

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 June 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. 2019CW19. Applicant David Richmond, 20290 Little Cimarron Road, Cimarron, CO 81220. Application for Surface Water Right - Richmond Pump & Pipeline. - Easting 281446, Northing 4252385, Zone 13. Source: Little Cimarron River, Cimarron River, Gunnison River. Appropriation Date: 04/01/1999. Amount Claimed 10 g.p.m. for irrigation of approximately 0.45 acres of lawn. **MONTROSE COUNTY.**

CASE NO. 2019CW20 (REF NO. 13CW37, 06CW201). Applicant: Kenneth Graven, 586 Preserve Lane, Grand Junction, CO 81507. Application For Finding of Reasonable Diligence – Graven Ridge Pond – SE1/4SW1/4NE1/4 of Section 9, T49N, R10W, NMPM. 2,444 feet south of the north line and 1,439 feet west of the east section line. Source: Spring Creek, Uncompahgre River. Appropriation Date: 10/01/2006. Amount Claimed: 1.0 acre-foot for irrigation of 15 acres, wildlife and fish culture. The application on file with the Water Court contains an outline of the work performed during the diligence period. **MONTROSE COUNTY.**

CASE NO. 2019CW21. Applicant: Earl and Francis Partch, 301 S. 2nd Street, Gunnison, CO 81230. Application for Surface Water Right: Palisade Tailwater Ditch - SW1/4NW1/4 of Section 2, T49N, R1W, N.M.P.M. 2,323 feet from the north line and 788 feet from the west section line. Source: Gunnison River. Appropriation Date: 06/01/2016. Amount Claimed: 1.0 c.f.s. absolute for irrigation and stockwater. **GUNNISON COUNTY.**

CASE NO. 20219CW22 (REF NO. 13CW8, 06CW95). Applicant: Michelle Anderson, 12347 3600 Road, Hotchkiss, CO 81419. Application for Finding of Reasonable Diligence: Barker Spring - NW1/4NE1/4SE1/4 of Section 17, T14S, R92W, 6th P.M. 2,504 feet north of the south line and 1,225 feet west of the east section line. Source: Jay Creek, North Fork of the Gunnison River, Gunnison River. Appropriation Date: 03/23/2006. Amount Claimed: .033 c.f.s. conditional for domestic use in one single-family dwelling. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2019CW3030 (REF NO. 12CW112, 04CW104, 95CW154, 95CW153, 88CW61, 88CW60, 84CW170, 84CW169, 80CW17, 80CW16, W-1476, W-1475); Gunnison County – Quartz Creek and 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 FOR FINDING OF REASONABLE DILIGENCE. Description of conditional water rights: (I) Chicago Park Mine Shaft No. 2. Location:** A point in the Southeast Quarter Northeast Quarter

Northeast Quarter, Section 5, Township 50 North, Range 4 East, N.M.P.M., which is 41 feet west of the east section line and 925 feet south of the north section line of said Section 5. **Source:** Ground water tributary to Quartz Creek, tributary to the Gunnison River. **Quantity:** 0.495 c.f.s. **Type of use:** Domestic, municipal, fire protection and recreational. **Appropriation date:** October 1, 1972. **(II) Chicago Park Mine Shaft No. 3. Location:** A point in the Southwest Quarter Northeast Quarter, Section 5, Township 50 North, Range 4 East, N.M.P.M., which point is 1,305 feet south of the north section line and 2,567 feet west of the east section line of said Section 5. **Source:** Ground water tributary to Quartz Creek, tributary to the Gunnison River. **Quantity:** 0.22 c.f.s. **Type of use:** Domestic, municipal, fire protection and recreational. **Appropriation date:** October 1, 1972. **Description of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** The Application contains a detailed description of work undertaken by the Applicant and the expenditures associated therewith. **Remarks:** The water rights described in the Application constitute a single system for the delivery of water for beneficial use by the Applicant and individual lot owners who are members of the Quartz Creek Property Owners Association. **GUNNISON COUNTY..**

CASE NO. 2019CW3031. GUNNISON COUNTY – TRIBUTARIES TO EAST MUDDY CREEK, MUDDY CREEK, NORTH FORK OF THE GUNNISON RIVER, AND GUNNISON RIVER. Steev and Ashley Wilson c/o Paul L. Noto, Esq., and Danielle L. Van Arsdale, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION FOR SURFACE WATER RIGHTS AND WATER STORAGE RIGHT. **First Claim:** Wilson Family Spring No. 1. Legal Description: NE¼, NW¼ of Section 31, Township 11 S, Range 89 W of the 6th P.M; UTM Zone 13, NAD83: X=294248.3, Y=4326285.3. Source: Springs, seepage, and local runoff tributary to East Muddy Creek, Muddy Creek, the North Fork of the Gunnison River, and the Gunnison River. Amount: 0.0022 c.f.s. conditional. Uses: Irrigation, wildlife watering, and filling the Wilson Family Pond. **Second Claim:** Wilson Family Spring No. 2. Legal Description: NE¼, NW¼ of Section 31, Township 11 S, Range 89 W of the 6th P.M; UTM Zone 13, NAD83: X=294234.1, Y=4326282.5. Source: Springs, seepage, and local runoff tributary to East Muddy Creek, Muddy Creek, the North Fork of the Gunnison River, and the Gunnison River. Amount: 0.0067 c.f.s. conditional. Uses: Irrigation, wildlife watering, and filling the Wilson Family Pond. **Third Claim:** Wilson Family Pond. Legal Description: NE¼, NW¼ of Section 31, Township 11 S, Range 89 W of the 6th P.M; UTM Zone 13, NAD83: X=294241.9, Y=4326394.4. Source: Springs, seepage, and local runoff tributary to East Muddy Creek, Muddy Creek, the North Fork of the Gunnison River, and the Gunnison River via the Wilson Family Spring Nos. 1 and 2. Volume: 0.78 acre-foot conditional. Fill rate: Up to 0.01 c.f.s. via the combined Wilson Family Spring Nos. 1 and 2. Surface area: 0.17 acre. Uses: Irrigation, wildlife watering, aesthetic, recreation, and fire protection. Appropriation date for all claims: April 27, 2019: Located springs via field inspection, engaged water attorney, measured spring flows, and formulated intent to apply water to beneficial use. Irrigation from above water rights will be a combined total of one (1) acre on Applicant's property. A map of water rights and place of use is on file with the court as Exhibit A. Applicants own the land where water rights are located and where water is or will be put to beneficial use. **GUNNISON COUNTY.**

CASE NO. 2019CW3032 (REF NO. 13CW16, 06CW82, 99CW121). GUNNISON COUNTY. KK SPRING. Castor Investments, LLC c/o O'Hayre Dawson, PLLC, 120 North Taylor Avenue, P.O. Box 179, Gunnison, Colorado 81230, (970) 641-3326.

APPLICATION TO MAKE ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE. Name of structure: KK Spring. Description of conditional water right: Original decree: July 14, 1999, Case No. 99CW121, Division 4 Water Court. Subsequent decrees: June 24, 2013, Case No. 2013CW016, Division 4 Water Court. Legal description: NE ¼ NW ¼ SW ¼, Section 1, Township 15 South, Range 87 West, 6th P.M., 1150 feet east of the west section line and 2180 feet north of the south section line (Gunnison County). Source: Tributary to the Gunnison River. Appropriation date: July 14, 1999. Amount and use: 0.02 c.f.s. Use: Domestic. A detailed outline of work toward completion of the appropriation and application of water to a beneficial use, including expenditures is on file with the Court. Name and address of owner of land on which the structure is located and upon which water is or will be placed to beneficial use: Applicant. **GUNNISON COUNTY.**

CASE NO. 2019CW3033 (REF NO. 12CW133). Delta County - Gunnison River; Harold A. Matteson and Deborah L. Matteson; c/o John R. Pierce and Bruce C. Walters, Dufford, Waldeck, Milburn & Krohn, LLP, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR FINDING OF REASONABLE DILIGENCE; Name and address of applicants: Harold A. Matteson and Deborah L. Matteson; 30000 J Road; Hotchkiss, CO 81419; (970) 589-3013; Request for finding of diligence: Name of structure: Little Mary Ditch, Second Enlargement; Describe conditional water right: Original Decree: Case No. 2012CW133; June 24, 2013; Legal description: SW/4 SW/4 NE/4 of Section 32, Township 14 South, Range 93 West, 6th P.M., at a point 2,179 feet from the east section line and 2,109 feet from the north section line (NAD83, Zone 13, Easting 0256118m, Northing 4297718m); Source of water: Allen Gulch, tributary to the North Fork of the Gunnison River; Appropriation Date: June 1, 1905, for irrigation and stock; June 1, 2012, for hydroelectric power generation; Amount: 1.5 c.f.s., conditional, for hydroelectric power generation and 1.5 c.f.s. absolute for stock watering; Use: Hydroelectric power generation and stock watering; Outline of work toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicants continued to diligently construct the powerhouse and penstock where they plan on applying their conditional right towards beneficial use. Applicants expended \$21,000.00 to purchase an excavator which is a job-specific machine needed to construct the penstock and access road to reach the powerhouse. In addition, Applicants purchased the turbine and generator for installation at the powerhouse. In total, Applicants spent 23 days on work related to the development of the Little Mary Ditch, Second Enlargement for hydroelectric power generation. (3 pages). **DELTA COUNTY.**

CASE NO. 2019CW3034. 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 APPROVAL OF A PLAN FOR AUGMENTATION 2. Name of Structures to be Augmented: **Patzau Well No. 1, Shining Mountain Well No. 1, Dalwhinnie Well Field.** 3. Name and location of water rights used for augmentation: **McDonald Cuddigan Ditch**, decreed for 0.625 c.f.s. as Priority 6 in the first general adjudication, case No. CA939. Applicant owns 37.5% of this priority or 0.23 c.f.s. of priority 6. It is located on the west bank of the Uncompahgre River 30 rods west of the SE corner of Section 21, Township 45 North, Range 8 West, N.M.P.M. UTM coordinates X: 259712, Y: 4223763, NAD 83 Zone 13; also described as 157 feet from the north section line and 517 feet from the east section line of Section 28. 4. Date of Appropriation: May 10, 1876; 5. Decreed Use: Per decree in CA939, total acreage is 25 acres of which Applicant owns and irrigates 10 acres. 6. Locations of structures to be

augmented: **Patzau Well No. 1**, located in the SE1/4NW1/4 of Section 21, Township 45 North, Range 8 West, N.M.P.M. at a point 2900 feet north of the south section line and 2900 feet east of the west section line of irregular Section 21. **Shining Mountain Well No. 1**, located in the NE1/4SW1/4 of Section 21, Township 45 North, Range 8 West, N.M.P.M. at a point 1745 feet north of the south section line and 2653 feet east of the west section line of irregular Section 21. **Dalwhinnie Well Field**, a series of wells to be drilled as shown on Figure 2 attached to the Application, the exact locations of which will be specified in future well permit applications, but which will be in the following quarter-quarters of Section 21, Township 45 North, Range 8 West, N.M.P.M.: SE1/4NW1/4; SW1/4NE1/4; NE1/4SW1/4; SE1/4SW1/4; NW1/4SE1/4 and NE1/4SE1/4. These structures all will take groundwater and transmit it to the greenhouse for commercial use.

7. Statement of the Plan for Augmentation: Applicant operates a commercial greenhouse on its property. Applicant has calculated its maximum consumptive use at 24.69 acre-feet, of which 8.42 acre-feet occurs during the historic call period on the Uncompahgre River. The water is supplied by the Patzau Well No 1, the Shining Mountain Well and soon by the proposed Dalwhinnie Well Field. Applicant proposes drying up 4.6 acres of the land historically irrigated by the McDonald Cuddigan Ditch, priority 6, which should yield 8.42 acre feet of stream depletion credits. The stream depletion credits are greater than the maximum consumptive use of the greenhouse during the historic call period. However, there are shortages in some months, totaling 2.12 acre-feet. Applicant will construct an augmentation pond on its property, which will hold 3.5 acre-feet of water, and make this water available to be released to satisfy any such shortage. The pond will be located in the NE1/4SW1/4 of Section 21, Township 45 North, Range 8 West, N.M.P.M. at a point 2,025 feet north of the south section line and 1,889 feet east of the west section line of irregular Section 21, at UTM coordinates X: 258841, Y: 4224457, NAD 83 Zone 13. By drying up these lands and making water from the augmentation pond available to be released to the River, Applicant will have compensated for all of its consumptive use in the greenhouse. Applicant reserves the right to add additional augmentation sources. **OURAY COUNTY.**

AMENDED/CORRECTED:

CASE NO. 2018CW46. DELTA COUNTY Applicant: Wild Cooperative, LLC, 44516 Needlerock Road, Crawford, CO 81415, 970-921-5351. Applicants request a change of water right, a conditional underground water right, and a conditional storage right. 1. APPLICATION FOR CHANGE OF WATER RIGHT, Name of Structure: Young Ditch; Legal Description of Points of Diversion: NWSWSE of Section 28, T15S, R91W in the 6th P.M. (274711 Easting, 4287373 Northing); Date of Appropriation: September 15, 1884; Amount: 1.0 cfs absolute; Use: Irrigation and augmentation; Source of Water: Smith Fork. 2. APPLICATION FOR CONDITIONAL UNDERGROUND WATER RIGHT, Name of Structure: Wild Cooperative Well; Legal Description of Points of Diversion: SWSE of Section 23, T15S, R91W in the 6th PM (280251 Easting, 4289688 Northing); Date of Appropriation: December 4, 2014; Amount: 15 gpm Use: Domestic/Lawn & Garden x 4; Source of Water: Groundwater tributary to the Smith Fork River. 3. APPLICATION FOR CONDITIONAL STORAGE RIGHT, Name of Structure: Wild Cooperative Pond; Legal Description of Points of Diversion: SWSE of Section 23, T15S, R91W in the 6th PM (280191 Easting, 4289696 Northing); Amount: 0.17 acre feet; Use: Recreational, piscatorial and stock; Source of Water: Irrigation return flows and/or Little Coal Creek Ditch or Smith Fork. **DELTA COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of August, 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). DARLEEN CAPPANNOKEEP, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401