

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 March 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. 2019CW10 (REF NO. 12CW118). Applicant: Betty Gerling, P.O. Box 661, Ridgway, CO 81432. Application for Surface and Storage Water Rights: Gerling Spring No. 2 - Easting 243033, Northing 4219154, Zone 13. Source: Leopard Creek, San Miguel River. Appropriation Date: 10/22/2012. Amount Claimed: .042 c.f.s. absolute to fill Gerling Pond No. 2. Gerling Pond No. 2 - Easting 243058, Northing 4219189, Zone 13. Source: Leopard Creek and the San Miguel River. Appropriation Date: 10/22/2012. Amount Claimed: .41 acre-feet absolute for stockwater and wildlife. The application on file with the Water Court contains an outline of the work performed during the diligence period. **SAN MIGUEL COUNTY.**

CASE NO. 2019CW11 (REF NO. 12CW125, 06CW66). Applicant: Zachary Jones, 24864 Lazy Lizard Road, Hotchkiss, CO 81419. Application to Make Absolute: Lazy Lizard Reservoir – SW1/4NE1/4NE1/4 of Section 28, T14S, R94W, 6th PM, 703 feet south of the north line and 883 feet west of the east section line. Source: Gunnison River. Appropriation Date: 04/04/06. Amount Claimed: 7.50 acre feet absolute for irrigation of 2 acres, domestic use in one single family dwelling, fire protection, stockwater, fish culture, recreation and wildlife. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2019CW3013. Mesa County - Gunnison River; James J. McCurter and Melynda McCurter; c/o John R. Pierce, Dufford, Waldeck, Milburn & Krohn, LLP, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR GROUNDWATER RIGHT AND REQUEST FOR APPROVAL OF PLAN FOR AUGMENTATION; Name, address, and telephone number of applicants: James J. McCurter and Melynda McCurter, 990 Highway 141, Whitewater, CO 81527; Request for groundwater right: Name of well and permit number: McCurter Well (Permit No. 279268); Legal description: NE/4 SW/4 of Section 14, Township 2 South, Range 1 East, of the Ute P.M., at a point 378 feet from the west section line and 2,005 feet from the south section line. (UTM Zone 13, NAD83: E 200678; N 4320404); Source: Groundwater tributary to the Gunnison River; Depth of well: 283 feet; Date of appropriation: February 28, 2019; How appropriation was initiated: By filing this application; Date water applied to beneficial use: The McCurter Well has been in use as a domestic exempt well since February 2007. However, beneficial use under the water right requested in this decree will not occur until a decree and a new well permit are issued for the McCurter Well; Augmentation plan associated with operation of the well: An augmentation plan is requested in this application; Uses: Domestic use in up to three single family dwellings, livestock watering (4 horses and 6 cows), and irrigation; Regarding irrigation: Up to 1.25

acres of land, located on the 13-acre parcel owned by Applicants, located in Section 28, T12S, R99W, 6th P.M. and Section 14, T2S, R1 E, Ute P.M.; Request for approval of plan for augmentation: Name of structure to be augmented: McCurter Well; Details regarding augmented structure: See above; Water rights to be used for augmentation: Augmentation water to support the augmentation plan requested in this case will be obtained through a water supply contract with the Bureau of Reclamation for releases from Blue Mesa Reservoir; Information regarding water rights used for augmentation: Blue Mesa Reservoir: Date of original decree and Case Nos.: Case No. 6981 was decreed on March 30, 1960, in Montrose County District Court; Case No. 80CW156 was decreed in Division No. 4 Water Court on December 11, 1980; Type of water right: Storage; Legal description of storage structure: 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, whence the SW corner of section 31, T49N, R4W, NMPM bears North 78°36'44" West a distance of 3,207.07 feet; Source: Gunnison River; Appropriation date: November 11, 1957; Amount: 1,063,457 a.f.; Decreed use: domestic, municipal, irrigation, stock watering, industrial, hydropower, piscatorial, wildlife, recreation and other purposes; Statement of plan for augmentation: Domestic water demand: The estimated water demand associated with domestic use in three single family homes ranges from 0.09 to 0.10 a.f. per month, or 1.19 a.f. per year. This domestic water demand estimate assumes 100 gallons per person per day and an average of 3.5 people per household. Wastewater from each household will be discharged into a septic system, for which overall depletions are estimated to be 10 percent of demand; Livestock water demand: Water demand for livestock watering from the McCurter Well is 0.12 a.f. per year. The estimated water demand for livestock watering of up to four horses and six cows was calculated using a water requirement of 11 gallons per day per animal for both horses and cows. All water pumped from the McCurter Well for livestock watering is assumed to be 100 percent consumptive; Irrigation water demand: Irrigation will occur in two phases of well use. During Phase 1, water from the McCurter Well will be used to irrigate up to 0.5 acres of home lawns and gardens. During Phase 2, up to 1.25 acres of home lawns and gardens may be irrigated. Sprinkler irrigation will be used for all irrigated areas with an 85% efficiency. Irrigation demand was estimated by using the StateCU software to estimate irrigation water requirements for blue grass. The depletions attributed to irrigation are equivalent to the computed irrigation water requirement of 1.46 a.f. per year during Phase 1 and 3.66 a.f. per year during Phase 2; Depletions: During Phase 1, the total demand is projected to be 3.03 a.f., with associated depletions of 1.7 a.f. The total demand during Phase 2 is projected to be 5.61 a.f., with associated depletions of 3.90 a.f. When delayed impacts to the Gunnison River are considered, annual depletions equal approximately 1.66 a.f. for Phase 1 and 3.78 a.f. for Phase 2; Operation of plan: The primary calling structure downstream of the McCurter Well is the Redlands Power Canal (RPC), which holds three separately decreed rights: 670 c.f.s. absolute decreed in Case No. CA1927 with a July 31, 1905, appropriation date and a July 22, 1912, adjudication date ("Senior Redlands Right"); 80 c.f.s. absolute decreed in Case No. CA8303 with a June 26, 1941, appropriation date and a July 21, 1959, adjudication date (together with the 100 c.f.s. right below, "Junior Redlands Rights"); 100 c.f.s. absolute decreed in Case No. 94CW0228 with an October 1, 1994, appropriation date and a December 31, 1994, adjudication date (together with the 80 c.f.s. right above, "Junior Redlands Rights"); Potential call period: Potential out-of-priority depletions under this plan for augmentation are based on potential call periods for both the Senior Redlands Right and the Junior Redlands Rights during the extreme drought conditions that existed in 2002-2003. The call periods correspond to the maximum number of days for any

given month over the two-year period when Gunnison River flows at the RPC diversion were less than the decreed amounts for the RPC's water rights; Replacement water: To address potential out-of-priority depletions from the use of the McCurter Well, Applicants will obtain a water supply contract from the U.S. Bureau of Reclamation for the annual purchase of replacement water to be released from Blue Mesa Reservoir. During Phase 1, Applicants will purchase a contract for 1 a.f. During Phase 2, Applicants will purchase a water supply contract for 2 a.f. The water purchase obligation assumes a 30 percent conveyance loss in accordance with Water Division 4 guidance. (6 pages). **MESA COUNTY.**

CASE NO. 2019CW3014 (REF NO. 12CW63 and 05CW157). Applicant Bear Ranch, LLC, c/o O'Hayre Dawson, PLLC, 120 North Taylor Street / P.O. Box 179, Gunnison, Colorado 81230. Application to Make Absolute and for Cancellation of Conditional Water Rights: **Bear Ranch Elk Wallow Spring** – The SW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 26, Township 12 South, Range 89 West of the 6th P.M., approximately 2567 feet south of the north section line and 89 feet east of the west section line of said Section 26 (Gunnison County). Source: Williams Creek, tributary to Muddy Creek, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River, tributary to the Colorado River. Appropriation Date: July 1, 2005. Amount: 0.217 cfs, conditional for livestock watering and 0.25 cfs, conditional for irrigation of 4 acres. The application on file with the Water Court contains an outline of the work performed during the diligence period, request for absolute rights, and request to cancel conditional rights. **GUNNISON COUNTY. Bear Ranch Horse Spring and Pond** – The NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 28, Township 12 South, Range 89 West of the 6th P.M., approximately 1991 feet north of the south section line and 719 feet west of the east section line of said Section 26 (Gunnison County). Source: Williams Creek, tributary to Muddy Creek, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River, tributary to the Colorado River. Appropriation Date: July 1, 2005. Amounts and uses: 0.15 acre-foot, conditional. Used for irrigation, wildlife, and livestock watering. Surface area of high water line: 1900 square feet - Height of dam: Under 2.0 feet - Length of dam: Under 35 feet. Reservoir Capacity: 0.15 acre-foot - Active capacity: 0.10 acre-foot - Dead storage: 0.5 acre-foot. The application on file with the Water Court contains an outline of the work performed during the diligence period, request for absolute rights, and request to cancel conditional rights. **GUNNISON COUNTY. Bear Ranch Cattail Pond** – The SE $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 27, Township 12 South, Range 89 West of the 6th P.M., approximately 1989 feet south of the north section line and 1430 feet west of the east section line of said Section 27 (Gunnison County). Source: Williams Creek, tributary to Muddy Creek, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River, tributary to the Colorado River. Appropriation Date: July 1, 2005. Amounts and uses: 0.10 acre-foot, conditional. Used for irrigation, fire protection, wildlife, and livestock watering. Surface area of high water line: 1250 square feet - Height of dam: Under 2.0 feet - Length of dam: Under 25 feet. Reservoir Capacity: 0.15 acre-foot - Active capacity: 0.07 acre-foot - Dead storage: 0.03 acre-foot. The application on file with the Water Court contains an outline of the work performed during the diligence period, request for absolute rights, and request to cancel conditional rights. **GUNNISON COUNTY.**

CASE NO. 2019CW3015 (REF NO. 12CW62 and 05CW180). Applicant Bear Ranch, LLC, c/o O'Hayre Dawson, PLLC, 120 North Taylor Street / P.O. Box 179, Gunnison, Colorado 81230. Application to Make Absolute and for Cancellation of Conditional Water Rights: **L Ranch Spring Nos. 1-13, 15-17** – L Ranch Spring No. 1: The SE $\frac{1}{4}$,

NW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 1, Township 13 South, Range 89 West of the 6th P.M., approximately 3054 feet south of the north section line and 843 feet east of the west section line of said Section 1. L Ranch Spring No. 2: The NW $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 1, Township 13 South, Range 89 West of the 6th P.M. approximately 2640 feet south of the north section line and 636 feet east of the west section line of said Section 1. L Ranch Spring No. 3: The NW $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 1, Township 13 South, Range 89 West of the 6th P.M., approximately 1976 feet south of the north section line and 269 feet east of the west section line of said Section 1. L Ranch Spring No. 4: The NE $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 2, Township 13 South, Range 89 West of the 6th P.M., approximately 1352 feet south of the north section line and 524 feet west of the east section line of said Section 2. L Ranch Spring No. 5: The NE $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 2, Township 13 South, Range 89 West of the 6th P.M., approximately 2075 feet south of the north section line and 411 feet west of the east section line of said Section 2. L Ranch Spring No. 6: The NW $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 2, Township 13 South, Range 89 West of the 6th P.M., approximately 2389 feet south of the north section line and 2074 feet west of the east section line of said Section 2. L Ranch Spring No. 7: The SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 2, Township 13 South, Range 89 West of the 6th P.M., approximately 2862 feet south of the north section line and 2287 feet east of the west section line of said Section 2. L Ranch Spring No. 8: The SW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, of Section 2, Township 13 South, Range 89 West of the 6th P.M., approximately 2947 feet north of the south section line and 340 feet east of the west section line of said Section 2. L Ranch Spring No.9: The NW $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, of Section 2, Township 13 South, Range 89 West of the 6th P.M., approximately 2521 feet north of the south section line and 377 feet east of the west section line of said Section 2. L Ranch Spring No. 10: The NE $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 3, Township 13 South, Range 89 West of the 6th P.M., approximately 2040 feet north of the south section line and 378 feet west of the west section line of said Section 3. L Ranch Spring No. 11: The NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 2, Township 13 South, Range 89 West of the 6th P.M., approximately 888 feet south of the north section line and 1072 feet east of the west section line of said Section 2. L Ranch Spring No. 12: The SW $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 35, Township 13 South, Range 89 West of the 6th P.M., approximately 1355 feet north of the south section line and 1348 feet east of the west section line of said Section 35. L Ranch Spring No. 13: The SW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$ pf Section 35, Township 13 South, Range 89 West of the 6th P.M., approximately 1355 feet north of the south section line and 1348 feet east of the west section line of said Section 35. L Ranch Spring No. 15: The NE $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 34, Township 12 South, Range 89 West of the 6th P.M., approximately 1356 feet south of the north section line and 2284 feet east of the west section line of said Section 34. L Ranch Spring No. 16: The SE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 34, Township 12 South, Range 89 West of the 6th P.M., approximately 2422 feet south of the north section line and 915 feet east of the west section line of said Section 34. L Ranch Spring No. 17: The NW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 34, Township 12 South, Range 89 West of the 6th P.M., approximately 849 feet north of the south section line and 1985 feet east of the west section line of said Section 34. Source: Water tributary to Anthracite Creek or Deep Creek, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River, tributary to the Colorado River. Appropriation Date: September 1, 1990 for the absolute use and October 28, 2005 for the conditional uses. Amount: 0.05 cfs, absolute, for stock watering purposes, and 0.05 cfs, conditional, for irrigation purposes.

L Ranch Ponds Nos. 1 – 10 – L Ranch Pond No. 1: The NE $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 2, Township 13 South, Range 89 West of the 6th P.M., approximately 2191 feet south of the north section line and 346 feet west of the east section line of said Section 2. L Ranch Pond No. 2: The NW $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 2, Township 13 South,

Range 89 West of the 6th P.M., approximately 2443 feet south of the north section line and 2145 feet west of the east section line of said Section 2. L Ranch Pond No. 3: The SW ¼, NE ¼, SW ¼ of Section 2, Township 13 South, Range 89 West of the 6th P.M., approximately 1879 feet south of the north section line and 1353 feet east of the west section line of said Section 2. L Ranch Pond No. 4: The NE ¼, NE ¼, SE ¼ of Section 3, Township 13 South, Range 89 West of the 6th P.M., approximately 2038 feet north of the south section line and 259 feet west of the east section of said Section 2. L Ranch Pond No. 5: The NW ¼, NW ¼, NW ¼ of Section 2, Township 13 South, Range 89 West of the 6th P.M., approximately 477 feet south of the north section line and 332 feet east of the west section line of said Section 2. L Ranch Pond No. 6: The NW ¼, SE ¼, SW ¼ of Section 35, Township 12 South, Range 89 West of the 6th P.M., approximately 669 feet north of the south section line and 1467 feet east of the west section line of said Section 35. L Ranch Pond No. 7: The SW ¼, SE ¼, NW ¼ of Section 34, Township 12 South, Range 89 West of the 6th P.M., approximately 248 feet north of the south section line and 1829 feet east of the west section line of said Section 35. L Ranch Pond No. 8: The NE ¼, SE ¼, NW ¼ of Section 34, Township 12 South, Range 89 West of the 6th P.M., approximately 1350 feet south of the north section line and 2387 feet east of the west section line of said Section 34. L Ranch Pond No.9: The SE ¼, SW ¼, NW ¼ of Section 34, Township 12 South, Range 89 West of the 6th P.M., approximately 2335 feet south of the north section line and 856 feet east of the west section line of said Section 34. L Ranch Pond No. 10: The NE ¼, SE ¼, SW ¼ of Section 34, Township 12 South, Range 89 West of the 6th P.M., approximately 784 feet north of the south section line and 2013 feet east of the west section line of said Section 34. Source: Water tributary to Anthracite Creek or Deep Creek, tributary to the North Fork of the Gunnison River, tributary of the Gunnison River, tributary to Colorado River. Appropriation Date: September 1, 1990 for the absolute use and October 28, 2005 for the conditional uses. Amounts and uses: L Ranch Pond No. 1: 1.0 acre-foot, absolute, for stock watering purposes and 1.0 acre-foot, conditional, for irrigation, piscatorial, and fire protection purposes. L Ranch Pond Nos. 2-5, 7-10: 0.25 acre-foot, absolute, for stock watering purposes, and 0.25 acre-foot, conditional for irrigation, piscatorial, and fire protection purposes. L Ranch Pond No. 6: 0.4 acre-foot, absolute, for stock watering purposes, and 0.4 acre-foot, conditional, for irrigation, piscatorial, and fire protection purposes. Pond Dimensions: L Ranch Pond No. 1: Surface area of high water line: 0.33 acre - Height of Dam: Under 8.0 feet - Length of Dam: Under 40 feet. L Ranch Pond Nos. 2-5, 7-10: Surface area of high water line: 0.1 acre - Height of Dam: Under 2.0 feet - Length of Dam: Under 25 feet. L Ranch Pond No. 6: Surface area of high water line: 0.15 acre - Height of Dam: Under 3.0 Feet - Length of Dam: Under 30 feet. Pond Capacity: L Ranch Pond No. 1: Total Capacity of Reservoir: 0.25 acre-foot - Active capacity: 0.17 acre-foot - Dead storage: 0.3 acre-foot. L Ranch Pond Nos. 2-5, 7-10: Total Capacity of Reservoir: 0.25 acre-foot. Active capacity 0.17 acre-foot. Dead Storage: 0.08 acre-foot. L Ranch Pond No. 6: Total Capacity of Reservoir: 0.4 acre-foot - Active capacity: 0.27 acre-foot - Dead Storage: 0.18 acre-foot. The application on file with the Water Court contains an outline of the work performed during the diligence period, request for absolute rights, and request to cancel conditional rights. **GUNNISON COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of May, 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