

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 November, 2013. 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: There has been filed in this proceeding a claim or claims which may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest as provided in the Water Right Determination and Administration Act of 1969, or be forever barred. "THERE HAS BEEN FILED IN THIS PROCEEDING A CLAIM OR CLAIMS WHICH MAY AFFECT IN PRIORITY ANY WATER RIGHT CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT AND PROTEST AS PROVIDED IN THE WATER RIGHT DETERMINATION AND ADMINISTRATION ACT OF 1969, OR BE FOREVER BARRED."

**CASE NO. 2013CW95 – TO BE PUBLISHED IN DECEMBER.**

**CASE NO. 2013CW96 (REF NO. 07CW52).** Applicant: Jeff Kosten, 62000 Jay Jay Road, Montrose, CO 81401. Application for Finding of Reasonable Diligence: Kosten Spring – SE1/4NW1/4NW1/4 of Section 7, T49N, R9W, NMPM. 1,107 feet south of the north line and 626 feet east of the west section line. Source Uncompahgre River. Appropriation Date: 01/15/2007. Amount Claimed: 0.033 c.f.s. conditional for irrigation of one acre, fire protection, wildlife and recreation. Kosten Pond – SW1/4NW1/4NW1/4 of Section 7, T49N, R9W, NMPM. 1,107 feet south of the north line and 361 feet east of the west section line. Source: Uncompahgre River. Appropriation Date: 1/15/2007. Amount Claimed: 0.046 acre-feet conditional for irrigation of one acre, fire protection, wildlife and recreation. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **MONTROSE COUNTY.**

**CASE NO. 2013CW97 (REF NO 07CW61).** Erin Donovan, P. O. Box 185, Crawford, CO 81415. Application For Finding Of Diligence: Elk Pond - SE1/4SW1/4SE1/4 of Section 13 T51N, R6W, N.M.P.M. 1,623, feet west of the east line and 263 feet north of the south section line. Source: Gunnison River. Appropriation Date: 05/11/2007. Amount Claimed: 3.00 acre-feet conditional for piscatorial use for pond, domestic use for one single family dwelling and irrigation of 5 acres. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY**

**CASE NO. 2013CW98 (REF NO. 07CW41).** Applicant: Ronald Forshee, P.O. Box 1871, Paonia, CO 81428. Application To Make Absolute: Willie Pump – SW1/4NE1/4NW1/4 of Section 13, T13S, R92W, 6<sup>th</sup> PM. 649 feet south of the north line and 1,546 feet east of the west section line. Source: North Fork of the Gunnison River. Appropriation Date: 03/30/2007. Amount Claimed: .10 cfs absolute for irrigation of four acres, stockwater and fire protection. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

**CASE NO. 2013CW99 (REF NO. 07CW55, 00CW156).** Applicant: Daniel Dibb and Connie Grantham-Dibb, 1486 Lakeview Road, Crawford, CO 81415. Application for

Finding of Diligence: Coyote Canyon Spring No. 1 –SE1/4NW1/4SW1/4 of Section 24, T51N, R7W, NMPM. 600 feet east of the west section line and 1,650 feet north of the south section line. Source: Gunnison River. Appropriation Date: 1/25/1994. Amount Claimed: .002 cfs conditional for domestic, irrigation, stockwater, and wildlife. The Application on file with the Water Court contains and outline of the work performed during the diligence period. **DELTA COUNTY.**

**CASE NO. 2013CW100 (REF NO. 07CW16).** Applicant: James and Doris Wehrmacher, P. O. Box 119, Crawford, CO 81415. Application To Make Absolute: Bear Creek Spring and Wastewater Ditch – NE1/4NW1/4SE1/4 of Section 34, T15S, R92W, 6th PM. 2,386 feet north of the south line and 1,729 feet west of east section line. Source: Gunnison River. Appropriation Date: 2/21/07. Amount Claimed: .35 cfs absolute for irrigation and stock water. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

**CASE NO. 2013CW3055.** Applicant: Daniel Byron, 910 Red Mountain Ranch Road, Crested Butte, CO 81224 Attorney, Thomas Dill, P. O. Box 2627, Crested Butte, CO 81224, (970) 349-0833. Application for Conditional Surface Water Right: Imobersteg Willow Creek Ditch, NW4 Sec 34 14S85W Lying W of Hwy 135, B758 P614. Priority Case No. 303, Case No. 2021, Reception No. 01CW46. Source: East River. Appropriation Date: 06/15/1882. Amount Claimed: 15 c.f.s. conditional for irrigation. **GUNNISON COUNTY.**

**CASE NO. 2013CW3056 (Ref No. 06CW222).** Applicant: City of Gunnison, a Colorado Municipal Corporation, c/o Ken Coleman, City Manager, P.O. Box 239, Gunnison, Colorado 81230; (970) 641-8080; Attorneys for Applicant: Timothy J. Beaton and Anne D. Bensard, Moses, Wittemyer, Harrison and Woodruff, P.C., P.O. Box 1440, Boulder, Colorado 80306, Telephone: (303) 443-8782. Application for Finding of Reasonable Diligence. Name of structure: Gunnison Reservoir No. 4. Description of conditional water right: Original decree: Case No. 81CW306, District Court for Water Division No. 4, State of Colorado, entered on October 21, 1982. Subsequent decrees: i) Diligence decrees were entered for Gunnison Reservoir No. 4 in Case Nos. 86CW76, 92CW65, 00CW41 and 06CW222, District Court for Water Division No. 4, State of Colorado, continuing the subject conditional water storage right associated with Gunnison Reservoir No. 4. The Court's decree in Case No. 00CW41 reduced the decreed storage amount of Gunnison Reservoir No. 4 from 40,000 acre-feet to 10,000 acre-feet, conditional, and cancelled the remaining conditional portion of the decreed water storage right. The Court's decree in Case No. 06CW222 further reduced the decreed storage amount of Gunnison Reservoir No. 4 to 3,000 acre-feet, conditional, and cancelled the remaining conditional portion of the decreed water storage right; ii) Case No. 07CW63, District Court for Water Division No. 4, State of Colorado, entered on February 9, 2010. The Court's decree approved a change of conditional storage water right for Gunnison Reservoir No. 4 to alternate points of storage and alternate points of diversion. Location: The Gunnison Reservoir No. 4 water right was changed to the following alternate points of storage in Case No. 07CW63. The approximate alternate places of storage are depicted on the map attached hereto as **Exhibit B** and incorporated herein by reference. i) Gunnison Van Tuyl Ranch Ponds: The water will be stored on ponds located on the Van Tuyl Ranch property. The Van Tuyl Ranch property is located in the NE1/4 of the NE1/4, the W1/2 of the SE1/4 of the NE1/4, the W1/2 of the NE1/4, the SE1/4 of the NW1/4, the SE1/4, and the E1/2 of the SW1/4 of Section 26, as well as in the NW1/4 of the NE1/4 and the NE1/4 of the NW1/4 of Section 35, all in T50N, R1W of the N.M.P.M.,

Gunnison County, Colorado. The map attached hereto as **Exhibit A** and incorporated herein by reference generally depicts the approximate location of the Van Tuyl Ranch property. 1. Gunnison Van Tuyl Ranch Pond No. 1: The center point of this pond will be located in the SW1/4 of the NE1/4 of Section 26, T50N, R1W of the N.M.P.M., Gunnison County, Colorado, at a point approximately 2,794 feet east of the west section line and 1,694 feet south of the north section line of said Section 26, as depicted on **Exhibit B** hereto. 2. Gunnison Van Tuyl Ranch Pond No. 2: The center point of this pond will be located in the SW1/4 of the SE1/4 of Section 26, T50N, R1W of the N.M.P.M., Gunnison County, Colorado, at a point approximately 2,860 feet east of the west section line and 990 feet north of the south section line of said Section 26, as depicted on **Exhibit B** hereto. 3. Gunnison Van Tuyl Ranch Pond No. 3: The center point of this pond will be located in the NW1/4 of the NE1/4 of Section 35, T50N, R1W of the N.M.P.M., Gunnison County, Colorado, at a point approximately 3,124 feet east of the west section line and 440 feet south of the north section line of said Section 35, as depicted on **Exhibit B** hereto; ii) Gunnison Pac Man Pond: The center point of this pond is located in the NW1/4 of the NE1/4 of Section 1, T49N, R1W of the N.M.P.M., Gunnison County, Colorado, at a point approximately 321 feet south of the north section line and 2,043 feet west of the east section line of said Section 1, as depicted on **Exhibit B** hereto; and, alternatively, it has the following averaged GPS points collected in UTM format for Zone 13 using NAD83 units: 4267874.757 mN and 332660.833 mE; iii) Gunnison Community Center Irrigation Pond: The center point of this pond is located in the NE1/4 of the NW1/4 of Section 36, T50N, R1W of the N.M.P.M., Gunnison County, Colorado, at a point approximately 533 feet south of the north section line and 1,984 feet east of the west section line of said Section 36, as depicted on **Exhibit B** hereto; and, alternatively, it has the following averaged GPS points collected in UTM format for Zone 13 using NAD83 units: 4269433.88 mN and 332316.082 mE. Source: Antelope Creek, a tributary of the Gunnison River, and the Gunnison River as described below. Diversion Points: The alternate points of storage for Gunnison Reservoir No. 4 may be filled with water diverted into storage from Antelope Creek Basin or from water diverted into storage from the Gunnison River as described below. i) The Gunnison Van Tuyl Ranch Ponds Nos. 1-3 may be filled with water diverted into storage from the following points of diversion located on the Gunnison River, pursuant to the decree in Case No. 07CW63: 1. Piloni Ditch: The headgate is located on the left bank of the Gunnison River at a point whence the SW corner of Section 24, T50N, R1W of the N.M.P.M., bears South 36°25' West 1,308 feet; also described as the NE1/4 of the SW1/2 of said Section 24, at a point approximately 2,067 feet from the south section line and 1,431 feet from the west section line as depicted on **Exhibit B** hereto. 2. Wilson Creek Diversion Point: This is a headgate used by Gunnison to irrigate the Van Tuyl Ranch property, located in the NW1/4 of the NE1/4 of Section 26, T50N, R1W of the N.M.P.M., Gunnison County, Colorado, at a point approximately 939 feet south of the north section line and 2,110 feet west of the east section line of said Section 26, as depicted on **Exhibit B**. Alternatively, it has the following averaged GPS points collected in UTM format for Zone 13 using NAD83 units: 4271842.571 mN and 332187.204 Me. ii) The Gunnison Pac Man Pond and the Gunnison Community Center Irrigation Pond may be filled with water diverted into storage from the following points of diversion located on the Gunnison River, pursuant to the 81CW306 decree and the change of water rights decree entered on January 5, 1989 in Case No. 81CW308, District Court for Water Division No. 4, State of Colorado and pursuant to the decree in Case No. 07CW63: 1. Gunnison Town Ditch: Located on the south bank of the Gunnison River at a point whence the E1/4 corner of Section 24, T50N, R1W of the N.M.P.M., Gunnison County, Colorado, bears South 56°30' East 1,760 feet as depicted on **Exhibit A** hereto. iii) The Gunnison Community

Center Pond may be filled through a lateral headgate of the Gunnison Town Ditch, which is generally located in the NE1/4 of the NW1/4 of Section 36, T50N, R1W of the N.M.P.M., Gunnison County, Colorado, as depicted on **Exhibit B**, with the following averaged GPS points collected in UTM format for Zone 13 using NAD83 units: 4269455.33 mN and 332274.203 mE. Appropriation Date: December 23, 1981. Amount: 3,000 acre-feet, CONDITIONAL, with the right to refill when in priority. Water may be stored in the following amounts for the alternate places of storage decreed in Case No. 07CW63: i) Gunnison Van Tuyl Ranch Pond No. 1: 156 acre-feet, CONDITIONAL; ii) Gunnison Van Tuyl Ranch Pond No. 2: 156 acre-feet, CONDITIONAL; iii) Gunnison Van Tuyl Ranch Pond No. 3: 168 acre-feet, CONDITIONAL; iv) Gunnison Pac Man Pond: 4.8 acre-feet, CONDITIONAL; v) Gunnison Community Center Irrigation Pond: 3.6 acre-feet, CONDITIONAL. Use: All municipal purposes including, without limitation, domestic, commercial, industrial, irrigation, and fire protection purposes as well as maintenance of storage reserves, replacement, and exchange purposes. Depth and Surface Area: i) Gunnison Van Tuyl Ranch Pond No. 1: 1. Depth: 12 feet. 2. Surface Area: 13 acres. ii) Gunnison Van Tuyl Ranch Pond No. 2: 1. Depth: 12 feet. 2. Surface Area: 13 acres. iii) Gunnison Van Tuyl Ranch Pond No. 3: 1. Depth: 12 feet. 2. Surface Area: 14 acres. iv) Gunnison Pac Man Pond: 1. Depth: 12 feet. 2. Surface Area: 0.4 acres. v) Gunnison Community Center Irrigation Pond: 1. Depth: 12 feet. 2. Surface Area: 0.3 acres. Outline of work and expenditures during the diligence period towards completion of appropriation and application of water to beneficial use: During the diligence period since November 2007, Gunnison has worked diligently to develop the subject conditional water right, as demonstrated by the following activities. a) In 2007, Gunnison filed an application in Case No. 07CW63 to change the conditional storage right for Gunnison Reservoir No. 4. Gunnison diligently prosecuted this application and a final decree was entered in February, 2010. The decree in Case No. 07CW63 added additional places of storage for ponds to be constructed on Gunnison's Van Tuyl Ranch property and to Gunnison's existing Pac Man Pond and Community Center Irrigation Pond. It also added alternate points of diversion for purposes of filling the alternate places of storage. Gunnison expended approximately \$7,433 in legal and \$10,296 in engineering fees related to this case. b) In 2008, Gunnison constructed the Community Center Irrigation Pond. Gunnison has budgeted \$25,000 for lining the Community Center Irrigation Pond in 2014. c) In 2009, Gunnison reconstructed the Pac Man Pond and installed a new liner. Gunnison expended approximately \$77,488 in construction and material costs. d) Gunnison has expended approximately \$11,675 in maintenance of the Wilson Creek Ditch and the Piloni Ditch during the diligence period. e) Gunnison has expended approximately \$121 on contracts with the Upper Gunnison River Water Conservancy District for augmentation. f) Gunnison expended approximately \$48,835 in legal fees related to filing statements of opposition to Water Court cases for protection of its water rights, including the storage right that is the subject of this application. g) Gunnison has expended approximately \$1,530 in legal fees related to the diligence activities related to the storage right that is the subject of this application. Remarks: Gunnison does not seek to make any part of the conditional water right absolute at this time. Gunnison will use the subject conditional water right in accordance with the terms and conditions in all previous decrees, including Case No. 07CW63. Request for Clarification: Under the decree entered in Case No. 06CW222, Gunnison is required to file an application for finding of reasonable diligence on or before the last day of November, 2013. The decree entered in Case No. 07CW63 provides that an application for finding of reasonable diligence for the subject water right changed shall be filed in accordance with the requirements of the decree entered in Case No. 06CW222. The decree in Case No. 07CW63, however, also requires that an application for finding of reasonable diligence

be filed on or before the last day of February, 2016. As the application in Case No. 07CW63 did not provide notice of or claim a finding of reasonable diligence and only sought a change of water right, Gunnison believes diligence is properly addressed under the decree in Case No. 06CW222. Accordingly, Gunnison requests clarification that this application for finding of reasonable diligence in accordance with the decree entered in Case No. 06CW222 is proper and that no application for finding of reasonable diligence under the decree in Case No. 07CW63 is required. Names and addresses of owner(s) 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: Gunnison Van Tuyl Ranch Ponds Nos. 1-3, Gunnison Pac Man Pond, Gunnison Community Center Irrigation Pond, and Wilson Creek Diversion Point: Applicant. Piloni Ditch: Michael T. Hale, 686 3<sup>rd</sup> Avenue, San Francisco, CA 94118-3907. Gunnison Town Ditch: Michael W. Fahrlander et al, Jannette L. Runge, 8610 State Highway 114, Gunnison, CO 81230-9410. Applicant requests that the Water Court grant this application, find that applicant has exercised reasonable diligence, and continue the conditional water right in the amount of 3,000 acre-feet. (8 pages) **GUNNISON COUNTY.**

**CASE NO. 2013CW3057 (REF NO. 94CW60). THE APPLICATION FOR WATER RIGHTS OF SILVER SAGE PROPERTY OWNERS' ASSOCIATION, INC., IN SLATE AND EAST RIVERS, Silver Sage Property Owners' Association, Inc., P.O. Box 130, Crested Butte, CO 81224. All correspondence concerning this Application should be sent to Applicants' counsel, Wilderson Lock & Hill, LLC, 525 North Main Street, Gunnison, CO 81230 to the Attention of Mr. John R. Hill, Jr.** Name of Structure: **Silver Sage Subdivision Well No. 2.** Location: The decreed location is in the NE ¼ of the SW1/4 of Section 1, T. 14 S., R. 86 W., of the 6<sup>th</sup> P.M. in Gunnison County, Colorado, at a point approximately 2,570 feet from the south section line of Section 1. Source: Groundwater tributary to the Slave River, a tributary of the East River, a tributary of the Gunnison River. Date of appropriation: September 10, 1993. Adjudication date: December 29, 1995. Amount claimed: 30 g.p.m. Use: Domestic, irrigation and fire protection. Original decree: The decree granting the conditional rights that are the subject of this Application was entered December 29, 1995 in Case No. 94CW60, by District Court, Water Division 4. The decree in this case provided that an application for reasonable diligence was due in the month of December 2001. However, the Court did not send the notice that an application was due as required by law until August, 2013 stating that an application was due by the end of November, 2013. As previously noted, the decree was entered on December 29, 1995. Pursuant to that decree, the Applicant at the time, Crested Butte Recreational Development Company, obtained Well Permit No. 046996-F on August 8, 1996. Well No. 2 was constructed on October 20, 1994, pump installed on August 9, 1996, and first beneficially used on August 16, 1996. The pump tested at 15 gpm. On February 5, 1997, Crested Butte Recreational Development Co. conveyed the conditional water right decreed in Case No. 94CW60 to Applicant. The distribution system includes a 20,000 gallon storage tank. Silver Sage subdivision has a total of 24 lots. To date, 12 homes have been completed and two are under construction. During the period 1998 until present, Applicant has maintained and improved the water system involving substantial effort and cost. All structures located on lands owned by applicants, Silver Sage Property Owners' Association, Inc., P.O. Box 130 Crested Butte, CO 81224. Based upon the foregoing, Applicants request that the conditional rights for the Silver Sage Subdivision Well No. 2 be made absolute in amount, at the location, for the uses, and with an appropriation date set forth above. **GUNNISON COUNTY.**

**CASE NO. 2013CW3058 (REF NO. 07CW53). DELTA COUNTY, GUNNISON RIVER, WATER DISTRICT NO. 4.** 1. APPLICANT: William C. Janss, Jr. and Diana L. Davis, 1200 Cincinnati Ave. El Paso, TX 79902. 2. ATTORNEY: David A. Marek, P.O. Box 1387, Paonia, CO 81428 (970) 527-5353. 3. TYPE OF APPLICATION: Application For Finding of Reasonable Diligence. 4. NAME OF STRUCTURE: Lenora Knight Spring and Knight Pond. 5. LOCATION: *Lenora Knight Spring*: 1,985 feet north of the south section line and 706 feet east of the west section line, NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 31, Township 13 South, Range 91 West, 6<sup>th</sup> P.M. *Knight Pond*: 1,766 feet north of the south section line and 735 feet east of the west section line, SW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 31 Township 13 South, Range 91 West, 6<sup>th</sup> P.M. 6. DRAINAGE BASIN: Tributary to the North Fork of the Gunnison River. 7. APPROPRIATION DATE: May 5, 2007. 8. AMOUNT CLAIMED: Lenora Knight Spring: .10 c.f.s conditional for irrigation of 4 acres and to fill Knight Pond. Knight Pond: 4.00 acre-feet conditional for irrigation of 0.11 acre, piscatorial, fire protection, recreation and stockwater uses. 9. TYPE OF STRUCTURE: Spring and Reservoir. 10. ADDITIONAL INFORMATION: The Application on file with the Water Court contains a detailed outline of the work performed toward completion during the diligence period. **DELTA COUNTY. NECESSARY TO COMPLY WITH THE STATUTE OR TO ASSIST IN GIVING NOTICE OF THE SPECIFIC WATER RIGHT SOUGHT. DILIGENCE OR ABSOLUTE. DELTA COUNTY.**

**CASE NO. 2013CW3059 – CASE NUMBER NOT USED**

**CASE NO. 2013CW3060 (REF NO. 07CW64). MONTROSE COUNTY. THE GUNNISON RIVER.** Bear Ranch LEX, LLC, c/o Patrick, Miller, Kropf & Noto, P.C., Paul L. Noto, Esq. and Jason M. Groves, Esq., 197 Prospector Road, Suite 2104A, Aspen, CO 81611, (970) 920-1028. COMBINED APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND FOR CHANGE OF WATER RIGHT. First Claim: For Finding of Reasonable Diligence. Name of structure: Jensen Ditch Type: Ditch. Original decree: November 16, 2007. Case No.: 07CW64, Division 4 Water Court. Diligence decrees: N/A. Legal description: NE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 50 North, Range 12 West, 6<sup>th</sup> P.M., 1320 feet north of the south section line and 2640 feet east of the west section line. A map of the ditch location is on file with the Court. Water will be used to irrigate 60 acres of Applicant's land within the property boundary depicted on the map on file with the Court. Source: Roubideau Creek, tributary to the Gunnison River. Appropriation date: May 21, 2007. Amount: 1.50 c.f.s., conditional. Use: Irrigation of 60 acres. A detailed outline of the work undertaken by Applicant to complete the appropriation, including expenditures, is on file with Court. The name and address of owner of the land upon which any new diversion or modification to any existing diversion structure is or will be constructed: Applicant. Second Claim: For Change of Water Right. Decreed water right for which change is sought: Jensen Ditch. Name of structure: Jensen Ditch. Type: Ditch. Original decree: November 16, 2007. Case No. 07CW64, Water Division No. 4. Decreed legal description: NE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 50 North, Range 12 West, 6<sup>th</sup> P.M., 1436 feet north of the south section line and 2640 feet east of the west section line. Source: Roubideau Creek, tributary to the Gunnison River. Appropriation date: May 21, 2007. Amount: 1.50 c.f.s., conditional. Use: Irrigation of 60 acres. Description of Change Requested: Applicant requests a change in the point of diversion for the Jensen Ditch to correct the legal description. The legal description was decreed incorrectly in Case No. 08CW12, Water Division 4. Location: The Jensen Ditch is actually located in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 51 North, Range 12 West, N.M.P.M., 1436 feet north of the south section line

and 2605 feet east of the west section line in Montrose County, Colorado. Amount: 1.50 c.f.s., conditional of the 1.50 c.f.s. originally decreed. Applicant owns the land where the structure is located and upon which the water will be used. **MONTROSE COUNTY.**

**AMENDED/CORRECTED:**

**CASE NO. 2013CW14 (REF NO. 05CW225).** Applicant: Joe Sperry, 20215 F Road, Delta, CO 81416. Amended Application for Findings of Diligence: Trail Gulch Reservoir - NE1/4SW1/4 of Section 9, T10S, R90W, 6<sup>th</sup> PM. 1,961 feet north of the south line and 2,105 feet east of the west section line. Source: Clear Fork of East Muddy Creek, North Fork of the Gunnison River. Appropriation Date: 10/25/2005. Amount Claimed: 2479.0 acre-feet conditional for augmentation, fish culture, stockwater and irrigation. Lower Pole Pile Reservoir - SW1/4NE1/4 of Section 1, T11S, R90W, 6<sup>th</sup> PM. 2,543 feet south of the north line and 2,618 feet west of the east section line. Source: Spring Creek, East Muddy Creek, North Fork of the Gunnison River. Appropriation Date: 10/25/2005. Amount Claimed: 230.0 acre-feet conditional for augmentation, fish culture, stockwater and irrigation. Lower Pole Pile Reservoir No. 1 - NW1/4NE1/4 of Section 1, T11S, R90W, 6<sup>th</sup> PM. 1,862 feet south of the north line and 1,960 feet west of the east section line. Source: Spring Creek, East Muddy Creek, North Fork of the Gunnison River. Appropriation Date: 10/25/2005. Amount Claimed: 279.0 acre-feet conditional for augmentation, fish culture, stockwater and irrigation. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.**

**CASE NO. 2013CW62.** Applicant: Thomas Abbott, Abbott Ranches, LLC., P. O. Box 1483, Montrose, CO 81402. Amended Application for Surface and Storage Water Right: Abbott Pond 1 – NE1/4NW1/4 of Section 32, T12S, R89W, 6<sup>th</sup> PM. 30 feet from the north line and 1,407 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 1.157 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 2 – NW1/4NW1/4 of Section 29, T12S, R89W, 6<sup>th</sup> PM. 58 feet from the north line and 270 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.551 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 3 – SW1/4NW1/4 of Section 29, T12S, R89W, 6<sup>th</sup> PM. 1,605 feet from the north line and 404 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.115 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 4 – SW1/4NW1/4 of Section 29, T12S, R89W, 6<sup>th</sup> PM. 1,960 feet from the north line and 775 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.088 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 5 – NE1/4SW1/4 of Section 29, T12S, R89W, 6<sup>th</sup> PM. 2,614 feet from the south line and 2,240 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.275 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 6 – NE1/4SW1/4 of Section 29, T12S, R89W, 6<sup>th</sup> PM. 1,825 feet from the south line and 1,643 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.501 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 7 – SW1/4SW1/4 of Section 29, T12S, R89W, 6<sup>th</sup> PM. 1,182 feet from the south line and

766 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.275 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 8 – SW1/4NW1/4 of Section 32, T12S, R89W, 6<sup>th</sup> PM. 1,363 feet from the north line and 283 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.220 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 9 – SW1/4NW1/4 of Section 32, T12S, R89W, 6<sup>th</sup> PM. 1,648 feet from the north line and 97 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 10/11/2010. Amount Claimed 0.25 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 10 – SW1/4NW1/4 of Section 32, T12S, R89W, 6<sup>th</sup> PM. 2,269 feet from the north line and 829 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.132 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 11 – SE1/4NW1/4 of Section 32, T12S, R89W, 6<sup>th</sup> PM. 1,480 feet from the north line and 2,190 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.220 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 12 – SE1/4NW1/4 of Section 32, T12S, R89W, 6<sup>th</sup> PM. 2,169 feet from the north line and 2,178 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.661 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 13 – SW1/4NW1/4 of Section 33, T12S, R89W, 6<sup>th</sup> PM. 1,750 feet from the north line and 2 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.331 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 14 – NW1/4SE1/4 of Section 32, T12S, R89W, 6<sup>th</sup> PM. 2,615 feet from the south line and 1,775 feet from the east section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.069 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 15 – NW1/4SE1/4 of Section 32, T12S, R89W, 6<sup>th</sup> PM. 2,212 feet from the south line and 1,757 feet from the east section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.088 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 16 – SW1/4SW1/4 of Section 33, T12S, R89W, 6<sup>th</sup> PM. 1,109 feet from the south line and 406 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.331 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 17 – NE1/4SW1/4 of Section 32, T12S, R89W, 6<sup>th</sup> PM. 2,290 feet from the south line and 2,142 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.041 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 18 – NE1/4SW1/4 of Section 32, T12S, R89W, 6<sup>th</sup> PM. 1,913 feet from the south line and 1,666 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.785 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 19 – NE1/4SW1/4 of Section 32, T12S, R89W, 6<sup>th</sup> PM. 1,849 feet from the south line and 2,475 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.413 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 20 –



SE1/4SW1/4 of Section 32, T12S, R89W, 6<sup>th</sup> PM. 911 feet from the south line and 2,138 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.441 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 21 – NE1/4NW1/4 of Section 6, T13S, R89W, 6<sup>th</sup> PM. 1,495 feet from the north line and 665 feet from the east section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 10/11/2010. Amount Claimed 1.25 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 22 – NW1/4NW1/4 of Section 5, T13S, R89W, 6<sup>th</sup> PM. 1,310 feet from the north line and 28 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.174 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 23 – NW1/4NW1/4 of Section 5, T13S, R89W, 6<sup>th</sup> PM. 1,435 feet from the north line and 528 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.496 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 24 – NW1/4NW1/4 of Section 5, T13S, R89W, 6<sup>th</sup> PM. 2,352 feet from the north line and 970 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.066 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 25 – NE1/4NW1/4 of Section 5, T13S, R89W, 6<sup>th</sup> PM. 2,851 feet from the north line and 1,333 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.041 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Abbott Pond 26 – NW1/4NW1/4 of Section 5, T13S, R89W, 6<sup>th</sup> PM. 3,051 feet from the north line and 75 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.207 acre-feet absolute for stockwater, wildlife, recreational and piscatorial. Park Spring Overflow – NW1/4NW1/4 of Section 29, T12S, R89W, 6<sup>th</sup> PM. 281 feet from the north line and 279 feet from the west section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 09/28/2004. Amount Claimed 0.06 c.f.s. absolute for stockwater, wildlife, irrigation and to fill and refresh Abbott Pond No. 2. Cottonwood Spring – NE1/4NE1/4 of Section 6, T13S, R89W, 6<sup>th</sup> PM. 1,230 feet from the north line and 693 feet from the east section line. Source: Muddy Creek and the North Fork of the Gunnison River. Appropriation Date: 10/11/2010. Amount Claimed 0.06 c.f.s. absolute for domestic, stockwater, wildlife, irrigation and to fill Abbott Pond No. 21. **GUNNISON COUNTY.**

**CASE NO. 2013CW76.** Applicant: Shane Burton, P. O. Box 207, Gateway, CO 81522. Amended Application for Change of Water Right: Ben Ames Ditch. Date of Original Decree: 03/01/1930. Case No. W2502. Original location: on the left bank of the Dolores River at a point about 25 rods southeasterly from the Southeast corner of Section 20, Township 48, R18W, N.M.P.M. Source: Dolores River. Appropriation Date: 03/01/1930. Amount Decreed to Structure: 4.1 c.f.s. absolute. Decreed Use: 80 acres of land being irrigated. Amount of water Applicant intends to change: 1.0 c.f.s. absolute. Detailed description of proposed change: Requested is a change in the point of diversion for 1.0 c.f.s. out of the Ben Ames Ditch, Priority No. 89, absolute. Appropriation Date: March 1, 1930, Case No, W2502, Water Division 4, State of Colorado. This change will reflect more practical points of diversion to irrigate 25 acres of land the applicant owns that has historically been irrigated by this right. The applicant is submitting 4 diversion points, each new diversion point is requested for the full one (1)

c.f.s., but not to exceed the one (1) c.f.s. at all diversion points cumulative at any one time. Burton Point of Diversion 001 – SE1/4SE1/4 of Section 8, T49N, R18W, NMPM, 477 feet from the south line and 1,236 from the east section line. Burton Point of Diversion 002 – Location: SE1/4SE1/4 of Section 8, Township 49N, R18W, N.M.P.M. 962 feet from the south line and 8 feet from the east section line. Burton Point of Diversion 003 – SE1/4NE1/4 of Section 8, T49N, R18W, NMPM, 2,483 feet from the south line and 189 from the east section line. Burton Point of Diversion 004 – SE1/4NE1/4 of Section 8, T49N, R18W, NMPM, 2,576 feet from the south line and 308 from the east section line. **MESA COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of January 2013 to file with the Water Clerk, in duplicate, 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: \$158.00; Forms may be obtained from the Water Clerk's Office or on our website at [www.courts.state.co.us](http://www.courts.state.co.us)). DARLEEN CAPPANNOKEEP, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401