

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 2022.

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. 2022CW3. Applicant: Thomas Streich, 634 Ouray Ave., Grand Junction, CO 81501. Application for Simple Change in Surface Point of Diversion Pursuant to 37-92-305(3.5) C.R.S.: Decreed Water Right for Which Change is Sought: Raber-Davis Ditch. Date of Original and All Relevant Decrees: 07/25/1941, CA5812. Provide a Verbatim Legal Description from Most Recent Decree that Adjudicated the Location: NE1/4SW/14SE1/4, Section 32, T12S, 97W, 6th P.M.. Decreed Source of Water: Kannah Creek, Gunnison River. Appropriation Date: 10/27/2021. Total Amount Decreed to Structure: 0.34 cfs. absolute. Decreed uses: Irrigation. Amount of Water Applicant Intends to Change: 0.34 cfs. absolute. Detailed Description of Proposed Change in a Surface Point of Diversion: Applicant's old point of diversion washed out on applicant's property. The new point of diversion remains on applicant's property and there are no other points of diversion between the old and new point. Applicant plans on using a ½ horse power pump with garden hose of 5/8" – 3/4" diameter and 100 foot long. Consulting swanhose.com this system could generate a flow rate of 9 – 10 gallons per minute which is much less than applicant's ¼ share of Raber-Davis Ditch, which would allow 0.34 c.f.s. X 450 = 153 gallons / minute. Applicant will work with the Water Commissioner to determine when the applicant is able to use his shares and for how long. Applicant has an electric utility pole directly above the new point of diversion with an outlet that will power applicant's pump. Location Information: NE1/4NW1/4 of Section 5, T13S, R97W, 6th P.M.. Easting 217552.8, Northing 4316937.8, Zone 13. **MESA COUNTY.**

CASE NO. 2022CW4. Applicant: Ben D. Lindsey-Wolcott, 19233 Green Valley Rd., Cedaredge, CO 81413. Application for Absolute Surface Water Rights: Ben's Spring - SW1/4SE1/4, Section 12, T13S, R95W, 6th P.M., Easting 243708, Northing 4313524, Zone 13. Source: North Fork Gunnison River. Appropriation Date: 09/01/2016. Amount Claimed: 5 gpm absolute for domestic use for 3 residences including no more than ¼ acre total. **DELTA COUNTY.**

CASE NO. 2022CW5 (REF NO. 05CW205, 12CW100). Applicant: James Auster and Merrilee Bliss, P. O. Box 716, Carbondale, CO 81623. Application For Finding of Reasonable Diligence: Lower Meadow Lake – NW1/4S/W1/4 of Section 9, T11S, R89W, 6th PM. 1,682 feet from the south section line and 2,350 feet from the west section line. Source: Lee Creek, East Muddy Creek, North Fork of the Gunnison River. Appropriation

Date: 06/15/2005. Amount Claimed: 300 acre-feet conditional for irrigation of 100 acres, fish culture, fire protection and recreation. Sacred Spring Pond – SE1/4S/W1/4NE1/4 of Section 9, T11S, R89W, 6th PM. 2,442 feet from the north section line and 1,896 feet from the east section line. Source: Sacred Spring, North Fork of the Gunnison River. Appropriation Date: 06/15/2005. Amount Claimed: 10 acre-feet conditional for irrigation of 40 acres, fish culture, fire protection and recreation. Sacred Spring–NW1/4SE1/4NE1/4 of Section 9, T11S, R89W, 6th PM. 1,345 feet from the north section line and 750 feet from the east section line. Source: Sacred Spring, North Fork of the Gunnison River. Appropriation Date: 06/15/2005. Amount Claimed: .5 c.f.s. conditional for fish culture, fire protection, recreation, commercial and fill Sacred Spring Pond. Goodrich Spring Pond– NW1/4SE1/4NE1/4 of Section 9, T11S, R89W, 6th PM. 1,884 feet from the north section line and 910 feet from the east section line. Source: Goodrich Spring, North Fork of the Gunnison River. Appropriation Date: 06/15/2005. Amount Claimed: 5 acre-feet conditional for irrigation of 20 acres, fish culture, fire protection and recreation. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.**

AMENDED CASE NO. 2021CW3071 CITY OF GUNNISON (c/o Jennifer M. DiLalla, Joshua B. Boissevain, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 300, Boulder, CO 80302, (303) 443-8782) **AMENDED APPLICATION FOR CHANGE OF CONDITIONAL WATER RIGHTS *IN GUNNISON COUNTY***

1. Name, address, and telephone number of applicant: City of Gunnison, a Colorado Municipal Corporation, c/o David Gardner, Director of Public Works, 1100 W. Virginia Ave., Gunnison, CO 81230, (970) 641-8020

2. Purpose of amendment: 2.1 Gunnison filed the original Application for Change of Water Right on Dec. 23, 2021 (“Original Application”), claiming a change in the decreed point of diversion for the conditional water right decreed to City of Gunnison Well No. 13 (“Well No. 13”). As part of its master planning process, the City since has determined that it needs an alternate point of diversion for City of Gunnison Well No. 12 (“Well No. 12”). 2.2 Gunnison files this Amended Application for Change of Conditional Water Rights (“Amended Application”) under C.R.C.P. 15(a) to add a claim to change the conditional water right decreed to Well No. 12, as described in par. 3 below, to add the alternate point of diversion described in par. 3.9.2 below. Gunnison has made no other substantive changes to the Original Application. Gunnison will publish notice of the Amended Application as required by Rule 4(b) of the Uniform Local Rules for All State Water Court Divisions.

3. Change of water right – Well No. 12 (WDID 5905945):

3.1 Date of original decree and all relevant subsequent decrees: Case No. 81CW307, entered Nov. 30, 1988 (“81CW307 Decree”); Case No. 94CW92, entered July 17, 1995 (“94CW92 Decree”); Case No. 01CW124, entered Feb. 26, 2002 (“01CW124 Decree”); Case No. 08CW14, entered Aug.14, 2008 (“08CW14 Decree”); Case No 14CW3063, entered Dec. 30, 2014 (“14CW3063 Decree”); and Case No. 20CW3095, entered May 3, 2021 (“20CW3095 Decree”); all in the District Court for Water Division No. 4.

3.2 Legal description: 2,650 feet North of the South Section line and 2,350 feet East of the West Section line of Sec. 35, T50N, R1W of the N.M.P.M., Gunnison County, CO. (UTM: TBD East, TBD North.) The decreed location is shown on the map attached as **Ex. A.**

3.3 Decreed source of water: Groundwater tributary to the Gunnison River.

3.4 Appropriation date: Dec. 22, 1981.

3.5 Amount: 1.11 cfs,

conditional. 3.6 Decreed use: Municipal purposes, including without limitation domestic, commercial, industrial, irrigation, and fire prevention purposes. Municipal irrigation use will be within the City's boundaries, as they may be altered in the future. The City's approximate current boundaries are shown on the map attached as **Ex. A**. 3.7 Historical use: Not applicable because the water right is conditional. 3.8 Amount of water to be changed: 1.11 cfs, conditional. 3.9 Detailed description of Well No. 12 change: 3.9.1 Reason for change: Gunnison has determined that Gunnison County land-use decisions may result in water quality impacts to the groundwater at the decreed point of diversion. Gunnison therefore seeks an alternate point of diversion for the well on City-owned property on which water quality is not a concern. 3.9.2 Location of alternate point of diversion: The alternate point of diversion ("Well No. 12 Alternate Point") will be located on the City's Van Tuyl Ranch, the boundaries of which are shown on the map attached as **Ex. A** and the full legal description of which is given in attached **Ex. B**. Van Tuyl Ranch is generally located in the NE1/4, the SE1/4, the E1/2 of the SW1/4, and the E1/2 of the SE1/4 of Sec. 26, T50N, R1W of the N.M.P.M., in Gunnison County, CO. 3.9.3 Remarks: Once Well No. 12 is constructed at either the originally decreed point of diversion or the Well No. 12 Alternate Point, Gunnison will formally abandon the unused point of diversion. 3.9.4 No other change: By this application, the City seeks only an alternate point of diversion for Well No. 12, and seeks no other change to the conditional water right. Well No. 12 as changed herein will continue to serve as an alternate point of diversion for other Gunnison water rights under the decree entered by this Court in Case No. 81CW308. 3.9.5 No increase in contemplated draft: The claimed alternate point of diversion for Well No. 12 will not increase the conditional water right's contemplated draft on the Gunnison River. 4. Change of water right – Well No. 13 (WDID 5905935): 4.1 Date of original decree and all relevant subsequent decrees: The 81CW307 Decree; the 94CW92 Decree; the 01CW124 Decree; the 08CW14 Decree; the 14CW3063 Decree; and the 20CW3095 Decree. 4.2 Legal description of structure as described in most recent decree that adjudicated location: 1,850 feet East of the West Section line and 2,000 feet South of the North Section line of Sec. 36, T50N, R1W of the N.M.P.M., Gunnison County, CO. (UTM: 332709.1 East, 4268976.9 North, Zone 13, NAD 83). The decreed location is shown on the map attached as **Ex. A**. 4.3 Decreed source of water: Groundwater tributary to the Gunnison River. 4.4 Appropriation date: Dec. 22, 1981. 4.5 Amount: 1.11 cfs, conditional. 4.6 Decreed use: Municipal purposes, including without limitation domestic, commercial, industrial, irrigation, and fire prevention purposes. Municipal irrigation use will be within the City's boundaries, as they may be altered in the future. The City's approximate current boundaries are shown on the map attached as **Ex. A**. 4.7 Historical use: Not applicable because the water right is conditional. 4.8 Amount of water to be changed: 1.11 cfs, conditional. 4.9. Detailed description of Well No. 13 change: 4.9.1 Reason for change: In preparing the application in Case No. 20CW3095, in which the Court most recently continued the Well No. 13 water right as conditional, the City determined that the well's decreed point of diversion is in an alley behind a retail facility. Because the decreed location is not viable for a municipal well, the City seeks to relocate Well No. 13's decreed point of diversion as described in par. 4.9.2 below. 4.9.2 Location of new point of diversion: NE1/4 SE1/4 Sec. 26, T50N, R1W, N.M.P.M., on the City's Van Tuyl Ranch. (UTM: 331567.9 East, 4270393.8 North, Zone 13, NAD 83.) The approximate location of the claimed new point of diversion is shown on the map attached

as **Ex. A.** 4.9.3 No other change: By this application, the City seeks only a change in Well No. 13's decreed point of diversion, and seeks no other change to the conditional water right. Well No. 13 as relocated in this case will continue to serve as an alternate point of diversion for other Gunnison water rights under the decree entered by this Court in Case No. 81CW308. 4.9.4 No increase in contemplated draft: The claimed change in point of diversion for Well No. 13 will not increase the conditional water right's contemplated draft on the Gunnison River. 5. Names and addresses of owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed, or upon which water is or will be stored: The City owns the Van Tuyl Ranch, which is the land on which the Well No. 12 Alternate Point and the new point of diversion for Well No. 13 are located. The address is 379 County Road 14, Gunnison, CO 81230. WHEREFORE, Gunnison requests that the Court enter a decree granting this Application and (i) changing the Well No. 12 conditional water right to include the Well No. 12 Alternate Point; and (ii) changing the decreed point of diversion for the Well No. 13 conditional water right. **GUNNISON COUNTY.**

CASE NO. 2022CW3007. APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO § 37-92-305(3.5), C.R.S. 1. Applicant: Paradox Valley LLC ("Applicant") P.O. Box 445, Paradox, CO 81429, Paulredd429@gmail.com, 970.859.7272, Attorneys: John P. Justus, Karoline M. Henning, HOSKIN FARINA & KAMPF, Professional Corporation, 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502. 2. Decreed water right for which change is sought: The Stevens or Riley Watson Ditch, Priority No. 4. a. Name of structure: The Stevens or Riley Watson Ditch (the "Stevens Ditch"). b. Date of original and all relevant subsequent decrees: Decree entered on February 1, 1892 in CA 473, In the Matter of the Adjudication of the Priorities of Water Rights in Water District No. 61 by the Montrose County District Court (the "CA473 Decree"); Decree entered October 19, 1978 in Case No. W-2498 by the District Court in and for Water Division No. 4 (the "W-2498 Decree"); and Decree entered October 19, 1978 in Case No. W-2500 by the District Court in and for Water Division No. 4 (the "W-2500 Decree"). c. Legal description of structure as described in most recent decree that adjudicated the location: i. Original Point of Diversion: "The headgate is located at a point in Montrose County, Colorado, near the North West corner of the South West quarter North East quarter Section 32 Tp. 48 N. R. 19 W. N.M.P.M." ii. Supplemental Point of Diversion per W-2498 Decree: "[S]upplemental point of diversion described as being located 472 feet East and 905 feet North of the center of Section 32, Township 48 North, Range 19 West of the N.M.P.M." iii. Supplemental Point of Diversion per W-2500 Decree: "The supplemental point of diversion will be located at the company ranch well located in the NE1/ 4 NW1/ 4 of Section 32, Township 48 North, Range 19 West, of the N. M. P. M." d. Decreed source of water: i. Decreed Source per CA473 Decree: "Springs that rise on section 32, heretofore tapped by said ditch, and from springs on land owned by claimant." ii. Decreed Source per W-2498 Decree, as interpreting the CA473 Decree: "springs tributary to Paradox Creek, and tributary to the Dolores River." iii. Decreed Source per W-2500 Decree: Groundwater tributary to West Paradox Creek e. Appropriation Date: March 31, 1882. f. Total amount decreed to structure in cubic feet per second (cfs): 1.75 cfs, Absolute. g. Decreed use or uses: Irrigation. h. Amount of

water that applicant intends to change: 1.75 cfs Absolute. 3. Detailed description of proposed change in a surface point of diversion: a. Applicant is the owners of the priority no. 4 water right decreed to the Stevens or Riley Watson Ditch for diversion from springs tributary to Paradox Creek, and tributary to the Dolores River, as described in paragraph 2 above (the "Subject Water Right"). Applicant proposes to change the decreed point of diversion of the Subject Water Right described in paragraph 2.c.i. above, to a location approximately 830 feet upstream to the North and West of the currently decreed point of diversion. There are no intervening points of inflows from a surface stream or decreed in-stream flows in the affected reach. On the approval of the change for the Subject Water Right, there will not be any "intervening surface diversion point" meaning there will not be any ditch diversion or other point of diversion for a decreed surface water right, point of replacement or point of diversion by exchange that is part of an existing decreed exchange, well or well field that is decreed to operate as a surface diversion. b. Location of the new surface point of diversion: i. Public Land Survey System (PLSS): NW ¼ of the NE ¼ of Section 32, Township 48 North, Range 19 West of the N.M.P.M., derived from CDSS MapViewer. ii. Point(s) of Diversion: UTM Zone 13, Easting 151483, Northing 4255240. 4. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed: Applicant is the owner of the land on which the new point of diversion will be located. Application is 3 pages in length. **MONTROSE COUNTY.**

CASE NO. 2022CW3008. APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO § 37-92-305(3.5), C.R.S. 1. Applicants: Paul and Diane Redd ("Applicants") P.O. Box 445, Paradox, CO 81429, Paulredd429@gmail.com, 970.859.7272, Attorneys: John P. Justus, Karoline M. Henning, HOSKIN FARINA & KAMPF, Professional Corporation, 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502. 2. Decreed water right for which change is sought: The E.C. Hamilton Ditch, Priority No. 7. a. Name of structure: The E.C. Hamilton Ditch, a.k.a., The Hamilton Ditch (the "Hamilton Ditch"). b. Date of original and all relevant subsequent decrees: Decree entered on February 1, 1892 in CA 473, In the Matter of the Adjudication of the Priorities of Water Rights in Water District No. 61 by the Montrose County District Court (the "CA473 Decree"); Decree entered October 19, 1978 in Case No. W-2499 by the District Court in and for Water Division No. 4 (the "W-2499 Decree"); and Decree entered October 19, 1978 in Case No. W-2501 by the District Court in and for Water Division No. 4 (the "W-2501 Decree"). c. Legal description of structure as described in most recent decree that adjudicated the location: "The headgate is located at a point in Montrose County, Colorado, on the North Bank of Huff or Spring Creek, about 30 feet above its junction with West Paradox Creek, on the North East quarter South West quarter Section 33 Tp. 48 N. R. 19 W. N.M.P.M." 1. d. Decreed source of water: Huff or Spring Creek. e. Appropriation Date: October 5, 1883. f. Total amount decreed to structure in cubic feet per second (cfs): 0.6 cfs, Absolute. g. Decreed use or uses: Irrigation. h. Amount of water that applicant intends to change: 0.6 cfs Absolute, subject to the diversion rate limitations set forth in the W-2499 Decree and the W-2501 Decree. 3. Decreed water right for which change is sought: The Swain Ditch, Priority No. 9 a. Name of structures: i. The Swain Ditch; and ii. The Hamilton Ditch as a decreed supplemental point of diversion. b. Date of original and all relevant subsequent decrees: Decree entered

on February 1, 1892 in CA 473, In the Matter of the Adjudication of the Priorities of Water Rights in Water District No. 61 by the Montrose County District Court; Decree entered October 19, 1978 in Case No. W-2499 by the District Court in and for Water Division No. 4; and Decree entered October 19, 1978 in Case No. W-2501 by the District Court in and for Water Division No. 4. c. Legal description of structure as described in most recent decree that adjudicated the location: i. Original Point of Diversion: "The headgate is located at a point in Montrose County, Colorado, on the West bank of West Paradox Creek near its junction with Huff Springs Creek being near to and about 24 rods South West from the North West corner of the North East quarter of the South East quarter of Section 33, Tp. 48 N. R. 19 W. N.M.P.M." 1. ii. Hamilton Ditch as Supplemental Point of Diversion in W-2499 and W-2501 Decrees: "At a point on the North Bank of Huff Creek or Spring Creek, about 30 feet above its junction with West Paradox Creek, on the NE1/4 of the SW1/4 of Section 33, Township 48 North, Range 19 West, of the N.M.P.M., the present point of diversion of the Hamilton Ditch, Priority No. 7." d. Decreed sources of water: i. West Paradox Creek if diverting at the Swain Ditch; and ii. Huff or Spring Creek if diverting at the Hamilton Ditch. e. Appropriation Date: January 7, 1884. f. Total amount decreed to structure in cfs: 1 cfs, Absolute. g. Decreed use or uses: Irrigation. h. Amount of water that applicant intends to change: 1 cfs, Absolute, subject to the diversion rate limitations set forth in the W-2499 Decree and the W-2501 Decree. 4. Decreed water right for which change is sought: The Robinson Ditch, Priority No. 15 a. Name of structures: i. The Robinson Ditch; and ii. The Hamilton Ditch as a decreed alternate point of diversion. b. Date of original and all relevant subsequent decrees: Decree entered on February 1, 1892 in CA 473, In the Matter of the Adjudication of the Priorities of Water Rights in Water District No. 61 by the Montrose County District Court; Decree entered October 19, 1978 in Case No. W-2501 by the District Court in and for Water Division No. 4. c. Legal description of structure as described in most recent decree that adjudicated the location: i. Original Point of Diversion: "headgate is located at a point in Montrose County, Colorado, whence the North East corner Section 32 Tp. 48 N. R. 19 W. N.M.P.M., bears South 43° East 930 feet." ii. Hamilton Ditch as an Alternate Point of Diversion in W-2501 Decree: "At a point on the North Bank of Huff Creek or Spring Creek, about 30 feet above its junction with West Paradox Creek, on the NE1/4 of the SW1/4 of Section 33, Township 48 North, Range 19 West, of the N.M.P.M., the present point of diversion of the Hamilton Ditch, Priority No. 7." d. Decreed sources of water: i. Arrow Head, Little Arrow Head, and Aztec Springs if diverting at the Robinson Ditch; and ii. Huff or Spring Creek if diverting at the Hamilton Ditch. e. Appropriation Date: September 30, 1886. f. Total amount decreed to structure in cfs: 1 cfs, Absolute. g. Decreed use or uses: Irrigation. h. Amount of water that applicant intends to change: 1 cfs, Absolute. 5. Decreed water right for which change is sought: The Mary E. Young Ditch, Priority No. 16. a. Name of structures: i. The Mary E. Young No. 1; and ii. The Hamilton Ditch as a decreed alternate point of diversion. b. Date of original and all relevant subsequent decrees: Decree entered on February 1, 1892 in CA 473, In the Matter of the Adjudication of the Priorities of Water Rights in Water District No. 61 by the Montrose County District Court; Decree entered October 19, 1978 in Case No. W-2499 by the District Court in and for Water Division No. 4; and Decree entered October 19, 1978 in Case No. W-2501 by the District Court in and for Water Division No. 4. c. Legal description of structure as described in most recent decree that adjudicated the location: i. Original Point of Diversion: The headgate is located at a point

in Montrose County, Colorado, near the South East corner of the South West quarter of the North West quarter of Section 33, Twp. 48 N. R. 19 W. N.M.P.M. ii. Hamilton Ditch as Supplemental Point of Diversion in W-2499 and W-2501 Decrees: "At a point on the North Bank of Huff Creek or Spring Creek, about 30 feet above its junction with West Paradox Creek, on the NE1/4 of the SW1/4 of Section 33, Township 48 North, Range 19 West, of the N.M.P.M., the present point of diversion of the Hamilton Ditch, Priority No. 7." d. Decreed source of water: Huff Springs Creek and seepage therefrom; Huff or Spring Creek. e. Appropriation Date: May 1, 1887. f. Total amount decreed to structure in cfs: 0.9 cfs, Absolute. g. Decreed use or uses: Irrigation. h. Amount of water that applicant intends to change: 0.9 cfs, Absolute, subject to the diversion rate limitations set forth in the W-2499 Decree and the W-2499 Decree. 6. Decreed water right for which change is sought: Hamilton Ditch, Priority No. 22 a. Name of structure: The Hamilton Ditch b. Date of original and all relevant subsequent decrees: Decree entered on April 4, 1934 in CA 3261, In the Matter of the Adjudication of the Priorities of Water Rights in Water District No. 61 by the District Court of the Seventh Judicial District in and for the County of Montrose. c. Legal description of structure as described in most recent decree that adjudicated the location: "Headgate situated at the junction of West Paradox Creek with Spring or Huff Creek on the North Side of said Spring or Huff Creek, said headgate being located on the NE quarter of the SW quarter Section 33 Twp. 48 N. R. 19 W. N.M.P.M." d. Decreed source of water: Huff or Spring Creek. e. Appropriation Date: April 2, 1909. f. Total amount decreed to structure in cfs: 0.6 cfs, Absolute. g. Decreed use or uses: Irrigation. h. Amount of water that applicant intends to change: 0.6 cfs, Absolute. 7. Decreed water right for which change is sought: The Swain Ditch Extension No. 1, Priority No. 25. a. Name of structure: The Swain Ditch Extension No. 1. b. Date of original and all relevant subsequent decrees: Decree entered on April 4, 1934 in CA 3261, In the Matter of the Adjudication of the Priorities of Water Rights in Water District No. 61 by the District Court of the Seventh Judicial District in and for the County of Montrose. c. Legal description of structure as described in most recent decree that adjudicated the location: Headgate is described as being "located on the South Bank of Huff Creek in Section 33 Twp. 48 N. R. 19 W. N.M.P.M. about 150 feet in a Northeasterly direction from the junction of said Huff Creek with Paradox Creek. d. Decreed source of water: Huff Creek, a natural stream and tributary of West Paradox Creek, a tributary of the Dolores River. e. Appropriation Date: April 2, 1909. f. Total amount decreed to structure cfs: 0.11 cfs, Absolute. g. Decreed use or uses: Irrigation. h. Amount of water that applicant intends to change: 0.11 cfs, Absolute. 8. Detailed description of proposed change in a surface point of diversion: a. Applicants are the owners of the water rights described in paragraphs 2 through 7 above decreed for diversion from Huff Creek, also known as, Spring Creek (the "Subject Water Rights"). The Subject Water Rights are decreed for diversion, for supplemental diversion, or as an alternate point of diversion, at a structure commonly known as the Hamilton Ditch on Huff or Spring Creek just above its confluence with West Paradox Creek. Applicants propose to change the decreed point of diversion, supplemental point of diversion, or alternate point of diversion for each of the Subject Water Rights to a location approximately 2,840 feet upstream of the Hamilton Ditch. There are no intervening points of inflows from a surface stream or decreed in-stream flows in the affected reach. On the approval of the change for the Subject Water Rights, there will not be any "intervening surface diversion point" meaning there will not be any ditch

diversion or other point of diversion for a decreed surface water right, point of replacement or point of diversion by exchange that is part of an existing decreed exchange, well or well field that is decreed to operate as a surface diversion between the Hamilton Ditch and the new point of diversion. b. Location of the new surface point of diversion: i. Public Land Survey System (PLSS): NE ¼ of the NE ¼ of Section 32, Township 48 North, Range 19 West of the N.M.P.M., derived from CDSS MapViewer. ii. Point(s) of Diversion: UTM Zone 13, Easting 152152, Northing 4255266. 9. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed: Applicants are the owners of the land on which the new diversion structure is located. Application is 7 pages in length. **MONTROSE COUNTY.**

CASE NO. 2022CW3009 DELTA COUNTY 1. Applicant: **David E. Torkelson and Sheilla A. Torkelson** by Clay, Dodson & Skarka, PLLC, 415 Palmer St., Delta CO 81416, 970-874-9777. APPLICATION TO MAKE ABSOLUTE 2. Name of Structures: **Sunshine Spring**, 3. Legal description of points of diversion: In the SW1/4SW1/4SE1/4, Section 9, Township 14 South, Range 92 West, 6th P.M., at a point 2490 feet west of the east section line and 400 feet north of the south section line. 4. Date of Appropriation: July 1, 1996. Amount: 0.033 c.f.s., conditional. 5. Use: domestic use and stock water for five single family residences. In 03CW21, the court previously decreed an absolute right for stock water for five residences, and an absolute right for domestic use for two single family residences, leaving a conditional right for domestic use for three residences 6. Source of Water: Spring tributary to the North Fork of the Gunnison River. **Water taps have been installed on five lots served by Sunshine Spring No. 1 (3 lots located in the Sunshine Springs Minor Subdivision and 2 lots located outside the subdivision).** Applicants request to make their right absolute. **DELTA COUNTY.**

CASE NO. 2022CW3010 - SAN MIGUEL COUNTY - APPLICATION FOR FINDING OF REASONABLE DILIGENCE - 1. Name and Address of Applicant. Jack Tarr, 30240 Rancho Viejo Road, Suite B, San Juan Capistrano, California 92675. Copies of all pleadings to: Stephen C. Larson, Michael S. Davidson, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100 Louisville, Colorado 80027; Phone: (303) 442-1900. 2. **Overview.** Applicant is the owner of Lot 3 in the Sunnyside Ranch at Telluride West subdivision, located in Section 28, Township 43 North, Range 9 West of the New Mexico Principal Meridian. In Case No. 08CW74, the Division 4 Water Court decreed conditional water storage rights for several ponds located on Applicant's property (collectively, the "Ponds"). For the general location of the Ponds, see the map attached as Exhibit A. Since entry of the decree in Case No. 08CW74, Applicant has designed, engineered, constructed, and diverted a portion of the water rights into the Ponds. In Case No. 15CW3038, Applicant made a portion of the conditional water rights decreed to the Ponds absolute and obtained reasonable diligence with respect to all portion of the conditional water rights decreed to the Ponds not made absolute. By application in this case, Applicant seeks a finding of reasonable diligence with respect to the portions of the water rights decreed to the Ponds which are conditional. 3. **Description of Conditional Water Storage Rights from Prior Decree.** A. Names and Legal Description of the Reservoirs: 1. *Tarr Pond No. 1:* Tarr Pond No. 1 is located in the NW1/4 of the SE1/4 of Section 28,

Township 43 North, Range 9 West, N.M.P.M., 1,941 feet from the South Section line, and 1,978 feet from the East Section line. (The UTM coordinates for the Ponds is provided below for informational purposes only: Tarr Pond No. 1: Zone 13, NAD83, Easting 0248372m, Northing 4204989m; Tarr Pond No. 2: Zone 13, NAD83, Easting 0248378m, Northing 4204938m; Tarr Pond No. 3: Zone 13, NAD83, Easting 0248388m, Northing 4204889m; Tarr Pond No. 4: Zone 13, NAD83, Easting 0248354m, Northing 4204870m.)

2. *Tarr Pond No. 2*: Tarr Pond No. 2 is located in the NW1/4 of the SE1/4 of Section 28, Township 43 North, Range 9 West, N.M.P.M., 1,774 feet from the South Section line, and 1,939 feet from the East Section line. 3. *Tarr Pond No. 3*: Tarr Pond No. 3 is located in the NW1/4 of the SE1/4 of Section 28, Township 43 North, Range 9 West, N.M.P.M., 1,614 feet from the South Section line, and 1,887 feet from the East Section line. 4. *Tarr Pond No. 4*: Tarr Pond No. 4 is located in the NW1/4 of the SE1/4 of Section 28, Township 43 North, Range 9 West, N.M.P.M., 1,550 feet from the South Section line, and 1,991 feet from the East Section line.

B. Sources: The source for the Ponds is the East Fork of Remine Creek, a tributary of the San Miguel River. C. Rate of fill: Shall not exceed 0.11 cfs. D. Legal Description of Diversion Point: The point of diversion for filling the Ponds, is the Conley Ditch Headgate, located on the East Fork of Remine Creek in the NW1/4 of the NE1/4 of Section 28, Township 43 North, Range 9 West, N.M.P.M., within 200 feet of a point located 100 feet from the North Section line, and 1,335 feet from the East Section line. E. Date of Appropriation: February 22, 2008. F. Amounts Decreed to the Ponds: 1. *Tarr Pond No. 1*: 0.25 acre-feet, conditional, and 0.25 acre-feet absolute, with the right to fill and refill. 100% of this capacity is active storage. 2. *Tarr Pond No. 2*: 0.01 acre-feet, conditional, and 0.02 acre-feet absolute, with the right to fill and refill. 100% of this capacity is active storage. 3. *Tarr Pond No. 3*: 0.03 acre-feet, conditional, and 0.03 acre-feet absolute, with the right to fill and refill. 100% of this capacity is active storage. 4. *Tarr Pond No. 4*: 0.06 acre-feet, conditional, and 0.09 acre-feet absolute, with the right to fill and refill. 100% of this capacity is active storage. G. Total Capacity of Reservoirs: As decreed in Case No. 08CW74, the individual capacities described above in Section 3.F may vary, so long as the total combined capacity of the Ponds does not exceed 0.75 acre-feet. H. Uses: Fire protection, recreational, piscatorial, and fish and wildlife habitat. I. Surface Acres and Dam Information for the Reservoirs: The cumulative surface acreage for the Ponds is approximately 0.18 acres. No dam will exceed ten feet in height.

4. **Name and Address of Owners Upon Whose Land Structures are Located**. Applicant owns the land on which the Ponds are located. 5. **Claim for a Finding of Reasonable Diligence**. 0.39 acre-feet of the conditional water rights originally decreed to the Tarr Ponds was made absolute in Case No. 15CW3038, leaving 0.36 acre-feet conditional. Applicant seeks a finding of reasonable diligence with respect to the remaining 0.36 acre-feet decreed to the Ponds. The following activities were undertaken during the diligence period toward completion and application of all the subject conditional water rights to their decreed beneficial uses: During the diligence period, Applicant and consultants made leakage evaluations of current ponds, related design improvements and soils evaluations which will assist planning for pond expansion to decreed volumes. Applicant incurred contractor and consultation costs in excess of \$10,000.00 for these items. Applicant engaged BBA Water Consultants, Inc. ("BBA") for general engineering and consulting services with respect to the Ponds and associated water rights during the subject diligence period. During the subject diligence period, Applicant incurred \$1,435.25 for

these engineering and consulting services. During the subject diligence period, Applicant also engaged legal counsel to assist with general legal issues relating to delivery issues on Remine Creek and legal advice in connection with the remaining conditional water rights. Applicant incurred \$1,495.00 for these general legal services during the subject diligence period. WHEREFORE, Applicant respectfully requests that the Court enter a decree finding Applicant has been reasonably diligent in its efforts to develop the conditional water rights to the Ponds as described above, and that the same may be continued in full force and effect for an additional six-year period or until such time as a determination is made that the right has been made absolute. (5 pages plus Exhibit) **SAN MIGUEL COUNTY.**

CASE NO. 2022CW3011 MESA COUNTY, NORTH EAST CREEK, EAST CREEK, GUNNISON RIVER, Ronald E. Tipping and Marie E. Tipping, 1967 Broadway, Grand Junction, CO 81507 c/o Kirsten M. Kurath, 744 Horizon Court, Suite 115, Grand Junction, CO 81506, (970) 242-6262, kmkurath@wth-law.com. Structures: Tippings Solitude Lake and Tippings Solitude Lake Filler Pipeline. Decree: February 2, 2016, Case No. 2012CW143, District Court, Water Div. No. 4. Subsequent Decrees: N/A. Tippings Solitude Lake: Legal Description: The center of the dam for the reservoir is located at a point approximately 2,400 feet west of the east section line and 4,250 feet south of the north section line of Section 35, Township 13 South, Range 101 West of the 6th Principal Meridian. This point is located in the NW1/4 SW1/4 SE1/4 of said Section 35. See map attached to the Application as Exhibit A. Source: Tippings Solitude Lake will be located on the channel of North East Creek and will be filled from the following sources, all of which are tributary to North East Creek, tributary to East Creek, tributary to the Gunnison River: 1) water flowing in North East Creek, and springs and natural runoff occurring above the reservoir; 2) water that is leased, purchased or acquired by Applicants, owned by Applicants, or otherwise available to Applicants from other reservoirs and sources in the North East Creek drainage and 3) Tippings Solitude Lake Filler Pipeline, described below. App. Date: December 1, 2009. Amount: 65 acre feet, conditional, together with the right to fill and refill the reservoir when water is available in priority. Uses: irrigation, stockwatering, fire protection, piscatorial, recreation, and wildlife watering purposes. Total number of acres to be irrigated: Up to approximately 1,900 acres, being the same 1900 acres to be irrigated from King Lake Reservoir as decreed in Case No. 08CW0154. Legal description of acreage to be irrigated: The water in the reservoir will be used for irrigation of a maximum of approximately 1,900 acres owned, in whole or in part, by one or more of the Applicants and located within the lands described on Exhibit B, attached to the Application. The irrigation will include both irrigation of agricultural crops and the irrigation of aspen trees and other natural vegetation to create wildlife habitat. It will also include the creation of natural riparian vegetation and habitat along the shores of the reservoir. If a natural stream is used to convey stored water to the irrigated lands, appropriate transit losses will be assessed by the State and Division Engineers between the location of the reservoir release and re-diversion of the water downstream. Applicants plan to construct a pump and pipeline from Tippings Solitude Lake to King Lake Reservoir, see Exhibit A, located approximately 1.5 miles upstream on North East Creek, or to a point or points on North East Creek between Tippings Solitude Lake and King Lake

Reservoir. King Lake Reservoir is owned by the Applicants. The water pumped to King Lake Reservoir will be used for the uses described above. The water pumped to King Lake Reservoir may also be released from King Lake Reservoir to North East Creek to help maintain flows for piscatorial purposes in the portion of North East Creek between King Lake Reservoir and Tippings Solitude Lake. Water pumped to a point or points below King Lake Reservoir will be used help maintain flows for piscatorial purposes in the portion of North East Creek between the release point(s) and Tippings Solitude Lake. Applicants and CWCB may, in the future, enter into a water delivery agreement on terms to which they may mutually agree if the Applicant seeks to protect any releases or deliveries for instream piscatorial uses described above from diversion by third parties. The water will only be protected under CWCB's instream flow water right on North East Creek decreed in Case No. 04CW159 or any future instream flow within this reach under such an agreement. Any such agreement must be presented to and approved by the CWCB at a regularly scheduled board meeting pursuant to the CWCB's acquisition Rule 6 of the Rules Concerning the Colorado Instream Flow and Natural Lake Level program, 2 CCR 408-2 or any comparable successor rule before it becomes effective. Tippings Solitude Lake Filler Pipeline: Legal Description: The point of diversion is located approximately 1,800 feet west of the east section line and 250 feet north of the south section line of Section 35, Township 13 South, Range 101 West of the 6th Principal Meridian. This point is located in the SW1/4 SW1/4 SE1/4 of said Section 35. See Exhibit A. Source: Unnamed tributary of North East Creek, tributary to East Creek, tributary to the Gunnison River. App. Date: December 1, 2009. Amount: 2.0 c.f.s., conditional. Uses: The Tippings Solitude Lake Filler Pipeline will be used to fill and refill Tippings Solitude Lake, described above. The stored water will be used for the uses described above. This water right will be used solely to fill and refill the storage right decreed herein to Tippings Solitude Lake. No direct flow uses were adjudicated for the Tippings Solitude Lake Filler Pipeline. The development of the Tippings Solitude Lake and Tippings Solitude Lake Filler Pipeline conditional water rights are subject to the terms and conditions of Paragraph 21 of the Decree in Case No. 2012CW143. A 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, including expenditures, is contained in the Application. Name and Address of Landowner: Applicants. Applicants request that the Court adjudge and decree that the Applicants have been reasonably diligent in the development of the Tippings Solitude Lake and Tippings Solitude Lake Filler Pipeline conditional water rights, and that the Tippings Solitude Lake and Tippings Solitude Lake Filler conditional water rights be continued in full force and effect, and that the Court grant the Applicants such other and further relief as may be appropriate. (8 pages) **MESA COUNTY.**

CASE NO. 2022CW3012 Montrose County. Middle Fork Horsefly Creek, tributary to Horsefly Creek, tributary to the San Miguel River. **Application for Findings of Reasonable Diligence and to Make Absolute, In Part.** Applicant: Eldred Colorado Family, LP, c/o Sara M. Dunn and S. Chapin Lewis, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant seeks a finding of reasonable diligence in the development of the Eldred Springs 9, 10, 11A, 11B, 11C, 11D, 11E, 11F, 12. The Subject Water Rights are depicted on Figure 1 on file with the Water Court. **Claim for Finding of Reasonable Diligence.** Applicant requests Eldred Spring 12 be made absolute, in part. Original Decree: Case No. 07CW215, 07/06/2009 Dist. Ct.,

Water Div. No. 4. Subsequent Finding of Diligence: Case No. 15CW3054, 02/09/2016 Dist. Ct., Water Div. No. 4. The source for the Eldred Springs 9-12 is the Middle Fork Horsefly Creek, tributary to Horsefly Creek, tributary to the San Miguel River. Uses for the Eldred Springs 9-12: Stock watering and wildlife watering. Name of Structure: **Eldred Spring 9**. Legal Description: NW1/4 NW1/4 NE1/4, Sec. 33, T. 46 N., R. 10 W., N.M.P.M., 410 ft. from the N. Sec. line and 2,440 ft. from the E. Sec. line of said Sec. 33. GPS coordinates in NAD 83: 13 S 0239561; 4232534 (points were averaged, Garmin Map 76CS). Date of Approp.: 11/20/2007. Amt.: 0.022 c.f.s. (10 g.p.m.), conditional. Name of Structure: **Eldred Spring 10**. Legal Description: NW1/4 NW1/4 NE1/4, Sec. 33, T. 46 N., R. 10 W., N.M.P.M., 450 ft. from the N. Sec. line and 2,320 ft. from the E. Sec. line of said Sec. 33. GPS coordinates in NAD 83: 13 S 0239593; 4232525 (points were averaged, Garmin Map 76CS). Date of Approp.: 11/20/2007. Amt.: 0.022 c.f.s. (10 g.p.m.), conditional. Name of Structure: **Eldred Spring 11A**. Legal Description: SE1/4 SE1/4 NW1/4, Sec. 34, T. 46 N., R. 10 W., N.M.P.M., 2,800 ft. from the S. Sec. line and 3,260 ft. from the E. Sec. line of said Sec. 34. GPS coordinates in NAD 83: 13 S 0240915; 4231854 (points were averaged, Garmin Map 76CS). Date of Approp.: 11/16/2007. Amt.: 0.022 c.f.s. (10 g.p.m.), conditional. Name of Structure: **Eldred Spring 11B**. Legal Description: SW1/4 SE1/4 NW1/4, Sec. 34, T. 46 N., R. 10 W., N.M.P.M., 2,760 ft. from the S. Sec. line and 3,550 ft. from the E. Sec. line of said Sec. 34. GPS coordinates in NAD 83: 13 S 0240825; 4231842 (points were averaged, Garmin Map 76CS). Date of Approp.: 11/19/2007. Amt.: 0.011 c.f.s. (5 g.p.m.), conditional. Name of Structure: **Eldred Spring 11C**. Legal Description: SW1/4 SE1/4 NW1/4, Sec. 34, T. 46 N., R. 10 W., N.M.P.M., 2,790 ft. from the S. Sec. line and 3,750 ft. from the E. Sec. line of said Sec. 34. GPS coordinates in NAD 83: 13 S 0240761; 4231854 (points were averaged, Garmin Map 76CS). Date of Approp.: 11/19/2007. Amt.: 0.022 c.f.s. (10 g.p.m.), conditional. Name of Structure: **Eldred Spring 11D**. Legal Description: SW1/4 SE1/4 NW1/4, Sec. 34, T. 46 N., R. 10 W., N.M.P.M., 2,820 ft. from the S. Sec. line and 3,900 ft. from the E. Sec. line of said Sec. 34. GPS coordinates in NAD 83: 13 S 0240720; 4231862 (points were averaged, Garmin Map 76CS). Date of Approp.: 11/19/2007. Amt.: 0.022 c.f.s. (10 g.p.m.), conditional. Name of Structure: **Eldred Spring 11E**. Legal Description: SW1/4 SE1/4 NW1/4, Sec. 34, T. 46 N., R. 10 W., N.M.P.M., 3,020 ft. from the S. Sec. line and 3,880 ft. from the E. Sec. line of said Sec. 34. GPS coordinates in NAD 83: 13 S 0240723; 4231921 (points were averaged, Garmin Map 76CS). Date of Approp.: 11/19/2007. Amt.: 0.022 c.f.s. (10 g.p.m.), conditional. Name of Structure: **Eldred Spring 11F**. Legal Description: SE1/4 SW1/4 NW1/4, Sec. 34, T. 46 N., R. 10 W., N.M.P.M., 3,030 ft. from the S. Sec. line and 4,150 ft. from the E. Sec. line of said Sec. 34. GPS coordinates in NAD 83: 13 S 0240647; 4231927 (points were averaged, Garmin Map 76CS). Date of Approp.: 11/19/2007. Amt.: 0.022 c.f.s. (10 g.p.m.), conditional. Name of Structure: **Eldred Spring 12**. Legal Description: SE1/4 SE1/4 NW1/4, Sec. 34, T. 46 N., R. 10 W., N.M.P.M., 3,000 ft. from the S. Sec. line and 3,060 ft. from the E. Sec. line of said Sec. 34. GPS coordinates in NAD 83: 13 S 0240975; 4231913 (points were averaged, Garmin Map 76CS). Date of Approp.: 11/19/2007. Amt.: 0.022 c.f.s. (10 g.p.m.), conditional. In the six years preceding the filing of the Application, Applicant has diligently pursued development of the subject water rights. The application on file with the Court contains a detailed outline of the work performed during the diligence period. **Claim to Make Absolute**. Name of Structure: **Eldred Spring 12**. Date water applied to beneficial use:

05/19/2021. Description of place of use: in the vicinity of Eldred Spring 12. Amt.: 4.30 g.p.m. (0.0096 cfs). Amt. remaining conditional: 0.0124 cfs. Water was applied to beneficial use for stock watering and wildlife watering. (8 pages of original application, Figure. 1) **MONTROSE COUNTY.**

CASE NO. 2022CW3013 APPLICATION FOR CORRECTION FOR AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6), C.R.S. Applicant: John M. Welfelt, 1770 Gunnison Ave., Delta, CO 81416, Email: johnwelfelt2@aol.com. Send all Pleadings and Correspondence to: Martha P. Whitmore, Hockersmith & Whitmore, LLC, P.O. Box 646, 917 Main Street, Ouray, CO 81427-0646; Email: marti@houraylaw.com; telephone 970-325-4414. I. Decreed water right for which correction is sought: A. Name of structure: (ditch and spring) L & W Spring No. 8, B. Date of original and all relevant subsequent decrees: February 28, 1995, Case No: 93CW231; December 21, 2001, Case No. 01CW024; Water Court: Water Division No. 4, C. Legal description of structure as described in most recent decree that adjudicated the location: SE1/4SW1/4SE1/4 of Section 7, Township 51 North, Range 10 West, N.M.P.M., Delta County, State of Colorado, 1400 west of the east section line and 250 feet north of the south section line in Section 7, D. Decreed source of water: water tributary to the Uncompahgre River, E. Appropriation Date: December 31, 1993, F. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): Absolute 0.5 cfs, G. Decreed use or uses: Fish and wildlife, H. Amount of water decreed: Absolute 0.5 cfs. 1. Detailed description of proposed correction to an established but erroneously described point of diversion: A. Complete statement of correction to an established but erroneously described point of diversion, including whether it is erroneously described. See §§ 37-92-305(3.6)(a) & (b), C.R.S. The applicant is encouraged to provide evidence to support such information with this application. When the application was initially filed in 93CW231 it was described as being "810 feet east and 700 feet south of the northwest corner of Section 18, T.51 N, R 10 W, NMPM, Delta County, Colorado." In the remarks there was additional information, "L & W Spring No. 8 is located very close to the Uncompahgre River, flows in a natural drainage draw, and follows the path of the River. It acts as a waste ditch or drainage ditch for the adjacent crop land..." From the record, it appears that there were discussions with the Division Engineer's office regarding the correct legal description to use. An amended application was filed on February 15, 1994 with the following legal description: "1375 feet east and 250 feet north of the southeast corner of Section 7, T 51 N, R 10 W, NMPM, Delta County, Colorado." The following additional remarks followed that legal description: "L & W Spring No. 8 is located in a marshy, very wet area near the Uncompahgre River. It flows out of a broad area on the ground and cannot be located at one precise point. The location of L & W Spring may also be described as 100 feet south of the north line and 50 feet west of the east line of the NE1/4NE1/4 of Section 18, T 51 N, R 10 W, NMPM (see Case No. 93CW205). It is Applicant's intention to apply for the same water and spring described in Case No. 93CW205, Application of Joe and Judy Ferrantelli. *Applicants have described the Spring where it first arises or flows onto land owned by Applicants.*" (Emphasis added). Mr. Welfelt has continuously used this water since the adjudication of the water, although the conditional use for irrigation was abandoned. The water is used for fish culture in ponds on Mr. Welfelt's property. The water is also being used in that manner

as part of a mitigation program for UVWUA to offset dry-up of habitat resulting from placing UVWUA water into pipes from ditches in certain locations with grant funding from the US Bureau of Reclamation. The water collects in a natural drainage ditch, which is maintained by Mr. Welfelt. As it crosses property now owned by D.E.R.T. Property Management, LLC, it collects groundwater seepage, runoff from irrigation and natural drainage and wastewater. The ditch continues to be a "gaining ditch" as it crosses property owned by D.E.R.T. Property Management, LLC, and the water referred to as being claimed by Joe and Judy Ferrantelli flows into the ditch in the vicinity of property now owned by Delta Acres. The descriptions of what was being claimed are not inconsistent as it is water that originates from springs, waste water, seepage and other inflows into the ditch that has historically carried this water to the Welfelt property. At the time of the original decree in 93CW231 the decision was apparently made to describe the diversion point as where it enters the Welfelt property. Nevertheless, the historic practice and use of the water has been from the proposed corrected location. B. The legal description of the corrected point of diversion: SE1/4NW1/4, Section 17, Township 51N, Range 10W, N.M.P.M., Delta County, State of Colorado, UTM coordinates Easting 0237802.6m Northing 4286449.4m in Zone 13, NAD83. 2. Name(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. DERT Property Management, LLC, c/o Eric Barker, 21 Creative Place, Montrose, CO 81401. **DELTA COUNTY.**

CASE NO. 2022CW3014, Gunnison County, Gunnison River, Water District No. 4, Applicant: Hidden Mine Ranch Owners Association, Inc., a Colorado nonprofit corporation, c/o Law Office of Michael C. Dawson, LLC., 120 North Taylor - P.O. Box 179, Gunnison, Colorado 81230, (970) 641-3326. **Type of Application:** Application to Make Absolute in Part and For a Finding of Reasonable Diligence. **Name of Structure:** HMR Reservoir. **Location:** The Center of the dam is in Section 11, Township 14 South, Range 86 West, 6th P.M., approximately 1,705 feet north of the south section line and 708 feet west of the east section line of said section, UTM coordinates (NAD83): Northing: 4301858.62 Easting: 329455.73 Zone 13S. **Point of Diversion:** The point of diversion is located in a flume box located in Baxter Gulch in the NW1/4SE1/4 of Section 11, Township 14 South, Range 86 West, 6th P.M., from whence the East Quarter Corner of said Section 11 bears N70°E a distance of 2233 feet more or less. UTM Coordinates (NAD83): Northing 4301921.48, Easting 329029.02 Zone 13S. **Drainage Basin:** The subject reservoir is in the drainage of Baxter Gulch, a tributary of the Slate River, a tributary of the East River, a tributary of the Gunnison River. **Quantity:** 7.75 acre feet (conditional). **Appropriation Date:** May 28, 2015. **Use:** Recreational, piscatorial, stock-watering, firefighting and irrigation of up to 72 acres within Hidden Mine Ranch subdivision. **Type of Structure:** Reservoir. **Name of Structure:** HMR Reservoir Ditch & Pipeline. **Point of Diversion:** At a point on the right bank of Baxter Gulch located in the NW1/4SE1/4 of Section 11, Township 14 South, Range 86 West, 6th P.M., from whence the East Quarter Corner of said Section 11 bears N70°E a distance of 2233 feet more or less. UTM Coordinates (NAD83): Northing 4301921.48, Easting 329029.02 Zone 13S. **Drainage Basin:** The subject ditch and pipeline is in the drainage of Baxter Gulch, a

tributary of the Slate River, a tributary of the East River, a tributary of the Gunnison River. **Quantity:** 0.5 c.f.s. (conditional). **Appropriation Date:** May 28, 2015. **Use:** Recreational, piscatorial, stockwatering, firefighting and irrigation of up to 72 acres within Hidden Mine Ranch subdivision. **Type of Structure:** Ditch and Pipeline. **Other:** Applicant requests the reservoir and ditch & pipeline be made absolute for recreational, piscatorial, stockwatering, firefighting and continued on a conditional status for irrigation of up to 72 acres within Hidden Mine Ranch subdivision, and sets forth the actions taken toward the completion of appropriation and application of water to beneficial use as decreed. In the alternative, the Applicant requests the reservoir and ditch and pipeline be continued on a conditional status based on the actions and funds expended in the appropriation and application of the water to the beneficial uses decreed. **GUNNISON COUNTY.**

CASE NO. 2022CW3015, Gunnison County, Gunnison River, Water District No. 4, Applicant: Hidden Mine Ranch Owners Association, Inc., a Colorado nonprofit corporation, c/o Law Office of Michael C. Dawson, LLC., 120 North Taylor - P.O. Box 179, Gunnison, Colorado 81230, (970) 641-3326. **Type of Application:** Application for Finding of Reasonable Diligence. **Name of Structure:** Upper Janet Spring. **Location:** In the SW1/4SW1/4NW1/4 of Section 14, Township 14 South Range 86 West, 6th P.M., Gunnison County, Colorado, 2640 feet south of the north section line and 316.8 feet east of the west section line. **Drainage Basin:** The subject spring is in the drainage of Baxter Gulch, a tributary of the Slate River, a tributary of the East River, a tributary of the Gunnison River. **Quantity:** 1.0 c.f.s. **Appropriation Date:** July 1, 2000. **Use:** Fire protection, wildlife watering, domestic use and irrigation of approximately 72 acres. **Type of Structure:** Spring. **Name of Structure:** Kevin Spring. **Location:** In the SW1/4NW1/4 of Section 14, Township 14 South Range 86 West, 6th P.M., Gunnison County, Colorado, 1,689.6 feet south of the north section line and 2,534.4 feet east of the west section line. **Drainage Basin:** The subject spring is in the drainage of Baxter Gulch, a tributary of the Slate River, a tributary of the East River, a tributary of the Gunnison River. **Quantity:** 0.1 c.f.s. **Appropriation Date:** July 1, 2000. **Use:** Fire protection, wildlife watering, domestic use and irrigation of approximately 72 acres. **Type of Structure:** Spring. **Name of Structure:** Ross Spring. **Location:** In the SW1/4NW1/4 of Section 14, Township 14 South Range 86 West, 6th P.M., Gunnison County, Colorado, 1,083.23 feet south of the north section line and 580.8 feet east of the west section line. **Drainage Basin:** The subject spring is in the drainage of Baxter Gulch, a tributary of the Slate River, a tributary of the East River, a tributary of the Gunnison River. **Quantity:** 0.1 c.f.s. **Appropriation Date:** July 1, 2000. **Use:** Fire protection, wildlife watering, domestic use and irrigation of approximately 72 acres. **Type of Structure:** Spring. **Name of Structure:** Lower Janet Spring. **Location:** In the SW1/4NW1/4 of Section 14, Township 14 South Range 86 West, 6th P.M., Gunnison County, Colorado, 1,531.2 feet south of the north section line and 1,584 feet west of the east section line. **Quantity:** 0.1 c.f.s. **Appropriation Date:** July 1, 2000. **Use:** Fire protection, wildlife watering, domestic use and irrigation of approximately 72 acres. **Type of Structure:** Spring. **Other:** Applicant requests a finding of reasonable diligence for the springs for fire protection, wildlife watering, and, and sets forth the actions taken toward the completion of appropriation and application of water to beneficial use as decreed, and abandons the conditional use of for irrigation of approximately 72 acres from the springs. **GUNNISON COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of April, 2022 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