

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 February 2019.

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.

**CASE NO. 2019CW4.** Applicant: Diamond F Land, LLC., 60566 Maple Grove Rd, Montrose, CO 81403. Application for Surface Water Rights: Diamond F Wastewater Ditch – Easting 242531, Northing 4263987, Zone 13. Source: Uncompahgre River. Appropriation Date: 04/01/1970. Amount Claimed: 0.6 c.f.s. absolute for supplemental irrigation of 11.3 acres. Diamond F Spring – Easting 242365, Northing 4264101, Zone 13. Source: Spring Creek, Uncompahgre River. Appropriation Date: 04/01/1970. Amount Claimed: 0.5 c.f.s. absolute for stockwater. **MONTROSE COUNTY.**

**CASE NO. 2019CW5.** Applicant Lawrence Derby and Rebecca Wilson, 12299 Wolf Park Rd, Hotchkiss, CO 81419. Application for Storage Water Right: Happy Cat Pond/Dam – Easting 264216, Northing 4301317, Zone 13. Source: North Fork Gunnison River, Gunnison River. Appropriation Date: 04/13/2018. Amount Claimed: 1.25 acre-feet absolute for irrigation, stockwater, piscatorial, croplands, recreation, wildlife, supplemental irrigation of 10 acres and irrigation of additional 2-3 acres. Howling Wolf Pond System - Easting 264206, Northing 4301417, Zone 13. Source: North Fork Gunnison River, Gunnison River. Appropriation Date: 02/01/2009. Amount Claimed: .15 acre-feet absolute for stockwater and wildlife. **DELTA COUNTY.**

**CASE NO. 2019CW6 (REF NO. 06CW39, 12CW104).** Applicant: Steven Clarkson, 1618 McLellan Road, Mesa, AZ 85203. Application for Finding of Reasonable Diligence and To Make Absolute: Clarkson Spring 1 – NW1/4NW1/4SE1/4 of Section 1, T42N, R8W, NMPM. 2,281 feet from the south line and 1,994 feet from the east section line. Easting 263160, Northing 4201060, Zone 13. Source: Red Mountain Creek, Galena Lion Gulch, Uncompahgre River. Appropriation Date: 10/01/2005. Amount Claimed: 0.011 c.f.s. absolute for domestic use in one single-family dwelling. Clarkson Pond 1 - NE1/4NW1/4SE1/4 of Section 1, T42N, R8W, NMPM. 2,181 feet from the south line and 1,689 feet from the east section line. Easting 263252, Northing 4201026, Zone 13. Source: Red Mountain Creek, Galena Lion Gulch, Uncompahgre River. Appropriation Date: 10/01/2005. Amount Claimed: 0.04 acre-feet conditional for augmentation. Clarkson Spring No. 2 – NW1/4SE1/4SE1/4 of Section 1, T42N, R8W, NMPM. 1,157 feet from the south line and 1,309 feet from the east section line. Source: Red Mountain Creek, Galena Lion Gulch, Uncompahgre River. Appropriation Date: 10/01/2005. Amount Claimed: 0.011 c.f.s. conditional for domestic use in one single-family dwelling. Clarkson Pond No. 2 – SW1/4SE1/4NE1/4 of Section 1, T42N, R8W, NMPM. 2,653 feet from the south line and 1,314 feet from the east section line. Source: Red Mountain Creek, Galena Lion Gulch, Uncompahgre River. Appropriation Date: 10/01/2005. Amount Claimed: 2.0. acre-feet conditional for piscatorial, wildlife and

recreation use. The application on file with the Water Court contains and outline of the work performed during the diligence period. **OURAY COUNTY.**

**CASE NO. 2019CW7.** Applicant: Steve Spangler, 319 Gleneagle Circle, New Castle, CO 81647. Application for Surface Water Rights: Zombie Wastewater Pump – SW1/4SW1/4 of Section 21, T15S, R94W, 6<sup>th</sup> P.M. 931 feet from the south line and 670 feet from the west section line. 246790.2 Easting, 4290720.5 Northing, Zone 13. Source: Gunnison River. Appropriation Date: 02/15/2019. Amount Claimed: 2 c.f.s. conditional for irrigation of 40 acres. **DELTA COUNTY.**

**CASE NO. 2019CW8.** Applicant: RoseAnne Guire and Jimmy Guire, P.O. Box 550, Nucla, CO 81424. Application for Change of Water Rights: Furry Ditch, Ditch No. 217 – Date of Original Decree: Appropriation Date - 06/01/1912, Adjudication date: 10/22/1926. Case No: CA 4641, Priority No. 277. Legal description of structure as described on most recent decree: Approximately in the center of Lot 6, Section 6, T46N, R15W, N.M.P.M. Decreed Source of Water: Calamity Draw, San Miguel River. Appropriation Date: 06/01/1912. Total amount of water decreed to structure: 3 c.f.s. absolute. Decreed use: Irrigation. Amount of water applicant intends to change: 3 c.f.s. Detailed description of proposed change: Correct the original vague and erroneous description of the location for the place of diversion, and add an alternative option to divert by pumping from this place of diversion for a pressurized irrigation system as well as to correct the beneficial place of use to: Lot 3, SE1/4NW1/4, NE1/4SW1/4, Section 6, T46N, R15W, N.M.P.M., and this right to divert and store water in Peabody Nucla East Mine Pond NPDES 007 (under its decreed storage water right in Case No. 88CW54/93CW195). Meander Ditch, Ditch No. 209 – Date of Original Decree: Appropriation Date - 06/08/1909, Adjudication date: 10/22/1926., W-747, Point of Diversion Correction : 01/04/1973. Case No: CA 4641, Priority Nos. 267 and Case No. W-747. Legal description of structure as described on most recent decree: On the south side of Calamity Draw, approximately at or near the Northwest Corner of the SE1/4SE1/4, Section 6, T46N, R15W, N.M.P.M. Decreed Source of Water: Calamity Draw, San Miguel River. Appropriation Date: 06/08/1909. Total amount of water decreed to structure: 2 c.f.s. Decreed use: Irrigation. Amount of water applicant intends to change: 1 c.f.s. Detailed description of proposed change: Change the place of diversion and add the alternative option to divert by pumping from this place of diversion and add the right to divert and store water in Peabody Nucla East Mine Pond NPDES 007 (under its decreed storage water right in Case No. 88CW54/93CW195). Peabody Nucla East Mine Pond NPDES 007– Date of Original Decree: Appropriation Date - 12/29/1987, Adjudication date: 09/08/1994. Case No: 88CW54 (conditional) and 93CW195 (to make absolute). Legal description of structure as described on most recent decree; The originally decreed location of the dam is in the NE1/4SW1/4 of Section 6, T46N, R15W, N.M.P.M. at a point North 46°31' East 3,459 feet from the Southwest corner of said Section 6. Said location is hereby amended to conform to the actual as-built location of the structure at a point North 45°56' East 3,518 feet from the Southwest corner of said Section 6. Decreed Source of Water: Calamity Draw, Colorado Co-Operative Company Water Shares, San Miguel River. Appropriation Date: 12/29/1987. Total amount of water decreed to structure: 24.04 acre-feet. Decreed use: Dust Suppression and Sediment Control. Amount of water applicant intends to change: 24.04 acre-feet. Detailed description of proposed change: Add the following uses: Stockwater, wildlife, Aquatic, fire suppression, and irrigation of Lot 3 SE1/4NW1/4, NE1/4SW1/4 Section 6, T46N, R15W, N.M.P.M. Actual Point of Diversion for Furry Ditch and Meander Ditch – 712987 Easting, 4238336, Northing, Zone 12. Peabody

Nucla East Mine Pond NPDES 007 – NE1/4SW1/4 of Section 6, T46N, R15W, N.M.P.M. 2,307 feet from the south line and 3,000 feet from the west section line. **MONTROSE COUNTY.**

**CASE NO. 2019CW9 (REF NO. 06CW43, 12CW106).** Applicant: Tom Chairez and Carolyn Chairez, P.O. Box 787, Delta, CO 81416. Application For Finding of Reasonable Diligence: Chairez Pump – NW1/4SW1/4NW1/4 of Section 24, T15S, R96W, 6<sup>th</sup> PM. 1,915 feet from the north line and 653 feet from the west section line. Easting 232204, Northing 4291956, Zone 13. Source: Uncompahgre River. Appropriation Date: 03/15/2006. Amount Claimed: 0.13 c.f.s. conditional for irrigation of 5.5 acres. The application on file with the water court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

**CASE NO. 2019CW3007.** Powderhorn, LLC, a Colorado limited liability company, c/o Patrick Willoughby-McCabe, 718 N. Buckner Blvd., Suite 316, Dallas, Texas 75218, (972) 813-9067. Please direct all correspondence to the above captioned attorneys for Applicant: (Law of the Rockies, Kendall K. Burgemeister, Atty. Reg. No. 41593, Leila C. Behnampour, Atty. Reg. No. 42754, 525 North Main Street, Gunnison, CO 81230, Telephone: (970) 641-1903, Facsimile: (970) 641-1943, E-mail: [kburgemeister@lawoftherockies.com](mailto:kburgemeister@lawoftherockies.com), [lbehnampour@lawoftherockies.com](mailto:lbehnampour@lawoftherockies.com)). APPLICATION FOR CONDITIONAL WATER STORAGE RIGHTS, CONDITIONAL APPROPRIATIVE RIGHTS OF EXCHANGE, AND PLAN FOR AUGMENTATION, Gunnison County. 2. Overview of Application. Applicant owns Powderhorn Ranch, which is located south of Powderhorn, Colorado, along Cebolla Creek. Applicant seeks water rights for three ponds on the ranch for piscatorial, recreation, augmentation, and fire protection uses. The ponds will fill during free river conditions or by exchange from Blue Mesa Reservoir when there is a call below Blue Mesa Reservoir. Applicant also seeks approval of a plan for augmentation to replace evaporative losses from the ponds. When there is a local call between Powderhorn Ranch and Blue Mesa Reservoir, out of priority depletions will be augmented by release of water previously stored in one or more of the ponds. A long-term lease of Aspinall Unit water will be obtained from the Bureau of Reclamation to augment against a call from below Blue Mesa Reservoir. 3. Application for Conditional Water Storage Rights. a) Name of Reservoir. Reese Pond. i) Legal description of location of dam centerline: Located in the NW¼ of Sec. 12, Township 45 North, Range 2 West, N.M.P.M., at approximately UTM Zone 13 320239.77 m Easting, 4226469.12 m Northing. ii) Source: Cebolla Creek, tributary to the Gunnison River. iii) Name of ditch used to fill reservoir and capacity: W.S. Thompson Ditch, with a decreed capacity of 3.5 c.f.s. iv) Legal description of point of diversion of ditch: Located in the SE¼ SW¼ NW¼ of Sec. 12, Township 45 North, Range 2 West, N.M.P.M., at approximately UTM Zone 13 320297.5 m Easting, 4226258.6 m Northing. v) Date of appropriation: February 5, 2019. (1) How appropriation was initiated: By engaging a civil engineer to design the pond, by engaging legal counsel and an engineer to develop a plan for augmentation for out-of-priority depletions for the pond, and by filing this water court application. (2) Date water applied to beneficial use: N/A. vi) Amount claimed for initial fill: 7.4 acre-feet, conditional. (1) Rate of diversion for initial filling: 3.5 c.f.s., conditional; and the right to refill at 0.97 c.f.s., conditional, for refreshing flows and replacing evaporative losses. Fill rates will be cumulative for all three ponds. vii) Uses: piscatorial, recreation, augmentation, and fire protection. (viii) Surface area of high water line: 1.001 acre. (1) Vertical height of dam: 6.5 feet. (2) Length of dam: 180 feet. ix) Total capacity: Approximately 7.40 acre-feet of which 4.35 acre-feet will be live storage and 3.05 acre-feet will be dead storage. x) Point of discharge: Water from Reese Pond will

be released through an agri-drain outlet into Jameson Pond, which will then release the water to Cebolla Creek. The point of release to Cebolla Creek is in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 12, Township 45 North, Range 2 West, N.M.P.M., at approximately UTM Zone 13 320269.91 m Easting, 4226563.00 m Northing. xi) Remarks: (1) The proposed location of the dam centerline, point of diversion, and point of release are shown on the attached Exhibit A, which is attached to the Application on file with the Water Court. (2) The legal descriptions, amounts claimed, surface areas, height and length of dam, and capacity are approximate and subject to change after field verification in the Spring of 2019. (3) The Reese Pond will be equipped with an agri-drain low-level outlet operable by the water commissioner and will be capable of administration in the event of a senior priority call. (4) If the Reese Pond intercepts groundwater, it shall be lined to the satisfaction of the Division Engineer, or a well permit should be obtained for this structure. b) Name of Reservoir. Jameson Pond. i) Legal description of location of dam centerline: Located in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 12, Township 45 North, Range 2 West, N.M.P.M., at approximately UTM Zone 13 320261.78 m Easting, 4226556.78 m Northing. ii) Source: Cebolla Creek, tributary to the Gunnison River. iii) Name of ditch used to fill reservoir and capacity: W.S. Thompson Ditch, with a decreed capacity of 3.5 c.f.s. iv) Legal description of point of diversion of ditch: Located in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 12, Township 45 North, Range 2 West, N.M.P.M., at approximately UTM Zone 13 320297.5 m Easting, 4226258.6 m Northing. v) Date of appropriation: February 5, 2019. (1) How appropriation was initiated: By engaging a civil engineer to design the pond, by engaging legal counsel and an engineer to develop a plan for augmentation for out-of-priority depletions for the pond, and by filing this water court application. (2) Date water applied to beneficial use: N/A vi) Amount claimed for initial fill: 1.25 acre-feet, conditional. (1) Rate of diversion for initial filling: 3.5 c.f.s., conditional; and the right to refill at 0.97 c.f.s., conditional, for refreshing flows and replacing evaporative losses. Fill rates will be cumulative for all three ponds. vii) Uses: piscatorial, recreation, augmentation, and fire protection. viii) Surface area of high water line: 0.289 acres. (1) Vertical height of dam: 2 feet. (2) Length of dam: 10 feet. ix) Total capacity: Approximately 1.25 acre-feet, of which 0.75 acre-feet will be live, and 0.5 acre-feet will be dead storage. x) Point of discharge: The point of release to Cebolla Creek is in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 12, Township 45 North, Range 2 West, N.M.P.M., at approximately UTM Zone 13 320269.91 m Easting, 4226563.00 m Northing. xi) Remarks: (1) The proposed location of the dam centerline, point of diversion, and point of release are shown on the attached Exhibit A, which is attached to the Application on file with the Water Court. (2) The legal descriptions, amounts claimed, surface areas, height and length of dam, and capacity are approximate and subject to change after field verification in the Spring of 2019. (3) The Jameson Pond will be equipped with an agri-drain low-level outlet operable by the water commissioner and will be capable of administration in the event of a senior priority call. (4) If the Jameson Pond intercepts groundwater, it shall be lined to the satisfaction of the Division Engineer, or a well permit should be obtained for this structure. c) Name of Reservoir. Lucas Pond. i) Legal description of location of dam centerline: Located in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 12, Township 45 North, Range 2 West, N.M.P.M., at approximately UTM Zone 13 320284.13 m Easting, 4226654.28 m Northing. ii) Source: Cebolla Creek, tributary to the Gunnison River. iii) Name of ditch used to fill reservoir and capacity: W.S. Thompson Ditch, with a decreed capacity of 3.5 c.f.s. iv) Legal description of point of diversion of ditch: Located in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 12, Township 45 North, Range 2 West, N.M.P.M., at approximately UTM Zone 13 320297.5 m Easting, 4226258.6 m Northing. v) Date of appropriation: February 5, 2019. (1) How appropriation was initiated: By engaging a civil engineer to design the pond, by engaging legal counsel and an engineer to develop a plan for augmentation for out-of-priority

depletions for the pond, and by filing this water court application. (2) Date water applied to beneficial use: N/A. vi) Amount claimed for initial fill: 0.93 acre-feet, conditional. (1) Rate of diversion for initial filling: 3.5 c.f.s., conditional; and a rate of refill of 0.97 c.f.s., conditional, for refreshing flows and replacing evaporative losses. Fill rates will be cumulative for all three ponds. vii) Uses: piscatorial, recreation, augmentation and fire protection. viii) Surface area of high water line: 0.20 acres. (1) Vertical height of dam: N/A. (2) Length of dam: N/A. ix) Total capacity: Approximately 0.93 acre-feet, of which 0.53 acre-feet will be live and 0.40 will be dead storage. x) Point of discharge: Located in the NW¼ NW¼ of Sec. 12, Township 45 North, Range 2 West, N.M.P.M., at approximately UTM Zone 13 320240 m Easting, 4226670 m Northing. xi) Remarks: (1) The proposed location of the dam centerline, point of diversion, and point of release are shown on the attached Exhibit A, which is attached to the Application on file with the Water Court. (2) The legal descriptions, amounts claimed, surface areas, height and length of dam, and capacity are approximate and subject to change after field verification in the Spring of 2019. (3) The Lucas Pond will be filled by diversions from the W.S. Thompson Ditch that will be routed across Cebolla Creek by pipeline into the pond. (4) The Lucas Pond will be equipped with an agri-drain low-level outlet operable by the water commissioner and will be capable of administration in the event of a senior priority call. (5) If the Lucas Pond intercepts groundwater, it shall be lined to the satisfaction of the Division Engineer, or a well permit should be obtained for this structure.

4. Application for Conditional Appropriative Rights of Exchange. a) Name of Exchange: Powderhorn Blue Mesa Exchange. b) Lower Terminus: Blue Mesa Reservoir. The initial point of survey of Blue Mesa Dam is located at a point on the right abutment being the intersection of the center line of the axis of the dam and of the center line of the outlet works tunnel, being a point whence the Southwest corner of Sec. 31, Township 49 North, Range 4 West, N.M.P.M. bears North 78°36'44" West a distance of 3,207.07 feet. c) Upper Terminus: The point of diversion for the W.S. Thompson Ditch, as described above. d) Source of Substitute Supply: Water stored in Blue Mesa Reservoir and leased from the United States Department of the Interior, Bureau of Reclamation. e) Date of Appropriation: February 5, 2019. i) How appropriation was initiated: By engaging a civil engineer to design the ponds that will be filled by exchange and by engaging water counsel to file this water court application. ii) Date water applied to beneficial use: N/A. f) Maximum rate: 3.5 c.f.s., conditional. g) Uses: Piscatorial, recreation, augmentation, and fire protection uses through filling and refilling of the Reese, Jameson, and Lucas Ponds and pursuant to the plan for augmentation described herein.

5. Application for Approval of Plan for Augmentation. a) Structures to be Augmented: Reese Pond, Jameson Pond, and Lucas Pond. b) Water rights to be used for augmentation: i) When there is no senior call in the Powderhorn Blue Mesa Exchange Reach: Blue Mesa Reservoir. (1) Decree: Case No. 80CW156, in Water Division 4. (2) Type: Storage. (3) Legal Description: The initial point of survey of Blue Mesa Dam is located at a point on the right abutment being the intersection of the center line of the axis of the dam and of the center line of the outlet works tunnel, whence the Southwest corner of Sec. 31, Township 49 North, Range 4 West, N.M.P.M. bears North 78°36'44" West a distance of 3,207.07 feet. The actual releases will be at the outlet works of Crystal Dam located in the SE¼ SE¼ NW¼, Sec. 14, Township 49 North, Range 7 West, N.M.P.M. (4) Source: Gunnison River and its tributaries. (5) Appropriation Date: November 13, 1957. (6) Amount: 940,755 acre-feet, plus a refill right of 122,702 acre-feet. (7) Uses: Domestic and municipal, irrigation and stock watering, industrial, hydropower, piscatorial, wildlife, recreation and other purposes. ii) When there is a senior call in the Powderhorn Blue Mesa Exchange Reach: Water stored in Reese, Jameson, and Lucas Ponds, as described above. c) Complete statement of plan for augmentation: i) When there is no senior call within the

Powderhorn Blue Mesa Exchange Reach, but there is a call below Blue Mesa Reservoir, pond filling and evaporation from the ponds will be augmented by exchange with releases from Blue Mesa Reservoir. When there is a senior call within the Powderhorn Blue Mesa Exchange Reach, evaporation from the ponds will be augmented by releases from the Reese, Jameson, and Lucas Ponds. ii) Reese, Jameson, and Lucas Ponds will be filled whenever there is no local call, either by in-priority junior appropriation or by exchange from Blue Mesa Reservoir. When there is a senior local call, Reese, Jameson, and Lucas Ponds will be managed to ensure that the ponds drop in total by a sufficient amount each month to replace evaporation from the ponds. Releases from the ponds will be conveyed from the outlet works of each pond back to Cebolla Creek on the Applicant's property. Reese, Jameson, and Lucas Ponds may be refreshed even when there is a senior local call, provided that the pond level is allowed to drop by a sufficient amount each month to replace stream depletions caused by evaporation from the ponds. d) Depletions to be augmented: i) The plan for augmentation will augment out of priority depletions from the filling of Reese, Jameson, and Lucas Ponds as well as evaporation from the ponds when there is a senior call. ii) Maximum monthly and annual evaporation estimates in acre-feet per month for Reese, Jameson, and Lucas Ponds are provided in the following table:

Month	Evaporation	Month	Evaporation
January	0	July	.745
February	0	August	.596
March	0	September	.507
April	.209	October	.343
May	.581	November	.179
June	.715	December	0
ANNUAL: 3.873 acre-feet/year			

iii) Amounts in the table are preliminary estimates and subject to change. iv) A long-term lease of Aspinall Unit water will be obtained from the Bureau of Reclamation to augment against a call from below Blue Mesa Reservoir. 6) Names(s) and address(es) of owner(s) 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: Applicant. (8 pages). **GUNNISON COUNTY.**

**CASE NO. 2019CW3008 (REF NO. 12CW91, 05CW156, 89CW99); Gunnison County – Gunnison River. Applicant:** Quartz Creek Property Owners Association, a Colorado nonprofit corporation, c/o Bradley N. Switzer, P.O. Box 816, Montrose, CO 81402, (970) 249-8749; APPLICATION TO MAKE ABSOLUTE A CONDITIONAL WATER RIGHT OR, IN THE ALTERNATIVE, FOR FINDING OF REASONABLE DILIGENCE. **Name of Structure:** Chicago Park – Armstrong Spring Water System; **Location:** A point in Section 4, Township 50 North, Range 4 East, N.M.P.M., being 1,300 feet from the north line and 2,319 feet from the west line of said Section 4. **Source:** Ground water tributary to Quartz Creek, tributary to the Gunnison River. **Quantity:** 0.831 c.f.s., conditional. **Type of use:** Domestic purposes. **Appropriation date:** September 10, 1988. **Detailed outline of what has been done toward completion or for completion of the Appropriation and Application of water to a beneficial use as conditionally decreed:** A detailed description of what has been done toward completion of the Appropriation and Application of water to its decreed beneficial uses is attached to the

Application which is on file with the Water Clerk for Water Division No. 4. **GUNNISON COUNTY.**

**CASE NO. 2019CW3009 (07CW216, W-1359) MONTROSE COUNTY – MIDDLE FORK HORSEFLY CREEK, TRIBUTARY TO HORSEFLY CREEK, TRIBUTARY TO THE SAN MIGUEL RIVER.** APPLICATION FOR CHANGE OF WATER RIGHT AND TO MAKE ABSOLUTE. Applicant: Eldred Colorado Family, LP, c/o Sara Dunn, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602, 970-945-6546. CLAIM FOR CHANGE OF WATER RIGHT. Name of Structure: **Finch Reservoir** and its alternate place of storage decreed at the Middle Fork Reservoir. Finch Reservoir was orig. decreed for 21,900 AF, cond., in Case No. W-1359 on 2/16/1973. Legal Orig. Place of Storage for Finch Reservoir: The initial point of the dam is located at a pt. in the SE1/4 NE1/4 of Sect. 35, T. 46 N., R. 11 W., N.M.P.M., whence the NE corner of said Sect. 35 bears N. 5 degrees 32' E. 2,098 ft. from the initial pt. of the dam. The dam is located SE1/4 NE1/4 and the NE1/4 SE1/4 in said Sect. 35, and W1/2 NW1/4 of Sect. 36, T. 46 N., R. 11 W., N.M.P.M., Montrose County. Middle Fork Reservoir was decreed for 960 AF, cond., as an alternate place of storage for Finch Reservoir in Case No. 07CW216 on 6/1/09. Legal Alternate Place of Storage for Middle Fork Reservoir: SE1/4, NE1/4, Sect. 32, T. 46 N., R. 10 W., N.M.P.M. The location of the dam at creek is 1,460 ft. from the N. sect. line and 120 ft. from the E. sect. line of said Sect. 32. Source: Horsefly Creek and all of its tributaries, including the Middle Fork Horsefly Creek, all tributary to the San Miguel River. Approp. Date: 11/1/71. Amt. Claimed: Finch Reservoir is decreed for 21,900 AF and of that amt., 960 AF, cond., was approved to be stored at the alt. place of storage for the Middle Fork Reservoir. Uses: Dom., Pisc., Irrig., and Rec. Proposed Change: Applicant requests a change of water right to approve an alternate place of storage for a portion of the amount decreed to the Finch Reservoir alternate place of storage at the Middle Fork Reservoir. Applicant has constructed one component of the Middle Fork Reservoir complex which is located on the Middle Fork Horsefly Creek more than 500 feet from the decreed location of the Middle Fork Reservoir dam in Case No. 07CW216. Applicant requests an alternate place of storage for 16.5 acre feet at the as-built location of the Middle Fork Reservoir Alternate Place of Storage No. 1. No additional changes are requested. Legal Middle Fork Reservoir Alternate Place of Storage No. 1: NW1/4 NW1/4 of Sect. 33, T. 46 N., R. 10 W., N.M.P.M. UTM: Zone 13 Easting: 238813.0 Northing: 4232280.0. CLAIM TO MAKE ABSOLUTE. Original Decrees: Case No. W-1359 entered by the Dist. Court, Water Div. No. 4 on 2/16/73, as changed in Case No. 07CW216 entered by the Dist. Court, Water Div. 4 on 6/1/09. Subsequent Cases: 14CW3069, 06CW77, 00CW112, 99CW148, 93CW77, 92CW188, 87CW86, 86CW168, 82CW310, 82CW95, and W-3286. Structure: **Finch Reservoir**, cond. storage right. Legal Orig. Place of Storage for Finch Reservoir: The initial point of the dam is located at a pt. in the SE1/4 NE1/4 of Sect. 35, T. 46 N., R. 11 W., N.M.P.M., whence the NE corner of said Sect. 35 bears N. 5 degrees 32' E. 2,098 ft. from the initial pt. of the dam. The dam is located SE1/4 NE1/4 and the NE1/4 SE1/4 in said Sect. 35, and W1/2 NW1/4 of Sect. 36, T. 46 N., R. 11 W., N.M.P.M., Montrose County. Legal Middle Fork Reservoir Alternate Place of Storage No. 1: NW1/4 NW1/4 of Sect. 33, T. 46 N., R. 10 W., N.M.P.M. UTM: Zone 13 Easting: 238813.0 Northing: 4232280.0. Approp. Date: 11/1/71. Amt. Claimed: 16.5 AF. Use: Dom., Pisc., Irr., and Rec.. Physical Prop. of Reservoir: Surface Area of High-Water Line: 2.7 acres. Max. Height of Dam, in ft: 14 ft. Length of Dam, in ft: 306 ft. Total Capacity of Reservoir: 16.5 a.f. Active Capacity: 15.5 a.f. Dead Storage: 1.0 a.f. Date Water Applied to Beneficial Use: 1/12/18. Remarks: App. has made 16.5 a.f. of the Finch Reservoir

conditional water right absolute through construction of the Middle Fork Reservoir Alternate Place of Storage No. 1. (5 pages, 3 exhs.). **MONTROSE COUNTY.**

**CASE NO. 2019CW3010. (REF NO. 12CW97, 03CW259). OURAY COUNTY 1.** Dalwhinnie Group LLC, 6154 County Road 23, Ridgway CO 81432 , by Aaron R. Clay, P.O. Box 38, Delta CO 81416, 970-874-9777. APPLICATION FOR FINDING OF REASONABLE DILIGENCE 2. Name of Structures: Kettle Gulch Slough Diversion No. 1, Kettle Gulch Slough Diversion No. 2, Shining Mountain Well No. 1 3. Date of Original Decree: August 7, 2006 Case No. 03CW259; Court: Water Division No. 4. 4. Legal Description of decreed point of diversion: Kettle Gulch Slough Diversion No. 1 is located in the SW1/4NW1/4SE1/4 of Section 21, Township 45 North, Range 8 West N.M.P.M. at a point 1670 feet north of the south section line and 2430 feet west of the east section line, at UTM coordinates Easting 0259189m, Northing 4224361m, Zone 13 NAD83. Kettle Gulch Slough Diversion No. 2 is located in the NE1/4SE1/4SW1/4 of Section 21, Township 45 North, Range 8 West N.M.P.M. at a point 1315 feet north of the south section line and 2990 feet west of the east section line, at UTM coordinates Easting 0259015m, Northing 4224265m, Zone 13 NAD83. Shining Mountain Well No. 1 is located in the NE1/4SW1/4 of Section 21, Township 45 North, Range 8 West N.M.P.M. at a point 1590 feet north of the south section line and 2740 feet west of the east section line. Shining Mountain Well No. 1 also has an alternate point of diversion in the NW1/4SE1/4 of said Section 21, at a point 1525 feet from the south section line and 2510 feet from the east section line. 5. Date of Appropriation: April 30, 2002 for all structures. 6. Amounts: 0.128 c.f.s. remains conditional in Kettle Gulch Slough Diversion No. 1; 0.161 c.f.s. remains conditional in Kettle Gulch Slough Diversion No. 2; 0.278 c.f.s. remains conditional in Shining Mountain Well No. 1. 7. Uses: Kettle Gulch Slough Diversion No. 1: irrigation of 26 acres, in addition to ten acres already decreed absolute; Kettle Gulch Slough Diversion No. 2: irrigation of 29 acres, in addition to seven acres already decreed absolute; Shining Mountain Well No. 1: irrigation of 36 acres. 8. Source of Water: Kettle Gulch Slough, tributary to the Uncompahgre River groundwater tributary to the Uncompahgre River. 9. Claims for diligence: Applicant acquired the land and water rights in 2017 and since that time has done much development of the property, including but not limited to leveling of fields, installing fencing, installing irrigation pumps and pipelines, and engaging Wright Water Engineers (WWE) to do an assessment and report of all Dalwhinnie Ranch Water Rights and other matters related to these rights. The actions of WWE are detailed in the Application. **OURAY COUNTY.**

**CASE NO. 2019CW3011. GUNNISON COUNTY.** Applicant: Quartz Creek Land Company, c/o David H. Tippit, PO Box 24024, Denver, CO 80224, 303-324-1862. Please address all correspondence to: Peter D. Nichols, Esq., Megan Gutwein, Esq., Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302, (303) 402-1600. **APPLICATION FOR ABSOLUTE WATER RIGHTS ON QUARTZ CREEK, TRIBUTARY TO TOMICHI CREEK, TRIBUTARY TO THE GUNNISON RIVER. FIRST CLAIM: WATER RIGHT** 2. Name of structure: Carter Mine. 3. Legal description of point of diversion: The point of diversion is located at approximately 1500 feet south of the north section line and 2450 feet east of the west section line (also described as whence the SE corner of Tract 49, T. 50 N., R. 3 E., N.M.P.M. bears North 29° West 225 feet) as described in Case No. 97CW157 as the alternate point of diversion for the Tarkington Ditch. See map, Exhibit 1. 4. Source: Groundwater intercepted by the Carter Mine, tributary to Gold Creek (formerly known as Ohio Creek), tributary to the Gunnison River, discharged to Gold Creek at 362967 E, 276724 N, UTM NAD. (Gunnison County Assessor Parcel Number 3695-120-00-010). 5. Appropriation: A.



Date of initial appropriation: September 1, 2017. B. How appropriation was initiated: formulation of intent to apply water to beneficial use, constructing diversion structure, diverting water, and irrigating land. 6. Amount claimed: 3.00 cfs, absolute. 7. Uses or proposed uses: Irrigation; industrial including uses related to mining, milling, and ore processing. See map, Exhibit 2. A. Total number of acres proposed to be irrigated: 40. B. Place of use: For mining purposes at the point of diversion listed above; for irrigation of the land shown on Exhibit 2. 8. The land owner upon which this structure is located: Applicant. SECOND CLAIM: WATER RIGHT 9. Name of structure: Raymond Mine. 10. Legal description of point of diversion: The point of diversion is located at approximately 1500 feet south of the north section line and 2450 feet east of the west section line (also described as whence the SE corner of Tract 49, T. 50 N., R. 3 E., N.M.P.M. bears North 29° West 225 feet) as described in Case No. 97CW157 as the alternate point of diversion for the Tarkington Ditch. See map, Exhibit 1. 11. Source: Groundwater intercepted by the Raymond Mine, tributary to Gold Creek (formerly known as Ohio Creek), tributary to the Gunnison River, discharged to Gold Creek at 38° 37' 14.42" N, 106° 25' 13.56" W. (Gunnison County Assessor Parcel Number 3696-000-00-039). 12. Appropriation: A. Date of initial appropriation: September 1, 2017. B. How appropriation was initiated: formulation of intent to apply water to beneficial use, constructing diversion structure, diverting water, and irrigating land. 13. Amount claimed: 3.00 cfs, absolute. 14. Uses or proposed uses: Irrigation; industrial including uses related to mining, milling, and ore processing. See map, Exhibit 2. A. Total number of acres proposed to be irrigated: 40. B. Place of use: For mining purposes at the point of diversion listed above; for irrigation of the land shown on Exhibit 2. 15. The land owner upon which this structure is located: Applicant. WHEREFORE, the Applicant prays this Court enter a decree: a) Granting the subject water right as applied for herein; and b) Granting such other and further relief as the Court deems proper Total number of pages in application: 7, including 2 exhibits. **GUNNISON COUNTY.**

**CASE NO. 2019CW3012.** (CA1189) (CA1959) (CA2440) (W-445). Double RL Company, c/o Oakley Kelly, Ranch Manager, 5180 Highway 62, Ridgway, Colorado 81432, Phone: (970) 626-5485; E-mail: oakley@rrlranh.com. Attorneys for Applicant: Richard A. Johnson, David F. Bower, Michael S. Davidson, JOHNSON & REPUCCI LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027; Phone: 303-442-1900; Fax: 303-442-0191. Application To Correct Legal Description Of Structure And For A Change Of Water Right To Alternate Points Of Diversion in OURAY COUNTY, Colorado. Name and Description of Water Rights. Name of Structures. Lischke Ditch and Brown Ditch (a/k/a Brown Ditch No. 271). Original Decrees. The Lischke Ditch was originally decreed on June 12, 1903, in Civil Action No. 1189, Ouray County, Water District 68. Additional water rights and additional points of diversion were decreed for the Lischke Ditch on May 11, 1942, in Civil Action 1959, Ouray County, Water District 68. The legal description of the Lischke Ditch points of diversion were corrected in Case No. W-445, Water Division 4. The Brown Ditch was originally decreed on April 14, 1961, in Civil Action No. 2440, Ouray County, Water District 68, 5th Adjudication. Decreed Legal Description of Points of Diversion. The three decreed Lischke Ditch points of diversion are legally described in Case No. W-445 as follows: On the west bank of the west fork of the Dallas River at a point about one-fourth of a mile southwest of the southwest corner of Section 26, Township 45 North, Range 9 West, N.M.P.M. Near the corner line in the southwest corner of Section 26, Township 45 North, Range 9 West, on the East Bank of the West Fork of the Dallas River. About 300 feet North of the second point of diversion on the East Bank of the West Fork of the Dallas River. The headgate of the Brown Ditch is legally described as located on the

East bank of the West Fork of Dallas Creek, at a point about 100 feet upstream from the headgate of the Barker Ditch, and the headgate of said Barker Ditch is located on the west bank of said West Fork of Dallas Creek at a point whence the quarter section corner between Sections 23 and 24, Township 45 North, Range 9 West, N.M.P.M. bears North 35°12' East 9,855 feet. Source. West Fork of Dallas Creek, tributary to Dallas Creek, tributary to the Uncompahgre River. Decreed Amounts and Uses. Lischke Ditch. 6 cfs, absolute, for irrigation. Priority No. 36A (a/k/a Priority No. 125): 0.5 cfs. Priority No. 145A: 1.5 cfs. Priority No. 62: 4.0 cfs. Brown Ditch. 5.0 cfs, absolute, for irrigation. Dates of Appropriation. Lischke Ditch. Priority No. 36A (a/k/a Priority No. 125): May 1, 1879. Priority No. 145A: November 15, 1896. Priority No. 62: November 15, 1896. Brown Ditch. July 1, 1920. Correction of Points of Diversion for the Lischke Ditch. In a recent site visit, Applicant's engineering consultants determined that the actual points of diversion for the Lischke Ditch are located south of their corresponding decreed points of diversion. As a result, Applicant seeks to correct the legal description of the points of diversion for the Lischke Ditch as follows: The corrected location of the first point of diversion is on the West Fork of Dallas Creek, in the SE1/4 NE1/4 of Section 34, Township 45 North, Range 9 West of the N.M.P.M., at a point approximately 1842 feet South of the North section line and 773 feet West of the East section line (Zone 13, NAD83, Easting 251051m, Northing 4221921m). The corrected location of the second point of diversion is on the West Fork of Dallas Creek, in the NE1/4 NE1/4 of Section 34, Township 45 North, Range 9 West of the N.M.P.M., at a point approximately 823 feet South of the North section line and 259 feet West of the East section line (Zone 13, NAD83, Easting 251214m, Northing 4222229m). The corrected location of the third point of diversion is on the West Fork of Dallas Creek, in the NE1/4 NE1/4 of Section 34, Township 45 North, Range 9 West of the N.M.P.M., at a point approximately 327 feet South of the North section line and 114 feet West of the East section line (Zone 13, NAD83, Easting 251264m, Northing 4222378m). The map attached as Exhibit A shows the currently decreed and actual locations of the three points of diversion decreed to the Lischke Ditch. As previously decreed in Civil Action No. 1959, Ouray County, Water District 68, and corrected in Case No. W-445, the Lischke Ditch water right may be diverted at any of its three decreed points of diversion. Change of Point of Diversion for Brown Ditch to Add Alternate Point of Diversion. Applicant also seeks to add an alternate point of diversion for the Brown Ditch water right so that it can be diverted at the Lischke Ditch points of diversion set forth above. There are no decreed instream flow rights between the decreed location of the Brown Ditch point of diversion and the corrected Lischke Ditch points of diversion and the only intervening surface points of diversion are owned by Applicant. Moreover, the change in point of diversion will not result in diversion of the Brown Ditch water right at a greater flow rate or amount of water than was originally decreed to, or that was physically and legally available at, the Brown Ditch headgate. Accordingly, the requested change will not injure the owner of or persons entitled to use water under a vested water right or a decreed conditional water right. Name of Landowner upon which any New or Modified Diversion Structure is Located. The Lischke Ditch and the Brown Ditch are located on land owned by Applicant. 6 pages. **OURAY COUNTY**.

**AMENDED/CORRECTED:**

**CASE NO. 19CW3002 (Ref No. 05CW235 and 12CW82)** . Applicant: Bear Ranch, LLC. 30682 County Road No. 12, Somerset, CO 81434, c/o O'Hayre Dawson, PLLC, 120 N. Taylor Street, Gunnison, Colorado 81230. Application to Make Absolute and for Finding

of Reasonable Diligence – Hughes Spring No's. 1-3. HUGHES SPRING NO. 1: The SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , of Section 4, Township 12 South, Range 89 West of the 6<sup>th</sup> P.M. approximately 1,953 feet south of the north section line and 1,352 feet east of the west section line of said Section 4 (Gunnison County). (Zone 13, NAD83, Easting 0297023m, Northing 4324312m). HUGHES SPRING NO. 2: The NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , of Section 4, Township 12 South, Range 89 West of the 6<sup>th</sup> P.M. approximately 2,383 feet north of the south section line and 2,08 feet west of the east section line of said Section 4 (Gunnison County) (Zone 13, NAD83, Easting 0297424.5m, Northing 4324101m). HUGHES SPRING NO. 3: The SW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  of Section 4, Township 12 South, Range 89 West of the 6<sup>th</sup> P.M. approximately 1,930 feet north of the south section line and 1,057 feet west of the east section line of said Section 4 (Gunnison County) (Zone 13, NAD83, Easting 0297891.5m, Northing 4323950m). Appropriation Date for Hughes Spring No's 1-3: September 30,2005. Source for Hughes Spring No's 1-3: Water tributary to Muddy Creek tributary to the North Fork of the Gunnison River, tributary to the Gunnison River, tributary to the Colorado River. Amount claimed for Hughes Spring No's. 1-3: 0.06 c.f.s/ combined 0.02 c.f.s per spring. Use for Spring No. 1: 0.02 c.f.s for domestic purposes inside one single-family dwelling. Use for Spring No's. 2 and 3: each for 0.02 c.f.s. of water for stock watering and domestic purposes inside one single-family dwelling each. Applicant seeks entry of a decree for an absolute water right for stockwatering for the Hughes Springs Nos. 2 and 3, and a finding of reasonable diligence and continuing the conditional status for the Hughes Spring Nos. 1-3 for domestic use within one single family dwelling for each spring. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of April, 2019 to file with the Water Clerk 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: \$192.00; 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