Water

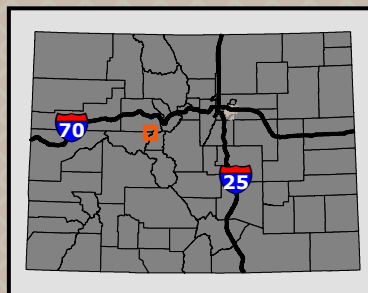
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*Aurora is Worth Discovering!*



August 4, 2025



### Legend

- Existing Intake
- Tunnel
- Pipeline

Miles 0 0.5 1 2

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