

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 November 2021.

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. 2021CW33 (REF NO. 15CW32, 09CW35, 02CW164). Applicant: Claire Moore and Paul Murrill, P. O. Box 131, Paonia, CO 81428. Application for Finding of Diligence: Reta Mae Spring – SW1/4SW1/4NW1/4 of Section 2, T14S, R92W, 6th PM. 2,623 feet south of the north section line and 153 feet east of the west section line. Source: North Fork of the Gunnison River, Gunnison River. Appropriation Date: 09/23/2002. Amount Claimed: .05 c.f.s. conditional for domestic use in one single family dwelling, irrigation of 2 acres and stockwater. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2021CW34 Applicant: Christopher R. and Paula M. Smith, PO Box 36, Hotchkiss, CO 81419. Application for Conditional Storage Water Rights: Olive Reservoir – NW1/4NW1/4 of Section 19, T12S, R92W, 6th PM, Easting 264816, Northing 4320217, Zone 13. Source: Doughty Creek, East Leroux Creek, Leroux Creek, Gunnison River. Appropriation Date: 12/27/2020. Amount Claimed: 66.84-acre feet conditional for irrigation of 100 acres. **DELTA COUNTY**

CASE NO. 2021CW35 Applicant: LDR, LLC. c/o Roger Helms, 20875 N 90th Place, Suite 210, Scottsdale, AZ 85255. Application for Absolute Storage Water Rights: Last Dollar Ranch Ponds No. 1, 2, and 3. Last Dollar Ranch Pond No. 1 – SW1/4SW1/4 of Section 12, T44N, R10W, NMPM, Easting 243819, Northing 4218146, Zone 13. Appropriation Date: 8/01/1989. Amount Claimed: 9.5-acre feet absolute. Last Dollar Ranch Pond No. 2 – NE1/4SW1/4 of Section 12, T44N, R10W, NMPM, Easting 244079, Northing 4218609, Zone 13. Appropriation Date: 8/01/1995. Amount Claimed: 0.75-acre feet absolute. Last Dollar Ranch Pond No. 3 – SW1/4SE1/4 of Section 12, T44N, R10W, NMPM, Easting 244593, Northing 4218767, Zone 13. Appropriation Date: 8/01/1989. Amount Claimed: 2.5-acre feet absolute. Uses for all 3 ponds: Recreation, stockwater, piscatorial, wildlife, and fire protection. Source: Leopard Creek, San Miguel River. **SAN MIGUEL COUNTY**

CASE NO. 2021CW3060 Delta County. Application for Underground Water Rights and Request for Approval for Plan of Augmentation. Applicant: Honey Rock, LLC, 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: (1) conditional underground water rights for three wells located on Applicant's farm known as Honey Rock Landing that will divert groundwater tributary to the Gunnison River; and (2) approval of a plan for augmentation for out of priority depletions that would result from use of such wells. **Request for Underground Water Right:** **Name of Well:** Manager's Residence Well. **Source:** groundwater tributary to the Gunnison River. **Depth of Well:** 100 feet. **Permit Number:** Manager's Residence Well was drilled pursuant to Permit No. 319651 as a monitoring well. An application for a commercial well permit will be filed with the Division of Water Resources. **Location:** SE ¼ NE ¼ of Section 34, Township 14 South, Range 98 West of the 6th P.M., 2,060 feet from the North section line and 360 feet from the East section line. UTM Coordinates: 211522 Easting, 4299033 Northing, Zone 13. **Uses:** domestic use inside four residences and for a campground. **Appropriation Date:** November 30, 2020. **Quantity:** 10 gpm; 1.44 acre feet annually. **Landowner:** Applicant. **Comments:** will be operated according to a plan for augmentation, approval for which is sought in this application. **Request for Underground Water Right:** **Name of Well:** Pole Barn Well. **Source:** groundwater tributary to the Gunnison River. **Depth of Well:** 100 feet. **Location:** NE ¼ NW ¼ of Section 35, Township 14 South, Range 98 West of the 6th P.M., 240 feet from the North section line and 600 feet from the West section line. UTM Coordinates: 211522 Easting, 4299582 Northing, Zone 13. **Uses:** domestic use in employee housing for seasonal workers and commercial use for a juicing facility. **Appropriation Date:** July 1, 2020. **Quantity:** 35 gpm; 0.84 acre feet annually **Landowner:** Applicant. **Comments:** will be operated according to a plan for augmentation, approval for which is sought in this application. **Request for Underground Water Right:** **Name of Well:** Greenhouse Well. **Source:** groundwater tributary to the Gunnison River. **Depth of Well:** 210 feet. **Location:** SE ¼ NW ¼ of Section 35, Township 14 South, Range 98 West of the 6th P.M., 2,371 feet from the North section line and 1,160 feet from the West section line. UTM Coordinates: 211681 Easting, 4298930 Northing, Zone 13. **Use:** irrigation of mixed crops inside high efficiency greenhouses. **Appropriation Date:** May 12, 2021. **Quantity:** 25 gpm; 2.50 acre feet annually. **Landowner:** Applicant. **Comments:** will be operated according to a plan for augmentation, approval for which is sought in this application. **Request for Approval of Plan for Augmentation:** **Name of Structures to be augmented:** Manager's Residence Well, Pole Barn Well and Greenhouse Well. **Water Rights to be Used for Augmentation:** Aspinall Unit – Blue Mesa Reservoir, decreed in Civil Action No. 6981 and Civil Action No. 10045. 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 the center line of the outlet works tunnel, whence the Southwest corner of Section 31, T 49 N, R 4 W, N.M.P.M., bears N 78°36'44" W a distance of 3,207.07 feet. Source of water is the Gunnison River. Appropriation date is November 11, 1957. Amount decreed to Blue Mesa Reservoir is 939,204 acre-feet decreed in Case No. 6981 and 124,253 acre-feet transferred to the reservoir in Case No. 10045; total amount decreed is 1,063,457 acre-feet. The amount to be included in this plan for augmentation is 1.00 acre feet per year. Decreed uses are domestic, municipal, irrigation, stock watering, industrial, stock watering, hydropower generation, piscatorial, wildlife, recreation and other purposes. **Statement of Plan for Augmentation:** **Water Demands.** The Manager's Residence Well water demands for domestic purposes in four residences and a campground total 1.44 acre feet per year. This total is based on

four residences using 350 gallons per day per residence between May and September, while October through April the anticipated occupancy of the four residences is 50 percent, or 175 gallons per day per residence. The total water use of the four residences is 1.11 acre feet per year. The other water demand from the Manager's Residence Well is for 10 campsites using 50 gallons per day each from April through October equaling 0.33 acre feet per year. The total Manager's Residence Well water demand is 1.44 acre feet per year with the lagged demands for the Manager's Residence Well. The monthly water demands were lagged using a Glover Analysis: Option No. 1 with a transmissivity of 300 gpd/ft, a specific yield of 0.1, and an x distance of 138 feet (x = distance from well to river).

The Pole Barn Well water demands for domestic use in employee housing and commercial purposes total 0.84 acre feet per year. H-2A housing served by the Pole Barn Well has the following occupancy schedule: from January 15 through April 15, the occupancy is 50 percent; from April 15 through October 15, the occupancy is 100 percent; and from October 15 through January 15, the occupancy is 15 percent. 100 percent occupancy is based on 50 gallons per person per day for 20 seasonal workers occupying the H-2A housing per CDPHE standards. In total, the H-2A Housing water demand equals 0.74 acre feet per year. Additional water demands from a Juicing Facility served by the Pole Barn Well equal 0.10 acre feet per year, based on 3 gpm used for 10 hours a day, 2 days per week, from July 1 to August 31. The total monthly water demands were lagged using a Glover Analysis: Option No. 1 with a transmissivity of 300 gpd/ft, a specific yield of 0.1, and an x distance of 758 feet.

The Greenhouse Well water demands for growing mixed crops inside of high-efficiency greenhouses total 2.5 acre feet per year. Greenhouse water use is planned for 10 months out of the year February through November. The planned water demand is 1.5 inches per acre of growing space per month (0.125 acre feet per acre per month). With a planned total growing space of 2.0 acres, this equals 0.25 acre feet per month or 2.5 acre feet per year. The total greenhouse monthly water demands were lagged using a Glover Analysis: Option No. 1 with a transmissivity of 300 gpd/ft, a specific yield of 0.1, and an x distance of 775 feet and total 2.5 acre feet per year.

The total lagged demand to the Gunnison River was calculated by adding the lagged demand from the Manager's Residence Well, the Pole Barn Well, and the Greenhouse Well for a total of 4.78 acre feet per year.

Depletions. Total lagged water depletions were calculated by subtracting the total lagged demand from the calculated total lagged return flows to the Gunnison River. The return flows from the Manager's Residence Well were calculated based on 85 percent return from the septic system to the Gunnison River through the river alluvium and are 1.22 acre feet per year. This return flow was lagged to the Gunnison River through the alluvium using a Glover Analysis: Option No. 2, transmissivity = 25,000 gpd/ft, specific yield = 0.2, an X distance of 150 feet and a W distance of 462 ft (W = distance from the river to no-flow boundary through the well). The alluvium transmissivity of 25,000 gpd/ft was estimated from sand and gravel grain sizes observed during test hole drilling.

The calculated return flows from the Pole Barn Well are based on an 85 percent return from the septic system through the river alluvium and are 0.71 acre feet per year. These monthly return flows were lagged to the Gunnison River through the alluvium using a

Glover Analysis: Option No. 2, Transmissivity = 25,000 gpd/ft, Specific Yield, = 0.2, distance X = 759 feet W = 1,466 feet.

The calculated return flows from the greenhouses are estimated to be 10 percent. These return flows from the Greenhouse Well total 0.25 acre feet per year. These monthly return flows were then lagged to the Gunnison River through terrace gravels using a Glover Analysis: Option No. 2, Transmissivity = 35,000 gpd/ft, Specific Yield, = 0.2, distance X = 1,080 feet W = 2,844 feet Grain sizes observed during the Greenhouse test well drilling were larger than river alluvium and included larger gravels, indicating a higher transmissivity value for the terrace gravels than the alluvium.

The total lagged return flows for the Manager's Residence Well, the Pole Barn Well and the Greenhouse Well combined are 2.19 acre feet per year.

River Administration. The call from the Redlands Power Canal is not typically administered. Thus, to assess potential future calls from the Redlands Power Canal, the streamflow of the Gunnison River at the Whitewater Gage was compared to the decreed water rights of the Redlands Power Canal. When the gauged flow for the Gunnison River at Whitewater was less than the senior 650 c.f.s. water right, a potential call is assumed. This augmentation plan uses the call period for augmentation plans for the Redlands Canal provided by the division engineer for the analysis as they represented a water year under extreme drought conditions. The percent of days per month out of priority are provided in the Application.

Out-of-Priority Depletions and Augmentation Releases. The total lagged depletions to the Gunnison River equal 2.54 acre feet per year and are calculated by subtracting the total lagged return flows from the total lagged demands. The call schedule discussed above for the Redlands Power Canal was applied to the total lagged depletions and calculated a total potential out of priority depletion of 0.81 acre feet per year.

The required monthly augmentation releases from Blue Mesa Reservoir needed to replace out-of-priority depletions total 0.98 acre feet per year. The total amount needed from Blue Mesa Reservoir was calculated for each segment of the Gunnison River identified by the Division of Water Resources and added across the total distance from Blue Mesa Reservoir to Honey Rock Landing. From Crystal Dam to the confluence with the North Fork of the Gunnison (30.5 miles), transit loss on the South Fork of the Gunnison is 0.15 percent per mile. Transit loss along the Gunnison River from North Fork of the Gunnison to Delta (17.3 miles) is 0.25 percent per mile. Transit loss on the Gunnison River from Delta to Honey Rock Landing (20.8 miles) is 0.5 percent per mile.

Prior to or upon approval of this plan for augmentation, Applicant will enter into a water supply contract with the United States for augmentation water in the amount of 1.0 acre foot of water per year. Applicant can lease additional replacement water as needed if, under future conditions, the potential out-of-priority depletions exceed 0.98 acre feet per year.

The engineering values used in this application are those currently used by or calculated by Applicant's engineers but may be subject to change during the course of this proceeding without the need to amend or republish this application.

4. 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: all new structures are or will be constructed on land owned by Applicant.
DELTA COUNTY.

CASE NO. 2021CW3061 DELTA COUNTY 1. Applicant: **Dorothy R. Wisehart Trust**, Arthur Wisehart, Trustee, by Clay, Dodson & Skarka, PLLC, 415 Palmer St., Delta CO 81416, 970-874-9777. APPLICATION FOR FINDING OF REASONABLE DILLIGENCE
2. Name of Structure: **Wisehart Spring** and **Wisehart Reservoir**, 3. Legal description spring and reservoir location: Delta County, SW1/4NW1/4NE1/4, Section 1, Township 14 South, Range 92 West, 6th P.M., at a point 690 feet south of the north section line and 2,190 feet west of the east section line. 4. Date of Appropriation: March 15, 2015. Amount: 0.01 c.f.s., conditional for Spring; 0.371 a.f. conditional for Reservoir (0.141 of which may be used for augmentation). 5. Use: (Spring) commercial use including domestic use and to fill the Wisehart Reservoir; (Reservoir) recreation, including augmentation. 6. Source of Water: Spring tributary to the North Fork of the Gunnison River. **Applicant has completed the reservoir with gates to control the water level, a vault to store spring water, electric cables for the pump have been installed and the water line to the residence has been installed. DELTA COUNTY.**

CASE NO. 2021CW3062 1. Applicant: United States of America, Department of the Interior, Bureau of Land Management, Gunnison Field Office, 210 Spencer Avenue, Suite A Gunnison, CO 81230. 2. Name of structure: Round Mountain Spring 3. Legal description of each point of diversion: All UTM data are from Zone 13S and use the NAD83 (Conus) Datum. NE/4 NW/4, Section 16, T43N R4W, N.M.P.M., approximately 10 feet from the north section line and 2,459 feet from the west section line. 297175mE 4207527mN 4. Source: Unnamed tributary to Coin Gulch/Lake Fork Gunnison River/Gunnison River 5. A. Date of appropriation: November 30, 2021 **B. How appropriation was initiated**: The Bureau of Land Management (BLM) inventoried the quantity and quality of water available for wildlife uses. In addition, BLM provided public notice of the appropriation by filing this water right application during the month of November 2021. **C. Date water applied to beneficial use**: November 30, 2021 **6. Amount claimed**: 0.0132 cfs, absolute **7. Use**: Wildlife. The spring provides drinking water, forage, and cover for Canada lynx, bighorn sheep, deer, elk, bear, mountain lions, small mammals, and birds. **8. Name(s) and address(es) of owner(s) of land on which point of diversion and place of use(s) is (are) located**: United States Department of the Interior, Bureau of Land Management, Gunnison Field Office, 210 Spencer Avenue, Suite A, Gunnison, CO 81230. **HINSDALE COUNTY**

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