

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 April 2023.

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:

The water right claimed by this application 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 within the time provided by statute, or be forever barred.

CASE NO. 2022CW3090 - AMENDED APPLICATION. DELTA COUNTY 1. Applicant: **Dale N. Benson Trust dated May 1, 2000** by Clay, Dodson & Skarka, PLLC, 415 Palmer St., Delta CO 81416, 970-874-9777. APPLICATION FOR WATER RIGHT (SURFACE) AND FOR CHANGE OF WATER RIGHT. 2. Name of Structures: **Benson Spring** and **Shadeland Ditch** and **Spring Brook Ditch**. 3. Legal description of points of diversion: **Benson Spring** is located in the SE1/4 NW1/4, Section 32, Township 15 South, Range 91 West, 6th PM., Zone 13, UTM x 274893, UTM y 4287268; **Shadeland Ditch** is located the in the SW1/4 NW1/4 SE1/4, Section 29, Township 15 South, Range 91 West, 6th PM., UTM x 275334.0, UTM y 4288511.0; **Spring Brook Ditch** is located in the NW1/4 SE1/4, Section 29, Township 15 South, Range 91 West, 6th PM., UTM x 275605.0, UTM y 4288765.0. 4. Dates of Appropriation: **Benson Spring:** October 25, 2016; **Shadeland Ditch:** January 1, 1884 (priority 2); **Spring Brook Ditch:** May 31, 1895 (priority 29). 5. Amount: **Benson Spring:** 0.033 c.f.s. (15 g.p.m.) conditional for indoor domestic use for one single family residence; **Shadeland Ditch:** 0.469 c.f.s. (priority 2); **Spring Brook Ditch:** 0.225 c.f.s. (priority 29). 6. Source of Water: **Benson Spring:** Spring tributary to Smith Fork and the Gunnison River; **Shadeland Ditch:** Little Coal Creek and Smith Fork, tributary to the Gunnison River; **Spring Brook Ditch:** Smith Fork, tributary to the Gunnison River. 7. Description of Proposed Change: Applicant irrigates Applicant's property with water from the Shadeland Ditch and the Spring Brook Ditch. Applicant desires to have the following as an alternate point of diversion for both the Shadeland Ditch and Spring Brook Ditch: the box of the HY Ditch located in the SE 1/4 SE 1/4 SW 1/4 Township 15 South, Range 91 West of the 6th PM, UTM x 275066, UTM y 4288137. No change in use nor place of use is desired, and the same acreage will be irrigated by taking Shadeland Ditch water and Spring Brook Ditch water at the alternate point of diversion. The original decree for Shadeland Ditch references 25 acres and the original decree for Spring Brook Ditch references 12 acres. There are no intervening water rights and no other person will be injured by the requested alternate point of diversion. 8. Names of Owners of the land upon which a new diversion or modification of existing diversion is sought: Applicant. **DELTA COUNTY.**

CASE NO. 2023CW3018; San Miguel County – San Miguel River; Telluride Pines Home Owners' Association; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; Application for Groundwater Right,

Storage Right, and Request for Approval of Supplemental Plan for Augmentation and Exchange Project; Name, address, and telephone number of Applicant: Telluride Pines Home Owners' Association, Inc., P.O. Box 88, Placerville, CO 81430; (970) 729-1544; Request for groundwater right: Name and permit number of well: TP1 Well, Permit No. 324270; Location: SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 44 North, Range 10 West, of the New Mexico Principal Meridian. UTM Zone 12 NAD83, 763049mE, 4215820m N.; Source: Groundwater tributary to Alder Creek, tributary to Leopard Creek, tributary to the San Miguel River; Depth: 600 feet; Date of appropriation: October 27, 2021; How appropriation was initiated: By issuance of a well permit by the Division of Water Resources; Date water applied to beneficial use: The TP1 Well is permitted as a monitoring well so water has not yet been placed to beneficial use; Amount in cubic feet per second: 0.02 c.f.s., or 7 g.p.m. conditional; Amount in acre-feet: 12.775 a.f. per year; Does the well operate pursuant to a plan for augmentation? Yes, the TP1 Well will operate pursuant to the supplemental augmentation plan requested in this application; Use: Domestic and fire protection; Request for water storage right: Name of reservoir: Trout Lake Reservoir, Telluride Pines Enlargement; Location: In Case No. C.A. 4641 the location of Trout Lake Reservoir was decreed as follows: on Lake Fork of San Miguel River, the initial point of the survey of which is at a point whence the NW corner of the SW $\frac{1}{4}$ of Section 8, Township 41 North, Range 94 West of the New Mexico Principal Meridian bears North 89° 15' West, a distance of 976 feet; Source: Lake Fork of the San Miguel River; Date of appropriation: The date of filing of this application; Amount claimed: 1 a.f. conditional; Use: Augmentation and exchange pursuant to the plan for augmentation and exchange project requested in this case, or pursuant to such plans for augmentation or exchange projects as may be decreed in future cases.; Request for approval of supplemental plan for augmentation: Summary: The Telluride Pines Home Owners' Association, Inc., operates under an augmentation plan approved in Case No. 02CW33, which addresses depletions from the Telluride Pines Spring and Pipeline Nos. 1, 2, 2B, 2C, 3, 4, and 5. Telluride Pines Spring and Pipeline Nos. 2B and 2C were decreed as alternate points for the Telluride Pines Spring and Pipeline No. 2 in Case No. 2005CW093. The production rate of those seven springs has declined over time and Applicant now seeks to add a source of water supply (TP1 Well) as an augmented source under the augmentation plan approved in Case No. 02CW33. The addition of the TP1 Well as a source of supply will not increase the diversions or depletions originally approved for the Telluride Pines Spring and Pipeline Nos. 1, 2, 2B, 2C, 3, 4, and 5 and addressed by the plan for augmentation approved in Case No. 02CW33. The augmentation plan in Case No. 02CW33 addressed potential calls on Alder Creek during the period of July 1 through September 30 and on Leopard Creek and the San Miguel River during the period of July 1 through September 15. In this case, Applicant also seeks to supplement its augmentation plan by providing an additional augmentation supply of one acre-foot from Trout Lake Reservoir (requested above) to address potential calls on the structures augmented under Case No. 02CW33 during the period of September 15 through October 31, as well as to address potential calls on the TP1 Well throughout the potential call period; Name of structures to be augmented: Telluride Pines Spring and Pipeline Nos. 1, 2, 2B, 2C, 3, 4, 5 (referred to collectively in this Application as the "Telluride Pines Springs"), and the TP1 Well; Are structures decreed? The Telluride Pines Spring and Pipeline No. 1 was decreed in Case No. W-1922, the Telluride Pines Spring

and Pipeline No. 2 was decreed in Case No. W-1923. The Telluride Pines Spring and Pipeline Nos. 3, 4, and 5 were decreed in Case No. 87CW67. The Telluride Pines Spring Nos. 2B and 2C were decreed in Case No. 2005CW093. A water right for the TP1 Well is requested in this case; Legal description: Telluride Pines Spring and Pipeline No. 1: Whence the Southwest corner of Section 30, Township 44 North, Range 10 West, N.M.P.M. bears North 16° West 5,045 feet from said spring; Telluride Pines Spring and Pipeline No. 2: Whence the Southwest corner of Section 30, Township 44 North, Range 10 West of the N.M.P.M. bears South 19° West 2,180 feet from said spring; Telluride Pines Spring and Pipeline 2B: NE/4 SW/4 NW/4 of Section 31, T44N, R10W, in the N.M.P.M. at a point 1,000 feet from the west section line and 1900 feet from the north section line; Telluride Pines Spring and Pipeline 2C: SE/4 NW/4 NW/4 of Section 31, T44N, R10W, in the N.M.P.M. at a point 850 feet from the west section line and 650 feet from the north section line; Telluride Pines Spring and Pipeline No. 3: SW1/4 of Section 30, Township 44 North, Range 10 West, N.M.P.M., being East 625 feet from the West line of said Section 30 and North 1795 feet from the South line of said Section 30; Telluride Pines Spring and Pipeline No. 4: SW1/4 of Section 30, Township 44 North, Range 10 West of the N.M.P.M described as being East 285 feet from the West line of said Section 30 and North 1540 feet from the South line of said Section 30; Telluride Pines Spring and Pipeline No. 5: SW1/4 of Section 30, Township 44 North, Range 10 West, N.M.P.M., described as being East 225 feet from the West line of said Section 30 and North 1320 feet from the South line of said Section 30; TP1Well: SE¼ NE¼ of Section 19, Township 44 North, Range 10 West, of the New Mexico Principal Meridian. UTM Zone 12 NAD83, 763049mE, 4215820m N.; Priority dates: The Telluride Pines Spring and Pipeline Nos. 1 and 2 were decreed in 1973 in Case Nos. W-1922 and W-1923. In Case No. 87CW67, the Telluride Pines Spring and Pipeline Nos. 1, 2, 3, 4, and 5 were decreed as alternate points of diversion for the Imes Ditch, (operating under the priority of the Imes Ditch, as decreed in Case No. CA3785, Priority 195 with an appropriation date of August 14, 1913). The Telluride Pines Spring Nos. 2B and 2C were decreed as alternate points for the Telluride Pines Spring No. 2 in Case No. 2005CW093; Amount: 0.11 c.f.s.; Use: Domestic; Water rights to be used for augmentation: Trout Lake Reservoir, Telluride Pines Enlargement; Decree information: A water right for the Trout Lake Reservoir, Telluride Pines Enlargement is requested in this case; Does Applicant intend to change a water right to provide a source of augmentation? No. The additional source of augmentation water that is added in this case is the Trout Lake Reservoir, Telluride Pines Enlargement, which is a new water right rather than a change of an existing water right; Statement of supplemental plan for augmentation: The augmentation plan approved in Case No. 02CW33 provides replacement water to offset out-of-priority depletions from diversions from the Telluride Pines Springs during the period of July 1 through September 30 for calls on Alder Creek and during the period of July 1 through September 15 for calls on Leopard Creek and the San Miguel River. Under the supplemental plan for augmentation requested in this case, Applicant will purchase one acre-foot of replacement water from Trout Lake Reservoir to address out-of-priority depletions from the Telluride Pines Springs during the additional period of September 15 through October 31, as well as to address out-of-priority depletions from the TP1 Well throughout the potential call period. The water purchase obligation provides for a conveyance loss of five percent. The replacement obligation for potential out-of-priority depletions under this

augmentation plan is 0.6 a.f. annually. However, because water must be purchased from Trout Lake Reservoir in one acre-foot increments, this plan includes 0.4 a.f. of augmentation water that can be used to address augmentation needs resulting from any increase beyond the historical call period; Does this plan for augmentation include a request for an exchange project? Yes, requested below. In the event that a valid downstream senior call on Alder Creek or Leopard Creek precludes the operation of the exchange project requested in this case, Applicant will offset out-of-priority depletions with releases from the Telluride Pines Reservoir No. 2; Request for approval of exchange project associated with an augmentation plan: Name of exchange: Telluride Pines Exchange; Location of exchange reach(es): The Telluride Pines Exchange will operate to exchange releases made under the Trout Lake Reservoir, Telluride Pines Enlargement water right upstream to the points of depletion on Alder Creek and Leopard Creek; Lower terminus: The lower terminus for the Telluride Pines Exchange will be the confluence of the San Miguel River and Leopard Creek, described as within the NE1/4 SW1/4 of Section 34, Township 44 North, Range 11 West, New Mexico P.M., (UTM Zone 12, NAD83, 757904m E, 4212084m N); Upper Terminus: The Upper Terminus is located at the point at which depletions impact Alder Creek, within the NE1/4 SE1/4 of Section 13, Township 44 North, Range 11 West, New Mexico P.M. (UTM Zone 12, NAD83, 762601m E, 4215588m N); Source: Releases from Trout Lake Reservoir into the San Miguel River; Date of appropriation: The date of filing of this application; Amount: 0.005 c.f.s.; Use: Augmentation; Operation of exchange: The Telluride Pines Exchange will operate when releases are made from Trout Lake Reservoir to the San Miguel River to exchange those releases upstream on Leopard Creek and Alder Creek to the point at which depletions from any of the augmented structures in Case No. 02CW33 or this case impact those streams. (7 pages) **SAN MIGUEL COUNTY.**

CASE NO. 2023CW3019; Gunnison County - Slate River; Mt. Crested Butte Water and Sanitation District; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; Application To Make Conditional Water Right Absolute; Name, mailing address, and telephone number of Applicant: Mt. Crested Butte Water and Sanitation District; P.O. Box 5740; Mt. Crested Butte, CO 81225; (970) 349-7575; Request to make conditional right absolute: Name of structure: Meridian Lake Park Reservoir No. 1 Pump and Pipeline; Describe conditional water right: Original Decree: Case No. 1995CW218, decreed on September 2, 1997; Subsequent decrees awarding findings of diligence: Case Nos. 2003CW204 and 2010CW25, 2016CW3067; Legal description: NE/4 SW/4 of Section 22, Township 13 South, Range 86 West, 6th P.M., at a point 2,194 feet from the west section line and 1,802 feet from the south section line; Source of water: Washington Gulch and/or water previously stored in Meridian Lake Park Reservoir No. 1; Appropriation Date: December 8, 1995; Amount: 0.17 c.f.s., conditional (decreed for a total of 0.5 c.f.s., 0.33 c.f.s. was made absolute in Case No. 2016CW3067); Use: Domestic, irrigation, fire protection, and municipal; Outline of what has been done toward completion of the appropriation and application of water to a beneficial use: Applicant has infrastructure in place to pump the full 0.5 c.f.s. flow rate decreed to the Meridian Lake Park Reservoir No. 1 Pump and Pipeline. To confirm flow rates have met the full decreed flow rate Applicant observed metered measurements at the subject right April 5, 2023, and has evidence to demonstrate a total pumping rate of 250 g.p.m. diverted in priority; If claim to make absolute in whole or in part: Date water applied to beneficial

use: April 5, 2023. Applicant has pumped the full decreed amount while in priority; Amount: Applicant requests to make 0.17 c.f.s. absolute; Use: Domestic, irrigation, fire protection, and municipal; WHEREFORE, Applicant respectfully requests that the remaining 0.17 c.f.s. of the conditional right decreed to the Meridian Lake Park Reservoir No. 1 Pump and Pipeline be made absolute. With regard to any conditionally decreed amounts not made absolute in this case, Applicant requests a finding of reasonable diligence. (4 pages) **GUNNISON COUNTY.**

CASE NO. 2023CW3020 Name, Address, Telephone Number of Applicant: Eagle Ridge Ranch Homeowners Association, 1622 Eagle Hill Road, Gunnison, CO 81230, Type of Application: Application to Make Water Rights Absolute and for Finding of Reasonable Diligence. Name of Structure: Eagle Ridge Ranch Spring No. 1. Legal Description: In the SW1/4NE1/4NE1/4 of Section 23, Township 51 North, Range 2 West, N.M.P.M. approximately 1,125 feet west of the east line and 900 feet south of the North line of Section 23. Source: Alluvium of Ohio Creek, tributary of the Gunnison River. Appropriation Date: June 25, 2001 Amount Claimed: 0.00445 c.f.s. (2 g.p.m.). Use: Irrigation, stockwatering, wildlife propagation and recreational uses. Name of Structure: Eagle Ridge Ranch spring No. 6. Legal Description: In the SW1/4NE1/4SE1/4 of Section 36, Township 51 North, Range 2 West, N.M.P.M. approximately 900 feet west of the east line and 1965 feet north of the south line of Section 36. Source: Alluvium of Ohio Creek, tributary of the Gunnison River. Appropriation Date: June 25, 2001. Amount Claimed: 0.00445 c.f.s. (2 g.p.m.). Use: Irrigation, stockwatering, wildlife and recreational uses. Name of Structure: Eagle Ridge Ranch spring No. 8. Legal Description: In the SE1/4SW1/4SE1/4 of Section 36, Township 51 North, Range 2 West, N.M.P.M. approximately 1325 feet west of the east line and 375 feet north of the south line of Section 36. Source: Alluvium of Ohio Creek, tributary of the Gunnison River. Appropriation Date: June 25, 2001. Amount Claimed: 0.00445 c.f.s. (2 g.p.m.). Use: Irrigation, stockwatering, wildlife and recreational uses. Name of Structure: Hillside Spring. Legal Description: In the NE1/4SW1/4SW1/4 of Section 28, Township 51 North Range 1 West, N.M.P.M., approximately 1200 feet east of the west line and 1 160 feet north of the south line of Section 28. Source: Alluvium of Ohio Creek, tributary of the Gunnison River. Appropriation Date: June 25, 2001. Amount Claimed: 0.00445 c.f.s. (2 g.p.m.). Use: Irrigation, stockwatering, wildlife and recreational uses. The application contains a detailed list of those activities undertaken by Applicant during the diligence period to complete the appropriation of the subject right in a reasonably expedient and efficient manner, and requests the Eagle Ridge Ranch Springs Nos. 1 and 6 be decreed absolute. **GUNNISON COUNTY.**

CASE NO. 2023CW3021 – REJECTED

CASE NO. 2023CW3022. OURAY COUNTY. JKC Utilities, c/o Scott C. Miller, Esq. and Jason M. Groves, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDING REASONABLE DILIGENCE. Name of structure: Golf Course Ditch. Date of Original Decree: March 30, 1987. Case No.

85CW188, Division 4. Prior diligence decree: April 19, 2017, Case No. 16CW3013. Description: SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 25, Township 46 North, Range 9 West of the N.M. Prime Meridian, 1600 feet from the East section line and 350 feet from the South section line. Source: Fisher Creek, tributary to the Uncompahgre River. Appropriation date: July 23, 1985. Amount: 3.5 c.f.s., conditional. Use: Irrigation. Description of work towards completing the appropriation and a map are on file with the court. **OURAY COUNTY.**

CASE NO. 2023CW3023 (Ref. Case Nos.: 16CW3072, 04CW59; 16CW3073, 10CW60, 02CW243). Applicant: Crested Butte South Metropolitan District 280 Cement Creek Road P.O. Box 1129 Crested Butte, CO 81224 970-349-5480. Please direct all correspondence to Law of the Rockies, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO 81230, 970-641-1903, kburgemeister@lawoftherockies.com. APPLICATION TO MAKE CONDITIONAL RIGHTS ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE. Names of structures: Wastewater Treatment Plant Well. Original and Subsequent Decrees: 04CW59 (October 25, 2010), and 16CW3072 (April 18, 2017) (both District Court, Water Division No. 4). Legal Description in Decree: In the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 14 South, Range 85 West, 6th P.M. at a point approximately 3200 feet South of the North line and 925 feet East of the West line of said Section. The 16CW3072 Decree also provides purported UTM coordinates for the well (336348E, 4296769N). However, these coordinates appear to be in error. The actual location is approximately 336290E, 4296973N, Zone 13, which is consistent with the decreed distances from section lines. Amount: 0.11 cfs (50 g.p.m., not to exceed six acre-feet per year) (conditional). Beneficial Use: Year-round municipal use (cleaning and wash-down of sewage plant). Appropriation date of April 16, 2004. Source: The alluvium of Cement Creek, tributary to the East River, tributary to the Gunnison River, and all return flows will also be to Cement Creek. Dietrich Spring No. 1. Original and Subsequent Decrees: 02CW243, 10CW60, 16CW3073 (all in District Court, Water Division 4). Legal Description: In the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 14 South, Range 85 West, 6th P.M. 1250 feet east of the west line and 2200 feet south of the north line of said Section 27. (336382E, 4297299N, Zone 13, NAD 13.) Amount: 0.75 c.f.s. (conditional). Beneficial Uses: Year-round municipal, fire protection, and commercial uses. Appropriation date: June 30, 2002. Source: The alluvium of Cement Creek, tributary to the East River, tributary to the Gunnison River, and all return flows will also be to Cement Creek. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use: Applicant has utilized the Wastewater Treatment Plant Well for its decreed uses in the amount of 15 gallons per minute. Applicant has commenced work on an expansion of its wastewater treatment plant, a project which should be completed within the next 12 months at a cost of approximately \$5.5 Million. The expansion of the plant is likely to result in an increase in the Applicant's demand for water from this well. Applicant has continued to operate its integrated water supply system to supply water to its constituents. The water rights that are the subject of this application are part of that system. Applicant incurs in excess of \$200,000 of general fund expenses per year and in excess of \$300,000 of expenses allocated specifically to its water supply operations each year. Applicant has retained Wright Water Engineers to complete a long-term water supply analysis to better

understand the water supply needs of the District as it continues to grow. Relief Requested. The Applicant seeks to make absolute the Wastewater Treatment Plant Well, in the amount of 15 gpm. The Applicant seeks a finding of reasonable diligence for any portions of the above-described conditional water rights that are not made absolute in this proceeding. Dietrich Spring is on land owned by John and Paula Dietrich, Po Box 844 Crested Butte, CO 81224. The Wastewater Treatment Plant Well is on land owned by Applicant. **GUNNISON COUNTY.**

CASE NO. 2023CW3024. Applicant: Town of Olathe, P. O. Box 789, Olathe, Colorado 81425, by Carol A. Viner, Viner Law, 1104 S. Townsend Avenue, Montrose, Colorado 81401, 970-208-9418. Application for Finding of Diligence: **Citizens Reservoir Enlargement, also known as Olathe Reservoir No. 2.** SW¼ Section 20, Township 48 North, Range 11 West, New Mexico Principal Meridian, 1,400 feet from the south section line and 930 feet from the west section line. Source: Gooseberry Creek and West Fork of Dry Creek, tributary to Uncompahgre River. Appropriation Date: April 1, 1931. Amount Claimed: 64 acre feet conditional, 58.67 acre feet previously made absolute, for municipal purposes, municipal water supply. **MONTROSE COUNTY.**

CASE NO. 2023CW3025; Delta County - Gunnison River; Karen Schiros and Jeff Schiros; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR GROUNDWATER RIGHT AND REQUEST FOR APPROVAL OF PLAN FOR AUGMENTATION INCLUDING AN EXCHANGE PROJECT; Name and contact information for Applicants: Karen and Jeff Schiros, 15805 Black Bridge Road, Paonia, CO 81428, (970) 471-2145; Request for groundwater right: Name of well: Painted Vineyard Well; Location of structure: The Painted Vineyard Well is in the NE¼ of the NW¼ of Section 32, Township 13 South, Range 91 West of the 6th Principal Meridian at a point with approximate GPS coordinates Zone 13, NAD83; 275966.8m E; 4307082.3m N; Source: Groundwater tributary to the North Fork of the Gunnison River; Depth of well: 40 feet; Appropriation date: Date the application in this case was filed; Amount: 20 g.p.m., 0.33 a.f. annually; Does the well operate pursuant to a plan for augmentation: Yes. The Painted Vineyard Well will operate pursuant to the augmentation plan requested in this case; Uses: Domestic, commercial; Description of uses: Will provide water for in-house use in a duplex and a cabin, as well as in a wine-tasting room; Request for approval of plan for augmentation: Name of structure to be augmented: Painted Vineyard Well; Details regarding augmented structure: See above; Water rights to be used for augmentation: Will be obtained, either directly or by exchange, through a water supply contract with the North Fork Water Conservancy District for lease of water from the East Beckwith Reservoir No. 1 and the U.S. Bureau of Reclamation for lease of Blue Mesa Reservoir storage water; Information regarding water rights used for augmentation: East Beckwith Reservoir No. 1; Date of original decree and Case Nos.: 06CW59; Type of water right: Storage; Legal description of storage structure: The decree in Case No. 06CW59 described the location of the East Beckwith Reservoir No. 1 as in the NE/4 SW/4NE/4, Section 3, T 14S, R.88 W, 1,477 feet from the north section line and 1,747 feet from the east section line, 6th P.M.; Source: Middle Creek, tributary to Ruby Anthracite Creek, tributary to the North Fork of the Gunnison River; Appropriation date: March 31, 2006; Amount: 383 a.f.; Decreed use:

Irrigation, recreation, fish culture, fire protection, stock water, industrial, commercial, hydroelectric, and augmentation; Information regarding water rights used for augmentation: Blue Mesa Reservoir; Date of original decree and Case Nos.: Augmentation needs will be met by water released from Blue Mesa Reservoir under a water service contract to be obtained by Applicant. Blue Mesa Reservoir (Wayne N. Aspinall unit of the Colorado River Storage Project) was decreed 939,204 a.f. in C.A. Nos. 5590 and 6981, Gunnison County District Court, with a November 11, 1957, appropriation date. An additional 124,253 a.f., with the same appropriation date, was transferred to the reservoir in C.A. No. 10045, making the total amount decreed to Blue Mesa Reservoir 1,063,457 a.f.; 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 total annual water demand is 0.42 a.f. per year. Wastewater discharges to a septic system, so overall depletion to the aquifer is estimated to be 10 percent of the demand; Depletions: The monthly distribution of demand and depletions is 0.042 c.f.s.; Operation of plan: The Painted Vineyard Well may be subject to calls on the North Fork of the Gunnison River. The Painted Vineyard Well may be subject to a call by the senior calling structure downstream on the Gunnison River by the Redlands Power Canal (RPC), located on the Gunnison River near its confluence with the Colorado River; Potential call period: Calls on the North Fork of the Gunnison River historically have occurred as early as June 14 and have extended as late as October 10. With regard to the Gunnison River, potential out-of-priority depletions account for both the Senior Redlands Right and the Junior Redlands water rights during the extreme drought conditions that existed in 2002-2003. The call period for the Gunnison River has been estimated based on the maximum number of days for any given month over that 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: Potential out-of-priority depletions on the North Fork Gunnison River will be addressed by releases pursuant to a water supply contract from East Beckwith Reservoir (aka Lost Lake Slough). Out-of-priority depletions on the Gunnison River will be addressed with releases pursuant to a water supply contact in Blue Mesa Reservoir. Releases from Blue Mesa Reservoir will be exchanged up the North Fork of the Gunnison River to the point of depletion under the water exchange project, requested below. The water-lease obligations account for a conveyance loss of 5 percent for water releases from East Beckwith Reservoir and from Blue Mesa Reservoir per Water Division 4 guidance. The water lease obligation to offset potential out-of-priority depletions on the North Fork is 0.025 a.f. per year. To meet that obligation, Applicants will enter into a long-term lease of 0.025 a.f. to be released annually from East Beckwith Reservoir. With regard to the Gunnison River, the annual replacement obligation to offset potential out-of-priority depletions in response to Gunnison River calls by RPC is only 0.005 a.f., but because water supply contracts for Blue Mesa Reservoir are sold in one a.f. increments, Applicants will obtain a water supply contract for one a.f. The excess 0.995 a.f. of augmentation

supply available under the contract shall be available under this plan to address any increase in the call period beyond that contemplated based on historical conditions; Request for approval of exchange project: Name of exchange: Schiros Exchange Project; Downstream terminus of exchange: The confluence of the Gunnison River and the North Fork of the Gunnison River, located within the NW¼ of the NW¼ of Section 6, Township 15 South, Range 93 West, 6th P.M. (UTM Zone 13, NAD83; 253592.4m E; 4296490.6m N); Upstream terminus of exchange: The point of depletion from the Painted Vineyard Well on the North Fork of the Gunnison River, located within the NE¼ of NW¼ Section 33, Township 13 South, Range 91 West, 6th Principal Meridian (UTM Zone 13, NAD83; 275937.7m E; 4307128.2m N); Source: Water released from Blue Mesa Reservoir; Appropriation date: The date of filing this Application; Amount of exchange: 0.0001 c.f.s.; Use: Augmentation pursuant to the plan requested in this application. (6 pages) **DELTA COUNTY.**

CASE NO. 2023CW3026; Delta County – Gunnison River; Patricia R. Scott; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR GROUNDWATER RIGHT AND REQUEST FOR APPROVAL OF PLAN FOR AUGMENTATION INCLUDING AN EXCHANGE PROJECT; Name and contact information for Applicant: Patricia R. Scott; 12560 3100 Road; Hotchkiss, CO 81419; (970) 640-1455; Request for groundwater right: Name of well: Scott Well; Location of well: SE¼ of the NE¼ of Section 16, Township 14 South, Range 93 West of the 6th Principal Meridian at a point with GPS coordinates Zone 13, NAD83; 258309.8m E; 4302522.8m N; Source: Groundwater tributary to Leroux Creek, tributary to the North Fork of the Gunnison River; Information regarding appropriation: Date of appropriation: The date this application was filed; How appropriation was initiated: By filing this application in water court; Amount: 15 g.p.m.; Does the well operate pursuant to a plan for augmentation? Yes. The Scott Well will operate pursuant to the plan for augmentation requested in this Application; Uses: Domestic use in one single-family dwelling and irrigation of up to 0.1 acres of lawn and garden located on Applicant's parcel located at 12571 3100 Road; Request for approval of plan for augmentation: Structure to be augmented: Scott Well, requested above; Water rights to be used for augmentation: Local calls on the North Fork of the Gunnison River and Leroux Creek will be augmented with dry-up credits from 2 a.f. in Gray Reservoir decreed in Case Nos. CA0487 and CA4808 (pursuant to Applicant's ownership of 2 shares of A1 stock in Leroux Creek Water Users Association). Calls on the Gunnison River not otherwise augmented with the dry-up credits will be augmented with releases from Blue Mesa Reservoir pursuant to a water supply contract. Gray Reservoir was decreed for 182.92 a.f. in Case No. CA0487 with a 1908 adjudication date and for an additional 240.62 a.f. in Case No. CA4808 with a 1964 adjudication date. Blue Mesa Reservoir (Wayne N. Aspinall unit of the Colorado River Storage Project) was decreed 939,204 acre-feet in C.A. Nos. 5590 and 6981, Gunnison County District Court, with a November 11, 1957, appropriation date. An additional 124,253 acre-feet, with the same appropriation date, was transferred to the reservoir in C.A. No. 10045, making the total amount decreed to Blue Mesa Reservoir 1,063,457 acre-feet; Does this plan for augmentation rely on a change of water rights? Yes, a request for a change of 2 a.f. in Gray Reservoir is requested, below; Statement of plan for augmentation: Applicant will augment out of priority depletions from the Scott Well on

Leroux Creek and the Gunnison River using dry-up credits from the dry-up of 0.5 acres on Applicant's property and the dedication of the resulting 2 a.f. to the stream. Out of priority depletions to the Gunnison River that are not addressed through the above-described dry-up credits will be addressed with releases from Blue Mesa Reservoir;

Demand and depletions: The Scott Well will supply water for domestic use in one single-family dwelling and irrigation of up to 0.1 acres of lawn and garden on Applicant's western parcel. Demands for domestic use are based on 100 gallons per person and an average occupancy of 3.5 persons. Wastewater will be discharged into a septic system. As a result, overall depletions are 10 percent of diversions. Lawn and garden irrigation on 0.1 acres of Applicant's property will result in a monthly demand ranging from a low of 0.015 a.f. in October to a high of 0.066 a.f. in July;

Replacement sources: Applicant's shares in the Leroux Creek Water Users Association have been used to irrigate 2.25 acres of pasture grass on Applicant's property;

Operation of plan: Historically, senior downstream calls have occurred on Leroux Creek between April 15 and October 31. Based on river conditions in 2002 and 2003, senior downstream calls by the Redlands Power Canal ("RPC") are possible on the Gunnison River. Applicant will dry up 0.5 acres of historically irrigated land and use the historical irrigation credits to offset out of priority depletions to Leroux Creek and the Gunnison River during the Leroux Creek call period. Out of priority depletions to the Gunnison River during the remainder of the year will be offset with a one a.f. contract for releases from Blue Mesa Reservoir. The replacement obligation for Blue Mesa Reservoir is only 0.03 a.f. per year. However, the smallest water supply contract Applicant can purchase for Blue Mesa Reservoir is one a.f. Applicant dedicates the remaining 0.97 a.f. under that Blue Mesa contract to address any increase in the call period beyond that contemplated based on historical conditions. That 0.97 a.f. of Blue Mesa Reservoir water shall be available to support this plan as directed by the Division Engineer without the need to amend this plan for augmentation;

Does this plan for augmentation include an exchange project? Yes, requested below;

Request for change of use for water right: Name of structure: Gray Reservoir; Case Nos.: CA0487 and CA4808; Legal description: In Case No. CA0487 the location of the Gray Reservoir was described as "on the southern slope of Grand Mesa, and the headgate thereof is at a point whence the NE. corner of section 24, in twp. 12 south, of range 93 west of the 6th P.M. bears north 64 deg 9 min west 6130 feet." Decreed source: The decree in Case No. CA0487 identified the source as "a drainage area lying tributary to Leroux Creek...."; Appropriation date: September 1, 1892, Case No. CA0487; September 5, 1946, in Case No. CA4808; Total amount decreed to structure: 182.92 a.f. in Case No. CA0487 and 240.62 a.f. in Case No. CA4808; Amount that Applicant intends to change: 2 a.f.; Decreed uses: Irrigation; Description of proposed change: Applicant requests to change 2 a.f. in Gray Reservoir from irrigation to augmentation use to support and in accordance with the augmentation plan requested above; Request for approval of exchange project associated with an augmentation plan (appropriative right of exchange): Name of exchange: Scott Well Exchange Project; Location of exchange reach: Downstream terminus: The confluence of the North Fork of the Gunnison River and the Gunnison River located within the NW¹/₄ of the NW¹/₄ of Section 6, Township 15 South, Range 93 West, 6th Principal Meridian (UTM Zone 13, NAD83; 253592.4m E; 4296490.6m N); Upstream terminus: The point at which depletions from the Scott Well impact Leroux Creek, located within the SW¹/₄ of NW¹/₄ Section 15, Township 14 South, Range 93 West, 6th Principal

Meridian (UTM Zone 13, NAD83; 258852.9m E; 4302525.2m N); Source: Releases from Blue Mesa Reservoir as described in the plan for augmentation, above; Date of appropriation: April 28, 2023, by filing this application in water court; Amount: 0.001 c.f.s.; Uses: Augmentation pursuant to the plan for augmentation requested above. (6 pages)
DELTA COUNTY.

YOU ARE FURTHER NOTIFIED THAT you have until the last day of June 2023 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 <https://coloradojudicial.gov>). (This publication can be viewed in its entirety on the state court website at: <https://coloradojudicial.gov>). FRED CASTLE, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401