IN THE DISTRICT COURT IN AND FOR WATER DIVISION NO. 4
STATE OF COLORADO
TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER DIVISION NO. 4

Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of OCTOBER 2005.

The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows:

1. Case No. 05CW158. Applicant: Richard M. Frantz, 61838 HWY 90, Montrose, CO 81401. Type of Application: Application for Surface Water Rights. Name of Structure: Frantz 1. Location: NW ¼ of the NW ¼ of Section 1, Township 48 North, Range 10 West, NMPM. Distance from Section Lines: 1648 feet from north and 401 feet from west. Source: Spring Creek. Appropriation Date: 10/5/05. Amount Claimed: .10 cfs conditional. Use: Irrigation and stockwater. **MONTROSE COUNTY.**

2. Case No. 05CW159. Applicant: Marty McCurdy, 22610 CR 12, Somerset, CO 81434. Type of Application: Application for Approval of Plan for Augmentation and Application for Water Storage Right. Name of Structures: 1. Silver Spring; 2. Junior's Pond. Location: 1. NW ¼ of the SE ¼ of the NE ¼ of Section 12, Township 13 South, Range 89 West, 6th PM; 2. SW ¼ of the NW ¼ of the NE ¼ of Section 12, Township 13 South, Range 89 West, 6th PM. Distance from Section Lines: 1. 1843 feet from north and 874 feet from east; 2. 922 feet from north and 2016 feet from east. Source: Tributary to Anthercite / North Fork River. Appropriation Date: 1947. Amount claimed: Junior's Pond – 5 acre feet, conditional. Use: Domestic use, augmentation, and fire protection. **GUNNISON COUNTY.**

3. Case No. 05CW160. Applicant: Denzel Hartshorn, 818 26 Road, Grand Junction, CO 81506. Type of Applications: Application for Water Storage Right and Application for Surface Water Rights. Name of Structures: 1. West No. 2; 2. East No. 1; 3. Elk Spring; 4. Henderson Creek. Location: 1 and 2 – NW ¼ of the SW ¼ of the SW ¼ of Section 35, Township 10 South, Range 90 West, 6th PM; 3 – NE ¼ of the NE ¼ of the NW ¼ of Section 35, Township 10 South, Range 90 W, 6th PM; 4 – SW ¼ of the SW ¼ of the SE ¼ of Section 26, Township 10 South, Range 90 West, 6th PM. Distance from Section Lines: 1. 676 feet from south and 184 feet from west; 2. 813 feet from south and 394 feet from west; 3. 46 feet from north and 251 feet from west; 4. 67 feet from south and 1994 feet from east. Source: Spring tributary to East Muddy Creek. Appropriation Date: 1962. Amount Claimed: 1. 1.9 acre fee absolute; 2. .72 acre feet absolute; 3. .10 cfs absolute; 4. .125 cfs conditional. Use: 1 and 2 - Irrigation, recreation, fish and fire control; 3 and 4 – household, lawn and stock tank. **GUNNISON COUNTY.**

4. Case No. 05CW161. Applicant: Kathrine Proctor, 14669 Deer Run Road, Delta, CO 81416. Type of Application: Application for Surface Water Rights. Name of Structures: 1. Austin Homestead Domestic Water; 2. Austin Homestead Water GAP. Location: NW ¼ of the NE ¼ of Section 8, Township 13 South, Range 95

West, 6th PM. Distance from Section Lines: 1. 850 feet from south of the north line and 2700 feet east of the west line: 2. 2500 west of the east line and 19560 south of the north line. Source: Camp Creek and Dirty George Creek. Appropriation Date: 10/4/1921. Amount Claimed: .05 Livestock cfs absolute and .05 Domestic cfs absolute. Use: Domestic and livestock. **DELTA COUNTY.**

5. Case No. 05CW162. Applicant: Una Wakefield Estate, c/o John Wakefield, 35110 F-50 Road, Crawford, CO 81415. Type of Application: Application for Surface Water Rights. Name of Structure: Ross Reservoir Springs. Location: NE ¼ of the NE ¼ of Section 29, Township 15 South, Range 92 West, 6th PM. Distance from Section Lines: 49.8 feet from north and 454 feet from east, also, 20 feet from north and 460 feet from east. Source: North Fork of the Gunnison River. Appropriation Date: 1906. Amount Claimed: 0.40 cfs absolute. Use: Irrigation, livestock and wildlife water. **DELTA COUNTY.**

6. Case No. 05CW163. Applicant: William Goodhart, 339 N Second Street, Montrose, CO 81401. Type of Application: Application for Surface Water Rights. Name of Structure: Goodhart Spring. Location: NW ¼ of the SW ¼ of Section 17, Township 50 North, Range 9 West, NMPM. Distance from Section Lines: 3960 feet from south and 675 feet from west. Source: Adobe foothills east of Olathe, Colorado. Appropriation Date: 12/2004. Amount Claimed: .05 cfs absolute. Use: Stock water, irrigation, pond for fish and livestock. **MONTROSE COUNTY.**

7. Case No. 05CW164. Applicant: W. Howard and Ruth Heath, 12750 Bostwick Park Rd., Montrose, CO 81401. Type of Application: Application for Surface Water Rights. Name of Structures: Tom No. 1, Tom No. 2, Tom No. 3 and Tom No. 4. Location: 1. SW ¼ of the SE ¼ of Section 21, Township 44 North, Range 10 West, NMPM; 2. SW ¼ of the SW ¼ of Section 15, Township 44 North, Range 10 West, NMPM; 3. SW ¼ of the SW ¼ of Section 15, Township 44 North, Range 10 West, NMPM; 4. NW ¼ of the SE ¼ of Section 15, Township 44 North, Range 10 West, NMPM. Distance from Section Lines: 1. 647 feet from the south and 2453 feet from the east; 2. 517 feet from the south and 1087 feet from the west; 3. 728 feet from the south and 1424 feet from the west; 4. 2029 feet from the south and 2649 feet from the east. Source: San Miguel River. Appropriation Date: 9/1/1990. Amount Claimed: 1. 1.0 cfs absolute; 2. 1.5 cfs absolute; 3. .30 cfs absolute; 4. 1.0 cfs absolute. Use: Irrigation and stock on all four structures. **SAN MIGUEL COUNTY.**

8. Case No. 05CW165. Applicant: Donald Stephens and Gary Stephens, 18876 64.95 Road, Montrose, CO. Type of Application: Application for Approval of Plan of Augmentation. Name of Structures: Eagles Rest Pipeline #1, Eagles Rest Reservoir #1, Cotton Lake and High Park Spring #1. Location: NW ¼ of the SW ¼ of the NW ¼ of Section 36, Township 47 North, Range 7 West, NMPM. Distance from Section Lines: 3550 feet from north and 400 feet from west. Source: Gunnison River – High Park Spring. Appropriation Date: 6/27/89 and 11/1/99. Amount Claimed: .11 cfs. Use: Domestic. **GUNNISON COUNTY.**

9. Case No. 05CW166. Applicant: Mercy Ships Foundation, aka, El Rancho Cimarron, PO Box 2020, Lindale, TX 75771. Type of Application: Application

for Approval of Plan of Augmentation. Names of Structures: Ywam Well and El Rancho Cimarron. Location: SW ¼ of the SW ¼ of Section 32, Township 47 North, Range 6 West, NMPM. Distance from Section Lines: 600 feet from south and 480 feet from east. Source: Gunnison River – Ywam Well. Appropriation Date: 3/1/87. Amount Claimed: 15 gpm absolute and 15 gpm conditional. Use: Domestic and commercial use. **GUNNISON COUNTY.**

10. Case No. 05CW167. Concerning The Application For Water Rights Of Applicants Gary R. Williams And Marilyn K. Williams In Mesa County, Colorado. Attorney's Name and Address: Mark N. Williams, Mark N. Williams, P.C., 326 Main St., Ste 205, Grand Junction, CO 81501, Phone: (970) 242-2111, FAX: (970) 242-8466, Atty Reg#: 10753; Name of Applicant: Gary R. Williams and Marilyn K. Williams, 4-8 Divide Rd., Whitewater, CO 81527; Mailing address: 201 North Ave., PMB 185, Grand Junction, CO 81501, Phone: (970) 640-7427. **SURFACE RIGHTS** - ***DOT No. 1 SPRING*** in the NE¼ NE¼, S4, T50N, R16W, New Mexico PM, Mesa County, CO, 1010.3 ft from N and 1025.6 ft from E; DGPS: Northing: 4282264.723; Easting: 182108.886; Source: natural spring tributary to Big Dominguez Creek tributary to the Gunnison River; Date of appropriation: April 1, 1885, by diversion and use: date of beneficial use: May 15, 1885; amount: 0.01cfs Absolute, for domestic, livestock, filling DOT POND #1, piscatorial, aesthetics, wildlife. ***DOT No. 2A SPRING*** in the NE¼ NE¼, S4, T50N, R16W, New Mexico PM, Mesa County, CO, 167.8 ft from N and 1056.6 ft from E; DGPS: Northing: 428518.536; Easting: 182106.936; source: natural spring tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: April 1, 1978, by construction of pond; date of beneficial use: May 15, 1978; amount: 0.01 cfs Absolute for filling DOT POND #2, livestock, piscatorial, wildlife, aesthetics. ***DOT No. 2B SPRING*** in the NE¼ NE¼, S4, T50N, R16W, New Mexico PM, Mesa County, CO, 178.2 ft from N and 1065.9 ft from E; DGPS: Northing: 4282521.525 Easting: 182109.961; source: natural spring tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: April 1, 1978, by construction of pond; date of beneficial use: May 15, 1978; amount: 0.01 cfs Absolute, for filling DOT POND #2, livestock, piscatorial, wildlife, aesthetic. ***DOT No. 2C SPRING*** in the NE¼ NE¼, S4, T50N, R16W, New Mexico PM, Mesa County, CO, 163.5 ft from N and 1120.8 ft from E; DGPS: Northing: 4282523.540; Easting: 182090.370; source: natural spring tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: April 1, 1978, by construction of pond; date of beneficial use: May 15, 1978; Amount: 0.01 cfs Absolute, for filling DOT POND #2, livestock, piscatorial, wildlife, aesthetics. ***DOT No. 3 SPRING*** in the NE¼ NE¼, S33, T51N, R16W, New Mexico PM, Mesa County, CO, 479.0 ft from S and 643.1 ft from E; DGPS: Northing: 4282714.370; Easting: 182244.141; source: natural spring tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: April 1, 1900, by construction of DOT #3 pond and cow pond; date of beneficial use: May 15, 1900; amount: 0.1 cfs Absolute, for filling DOT POND #3 and DOT COW POND, livestock, piscatorial, wildlife, aesthetics. ***DOT No. 4A SPRING*** in the NW¼ SW¼, S34, T51N, R16W, New Mexico PM, Mesa County, CO, 2191.4 ft from S and 853.2 ft from W; DGPS: Northing: 4283176.055 Easting: 182718.109; source: natural spring tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: April 1, 1934, by construction of DOT #4 pond; date of beneficial use: May 15, 1934; amount: 0.1 cfs Absolute, for filling DOT POND #4, livestock, piscatorial, wildlife, aesthetics.

DOT No. 4B SPRING in the NW¼ SW¼, S34, T51N, R16W, New Mexico PM, Mesa County, CO, 2185 ft from S and 875 ft from W; source: natural spring tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: April 1, 1934, by construction of DOT #4 pond; date of beneficial use: May 15, 1934; amount: 0.05 cfs Absolute, for filling DOT POND #4, livestock, piscatorial, wildlife, aesthetics; Applicants seek a conditional decree to pump water from DOT 4A and Dot 4B springs for domestic, livestock, pond filling, storage, piscatorial, wildlife and aesthetic purposes with the date of appropriation: April 1, 1998, by survey of system; amount: 0.15 cfs Conditional. ***DOT No. 5A SPRING*** in the NW¼ SW¼, S34, T51N, R16W, New Mexico PM, Mesa County, CO, 2552.89 ft from S and 1116.0 ft from W; DGPS: Northing: 4283333.508; Easting: 182806.056; source: natural spring tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: April 1, 2004, by construction of DOT #5 pond; date of beneficial use: April 1, 2005; amount: 0.01 cfs Absolute, for filling DOT POND #5, livestock, piscatorial, wildlife, aesthetics. ***DOT No. 5B SPRING*** in the NW¼ SW¼, S34, T51N, R16W, New Mexico PM, Mesa County, CO, 2550.0 ft from S and 1111 ft from W; natural spring tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: April 1, 2004, by construction of DOT #5 pond; date of beneficial use: April 1, 2005; amount: 0.01cfs Absolute, for filling DOT POND #5, livestock, piscatorial, wildlife, aesthetics. ***DOT No. 6 SPRING*** in the NW¼ SW¼, S34, T51N, R16W, New Mexico PM, Mesa County, CO, 2500 ft from S and 1300 ft from W; source: natural spring tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: April 1, 1934, by livestock use; date of beneficial use: May 15, 1934; amount: 0.01cfs Absolute, for livestock, piscatorial, wildlife, aesthetic. **WATER STORAGE RIGHTS** - ***DOT POND #1*** in the NW¼ NE¼, S4, T50N, R16W, New Mexico PM, Mesa County, CO, 500 ft from N and 850 ft from E; name of ditch used to fill reservoir: DOT SPRING #1 described above; source: natural spring tributary to Big Dominguez Creek tributary to the Gunnison River; Date of appropriation: April 1, 2001, by construction of pond; date of beneficial use: May 15, 2001; amount: 1.25 acre-feet Absolute; rate of diversion: 0.01 cfs Absolute; use: livestock, piscatorial, wildlife, and aesthetics; surface area of high water line: 1/5 acre; maximum height of dam: 10 ft: length of dam: 75 ft; total capacity of reservoir, 1.25 acre-feet; active capacity: 0.00 acre-feet; dead storage: 1.25 acre-feet. ***DOT POND #2*** in the NE¼ NE¼, S4, T50N, R16W, New Mexico PM, Mesa County, CO, 125 ft from N and 1060 ft from E; names of ditches used to fill reservoir: DOT SPRINGS #2A, #2B, and #2C; source: natural spring tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: April 15, 1978 for construction of pond; date of beneficial use: May 15, 1978; amount: 0.35 acre-feet Absolute; rate of diversion for filling reservoir: 0.03 cfs Absolute; Use: livestock, piscatorial, wildlife, and aesthetics; surface area of high water line: 500 sq ft; Maximum height of dam, 5 ft; length of dam, 60 ft; total capacity of reservoir, 0.35 acre-feet; active capacity: 0.00 acre-feet; dead storage: 0.35 acre-feet. ***DOT POND #3*** in the SE¼ SE¼, S33, T51N, R16W, New Mexico PM, Mesa County, CO, 479.0 ft from S and 643.1 ft from E; name of ditch used to fill reservoir: DOT SPRING #3; source: natural spring tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: April 1, 1900, by construction of pond; date of beneficial use: May 15, 1900; amount claimed: 0.25 acre-feet Absolute; rate of diversion for filling reservoir: 0.33 cfs Absolute; Use: livestock, piscatorial, wildlife, and aesthetics; surface area of high water line: 2,000 sq ft; Max. Height of dam, 8 ft;

Length of dam, 75 ft; total capacity of reservoir: 0.25 acre-feet; active capacity: 0.00 acre-feet; dead storage: 0.25 acre-feet. ***DOT COW POND*** in the SE¼ SE¼, S33, T51N, R16W, New Mexico PM, Mesa County, CO, 600 ft from S and 415 ft from E; name of ditch used to fill reservoir: DOT SPRING #3; source: natural spring tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: April 1, 1900, by construction of pond; date of beneficial use: May 15, 1900; amount: 0.011 acre-feet Absolute; Use: livestock, piscatorial, wildlife, and aesthetics; surface area of high water line: 0.011 acres; max. height of dam, 5 ft; length of dam, 30 ft; total capacity of reservoir, 0.011 acre-feet; active capacity, 0.00 acre-feet; dead storage, 0.011 acre-feet. ***DOT POND #4*** in the NW¼ SW¼, S34, T51N, R16W, New Mexico PM, Mesa County, CO, 2185 ft from S and 875 ft from W; names of ditches used to fill reservoir: DOT SPRINGS #4A and #4B; source: natural springs tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: April 1, 1934, by construction of pond; date of beneficial use: May 15, 1934; amount: 0.3 acre-feet Absolute; rate of diversion for filling reservoir: 0.66 cfs Absolute; Use: livestock, piscatorial, wildlife, and aesthetics; surface area of high water line: 0.05 acres; max. height of dam, 10 ft; length of dam, 100 ft; total capacity of reservoir, 0.30 acre-feet; active capacity: 0.00 acre-feet; dead storage: 0.30 acre-feet. ***DOT POND #5*** in the NW¼ SW¼, S34, T51N, R16W, New Mexico PM, Mesa County, CO, 2550 ft from S and 1116 ft from W; names of ditches used to fill reservoir: DOT SPRINGS #5A and #5B; source: natural springs tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: April 1, 1880 by livestock use; date of beneficial use: April 1, 1880; amount: 0.27 acre-feet Absolute; Use: pond filling, livestock, piscatorial, wildlife, and aesthetics; surface area of high water line: 0.01 acres; max. height of dam, 0 (no dam); length of dam, 0 (no dam); total capacity of reservoir, 0.01 acre-feet; active capacity: 0.0 acre-feet; dead storage: 0.01 acre-feet. ***DOT POND #6*** in the NW¼ SW¼, S3, T50N, R16W, New Mexico PM, Mesa County, CO, 1175 ft from N and 1190 ft from W; source: unnamed wash tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: April 1, 2002, by inspection of property; amount: 0.15 acre-feet Conditional; Use: livestock, piscatorial, wildlife, and aesthetics; surface area of high water line: 0.02 acres; max. height of dam, 10 ft; length of dam, 50 ft; total capacity of reservoir, 1.5 acre-feet; active capacity: 0.00 acre-feet; dead storage: 1.5 acre-feet. ***BIRD DRAW POND #1*** in the NW¼ NE¼, S4, T50N, R16W, New Mexico PM, Mesa County, CO, 1090 ft from N and 2180 ft from E; source: Bird Draw Wash tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: April 1. 2004, by inspection of wash; date of beneficial use: amount: 2.2 acre-feet Conditional; Use: livestock, piscatorial, wildlife, and aesthetics; surface area of high water line: 0.25 acres; max. height of dam, 10 ft; length of dam, 80 ft; total capacity of reservoir, 2.2 acre-feet; active capacity: 0.0 acre-feet; dead storage: 2.2 acre-feet. ***BIRD DRAW POND #2*** in the NW¼ NE¼, S4, T50N, R16W, New Mexico PM, Mesa County, CO, 510 ft from N and 1575 ft from E; source: Bird Draw Wash tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: June 1, 2003, by inspection of draw; date of beneficial use: June 1, 2003; amount: 0.06 acre-feet Absolute; Use: livestock, piscatorial, wildlife, and aesthetics; surface area of high water line: 0.01 acres; max. height of dam, 1 ft; Length of dam, 30 ft; total capacity of reservoir, 0.06 acre-feet; active capacity: 0.00 acre-feet; dead storage: 0.06 acre-feet. ***BIRD DRAW POND #3*** in the SE¼ SE¼, S33, T51N, R16W, New Mexico PM, Mesa County, CO, 75 ft from S and

790 ft from E; source: Bird Draw_Wash tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: April 1. 2004, by inspection of draw; amount: 2.5 acre-feet Conditional; use: pond filling, livestock, piscatorial, wildlife, and aesthetics; surface area of high water line: 0.4 acres; max. height of dam, 10 ft; length of dam, 100 ft; total capacity of reservoir, 2.5 acre-feet; active capacity: 0.0 acre-feet; dead storage: 2.5 acre-feet. ***DOT POND #7*** in the SW¼ SE¼, S33, T51N, R16W, New Mexico PM, Mesa County, CO, 1250 ft from S and 2275 ft from E; source: Unnamed Draw tributary to Big Dominguez Creek tributary to the Gunnison River; date of appropriation: Sept. 1, 2004, by inspection of draw; amount: 0.4 acre-feet Conditional; use: livestock, piscatorial, wildlife, and aesthetics; surface area of high water line: 0.06 acres; max. height of dam, 10 ft; length of dam, 40 ft; total capacity of reservoir, 0.4 acre-feet; active capacity: 0.0 acre-feet; dead storage: 0.4 acre-feet. Remarks: Applicants are owners of the land where all diversions, structures and ponds are located; Applicants seek the right to fill and refill all storage rights when in priority. **MESA COUNTY**

11. Case No. 05CW168. Applicant: Paul and Diana Reed, PO Box 908, Hotchkiss, CO 81419. Type of Application: Application to Make Absolute. Name of Structure: Isaac Spring No. 1. Location: SW ¼ of the NE ¼ of Section 21, Township 14 South, Range 92 West, 6th PM. Distance from Section Lines: 2550 north of feet from the south and 2400 west of feet from the east. Source: North Fork of the Gunnison River. Appropriation Date: 2/2/1994. Amount Claimed: .078 cfs. Use: Stock water and the irrigation of 15 acres. **DELTA COUNTY.**

12. Case No. 05CW169. Applicant: Dan F. Sullivan and Jane M. Sullivan, c/o S. Gregg Stanway, PO Box 120, Hotchkiss, CO 81419; 970-872-3118. Name of structure: Cottonwood Mesa Ditch. Describe conditional water right giving the following from the Referee's Ruling and Judgment and Decree:
    a. Date of Original Decree: April 17, 1996, Case No. 95 CW 149, Court Delta County Water Division #4.
    b. Legal description: located 1380 feet from south section line, 1990 feet from the west section line, section 3, Township 15 south, Range 92 West of the 6th P.M.
    c. Source: North Fork – Gunnison River, Delta County, Colorado
    d. Description of place of use where water is applied to beneficial use: property located in Section 3, Township 15 South, Range 92 West, 6th p.m., Delta County, Colorado
    e. Date of Beneficial use: October 4, 1995
    f. Name and address of owners 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: Dan F. Sullivan and Jane M. Sullivan, 825 3900 Road, Hotchkiss, Colorado 81419.
    g. Applicants have completed work on the entire water system utilizing this water as well as other related decrees to provide irrigation. Applicants have installed approximately 2,000 feet of pipeline and related structures at a cost of approximately $30,000.00 to complete this project. **DELTA COUNTY.**

13. Case No. 05CW170. Applicant: Jerry Knight, PO Box 3, Lazer, CO 81420. Type of Application: Application for Surface Water Rights. Name of Structure: Knight Spring #3. Location: NW ¼ of the NE ¼ of Section 15, Township 13 South, Range 93 West, 6th PM. Distance from Section Lines: 225 feet from north and 2462 feet from east. Source: Leroux Creek. Appropriation Date: 10/20/05. Amount Claimed: .022 cfs conditional. Use: Domestic and livestock. **DELTA COUNTY.**

14. Case No. 05CW171. Applicant: Janet Hutt and Teri Watkins, 4700 55.86 Road, Olathe, CO 81425. Type of Application: Application for Surface Water Rights. Name of Structure: Te Ja Tile Line. Location: NE ¼ of the SE ¼ of Section 1, Township 50 North, Range 11 West, NMPM. Distance from Section Lines: 1964 feet from south and 464 feet from east. Source: Dry Creek. Appropriation Date: 10/10/05. Amount Claimed: .25 cfs conditional. Use: Stock water – pond for wildlife. **MONTROSE COUNTY.**

15. Case No. 05CW172. Applicant: 7X Ranch LLC, 31124 Oak Mesa Road, Hotchkiss, CO 81419 and Chris Pfeifer, 201 N Mill Street, Ste 103, Aspen, CO 81611. Type of Application: Application for Finding of Diligence. Name of Structure: Hanson Springs #2. Location: Section 22, Township 13 South, Range 93 West, 6th PM. Distance from Section Lines: 800 feet from north and 985 feet from east. Source: North fork of the Gunnison River. Appropriation Date: 7/1/72. Amount Claimed: .3 cfs absolute and .05 cfs conditional. Use: Irrigation, stock water, wildlife and domestic. **DELTA COUNTY.**

16. Case No. 05CW173. Applicant: Donald Ducat, PO Box 232, Ouray, CO 81427. Type of Application: Application for Change of Water Right. Name of Structure: Senator Creek Water Diversion Pipeline. Location: NE ¼ of the SE ¼ of Section 14, Township 14 North, Range 8 West, NMPM. Distance from Section Lines: 2307 feet from south and 1059 feet from east. Source: Senator Creek. Appropriation Date: 5/12/74. Amount Claimed: 15 gpm. Use: Fire-fighting augmentation. **OURAY COUNTY.**

17. Case No. 05CW174. Applicant: Brian Riepe and Suzann Parker, 309 S Main Street, Gunnison, CO 81230. Type of Application: Application for Surface Water Rights. Name of Structure: Rocky Spring. Location: SW ¼ of the SE ¼ of the NW ¼ of Section 8, Township 50 N, Range 1 East, NMPM. Distance from Section Lines: 2538 feet from north and 1394 feet from west. Source: Gunnison River. Appropriation Date: 7/15/05. Amount Claimed: .033 cfs absolute. Use: Irrigation and stock water. **GUNNISON COUNTY.**

18. Case No. 05CW175. Applicant: Walter and Carolee Hartman, 21203 Surface Creek Road, Cedaredge, CO 81413. Type of Application: Application for Surface Water Rights and Application for Storage Water Right. Name of Structures: Hartman Ditch #1, Hartman Ditch #2, Hartman Pond. Location: 1. SE ¼ of the NW ¼ of the SW ¼ of Section 34, Township 12 South, Range 94 West, 6th PM; 2. NW ¼ of the SE ¼ of the SW ¼ of Section 34, Township 12 South, Range 94 W, 6th PM; 3. NE ¼ of the SW ¼ of the SW ¼ of Section 34, Township 12 South, Range 94 West, 6th PM. Distance from Section Lines: 1. 1025 feet from west and 1425 feet from south; 2. 1327 feet from west and 1172 feet from south; 3. 732 feet from west and 935 feet from south. Source: Ditch #1

and #2 – waste water from fields above diversion point, tributary to Milk Creek/Surface Creek; Pond – Waste Water from upper Surface Creek. Appropriation Date: 10/18/05. Amount Claimed: Ditch #1 and #2 - .25 cfs conditional; Pond .25 conditional. Use: Irrigation. **DELTA COUNTY.**

19. Case No. 05CW176. Applicant: Foothills/Paonia LLC, PO Box 1216, Cedaredge, CO 81413. Type of Application: Application to Make Absolute. Name of Structure: Hidden Valley Reservoir. Location: NW ¼ of the SE ¼ of Section 9, Township 14 South, Range 91 West, 6th PM. Distance from Section Lines: 2363 feet from north and 2086 feet from west. Source: Gunnison River. Appropriation Date: 10/28/98. Amount Claimed: 1 acre foot. Use: Storage. **DELTA COUNTY.**

20. Case No. 05CW177. Applicant: Youth With A Mission, PO Box 158, Cimarron, CO 81220. Type of Application: Application for Approval of Plan for Augmentation. Name of Structures: High Park Spring #1, Turbine Pipeline and New Lake Intake Lake. Location: NW ¼ of the SW ¼ of the NW ¼ of Section 36, Township 47 North, Range 7 West, NMPM. Distance from Section Lines: 3550 feet from north and 400 feet from west. Source: High Park Spring #1. Appropriation Date: 7/1976, 6/30/1974, 11/1/2001. Amount Claimed: .05 cfs, .85 cfs, .85 cfs. Use: Domestic, lawn and garden irrigation, fire protection, and hydro power. **GUNNISON COUNTY.**

21. Case No. 05CW178. **DELTA COUNTY, HAPPY HOLLOW CREEK, TONGUE CREEK, GUNNISON RIVER**. Delbert & Melinda Smith, 1498 S. W. Melinda Rd, Cedaredge, CO 81413, (970) 856-7109; c/o Mark A. Hermundstad & Kirsten M. Kurath, Williams, Turner & Holmes, P.C., P.O. Box 338, Grand Junction, CO 81502, (970) 242-6262. Application for Underground Water Rights and for Approval of Plan for Augmentation. First Claim: Structure: Smith Resource West Well, Permit Number 239134. Legal: Located in the SE1/4 NE1/4 of Sec. 36, T13S, R95W, 6th P.M., at a point approx. 60 ft from the east section line and 2700 ft from the north section line of Section 36. Source: Groundwater tributary to Happy Hollow Creek, tributary to Tongue Creek, tributary to the Gunnison River; Depth: Approx 110 feet; Appropriation: April 18, 2002; Amount: 0.033 c.f.s. (15 g.p.m.), with a maximum diversion of 2.6275 acre-feet per year, conditional. Use: Domestic, irrigation, fire protection, and stock watering. Name and Address of Land Owners: Applicants. Second Claim: Structure: Smith Resource East Well, Permit Number 242862. Legal: Located in the SW1/4 NW1/4 of Sec. 31, T13S, R94W, 6th P.M., at a point approx. 750 ft from the west section line and 2100 ft from the north section line of Sec. 31. Source: Groundwater tributary to Happy Hollow Creek, tributary to Tongue Creek, tributary to the Gunnison River; Depth: Approx 90 ft; Appropriation: September 3, 2002; Amount: 0.033 c.f.s. (15 g.p.m.), with a maximum diversion of 5.2550 acre-feet per year; conditional; Use: Domestic, irrigation, fire protection, and stock watering. Name and Address of Land Owners: The Melinda C. Smith Living Trust and the Delbert L. Smith Living Trust, c/o Applicants. The Smith Resource West and East Wells will provide water as an integrated water system for the Smith Resource Preservation Major Subdivision in Delta County, Colorado. Third Claim: Approval of Plan for Augmentation. Structures to be Augmented: Smith Resource West Well and Smith Resource East Well. Water Rights to be Used for Augmentation: Applicants will apply for a contract with the

Grand Mesa Water Conservancy District (AGMWCD@) for the delivery of reservoir storage water to replace out-of-priority depletions associated with use of water from the Smith Resource Wells. The GMWCD's augmentation water supply sources are: Co-owner of a conditional water right for the storage of 29,000 acre-feet of water in the Cactus Park Reservoir, originally decreed on January 31, 1964 in Case No. 4808, Delta County District Court, and amended by decree entered on December 13, 1972 in the Case No. W-586, District Court, Water Division 4. The water right was originally decreed for irrigation, fishing, recreation, municipal, domestic, stock water and storage uses, and has been changed to allow storage at alternate places and for additional uses as follows: Upper Eggleston Lake: Case No. 97CW131, change of water right to store up to 375.84 acre-feet in the Upper Eggleston Lake from an alternate source of supply. In Case No. 01CW23, the decreed uses for the water rights stored in the Upper Eggleston Lake were changed to allow direct use for all of the decreed uses or to allow such uses by augmentation, replacement and exchange. Location: The center of the dam is located approx. 4200 ft east of the east section line of Sec. 36, T11S, R95W, 6th P.M., and 1600 ft north of the north section line of Section 6, T12S, R94W, 6th P.M. Source: Natural runoff occurring above Upper Eggleston Lake, and Kiser Creek, tributary to Tongue Creek, tributary to the Gunnison River. Arch Slough: In Case No. 97CW131, change of water right to store up to 97.6 acre-feet in the Arch Slough from an alternate source of supply. In Case No. 01CW23, the decreed uses for the water rights stored in the Arch Slough were changed to allow direct use for all of the decreed uses or to allow such uses by augmentation, replacement and exchange. Location: The center of the dam for Arch Slough is located approx. 1350 ft west of the east section line and 1250 ft south of the north section line of Sec. 2, T12S, R95W, 6th P.M. Source: Natural runoff occurring above Arch Slough, and Ward Creek, tributary to Tongue Creek, tributary to the Gunnison River. Skinned Horse Reservoir: In Case No. 02CW09, change of water right to store up to 92.7 acre-feet in the Skinned Horse Reservoir from a new source of supply. In the same case, the decreed uses for the water rights changed to the Skinned Horse Reservoir were changed to allow direct use for all of the decreed uses or to allow such uses by augmentation, replacement and exchange; Location: The center of the dam located approx. 750 ft west of the east section line and 1300 ft north of the south section line of Sec. 2, T12S, R95W, 6th P.M.; Source: Natural runoff occurring above Skinned Horse Reservoir, which water is tributary to Ward Creek, tributary to Tongue Creek, tributary to the Gunnison River. Statement of Plan for Augmentation: This plan for augmentation will provide a potable water supply system to serve domestic needs, livestock watering, fire protection and limited irrigation for lawns, trees and gardens within each lot of the Smith Resource Preservation Major Subdivision, a proposed subdivision located on land owned by Applicants and trusts created by Applicants, currently consisting of 15 lots. Water Demands and Depletions: Domestic Uses: Estimated to be one hundred gallons per day (100gpd) per person for a three and one-half person household. The total annual demand for will be 5.88 acre-feet. Livestock Watering Use: Estimate that up to four horses or other large animals may be kept on each lot. The demand for livestock or large animals is estimated to be eleven gallons per day (11gpd) per animal. The total annual demand will be 0.744 acre-feet. Irrigation Use: Irrigate up to 1000 square feet of lawn (including grass, trees and gardens) at each lot. The estimated growing season is April 5 though October 29 and a 70% efficiency rate for a typical sprinkler system is assumed. The total

demand will be 1.2585 acre-feet per year. Total Demand: The total demand per lot will be 0.5255 acre-feet per year. The total demand for the entire Subdivision will be 7.88 acre-feet per year. Applicants under this augmentation plan will replace 100% of the out-of-priority diversions from the Smith Resource Wells, up to a maximum of 7.88 acre-feet per year. Transit losses of 20% may occur from the water released by GMWCD for augmentation purposes. Thus, the maximum total amount of water needed for augmentation purposes will be 9.85 acre-feet per year. Delayed Impacts: No delayed impact analysis is required for the Smith Resource West Well. The Smith Resource East Well is located more than 100 feet from the stream. The timing of the depletions from the Smith Resource East Well are shown on Table 2 of the Application. Operation of Augmentation Plan: During valid senior calls, out-of-priority depletions from uses at the Subdivision will be replaced by water released from the sources described in Paragraph 22 of the Application, under a water service contract with GMWCD in the amount of 10.0 acre-feet per year. Sufficient structures are in place to deliver the water from the reservoirs to Happy Hollow Creek upstream of the Subdivision. Names and Addresses of Land Owners: Smith Resource Wells: Applicants and the Melinda C. Smith Living Trust and the Delbert L. Smith Living Trust, 1498 S. W. Melinda Road, Cedaredge, CO 81413; Upper Eggleston Lake:(i) Grand Mesa Water Conservancy District, P. O. Box 129, Cedaredge, CO 81413, (ii) United States of America, Department of Agriculture, Forest Service, 2250 Highway 50, Delta, CO 81416; Arch Slough: (i) Grand Mesa Water Conservancy District, P. O. Box 129, Cedaredge, CO 81413, (ii) United States of America, Department of Agriculture, Forest Service, 2250 Highway 50, Delta, CO 81416; Skinned Horse Reservoir: (i) Grand Mesa Water Conservancy District, P. O. Box 129, Cedaredge, CO 81413, (ii) United States of America, Department of Agriculture, Forest Service, 2250 Highway 50, Delta, CO 81416 (23 pages) **DELTA COUNTY.**

22. Case No. 05CW179. Applicant: Donald Campbell, PO Box 880, Lake City, CO 81235. Type of Application: Application to Make Absolute. Name of Structure: Contention Ditch. Location: SE ¼ of the SE ¼ of the NE ¼ of Section 16, Township 43 North, Range 4 West, NMPM; alternate location: SW ¼ of the SW ¼ of the NW ¼ of Section 15, Township 43 North, Range 4 West, NMPM. Distance from Section Lines: 2375 feet from north and 200 feet from east; alternate – 2450 feet from north and 450 feet from west. Source: Contention Ditch. Appropriation Date: 4/6/99. Amount Claimed: .2 cfs. Use: Domestic purposes and commercial use in an RV park. **HINSDALE COUNTY.**

23. Case No. 05CW180. (Rights for L Ranch.) **Applicant:** Richard N. Lee and Marsha A. Lee, P.O. Box 509, Helper, Utah 84526 (435-472-3357). **Attorneys for Applicant:** James D. Brown of Brown, Schottelkotte & Tweedell, P.O. Box 43, Delta, CO 81416 (970) 874-4451. **Description of Water Rights Claimed: Appropriation information for all structures, except as otherwise noted below:** Date of appropriation: September 1, 1990. How appropriation was initiated: by diversion of water for beneficial use. Date water applied to beneficial use: September 1, 1990. **Spring Structures to be decreed from Anthracite Creek, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River: L Ranch Spring No. 1.** Legal description: E¼SW¼NW¼ of Section 1, T 13 S, R 89 W, 6th P.M. 843 feet east of the West line and 3055 feet south of the North line of said Section 1; .05 c.f.s., ABSOLUTE; irrigation and

stock water; acres irrigated: .25 ; acres proposed to be irrigated .25 ; livestock water for 25 head of cattle and horses. **L Ranch Spring No. 2.** NW¼SW¼NW¼ of Section 1, T 13 S, R 89 W, 6th P.M. 636 feet east of the West line and 2640 feet south of the North line of said Section 1; .05 c.f.s., ABSOLUTE; irrigation and stock water; acres irrigated: .25 ; acres proposed to be irrigated .25 ; livestock water for 25 head of cattle and horses. **3. L Ranch Spring No. 3.** NW¼SW¼NW¼ of Section 1, T 13 S, R 89 W, 6th P.M. 269 feet east of the West line and 1976 feet south of the North line of said Section 1; .05 c.f.s., ABSOLUTE; irrigation and stock water; acres irrigated: .25 ; acres proposed to be irrigated: .25 ; livestock water for 25 head of cattle and horses. **4. L Ranch Elk Spring No. 4.** SE¼NE¼NE¼ of Section 2, T 13 S, R 89 W, 6th P.M. 524 feet west of the East line and 1346 feet south of the North line of said Section 2; .05 c.f.s., ABSOLUTE; irrigation and stock water; acres irrigated: .25 ; acres proposed to be irrigated .25 ; livestock water for 25 head of cattle and horses. **5. L Ranch Spring No. 5.** NE¼SE¼NE¼ of Section 2, T 13 S, R 89 W, 6th P.M. 411 feet west of the East line and 2068 feet south of the North line of said Section 2; .05 c.f.s., ABSOLUTE; irrigation and stock water; acres irrigated: .25 ; acres proposed to be irrigated: .25 livestock water for 40 head of cattle and horses. **6. L Ranch Spring No. 6.** NW¼SW¼NW¼ of Section 2, T 13 S, R 89 W, 6th P.M. 2074 feet west of the East line and 2385 feet south of the North line of said Section 2; .05 c.f.s., ABSOLUTE; irrigation and stock water; acres irrigated: .25; acres proposed to be irrigated: .25; livestock water for 40 head of cattle and horses. **7. L Ranch Spring No. 7.** SW¼SE¼ NW¼ of Section 2, T 13 S, R 89 W, 6th P.M. 2287 feet east of the West line and 2860 feet south of the North line of said Section 2; .05 c.f.s., ABSOLUTE; irrigation and stock water; acres irrigated: .25; acres proposed to be irrigated: .25; livestock water for 30 head of cattle and horses. **8. L Ranch Spring No. 8.** NW¼NW¼SW¼ of Section 2, T 13 S, R 89 W, 6th P.M. 340 feet east of the West line and 2947 feet north of the South line of said Section 2; .05 c.f.s., ABSOLUTE; irrigation and stock water; acres irrigated: .25; acres proposed to be irrigated .25; livestock water for 25 head of cattle and horses. **9. L Ranch Spring No. 9.** SW¼NW¼SW¼ of Section 2, T 13 S, R 89 W, 6th P.M. 377 feet east of the West line and 2521 feet north of the South line of said Section 2; .05 c.f.s., ABSOLUTE; irrigation and stock water; acres irrigated: .25 ; acres proposed to be irrigated: .25; livestock water for 40 head of cattle and horses. **10. L Ranch Spring No. 10.** SE¼NE¼SE¼ of Section 3, T 13 S, R 89 W, 6th P.M. 378 feet west of the East line and 2040 feet north of the South line of said Section 3; .05 c.f.s., ABSOLUTE; irrigation and stock water; acres irrigated: .25 ; acres proposed to be irrigated: .25; livestock water for 60 head of cattle and horses. **Spring Structures to be decreed from Deep Creek, tributary to Muddy Creek, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River: 1. L Ranch Spring No. 11.** NE NW NW of Section 2, T 13 S, R 89 W, 6th P.M. 1072 feet east of the West line and 887 feet south of the North line of said Section 2; .05 c.f.s., ABSOLUTE; irrigation and stock water; acres irrigated: .25; acres proposed to be irrigated: .25; livestock water for 30 head of cattle and horses. **2. L Ranch Spring No. 12.** SW SE SW of Section 35 T 12 S, R 89 W, 6th P.M. 1700 feet east of the West line and 632 feet north of the South line of said Section 35; .05 c.f.s., ABSOLUTE; irrigation and stock water; acres irrigated: .25 ; acres proposed to be irrigated: .25; livestock water for 10 head of cattle and horses. **3. L Ranch Spring No. 13.** SW NE SW of Section 35 T 13 S, R 89 W, 6th P.M. 1348 feet east of the West line and 1355 feet north of the South line of said Section 35; .05 c.f.s., ABSOLUTE;

domestic, irrigation, and stock water; acres irrigated: .25 ; acres proposed to be irrigated; .25 ; livestock water for 10 head of cattle and horses. **4. First Enlargement of Waterhole Pipeline.** SE SE NW of Section 35, T 13 S, R 89 W, 6th P.M. 2434 feet east of the West line and 2262 feet south of the North line of said Section 1; .10 c.f.s., ABSOLUTE; irrigation and stock water; acres irrigated: 5.0 ; acres proposed to be irrigated: 5.0 ; livestock water for 10 head of cattle and horses. **5. L Ranch Spring No. 15.** NE SE NW of Section 34, T 12 S, R 89 W, 6th P.M. 2384 feet east of the West line and 1356 feet south of the North line of said Section 34; .05 c.f.s., ABSOLUTE; irrigation and stock water; acres irrigated: .25; acres proposed to be irrigated: .25; livestock water for 15 head of cattle and horses. **6. L Ranch Spring No. 16.** SE SW NW of Section 34, T 12 S, R 89 W, 6th P.M. 915 feet east of the West line and 2422 feet south of the North line of said Section 34; .05 c.f.s., ABSOLUTE; irrigation and stock water; acres irrigated: .25 ; acres proposed to be irrigated .25; livestock water for 20 head of cattle and horses. **7. L Ranch Spring No. 17.** NW SE SW of Section 34, T 12 S, R 89 W, 6th P.M. 1985 feet east of the West line and 849 feet north of the South line of said Section 34; .05 c.f.s., ABSOLUTE; irrigation and stock water; acres irrigated: .25 ; acres proposed to be irrigated: .25 ; livestock water for 15 head of cattle and horses. **Storage structures to be decreed from Anthracite Creek, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River: 1. L Ranch Pond No. 1.** Location of dam: initial point in NE SE NE of Section 2, T 13 S, R 89 W, 6th P.M. 346 feet west of the East line and 2185 feet south of the North line of said Section 2; 1.00 acre feet, ABSOLUTE; stock water, irrigation, fish propagation, storage, and fire protection; acres irrigated: 5.0 ; acres proposed to be irrigated: 5.0 ; livestock water for 80 head of cattle & horses; Surface Area of high water line: .33 acre; maximum height of dam: 8 feet; length of dam: 40 feet; capacity of reservoir: 1.00 acre feet; active capacity: 0.67 acre feet; dead storage: 0.33 acre feet. **2. L Ranch Pond No. 2.** Location of dam: initial point in NW SW NE of Section 2, T 13 S, R 89 W, 6th P.M. 2145 feet west of the East line and 2440 feet south of the North line of said Section 2; .25 acre feet, ABSOLUTE; stock water, irrigation, fish propagation, storage, and fire protection; acres irrigated: 4.0 ; acres proposed to be irrigated: 4.0 ; livestock water for 50 head of cattle & horses; Surface Area of high water line: .10 acre; maximum height of dam: 2.0 feet; length of dam: 25 feet; capacity of reservoir: .25 acre feet; active capacity: 0.17 acre feet; dead storage: 0.08 acre feet. **3. L Ranch Pond No. 3.** Location of dam: initial point in SW NE SW of Section 2, T 13 S, R 89 W, 6th P.M. 1353 feet east of the West line and 1879 feet south of the North line of said Section 2; .25 acre feet, ABSOLUTE; stock water, irrigation, fish propagation, storage, and fire protection; acres irrigated: 3.0; acres proposed to be irrigated: 3.0 ; livestock water for 50 head of cattle & horses; Surface Area of high water line: .10 acre; maximum height of dam: 2.0 feet; length of dam: 25 feet; total capacity of reservoir: .25 acre feet; active capacity: 0.17 acre feet; dead storage: 0.08 acre feet. **4. L Ranch Pond No. 4.** Location of dam: initial point in SE NE SE of Section 3, T 13 S, R 89 W, 6th P.M. 259 feet west of the East line and 2038 feet north of the South line of said Section 3; .25 acre feet, ABSOLUTE; stock water, irrigation, fish propagation, storage, and fire protection; acres irrigated: 3.0 ; acres proposed to be irrigated: 3.0; livestock water for 50 head of cattle & horses; surface area of high water line: .10 acre; maximum height of dam: 2.0 feet; length of dam: 25 feet; total capacity of reservoir: .25 acre feet; active capacity: 0.17 acre feet; dead storage: 0.08 acre feet. **Storage structures to be decreed from Deep Creek, tributary**

to Muddy Creek, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River: 1. L Ranch Pond No. 5. Location of dam: initial point in NW NW NW of Section 2, T 13 S, R 89 W, 6th P.M. 332 feet east of the West line and 477 feet south of the North line of said Section 2; .25 acre feet, ABSOLUTE; stock water, irrigation, fish propagation, storage, and fire protection; acres irrigated: 2.0; acres proposed to be irrigated: 2.0 ; livestock water for 40 head of cattle & horses; surface area of high water line: .10 acre; maximum height of dam: 2.0 feet; length of dam: 25 feet; total capacity of reservoir: .25 acre feet; active capacity: 0.17 acre feet; dead storage: 0.08 acre feet.**2. L Ranch Pond No. 6.** Location of dam: initial point in NW SE SW of Section 35, T 12 S, R 89 W, 6th P.M. 1476 feet east of the West line and 669 feet north of the South line of said Section 35; .40 acre feet, ABSOLUTE; stock water, irrigation, fish propagation, storage, and fire protection; acres irrigated: .25 ; acres proposed to be irrigated: .25 ; livestock water for 100 head of cattle & horses; surface area of high water line: .15 acre; maximum height of dam: 3.0 feet; length of dam: 30 feet; total capacity of reservoir: .40 acre feet; active capacity: 0.27 acre feet; dead storage: 0.18 acre feet. **3. L Ranch Pond No. 7.** Location of dam: initial point in SW SE SW of Section 35, T 12 S, R 89 W, 6th P.M. 1829 feet east of the West line and 2480 feet north of the South line of said Section 35; .25 acre feet, ABSOLUTE; stock water, irrigation, fish propagation, storage, and fire protection; acres irrigated: 3.0; acres proposed to be irrigated: 3.0 ; livestock water for 40 head of cattle & horses; surface area of high water line: .10 acre; maximum height of dam: 2.0 feet; length of dam: 25 feet; total capacity of reservoir: .25 acre feet; active capacity: 0.17 acre feet; dead storage: 0.08 acre feet. **4. L Ranch Pond No. 8.** Location of dam: initial point in NE SE NW of Section 34, T 12 S, R 89 W, 6th P.M. 2387 feet east of the West line and 1350 feet south of the North line of said Section 34; .25 acre feet, ABSOLUTE; stock water, irrigation, fish propagation, storage, and fire protection; acres irrigated: .25 ;acres proposed to be irrigated: .25 ; livestock water for 30 head of cattle & horses; surface area of high water line: .10 acre; maximum height of dam: 2.0 feet; length of dam: 25 feet; total capacity of reservoir: .25 acre feet; active capacity: 0.17 acre feet; dead storage: 0.08 acre feet. **5. L Ranch Pond No. 9.** Location of dam: initial point in SE SW NW of Section 34, T 12 S, R 89 W, 6th P.M. 856 feet east of the West line and 2335 feet south of the North line of said Section 34; .25 acre feet, ABSOLUTE; stock water, irrigation, fish propagation, storage, and fire protection; acres irrigated: .25 ; acres proposed to be irrigated: .25 ; livestock water for 40 head of cattle & horses; surface area of high water line: .10; acre; maximum height of dam: 2.0 feet; length of dam: 25 feet; total capacity of reservoir: .25 acre feet; active capacity: 0.17 acre feet; dead storage: 0.08 acre feet. **6. L Ranch Pond No. 10.** Location of dam: initial point in NE SE SW of Section 34, T 12 S, R 89 W, 6th P.M. 2013 feet east of the West line and 784 feet north of the South line of said Section 34; .25 acre feet, ABSOLUTE; stock water, irrigation, fish propagation, storage, and fire protection; acres irrigated: .25 ; acres proposed to be irrigated: .25; livestock water for 40 head of cattle & horses; surface area of high water line: .10 acre; maximum height of dam: 2.0 feet; length of dam: 25 feet; total capacity of reservoir: .25 acre feet; active capacity: 0.17 acre feet; dead storage: 0.08 acre feet. **Name and Address of Owner on Which Structures Are Located:** Richard N. Lee and Marsha A. Lee, P.O. Box 509, Helper, Utah 84526. **DELTA COUNTY**.

24. Case No. 05CW181. (Rights for The Bear Ranch.) **Applicant:** Richard N. Lee and Marsha A. Lee, P.O. Box 509, Helper, Utah 84526 (435-472-3357). **Attorneys for Applicant:** James D. Brown of Brown, Schottelkotte & Tweedell, P.O. Box 43, Delta, CO 81416 (970) 874-4451. **Description of Water Rights Claimed: Source:** All structures to be decreed from Williams Creek, tributary to Muddy Creek, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. **Appropriation information for all structures, except as otherwise noted below:** Date of appropriation: September 1, 1990. How appropriation was initiated: by diversion of water for beneficial use. Date water applied to beneficial use: September 1, 1990. **Surface Structures to be decreed: Bunkhouse Spring.** Legal description: NW¼SE¼SW¼NE¼ of Section 27, T 12 S, R 89 W, 6th P.M. 1,923 feet west of the East line and 1979.56 feet south of the North line of said Section 27, .05 c.f.s., ABSOLUTE, domestic, irrigation, stock water, and fire protection; acres irrigated: .25; acres proposed to be irrigated 4.0; domestic supply for 3-room ranch bunkhouse, fire protection and livestock water for 100 head of cattle and horses. **Corral Spring**. NW¼ NW¼ NW¼ SE¼ of Section 27, T 12 S, R 89 W, 6th P.M. 2628.95 feet west of the East line and 2564.12 feet north of the South line of said Section 27; .05 c.f.s. ABSOLUTE; stock water and irrigation; acres irrigated: .25; acres proposed to be irrigated: 4.0; livestock water for 30 head of cattle and horses, and fire protection. **2. Cattail Spring.** NE¼ SE¼ SW¼ NE¼ of Section 27, T 12 S, R 89 W, 6th P.M. 1430.47 feet west of the East line and 1988.89 feet south of the North line of said Section 27; .05 c.f.s. ABSOLUTE; stock water and irrigation; acres irrigated: .25 ; acres proposed to be irrigated: 3.0; livestock water for 15 head of cattle and horses. **3. Elk Wallow Spring.** SW¼ SW¼ SW¼ NW¼ of Section 26, T 12 S, R 89 W, 6th P.M. 88.84 feet east of the West line and 2567.3 feet south of the North line of said Section 26; .25 c.f.s. CONDITIONAL; date of appropriation: July 1, 2005; how appropriation was initiated: location of point of diversion for filing; date water applied to beneficial use: Not applied to beneficial use; appropriation date: July 1, 2005; stock water and irrigation; acres irrigated: .25; acres proposed to be irrigated: 4.0 ; livestock water for 10 head of cattle and horses. **4. Bog Spring No. 1.** NW¼ SW¼ SE¼ NW¼ of Section 26, T 12 S, R 89 W, 6th P.M. 1332.9 feet east of the West line and 1984.66 feet south of the North line of said Section 26; .02 c.f.s. Absolute; stock water and irrigation; acres irrigated: .25; acres proposed to be irrigated: .25 livestock water for 10 head of cattle and horses, and fire protection. **5. Bog Spring No. 2**. NW¼ SW¼ SE¼ NW¼ of Section 26, T 12 S, R 89 W, 6th P.M. 1466.56 feet east of the West line and 2240.55 feet south of the North line of said Section 26; .05 c.f.s. Absolute; stock water and irrigation; acres irrigated: .25; acres proposed to be irrigated: .25; livestock water for 20 head of cattle and horses, and fire protection. **6. Quakie Spring.** NE¼NW¼NE¼NW¼ of Section 27, T 12 S, R 89 W, 6th P.M. 1945.44 feet east of the West line and 121.71 feet south of the North line of said Section 27; .05 c.f.s. Absolute; Date of appropriation: September 1, 1984; how appropriation was initiated: by diversion of water for beneficial domestic use to serve A frame cabin; date water applied to beneficial use: September 2, 1984; to fill and refill Quakie Pond (see request for storage right below), irrigation, domestic, fire protection, stock water; acres irrigated: .25 ; acres proposed to be irrigated: .25 ; to fill and refill Quakie Pond and domestic to serve A frame cabin., fire protection, and stock water for 10 head of cattle and horses. **Reservoirs to be decreed: 1. Muskrat Spring & Pond.** Location of dam: initial point in NE¼ SE¼ NE¼ NW¼ of Section 27, T 12 S, R 89 W, 6th P.M. 2474.19 feet west of the

East line and 845.46 feet south of the North line of said Section 27; .20 acre feet, ABSOLUTE; date of appropriation: September 1, 2002; how appropriation was initiated: by diversion of water for beneficial use; date water applied to beneficial use: September 1, 2002; irrigation, stock water, fish propagation, wildlife, storage, and fire protection; acres irrigated: .25 ; acres proposed to be irrigated: .25 ; livestock water for 100 head of cattle & horses; surface area of high water line: 2500 sq. feet; maximum height of dam: 2.0 feet; length of dam: 50 feet; total capacity of reservoir: .20 acre feet; active capacity: .14 acre feet; dead storage: 0.06 acre feet. **2. Moss Spring & Pond.** Location of dam: initial point in NW¼ NE¼ NE¼ NW¼ of Section 27, T 12 S, R 89 W, 6th P.M. 2246.58 feet east of the West line and 228.23 feet south of the North line of said Section 27; .10 acre feet, ABSOLUTE; stock water, wildlife, pond, and irrigation; acres irrigated: 5.0; number of acres proposed to be irrigated: 5.0; livestock water for 60 head of cattle & horses; surface area of high water line: 1250 sq. feet; maximum height of dam: 2.0 feet; length of dam: 25 feet; total capacity of reservoir: .10 acre feet; active capacity: .7 acre feet; dead storage: .3 acre feet. **3. Quakie Spring & Pond**. NE¼NW¼NE¼NW¼ of Section 27, T 12 S, R 89 W, 6th P.M. 1945.44 feet east of the West line and 121.71 feet south of the North line of said Section 27; .25 acre feet, ABSOLUTE; stock water, fish propagation, wildlife, fire protection, storage, and irrigation; acres irrigated: 3.0 ; acres proposed to be irrigated: 3.0; livestock water for 60 head of cattle & horses; surface area of high water line: 3500 sq. feet; maximum height of dam: 2.0 feet; length of dam: 60 feet; total capacity of reservoir: .25 acre feet; active capacity: .17 acre feet; dead storage: .8 acre feet. **4. Duck Pond & Spring**. SW¼SW¼SW¼NE¼ of Section 27, T 12 S, R 89 W, 6th P.M. 2437.38 feet west of the East line and 2614.03 feet south of the North line of said Section 27; .25 acre feet, ABSOLUTE; stock water, fish propagation, wildlife, fire protection, storage, and irrigation; acres irrigated: 2.0 ; acres proposed to be irrigated: 2.0; livestock water for 10 head of cattle & horses; surface area of high water line: 3500 sq. feet; maximum height of dam: 2.0 feet; length of dam: 60 feet; total capacity of reservoir:.25 acre feet; active capacity: .17 acre feet; dead storage: .8 acre feet. **5. Horse Spring & Pond.** SE¼NW¼NE¼SE¼ of Section 28, T 12 S, R 89 W, 6th P.M. 718.88 feet west of the East line and 1991.34 feet north of the South line of said Section 28; .15 acre feet, CONDITIONAL; date of appropriation: July 1, 2005; how appropriation was initiated: location of point of diversion for filing; date water applied to beneficial use: Not applied to beneficial use; stock water, wildlife, storage, and irrigation; acres irrigated:2.0 ; acres proposed to be irrigated: 2.0 ; livestock water for 100 head of cattle & horses; surface area of high water line: 1900 sq. feet; maximum height of dam: 2.0 feet; length of dam: 35 feet; total capacity of reservoir: .15 acre feet; active capacity: .10 acre feet; dead storage: 0.5 acre feet. **6. Cattail Pond**. NE SE SW NE of Section 27, T 12 S, R 89 W, 6th P.M. 1430.47 feet west of the East line and 1988.89 feet south of the North line of said Section 27; .10 acre feet, CONDITIONAL; date of appropriation: July 1, 2005; how appropriation was initiated: location of point of diversion for filing; date water applied to beneficial use: Not applied to beneficial use; appropriation date: July 1, 2005; stock water, fire protection, wildlife, storage, and irrigation; acres irrigated: 3.0 ; acres proposed to be irrigated: 3.0 ; livestock water for 50 head of cattle & horses; surface area of high water line: 1250 sq. feet; maximum height of dam: 2.0 feet; length of dam: 25 feet; total capacity of reservoir: .10 acre feet; active capacity: .7 acre feet; dead storage: .3 acre feet. **7. Fish Pond & Spring.** (Pond fed by Little Bear Spring decreed for .01 c.f.s. in Case No. 91 CW 84, on

December 31, 1991, with appropriation date of September 5, 1991.) SE SE NE NE of Section 27, T 12 S, R 89 W, 6th P.M. 184.88 feet west of the East line and 1025.71 feet south of the North line of said Section 27; .50 acre feet, ABSOLUTE; stock water, fish propagation, wildlife, storage, and irrigation; acres irrigated:10 ; acres proposed to be irrigated: 10; livestock water for 120 head of cattle & horses; surface area of high water line: 0.33 acre; maximum height of dam: 6.0 feet; length of dam: 90 feet; total capacity of reservoir in acre feet: .50 acre feet; active capacity: .40 acre feet; dead storage: 0.10 acre feet. **Name and Address of Owner on Which Structures Are Located:** Richard N. Lee and Marsha A. Lee, P.O. Box 509, Helper, Utah 84526 **DELTA COUNTY**.

25. Case No. 05CW182. (Ref 98 CW 208). **Applicant:** Colark Properties LLC, 7540 N. Peyton Hwy, Peyton, CO 80831 (719-661-3709). **Attorneys for Applicant:** James D. Brown of Brown, Schottelkotte & Tweedell, P.O. Box 43, Delta, CO 81416 (970) 874-4451. **Structures: Joshua Spring, Joshua Pond, and Ashley Well**. **Date of decree for conditional water rights:** October 18, 1999, in Case No. 98 CW 208. **Legal Descriptions**: **Joshua Spring** is located in the SE¼SE¼NE¼, Section 33, Township 12 South, Range 95 West of the 6th P.M., 600.00 feet from the East section line and 2500.00 feet from the North section line of Section 33. **Joshua Pond** is located in the SE¼SE¼NE¼, Section 33, Township 12 South, Range 95 West of the 6th P.M., 575.00 feet from the East section line and 2500.00 feet from the North section line of Section 33. **Ashley Well** is located in the SE¼NE¼ of Section 33, Township 12 South, Range 95 West of the 6th P.M., 1,573.00 from the North section line and 615.00 feet from the East section line of Section 33. **Source**: waters tributary to Williams Creek, which is tributary to Ward Creek in Water District No. 40. **Appropriation dates, amounts, and uses in conditional status:** **Joshua Spring**: August 31, 1995, 0.05 c.f.s. conditional for irrigation of 0.5 acre of land located in NW SE of Section 33, Township 12 South, Range 95 West, 6th P.M. **Joshua Pond**: August 31, 1995, 0.25 acre feet conditional for storage for irrigation of 0.5 acre of land located in NW SE of Section 33, Township 12 South, Range 95 West, 6th P.M. **Ashley Well:** June 3, 1996, for 15 gallons per minute conditional for commercial purposes. **Efforts to complete appropriation and application of water to beneficial use:** In June of 2005, Applicant improved the collection and delivery system from Joshua Spring and installed a sprinkling system to irrigate 0.5 acres around the hunting lodge on Unit 11, High Park Road Association. Water from Joshua Spring is diverted directly to the sprinkling system for irrigation, but can also be diverted to Joshua Pond which filled in 2005 and water there from is available for irrigation, stock water, fish propagation, wildlife and fire suppression purposes as decreed. Water is piped from Ashley Well to existing hunting lodge for domestic use. Applicant and Applicant's predecessors have charged hunters fees for the use of the lodge accommodating parties of 10 hunters per season since the fall of 1997. The well is producing not less than 4 gallons per minute and Applicant can and will improve the production of the well to 15 g.p.m. **Water applied to beneficial use**: Water from Joshua Spring has been diverted in the decreed amount of .05 c.f.s. and applied to beneficial use for the irrigation of 0.5 acre of land adjacent to and around a hunting lodge on Unit 11, High Park Road Association beginning in June of 2005. Water from Joshua Pond has been diverted from storage and applied to beneficial use for the irrigation of 0.5 acre of land adjacent to and around a hunting lodge on Unit 11, High Park Road Association beginning in June of 2005. Water from Ashley Well has been

diverted in the decreed amount of a total of not less than 4 gallons per minute, not more than15 gallons per minute, and applied to beneficial use to serve a commercial hunting lodge located on Unit 11, High Park Road Association beginning in September of 1997 and annually each hunting season thereafter. To the extent Ashley Well has not produced 15 g.p.m.; Applicant requests a finding of due diligence and continuation of the conditional decree for Ashley Well equal to the difference between 15 g.p.m. and its actual production. **Name and address of owner of land.** Colark Properties, LLC, 7540 N. Peyton Hwy, Peyton, CO 80831. **DELTA COUNTY.**

AMENDED/CORRECTED

26. Case No. 05CW97. Applicant: David and Theresa Davis, 39695 Davis Road, Crawford, CO 81415. Type of Application: Amended Application for Surface Water Rights. Location: SW ¼ of the SW ¼ of the SE ¼ of Section 13, Township 15 South, Range 92 West, 6th PM. Distance from Section Lines: 550 feet north of south section line and 2050 feet west of east section line. Source: Cottonwood Creek. Appropriation Date: 1989. Amount Claimed: .045 cfs absolute. Use: Irrigation and fish propagation. **DELTA COUNTY.**

You are further notified that you have until the last day of December, 2005, to file with the Water Clerk, in quadruplicate, a Verified Statement of Opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. Filing fee - $70.00 (Statement of Opposition form may be obtained from the Water Clerk's Office). On and after January 1, 2006, the Water Resume will no longer be mailed and will, except as provided in subparagraph (e) of this subparagraph (i), be available only on the internet, and that if a person wishes to receive an electronic mail notification of the availability of the water resume, such person shall submit his or her name and electronic mail address to the Water Clerk. The Water Clerk shall maintain an electronic mailing list of such names and addresses submitted.

_____ November , 2005

Monica Wolf, Water Clerk Division No. 4
1200 North Grand Avenue, Bin A
Montrose, CO 81401
monica.wolf@judicial.state.co.us