

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 May 2024.

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. 2024CW14. Applicants: William Troy Latham and Karen Latham, 14061 F Rd., Delta, CO 81416. Application for Conditional Surface Water Rights: Latham Spring #1 – NE1/4SE1/4 of Section 22, T15S, R96W, 6th PM., Easting: 230284.4, Northing: 4291798.3 Zone 13. Source: Bixley Gulch, Gunnison River, Colorado River. Appropriation Date: 01/16/2024. Amount Claimed: 50 gpm conditional for livestock and domestic. Latham Spring #2 – NE1/4SW1/4 of Section 23, T15S, R96W, 6th PM., Easting: 230810.7, Northing: 4291524.5 Zone 13. Source: Cummings Gulch, Colorado River. Appropriation Date: 01/16/2024. Amount Claimed: 15 gpm conditional for livestock. Latham Spring #3 – SE1/4SW1/4 of Section 23, T15S, R96W, 6th PM., Easting: 230941, Northing: 4291349.8 Zone 13. Source: Cummings Gulch, Gunnison River, Colorado River. Appropriation Date: 01/16/2024. Amount Claimed: 50 gpm conditional for livestock and domestic. **DELTA COUNTY.**

CASE NO. 2024CW15. Applicants: Ronald L. Tibbetts and Becky J. Tibbetts, 1780 1300 Rd., Delta, CO 81416. Application for Conditional Surface Water Rights: Tibbetts W/W 1 Ditch – NW1/4NW1/4 of Section 16, T51N, R11W, NMPM., Easting: 751303, Northing: 4286334 Zone 12. Source: Gunnison River. Appropriation Date: 05/08/2024. Amount Claimed: 2.5 cfs conditional for irrigation of 29 acres. **DELTA COUNTY.**

CASE NO. 2024CW16 (REF NO. 19CW12, 12CW126, 18CW8). Applicant: James C. Free, 14920 6000 Rd., Montrose, CO 81403. Application to Make Absolute in Whole or in Part: **(19CW12, 12CW126 – GUNNISON COUNTY):** Cow Camp Spring - SW1/4NE1/4NE1/4 of Section 5, T46N, R6W, NMPM. 2,645 feet from the south section line and 932 feet from the east section line, Easting: 277468, Northing: 4238571, Zone 13. Source: Cimarron River, Gunnison River. Appropriation Date: 10/06/2012. Amount Claimed: .033 cfs for domestic, stockwater, wildlife and fire protection. Application for Finding of Reasonable Diligence: **(18CW8 – MONTROSE COUNTY):** Freestyle Wastewater Cistern Pump - SE1/4SE1/4SE1/4 of Section 22, T49N, R10W, NMPM. 274 feet from the south section line and 165 feet from the east section line, Easting: 241127, Northing: 4264366, Zone 13. Source: Spring Creek, Uncompahgre River. Appropriation Date: 08/17/1948. Amount Claimed: .10 cfs for irrigation. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON AND MONTROSE COUNTIES.**

CASE NO. 2024CW17. Applicant: Lady Reiss Fuller, PO Box 509, Woody Creek, CO 81656. Application for Absolute Surface Water Rights: Hideaway Spring – SE1/4SE1/4 of Section 35, T49N, R6W, NMPM., Easting: 281876, Northing: 4259326 Zone 13. Source: Gunnison River. Appropriation Date: 03/08/2021. Amount Claimed: .05 gpm absolute for residential use, small cabin, summer only. **GUNNISON COUNTY.**

CASE NO. 2024CW3022 Gunnison County. Application for Absolute Surface Water Right and Change of Water Rights. Applicant: James G. Oates Trust Dated September 18, 1990, c/o John T. Howe, Hoskin Farina & Kampf, P.C., 200 Grand Avenue, Suite 400, Grand Junction, Colorado 81501; (970) 986-3400. Attorney for Applicant: John T. Howe, Hoskin, Farina & Kampf, Professional Corporation, Post Office Box 40, Grand Junction, Colorado 81502; (970) 986-3400. **Summary of Application:** Applicant seeks an absolute water right for the Oates Pump Station and a change to an alternate point of diversion and place of use of 20 gallons per minute of Priority No. 67 and 20 gallons per minute of Priority No. 328 of the Buckey-Lehman Ditch to the Oates Pump Station. **Claim for Absolute Surface Water Right:** Name of Structure: Oates Pump Station. Source: Ohio Creek, tributary to the Gunnison River. Location: NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 51 North, Range 1 West of the N.M.P.M., 2,440 feet from the South section line and 2,432 feet from the West section line. UTM Coordinates: 327814 Easting, 4281726 Northing, Zone 13. Appropriation date: October 1, 1998. Date water applied to beneficial use: July 1, 2002. Amount claimed: .089 c.f.s. (40 gpm). Use: irrigation. Location of irrigated acreage: 2.5 acres located in Homestead No. 9 of Eagle Ridge Ranch, Gunnison County, Colorado. **Claim for Change of Water Rights:** Name of Structure for which the change is sought: Buckey-Lehman Ditch, Priority Nos. 67 and 328. Date of original and all relevant subsequent decrees: Original decree (Priority No. 67): Civil Action No. 1325, Gunnison County District Court, December 14, 1906. Original Decree (Priority No. 328): Civil Action No. 2021, Gunnison County District Court, April 29, 1941. Legal description of structure as described in most recent decree that adjudicated the location: On the east bank of Ohio Creek, a tributary of the Gunnison River, at a point from whence the southwest corner of Section 16, Township 51 North, Range 1 West, New Mexico Principal Meridian bears South 47 West 720 feet. Gunnison County, Colorado. PLSS: SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 51 North, Range 1 West, N.M.P.M. UTM coordinates: 327117.0 Easting, 4282884.5 Northing, Zone 13. Decreed source of water: Ohio Creek, tributary to the Gunnison River. Appropriation Date: Priority 67 and Priority 328 – May 15, 1888. Total amount decreed to structure: Priority No. 67 – 3.125 c.f.s. absolute; Priority No. 328 – 9.375 c.f.s. absolute. Decreed use: irrigation. Amount of water that Applicant intends to change: a total of .089 c.f.s. (40 gpm); .0445 c.f.s. (20 gpm) absolute of Priority No. 67 and .0445 c.f.s. (20 gpm) absolute of Priority No. 328. Detailed description of proposed change: Applicant is the owner of 20 gpm of Priority No. 67 and 20 gpm of Priority No. 328 in the Buckey-Lehman Ditch. Applicant seeks a change to an alternate point of diversion and place of use for its water rights in the Buckey-Lehman Ditch to the Oates Pump Station described above. The location of the alternate point of diversion and the proposed irrigated acreage for the change in water rights sought herein is the location and irrigated acreage of the Oates Pump Station described above. **Names and addresses of owners of 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 modifications to the existing pool: Eagle Ridge Ranch Homeowners Association, 6635 County Road 730, Gunnison, Colorado 81230. **GUNNISON COUNTY.**

CASE NO. 2024CW3023 DELTA COUNTY 1. Applicant: **Gerald Nottingham, Molly Nottingham, and Greg Nottingham**, P.O. Box 1299, Paonia, CO 81428-1299; (928) 533-3998 by Camp & Skarka, LLC, 415 Palmer St., Delta CO 81416, 970-874-9777. APPLICATION FOR UNDERGROUND WATER RIGHT AND APPROVAL OF A PLAN FOR AUGMENTATION. 2. Name of Structures: **Nottingham Well**. 3. Legal description of points of diversion: SE4 of the NE4 of Section 11, Township 14 South, Range 92 West of the 6th Principal Meridian: UTM Zone 13 NAD83, 271756m E, 4303508m N. 4. Date of Appropriation: December 12, 2023. 5. Amount: 30 gallons per minute not to exceed 0.40 acre feet of water per year, conditional. 6. Source of Water: groundwater tributary to the North Fork Gunnison River, tributary to the Gunnison River. 7. Water right to be used for augmentation: Applicants will obtain a long-term water service contract with the North Fork Water Conservancy District for lease of augmentation water stored in East Beckwith Reservoir, and with the U.S. Bureau of Reclamation for lease of augmentation water stored in Blue Mesa Reservoir. 8. Statement of the Plan for Augmentation: Water supplied by the Nottingham Well will be used to supply water for domestic purposes in a single-family home and a detached small guest cabin. Applicants anticipate that the small cabin will be used for guests up to 14 days in July and 14 days in December. The total annual demand is approximately 0.40 acre-feet. Wastewater from the home and guest cabin will discharge to a septic system, and as a result, overall depletion to the aquifer is estimated at 10% of the demand, or 0.04 acre-feet annually. The plan for augmentation will be implemented by leasing replacement water in East Beckwith Reservoir to offset out-of-priority depletions in response to downstream calls on the North Fork Gunnison River by the Short Ditch, and in Blue Mesa Reservoir to offset out-of-priority depletions in response to downstream calls on the Gunnison River by the Redlands Power Canal. The water lease obligations to offset potential out-of-priority depletions, including an exchange project (the Nottingham Well Exchange Project in the amount of 0.0001 c.f.s.), are presented in the Hydrology Report for the Nottingham Well by Merrill Water Rights Consulting, LLC, attached as **Exhibit A** to the Application. **DELTA COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of July 2024 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