

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 October 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. 2021CW31. Applicants: Dennis and Mary Beth Erickson, 70142 Hwy 50, Montrose, CO 81401, and Lars Erickson, 2113 Cambridge, Montrose, CO 81401. Application for Absolute Surface Water Rights: Lars Spring – SE1/4SE1/4 of Section 1, T46N, R6W, NMPM. Easting 283890, Northing 4237986, Zone 13. Source: Little Cimarron, Gunnison River. Appropriation Date: 11/14/2005. Amount Claimed: 5 gpm absolute for domestic and irrigation of ¼ acre garden and lawn. **GUNNISON COUNTY.**

CASE NO. 2021CW32. Applicant: Andy Pipher, 39558 Hwy 92, Crawford, CO 81415. Application for Conditional Surface Water Rights: Eagle Spring – SW1/4SE1/4 of Section 19, T15S, R92W, 6TH P.M. 1,500 feet east of the west section line and 900 feet south of the north section line. Source: Alum Creek, North Fork Gunnison River, Gunnison River. Appropriation Date: 5/1/2018. Amount Claimed: 5 gpm conditional for domestic, irrigation, stockwater, and wildlife. **DELTA COUNTY.**

CASE NO. 2021CW3053. Applicants: City of Ouray, P.O. Box 468/ 320 6th Ave, Ouray, Colorado 81427, email: clarkes@cityofouray.com, telephone 970-325-7060. **APPLICATION FOR CONDITIONAL WATER RIGHTS (SURFACE).** Name of structure: Ouray Ice Park Diversion Structure and Pump Station; Legal description: NW1/4 of the SW1/4, S 31, T44N, R7W, NMPM; Source: Canyon Creek, a tributary of Uncompahgre River; Date of appropriation: September 10, 2021; How appropriation was initiated: On the ground site visit on September 10, 2021, survey by GPS by Engineer; City of Ouray Council meeting and Resolution 13 (SERIES 2021), dated October 4, 2021, which establishes the September 10, 2021 as the date applicant's intent to and actual appropriation of the water contemplated in this application for beneficial purposes was had; Date water applied to beneficial use: N/A; Amount claimed in cubic feet per second: Conditional 1.114 cfs; List All Uses or Proposed Uses: Recreation and Reuse; Number of acres historically irrigated N/A acres; The water claimed in this application will be used for recreation use in the Ouray Ice Park to farm ice in the winter and to reuse the recreation return flows for use in the City of Ouray augmentation plan (Case No. 13CW3072); Place of Use is City of Ouray, including but not limited to the City of Ouray Ice Park; The owners or reputed owners of the land upon which the structures are located is the City of Ouray: **OURAY COUNTY.**

CASE NO. 2021CW3054. Applicant: City of Ouray, P.O. Box 468, Ouray, Colorado 81427, by Carol A. Viner, Carol A. Viner, P.C., 1104 S. Townsend Avenue, Montrose, Colorado 81401, 970-208-9418. Application for Finding of Diligence: Minion Spring #3 – NW¼SW¼ Section 31, Township 44 North, Range 7 West, New Mexico Principal Meridian, 1808 from the south section line and 255 from the west section line. Source: Canyon Creek, tributary to the Uncompahgre River. Appropriation Date: November 12, 2008. Amount Claimed: 0.03 c.f.s., conditional for recreational, geothermal, piscatorial, industrial and other beneficial uses. **OURAY COUNTY.**

CASE NO. 2021CW3055. Minion #4 Applicant: City of Ouray, P.O. Box 468, Ouray, Colorado 81427, by Carol A. Viner, Carol A. Viner, P.C., 1104 S. Townsend Avenue, Montrose, Colorado 81401, 970-208-9418. Application for Finding of Diligence: Minion Spring #4 – NW¼SW¼ Section 31, Township 44 North, Range 7 West, New Mexico Principal Meridian, 1720 from the south section line and 185 from the west section line. Source: Canyon Creek, tributary to the Uncompahgre River. Appropriation Date: November 12, 2008. Amount Claimed: 0.05 c.f.s., conditional for recreational, geothermal, piscatorial, industrial and other beneficial uses. **OURAY COUNTY.**

CASE NO. 2021CW3056. Applicant: City of Ouray, P.O. Box 468, Ouray, Colorado 81427, by Carol A. Viner, Carol A. Viner, P.C., 1104 S. Townsend Avenue, Montrose, Colorado 81401, 970-208-9418. Application for Finding of Diligence: Peg Spring #1 – NW¼SW¼ Section 31, Township 44 North, Range 7 West, New Mexico Principal Meridian, 1791 from the south section line and 252 from the west section line. Source: Canyon Creek, tributary to the Uncompahgre River. Appropriation Date: November 12, 2008. Amount Claimed: 0.01 c.f.s., conditional for recreational, geothermal, piscatorial, industrial and other beneficial uses. **OURAY COUNTY.**

CASE NO. 2021CW3057 (15CW3032) (07CW211). APPLICATION FOR FINDING OF REASONABLE DILIGENCE 1. Name, address and telephone number of Applicant: Crystal Creek Homeowners Association, 12500 County Road 742, Almont, CO 80210, (970) 641-3176. Please direct all correspondence and pleadings to: David S. Hayes, Hayes Poznanovic Korver, LLC, 1999 Broadway, Suite 3200, Denver, CO 80202, (303) 825-1980, dhayes@hpkwaterlaw.com. 2. Description of the Conditional Appropriative Right of Exchange. A. Name of Conditional Appropriative Right of Exchange. Blue Mesa Reservoir – Excelsior Ponds Exchange (the “Exchange”). B. Prior Decrees: The original decree adjudicating the Exchange was entered on May 28, 2009, in Case No. 07CW211, by the District Court, Water Division No. 4, State of Colorado. Diligence has been maintained for the Exchange by decree of the District Court for Water Division No. 4 entered in Case No. 15CW3032 on October 19, 2015. C. Legal Description: The description of the exchange reach is from Blue Mesa Reservoir up the Gunnison River to Almont, thence up the Taylor River to the confluence with Excelsior Creek, and thence up Excelsior Creek to Excelsior Pond located within the NW1/4SW1/4 Section 9, Township 15 South, Range 83 West, 6th P.M. The outlet for Excelsior Pond is located at a point 489 feet east of the west section line and 2594 feet north of the south section line. D. Description of Exchange: Water will be released from Blue Mesa Reservoir at the direction of the Division Engineer and exchanged up the Gunnison River, the Taylor River,

and Excelsior Creek to the named structure. E. Appropriation Date: December 28, 2007. F. Amount: 0.002 c.f.s., conditional. G. Use: Augmentation of Excelsior Pond for recreational, piscatorial and fire protection. 3. Evidence of reasonable diligence: During the applicable diligence period for the Exchange, the Applicant has taken steps to diligently develop the conditional right of exchange, including, without limitation, the activities outlined in the Application, available for inspection at the office of the Division 4 Water Clerk or via Colorado Courts E-filing. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. 4. Can and Will. The conditional right of exchange can and will be diverted, stored, or otherwise captured, possessed, and controlled, and will be beneficially used, with diligence in a reasonable time. C.R.S. §37-92-305(9)(b). 5. 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: Applicant. WHEREFORE, Applicant respectfully requests that this Court enter a decree finding reasonable diligence for and continuing in full force and effect the conditional right of exchange; and granting such other relief to the Applicant as the Court deems just and proper. **GUNNISON COUNTY.**

CASE NO. 2021CW3058. MONTROSE COUNTY, IRON CREEK, GUNNISON RIVER
Patricia Ann Cotton, 5172 Rowe Trail, Pace, Florida 32571 c/o Kirsten M. Kurath, Williams, Turner & Holmes, P.C., 744 Horizon Court, Suite 115, Grand Junction, Colorado 81506, 970-242-6262, kmkurath@wth-law.com. **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE** Name of Structures: Cattail Springs 1 through 5. Decreed: March 6, 2003, Case No. 02CW48, Water Division No. 4, District Court for the State of Colorado. Subsequent Decrees: June 15, 2009, Case No. 09CW15; October 28, 2015, Case No. 15CW26, Water Division No. 4, District Court for the State of Colorado. Location: The springs are located the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 51 North, Range 7 West, N.M.P.M. as follows: Cattail Spring 1 is 498.41 feet east of the west section line and 1286.7 feet north of the south section line; Cattail Spring 2 is 270.3 feet east of the west section line and 1176.3 feet north of the south section line; Cattail Spring 3 is 163.2 feet east of the west section line and 1103.8 feet north of the south section line; Cattail Spring 4 is 48.1 feet east of the west section line and 1005.6 feet north of the south section line; and Cattail Spring 5 is 10.1 feet east of the west section line and 913.8 feet north of the south section line. See map attached to the Application as Figure 1. Source: Springs tributary to Iron Creek, Tributary to the Gunnison River. App Date: April 23, 2002. Amounts: Cattail Spring 1, 0.033 cfs, conditional; Cattail Spring 2 0.022 cfs, conditional; Cattail Spring 3, 0.022 cfs, conditional; Cattail Spring 4, 0.022 cfs, conditional; Cattail Spring 5, 0.044 cfs, conditional. Uses: Irrigation of 10 acres, domestic use in one residence, stockwater and wildlife uses. 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: Applicant. Applicant requests that the Court adjudge and decree that the Applicant has been reasonably diligent in the development the Cattail Springs 1 through 5 conditional water rights, that the Cattail Springs 1 through 5 conditional water rights be continued in full force and effect, and that the Court grant the

Applicant such other and further relief as may be appropriate. (pages 7) **MONTROSE COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of December, 2021 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