

IN THE DISTRICT COURT IN AND FOR WATER DIVISION NO. 4
STATE OF COLORADO

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER
DIVISION NO. 4

Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of March 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. 2023CW4 (REF NO. 17CW4, 09CW158). Rodney C. Power, 2575 1 1/2 Rd, Grand Junction, CO 81505. Application to Make Absolute: Yellow Jacket Spring - SE1/4SW1/4, of Section 14, T14S, R103W, 6th P.M., Easting 684395, Northing 4300331, Zone 12, 1742 feet east of the West section line and 740 feet north of the South section line. Source: North Fork of West Creek, West Creek, Dolores River. Appropriation Date: 09/01/2009. Amount Claimed: 0.033 c.f.s., absolute for stockwater, wildlife, piscatorial, and irrigation of up to twenty acres of agricultural crops and natural vegetation and fill Yellow Jacket Pond. Yellow Jacket Pond - SE1/4SW1/4, of Section 14, T14S, R103W, 6th P.M., Easting 684431, Northing 4300462, Zone 12, 1865 feet east of the West section line and 1168 feet north of the South section line. Source: North Fork of West Creek, West Creek, Dolores River. Appropriation Date: 06/01/2007. Amount Claimed: 0.75 acre-feet absolute for stockwater, wildlife, piscatorial, and irrigation of up to twenty acres of agricultural crops and natural vegetation to enhance forage for wildlife. Wall Spring - NW1/4NW1/4, of Section 23, T14S, R103W, 6th P.M., Easting 684042, Northing 4299974, Zone 12, 568 feet east of the West section line and 415 feet south of the North section line. Source: North Fork of West Creek, West Creek and the Dolores River; Appropriation Date: 09/01/2009. Amount Claimed: 0.033 c.f.s. absolute for domestic use in one single family dwelling, stockwater, wildlife, piscatorial, and irrigation of up to forty acres, and to fill Wall pond #1 and Wall Pond # 2. Wall Pond No. 1 - SW1/4SW1/4, of Section 14, T14S, R103W, 6th P.M., Easting 684109, Northing 4300266, Zone 12, 800 feet east of the West section line and 541 feet north of the South section line. Source: North Fork of West Creek, West Creek and the Dolores River; Appropriation Date: 09/01/2009. Amount Claimed: 0.75 acre-feet absolute for stockwater, wildlife, piscatorial, and irrigation of up to forty acres of agricultural crops and natural vegetation to enhance forage for wildlife. Wall Pond No. 2 - SW1/4SW1/4, of Section 14, T14S, R103W, 6th P.M., Easting 684109, Northing 4300173, Zone 12, 796 feet east of the West line and 235 feet north of the South section line. Source: North Fork of West Creek, West Creek and the Dolores River; Appropriation Date: 09/01/2009. Amount Claimed: 0.75 acre-feet absolute for stockwater, wildlife, piscatorial, and irrigation of up to forty acres of agricultural crops and natural vegetation to enhance forage for wildlife. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **MESA COUNTY.**

CASE NO. 2023CW5. Applicant: Halo Ranch LLC, 6611 N. 3rd Drive, Phoenix, AZ 85013. Application for Change of Water Right: Decreed Water Right for Which Change is Sought: Bridge NO 40 Ditch (2800518). Date of Original and All Relevant Decrees: 04/19/1943, CA2079. Provide a Verbatim Legal Description from Most Recent Decree that Adjudicated the Location: The headgate of the ditch is located at a point on the south bank of Tomichi Creek whence the south quarter of corner Section 29, T48N, R5E, NMPM. Decreed Source of Water: Tomochi Creek, Gunnison River. Appropriation Date: 05/01/1908. Total Amount Decreed to Structure: 4.8 cfs absolute. Decreed uses: Irrigation. Amount of Water Applicant Intends to Change: 3.2 cfs absolute. Detailed Description of Proposed Change: The water right owners propose an alternative point of diversion for 3.2 cfs decreed to the Bridge 40 Ditch ½ mile downstream to an existing point of diversion used by the Cole 1, 2, 3 ditch. Water taken in this lower POD will irrigate lands that were historically irrigated by the Bridge NO 40 Ditch and no new acreage will be irrigated. There are no intervening water rights between the existing and new point of diversion and the change will not cause injury to any water rights. In fact, this move will provide benefit to the CWCB ISF right on this segment of the Tomichi Creek. A small ephemeral drainage enters Tomichi Creek from the south between the existing point and proposed point of diversion. Water from this drainage is not expected to benefit nor be impacted by the proposed Alternative POD of the Bridge NO 40 Ditch. Location Information: Bridge NO 40 Ditch – SE1/4NE1/4, Section 30, T48N, R5E, NMPM, Easting: 372785.90758, Northing: 4250199.06065. Cole 1, 2, 3 Ditch - NW1/4NW1/4, Section 30, T48N, R5E, NMPM, Easting: 372787.01257, Northing: 4250191.85343. **SAGUACHE COUNTY.**

CASE NO. 2023CW6 (REF NO. 16CW33, 97CW167, 91CW5). Applicant: Stephen H. Gross-Rhode, 3649 Evergreen Pkwy #1224, Evergreen, CO 80437. Application for Finding of Reasonable Diligence: High Park Spring No. 1 – NW1/4NW1/4, Section 3, T13S, R92W, 6th P.M., 1,056 feet east of the west line and 1,246 feet south of the north section line. Source: Gunnison River. Appropriation Date: 09/20/1990. Amount Claimed: .02 c.f.s. conditional for domestic, stockwater and wildlife. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2023CW7. Applicants: Coulter and Iren Golden, 14545 6215 Road, Montrose, CO 81403. Application for Conditional and Absolute Surface Water Rights: Golden Pipe – NW1/4SW1/4 of Section 12, T43N, R6W, NMPM., Easting 282248, Northing 4208278, Zone 13. Source: Cliff Creek, Henson Creek, North Fork Gunnison River. Appropriation Date: 03/10/2023. Amount Claimed: 15 gpm conditional for irrigation and back up source for domestic use for single family dwelling should spring source be insufficient or intermittent. Golden Spring – NW1/4SW1/4 of Section 12, T43N, R6W, NMPM., Easting 282232, Northing 4208244, Zone 13. Source: Golden Spring, Cliff Creek, Henson Creek, North Fork Gunnison River. Appropriation Date: 03/10/2023. Amount Claimed: 10 gpm conditional and 5 gpm absolute for irrigation and intended domestic use for single family dwelling (cabin) that is not yet completed. **HINSDALE COUNTY.**

CASE NO. 2023CW8 (REF NO. 16CW71, 10CW82). Applicants: Randall Roper, 469 Cochrane Ln., Erda, UT 84074 and Lindsay Trudeau, 3686 Spanish Valley Drive #E3, Moab, UT 84532.

Application for Finding of Reasonable Diligence: Roper Pump Intake No. 1 – NW1/4SE1/4NE1/4 of Section 30, T47N, R18W, NMPM, Easting: 684203, Northing: 4241389, Zone 12, 1,670 feet south of the north section line and 1,230 feet west of the east section line. Source: Dolores River. Appropriation Date: 06/11/2010. Amount Claimed: .75 c.f.s. conditional for irrigation of 30 acres. The Application on file with the Water Court contains an outline of the work performed during the diligence period.

MONTROSE COUNTY.

CASE NO. 2023CW3016, HINSDALE COUNTY, GUNNISON RIVER. Application for Findings of Reasonable Diligence. Alpine Vista Subdivision Owners Association, Christina Lindseth, Robert Ketchum, Stuart & Donna Kerr, Jamie Lange, Lauren & Lecersia Clark, Robert & Jean Ann Legrand, Mary Lou Morey & Kevin Maxwell, and Dan & Marsha Feely c/o Johnston Van Arsdale Martin PLLC, 305 Gold Rivers Ct, Ste 200 Basalt, 81621, (970) 922-2122. All structures: Original decree: 02CW252 entered on 04/08/2004, Water Div 4. Source: Groundwater produced from the Rhyolite Bedrock, trib. to the Lake Fork of the Gunnison River. Approp. date: 07/16/2002. Amount: 0.033 cfs (15 gpm), cond. Use: Domestic and ordinary household uses and irrigation. The subject cond. water rights operate in conjunction with the plan for augmentation decreed in 02CW252. First claim: Alpine Vista Well No. 1. Subsequent decrees: 10CW62 & 16CW3063, Water Div 4. Legal desc: Well is located in the SW1/4NE1/4 Sec. 18 T42N R4W, NM PM, Hinsdale County, CO, at a pt. 2,130 ft from the N line and 2,100 ft from the E line of said Sec. 18. Depth: Approx. 400 ft. Second claim: Alpine Vista Well No. 2. Subsequent decree: 10CW65 & 16CW3063, Water Div 4. Legal desc: Well is located in the SE1/4NW1/4 Sec. 18 T42N R4W NM PM, Hinsdale County, CO, at a pt. 2,490 ft from the N line and 2,570 ft from the W line of said Sec. 18. Depth: Approx. 200 ft. Third claim: Alpine Vista Well No. 3. Subsequent decree: 10CW68 & 16CW3063 Water Div 4. Legal desc: Well is located in the NW1/4SE1/4 Sec. 18 T42N R4W NM PM, Hinsdale County, CO, at a pt. 2,450 ft from the S line and 1,950 ft from the E line of said Sec. 18. Depth: Approx. 300 ft. Fourth claim: Alpine Vista Well No. 5. Subsequent decree: 10CW62 & 16CW3063 Water Div 4. Legal desc: Well is located in the SE1/4NW1/4 Sec. 18 T42N R4W NM PM, Hinsdale County, CO, at a pt. 2,140 ft from the N line and 2,600 ft from the W line of said Sec. 18.: 0.033 cfs (15 gpm), cond. Use: Domestic and ordinary household uses and irrigation. Depth: Approx. 200 ft. Fifth claim: Alpine Vista Well No. 6. Subsequent decree: 10CW62 & 16CW3063 Water Div 4. Legal desc: The well is located in the SW1/4NE1/4 Sec. 18 T42N R4W NM PM, Hinsdale County, CO, at a pt. 1,980 ft from the N line and 2,140 ft from the E line of said Sec. 18. Depth: Approx. 200 ft. Sixth claim: Alpine Vista Well No. 7. Subsequent decree: 10CW62 & 16CW3063 Water Div 4. Legal desc: Well is located in the SW1/4NE1/4 Sec. 18 T42N R4W NM PM, Hinsdale County, CO, at a pt. 1,950 ft from the N line and 1,820 ft from the E line of said Sec. 18. Depth: Approx. 200 ft. Seventh claim: Alpine Vista Well No. 9. Subsequent decree: 10CW63 & 16CW3063 Water Div 4. Legal desc: Well is located in the SW1/4NE1/4 Sec. 18 T42N R4W NM PM, Hinsdale County, CO, at a pt. 2,540 ft from the N line and 1,830 ft from the E line of Sec. 18. Depth: Approx. 200 ft. Eighth claim: Alpine Vista Well No. 10. Subsequent decree: 10CW62 &

16CW3063 Water Div 4. Legal desc: Well is located in the NW¼SE¼ Sec. 18 T42N R4W NM PM, Hinsdale County, CO, at a pt. 2,360 ft from the S line and 1,840 ft from the E line of said Sec. 18. Depth: Approx. 200 ft. Ninth claim: Alpine Vista Well No. 11. Subsequent decree: 10CW67 & 16CW3063 Water Div 4. Legal desc: Well is located in the NW¼SE¼ Sec. 18 T42N R4W NM PM, Hinsdale County, CO, at a pt. 2,170 ft from the S line and 2,530 ft from the E line of said Sec. 18. Depth: Approx. 200 ft. Application on file with the Court includes diligence demonstration. Landowners: Applicants. (11 pages, 1 exhibit).
HINSDALE COUNTY.

CASE NO. 2023CW3017 GUNNISON COUNTY 1. Applicant: **Board of County Commissioners of Gunnison County, State of Colorado**, 200 East Virginia Avenue, Gunnison, CO 81230, phone (970) 641-5300 by Clay, Dodson & Skarka, PLLC, 415 Palmer St., Delta, CO 81416, phone (970) 874-9777. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. 2. Name of Structures: **Gunnison County Municipal Pipeline**. 3. Description of Conditional Water Rights: The Division 4 Water Court decreed a conditional water right to the Gunnison County Municipal Pipeline in Case No. 92 CW 54 on September 29, 1992, for 2.0 c.f.s. of water. In Case No. 97 CW 36, the Court made 1 c.f.s. of the conditional water right decreed to the Gunnison County Municipal Pipeline in Case No. 92 CW 54 absolute and continued the other 1.0 c.f.s. of water in full force and effect as a conditional water right. Applicant now seeks a finding of reasonable diligence as to the 1.0 c.f.s. of water decreed to the Gunnison County Municipal Pipeline in Case No. 92 CW 54 that remains conditional. 4. Legal description of point of diversion: The decreed point of diversion for the Gunnison County Municipal Pipeline is located in the SW¼SW¼ of Section 2, Township 49 North, Range 1 West, N.M.P.M., at a point approximately 80 feet east of the west section line and 1200 feet north of the south section line of said Section 2. 5. Source of Water: Gunnison River. 6. Date of Appropriation: April 21, 1992. 6. Amount: 1.0 cfs. 7. Use: Municipal Purposes. 8. Provide a detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed: Applicant diverts water from the alluvium of the Gunnison River through a short pipe to its potable water treatment plant. Applicant diverts water from the alluvium of the Gunnison River through a short pipe to its potable water treatment plant. Since 2017, treated water has been distributed to 750 customers (an increase of 50 customers), and 23 new connections have been made to the Dos Rios Water System. The remaining 1.0 c.f.s. is still planned to be used when the development demand requires it. Its availability is necessary to meet the demand from expanded service areas, and those areas could see large growth over the next one to ten years. 8. Names of Owners of the land upon which a new diversion or modification of existing diversion is sought: Applicant. **GUNNISON COUNTY.**

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