

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 June 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. 2024CW18 (REF NO. 18CW1). Applicant: Sara Palmer, P.O. Box 191, Delta, CO 81416 and Gregory A. Yovan, 31578 Big Rock Rd., Hotchkiss, CO 81419. Application to Make Absolute in Whole or in Part: Knight Spring No. 3 – SW1/4SE1/4 of Section 10, T13S, R93W, 6th P.M., 475 feet from the south section line and 2628 feet from the east section line. Easting 259736, Northing 4312916, Zone 13. Source: Leroux Creek, Gunnison River. Appropriation Date: 07/30/2015. Amount Claimed: 0.022 c.f.s. absolute for stockwater. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2024CW19 (REF NO. 17CW59, 11CW88, 05CW8). Applicants: Trinity and Tiffany Morford, 8171 Hatchery Rd., Hotchkiss, CO 81419. Application to Make Absolute: Kylee Spring – NW1/4SE1/4SW1/4 of Section 3, T15S, R93W, 6th P.M., 1,198 feet north of the south section line and 1,839 feet east of the west section line. Source: North Fork of the Gunnison River, Gunnison River. Appropriation Date: 01/20/2005. Amount Claimed: 0.1 c.f.s. absolute for irrigation and stockwater. The Application on file with the Water Court contains and outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2024CW20 (REF NO. 17CW60, 11CW87, 05CW7). Applicants: Trinity and Tiffany Morford, 8171 Hatchery Rd., Hotchkiss, CO 81419. Application to Make Absolute: Hanson Spring – SE1/4SW1/4SW1/4 of Section 3, T15S, R93W, 6th PM., Easting 258745.5, Northing 4295146.9, Zone 13. Source: North Fork of the Gunnison River, Gunnison River. Appropriation Date: 01/20/2005. Amount Claimed: 0.325 c.f.s. absolute for stockwater. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2024CW3024; Application for Absolute Water Rights- Ground Water Tributary to Dry Cedar Creek Tributary. It is a Spring on the side of the hill next to the property located on the maps attached to the Application. Applicant(s): Roger Prock, Linda Prock,

Zachary Prock and Jennifer Prock, 72015 Kinikin Rd., Montrose, CO 81401, 71385 Kinikin Rd., Montrose, CO 81401. FOR FINDING OF REASONABLE DILIGENCE: The Applicants seek an absolute decree of water rights (surface), for the following water rights: Prock Spring #1; Location: A point in the NW1/4NE1/4 of Section 16, Township 48 North, Range 8 West, P. M. North. **UTM Coordinates:** Easting 259779.31934, Northing: 4256067.51190; **Source:** Dry Cedar Creek tributary. It is a Spring on the side of the hill next to the property located on the maps attached to the Application. **Quantity:** 5.0 g.p.m.; **Type of Use:** Stock and Domestic; **Date of Appropriation:** N/A (New Structure) **Name and address of the land owner(s) or reputed owner(s) of the land upon which any new or existing 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:** Prock Investments, LLC, c/o Zachary & Jennifer Prock- 72015 Kinikin Rd., Montrose, CO 81401, Kinkin Partnership, LLLP, c/o Roger Prock, 236 S. 3rd St., Montrose, CO 81401. This Application of water and its decreed uses has been filed with the Water Clerk for Water Division No. 4. **MONTROSE COUNTY.**

CASE NO. 2024CW3025, SAN MIGUEL COUNTY, SAN MIGUEL RIVER. Telluride Preserve Homeowners Association; 8020 Preserve, LLC; Rona Nelson; Path Light LLC; Robin Crow; Bear Patches LLC; 8091 Preserve LLC; Keith Kenneth Swanson II Revocable Trust; Nancy Jean Swanson Revocable Trust; and Farm House Trust; c/o Ryan Jarvis and Laurel Quinto, JVAM PLLC, 305 Gold Rivers Court, Ste 200 Basalt, 81621, (970) 922-2122. App. for Findings of Reasonable Diligence and to Make Partially Abs. First Claim; Finding of Reasonable Diligence and to Make Partially Abs. Name of structure: Preserve Well No. 2. Original decree: 86CW72, entered 5/5/1987, Div 4. Subsequent decrees: 93CW103, 00CW127, 03CW180, 11CW16, and 17CW3040, Div 4. Legal desc: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 18 T42N R9W NMPM., San Miguel County, CO, at a point 3,463.26 ft from the N sec. line and 615.85 ft from the E sec. line of said Sec 18. Source: water trib. to the South Fork, trib. to the San Miguel River. Approp. date: 4/17/1985. Amounts and uses: 15.0 gpm, total. 4.0 gpm, abs., for in-house domestic uses (decreed abs. in 03CW180); and 11.0 gpm, cond., for in-house domestic uses supplying up to two single family dwellings. Date applied to beneficial use: 11/13/2020. Amount of water applied to beneficial use: 9.9 gpm (in addition to the 4 gpm that is already abs., for a total of 13.9 gpm). Uses applied to beneficial use: in-house domestic uses in two single family dwellings. Landowner: 8020 Preserve, LLC. Second Claim; Finding of Reasonable Diligence. Name of structure: Preserve Well No. 4. Original decree: 86CW72, entered 5/5/1987, Div 4. Subsequent decrees: 93CW103, 00CW127, 03CW180, 11CW17, and 17CW3040, Div 4. Legal desc: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 18 T42N R9W NMPM., San Miguel County, CO, at a point 3,407.43 ft from the N sec. line and 1,468.17 ft from the E sec. line of said Section 18. Source: water trib. to the South Fork, trib. to the San Miguel River. Approp. date: 4/17/1985. Amount: 15.0 gpm, cond. Uses: in-house domestic uses supplying up to two single family dwellings. Landowner: Co-Applicant Rona Nelson. Third Claim; Finding of Reasonable Diligence. Name of structure: Preserve Well No. 5. Original decree: 86CW72, entered 5/5/1987, Div 4. Subsequent decrees: 93CW103, 00CW127, 03CW180, 11CW18, and 17CW3040, Div 4. Legal desc: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 18 T42N R9W NMPM., San Miguel County, CO, at a point 2,609.33 ft from the N sec. line and 548.67 ft

from the E sec. line of said Sec 18. Source: water trib. to the South Fork, trib. to the San Miguel River. Approp. date: 4/17/1985. Amount: 15.0 gpm, cond. Uses: in-house domestic uses supplying up to two single family dwellings. Landowner: Co-Applicant Path Light LLC. Fourth Claim; Finding of Reasonable Diligence. Name of structure: Preserve Well No. 6. Original decree: 86CW72, entered 5/5/1987, Div 4. Subsequent decrees: 93CW103, 00CW127, 03CW180, 11CW19, and 17CW3040, Div 4. Legal desc: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 18 T42N R9W NMPM., San Miguel County, CO, at a point 2,176.53 ft from the N sec. line and 349.51 ft from the E sec. line of Sec 18. Source: water trib. to the South Fork, trib. to the San Miguel River. Approp. date: 4/17/1985. Amount: 15.0 gpm, cond. Uses: in-house domestic uses supplying up to two single family dwellings. Landowner: Co-Applicant Robin Crow. Fifth Claim; Finding of Reasonable Diligence. Name of structure: Preserve Well No. 8. Original decree: 86CW72, entered 5/5/1987, Div 4. Subsequent decrees: 93CW103, 00CW127, 03CW180, 11CW21, and 17CW3040, Div 4. Legal desc: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 18 T42N R9W NMPM., San Miguel County, CO, at a point 2,969.67 ft from the N sec. line and 1,525.33 ft from the E sec. line of said Sec 18. Source: water trib. to the South Fork, trib. to the San Miguel River. Approp. date: 4/17/1985. Amount: 15.0 gpm (0.033 cfs), cond. Uses: in-house domestic uses supplying up to two single family dwellings. Landowner: Co-Applicant Bear Patches LLC. Sixth Claim; Finding of Reasonable Diligence. Name of structure: Preserve Well No. 9. Original decree: 86CW72, entered 5/5/1987, Div 4. Sub. decrees: 93CW103, 00CW127, 03CW180, 11CW23, and 17CW3040, Div 4. Legal desc: in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 18 T42N R9W NMPM., at a point 2,550 ft from the N sec. line and 1,842 ft from the E sec. line of said Sec 18, according to the BLM Dependent Resurvey. This location can also be described as being in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 18 T42N R9W NMPM at a point 2,515 ft from the N sec. line and 1,153 ft from the E sec. line, based on the USGS Quadrangle map. The UTM coordinates are: Easting: 245128, Northing 4198876, Zone 13. Source: water trib. to the South Fork, trib. to the San Miguel River. Approp. date: 4/17/1985. Amounts and uses: 15.0 gpm, total. 3.61 gpm, abs., for in-house domestic uses (decreed abs. in 11CW23); and 11.39 gpm, cond., for in-house domestic uses supplying up to two single family dwellings. Landowner: 8091 Preserve LLC. Seventh Claim; Finding of Reasonable Diligence. Name of structure: Preserve Well No. 10. Original decree: 86CW72, entered 5/5/1987, Div 4. Sub. decrees: 93CW103, 00CW127, 03CW180, 11CW20, and 17CW3040, Div 4. Legal desc: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 18 T42N R9W NMPM., San Miguel County, CO, at a point 1,854.81 ft from the N sec. line and 1,002.05 ft from the E sec. line of said Sec 18. Source: water trib. to the South Fork, trib. to the San Miguel River. Approp. date: 4/17/1985. Amount: 15.0 gpm, cond. Uses: in-house domestic uses supplying up to two single family dwellings. Landowner: Co-Applicants Keith Kenneth Swanson II Revocable Trust and Nancy Jean Swanson Revocable Trust. Eighth Claim; Finding of Reasonable Diligence. Name of structure: Preserve Well No. 11. Original decree: 86CW72, entered 5/5/1987, Div 4. Sub. decrees: 93CW103, 00CW127, 03CW180, 11CW22, and 17CW3040, Div 4. Legal desc: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 18 T42N R9W NMPM., San Miguel County, CO, at a point 1,551.71 ft from the N sec. line and 1,455.06 ft from the E sec. line of said Sec 18. Source: water trib. to the South Fork, trib. to the San Miguel River. Approp. date: 4/17/1985. Amount: 15.0 gpm, cond. Uses: in-house domestic uses supplying up to two single family dwellings. Landowner: Co-Applicant Farm House Trust. Ninth Claim; Finding of Reasonable Diligence and to Make Abs. Name of structure:

Preserve No. 1 Reservoir, Second Enlargement. Original decree: 03CW239, entered 11/1/2005, Div 4. Sub. decree: 11CW136 and 17CW3040, Div 4. Legal desc: The outlet of the reservoir is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 18 T42N R9W NMPM., San Miguel County, CO, at a point 1,260 ft from the E sec. line and 2,200 ft from the N sec. line of Sec 18. Names, capacities, and legal descs. for points of diversion of structures used to fill reservoir: Sunshine Spring No. 2, 0.12 cfs, in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 18 T42N R9W NMPM., San Miguel County, CO, at a point located approx. 510 ft from the E Sec line and 2,890 ft from the N Sec line of said Sec 18. Sunshine Spring No. 3, 0.03 cfs, In the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 18 T42N R9W NMPM., San Miguel County, CO, at a point located approx. 1,060 ft from the E Sec line and 3,620 ft from the N Sec line of said Sec 18. Preserve Spring No. 1, 0.033 cfs, Spring source area is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 18 T42N R9W NMPM., San Miguel County, CO, at a point 837 ft from the E Sec line and 2,251 ft from the N Sec line of said Sec 18. The claimed point of diversion also includes all trib. inflow which accrues along the spring course from the spring source area to the point of inflow into Preserve No. 1 Reservoir, a reach of approx. 200 ft which trends generally S 87° W. The entire claimed reach is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 18 T42N R9W NMPM. The described reach also includes inflow from Preserve Spring No. 2. Preserve Spring No. 2, 0.011 cfs, Spring source area is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 18 T42N R9W NMPM., San Miguel County, CO, at a point 873 ft from the E Sec line and 2,288 ft from the N Sec line of said Sec 18. Preserve Spring No. 3, 0.022 cfs, Spring source area is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 18 T42N R9W NMPM., San Miguel County, CO, at a point 950 ft from the E Sec line and 2,430 ft from the N Sec line of said Sec 18. Source: Sunshine Spring Nos. 2 and 3, Preserve Spring Nos. 1, 2 and 3, and local run-off and precipitation, all trib. to the South Fork, trib. to the San Miguel River. Approp. date: 1/17/2002. Amount: 1.0 acre foot, cond. Uses: Augmentation, piscatorial, wildlife watering, recreation and fire protection. Surface area of high water line: Approx. 1.3 acres. Max height of dam: Less than 10 ft. Length of dam: 170 ft. Total capacity of reservoir: 7.19 af. Active capacity: 5.63 af. Dead storage: 1.56 af. Date applied to beneficial use: 9/10/2019. Amount of water applied to beneficial use: 1.0 af. Uses applied to beneficial use: Augmentation, piscatorial, wildlife watering, recreation and fire protection. Landowner: Co-Applicants Keith Kenneth Swanson II Revocable Trust and Nancy Jean Swanson Revocable Trust. Tenth Claim; Finding of Reasonable Diligence. Name of structure: Sunshine Spring No. 3, First Enlargement. Original decree: 03CW239, entered 11/1/2005, Div 4. Sub. decree: 11CW136 and 17CW3040, Div 4. Legal desc: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 18 T42N R9W NMPM., San Miguel County, CO, at a point located approx. 1,060 ft from the E sec. line and 3,620 ft from the N sec. line of said Sec 18. Source: Spring water trib. to the South Fork, trib. to the San Miguel River. Approp. date: 4/17/1985, for wildlife watering, and 1/17/2002, for augmentation, piscatorial, recreation and fire protection. Amount: 0.03 cfs, abs. for wildlife watering; cond. (no additional amount) for augmentation, piscatorial, recreation and fire protection. Uses: Wildlife watering, augmentation, piscatorial, recreation and fire protection. Landowner: ECCC8031 LLC, c/o Roberta Peterson, PO Box 4553, Grand Junction, CO 81502. Application on file with the court includes a list of activities demonstrating diligence. (14 pages, 2 exhibits). **SAN MIGUEL COUNTY.**

CASE NO. 2024CW3026; San Miguel County – San Miguel River; Specie Wilderness Ranch LLC; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR FINDING OF REASONABLE DILIGENCE; Name, mailing address, and telephone number of Applicant: Specie Wilderness Ranch LLC, c/o Brad Casebier, 18106 Travis Circle, Lago Vista, TX 78645; (512) 789-4715; Request for finding of reasonable diligence: Name of structure: Specie Pond Nos. 1 - 4; Description of conditional water right: Original Decree: 2016CW3047; Subsequent decrees awarding findings of diligence: NA; Legal description: Specie Pond No. 1: The center of Specie Pond No. 1 will be located within a 5-acre envelope, the centroid of which is located in the SW/4 NW/4 of Section 27, Township 43 North, Range 11 West, N.M.P.M., at a point located 1,712 feet from the north section line and 122 feet from the west section line. Although UTM coordinates were not decreed in Case No. 2016CW3047, the UTM coordinates for the legal description above could be described as UTM Zone 13, NAD83; 229807m E, 4206065m N; Specie Pond No. 2: The center of Specie Pond No. 2 will be located within a 5-acre envelope, the centroid of which is located in the NW/4 NW/4 of Section 27, Township 43 North, Range 11 West, N.M.P.M., at a point located 148 feet from the north section line and 861 feet from the west section line. Although UTM coordinates were not decreed in Case No. 2016CW3047, the UTM coordinates for the legal description above could be described as UTM Zone 13, NAD83; 230051m E, 4206536m N; Specie Pond No. 3: The center of Specie Pond No. 3 will be located within a 5-acre envelope, the centroid of which is located in the NW/4 NE/4 of Section 28, Township 43 North, Range 11 West, N.M.P.M., at a point located 189 feet from the north section line and 1,734 feet from the east section line. Although UTM coordinates were not decreed in Case No. 2016CW3047, the UTM coordinates for the legal description, above could be described as UTM Zone 13, NAD83; 229262m E, 4206549m N; Specie Pond No. 4: The center of Specie Pond No. 4 will be located within a 5-acre envelope, the centroid of which is located in the NW/4 SE/4 of Section 28, Township 43 North, Range 11 West, N.M.P.M., at a point located 2,225 feet from the south section line and 1,715 feet from the east section line. Although UTM coordinates were not decreed in Case No. 2016CW3047, the UTM coordinates for the legal description above could be described as UTM Zone 13, NAD83; 229230m E, 4205638m N; Source: Applicant's 1 c.f.s. interest in the J&M Hughes Ditch as described in Case No. 2016CW3047; Appropriation date: July 30, 2014; Amount: Specie Pond No. 1: 11.50 a.f.; Specie Pond No. 2: 11.50 a.f.; Specie Pond No. 3: 11.50 a.f.; Specie Pond No. 4: 11.50 a.f.; Use: Piscatorial, fire protection, wildlife watering directly from the ponds, and recreation, all conditional; Outline of what has been done toward completion of appropriation and application of water to beneficial use: The previous owners obtained a decree for these water rights as part of their plan to sell the several lots within the Specie Wilderness subdivision. Applicant purchased the property in 2021 and promptly began developing plans for the property, which incorporate the ponds for their beneficial use and which rely on the ponds as augmentation sources decreed in Case No. 2016CW3047. Applicant has retained an excavator to construct the ponds at the appropriate phase of the development, projected for 2025. (4 pages) **SAN MIGUEL COUNTY.**

CASE NO. 2024CW3027 Delta County. Application for Correction for an Established but Erroneously Described Point of Diversion Pursuant to § 37-92-305(3.6), C.R.S.

Applicant: Theron E. Johnson, 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 correction of an established erroneously described point of diversion for Raina's Spring. Name of Structure: Raina's Spring. Date of original and all relevant subsequent decrees: Original decree – Case No. 2006CW6. Water Division 4, September 15, 2006. Decreed Location: 400 feet south of the north section line and 400 feet west of the east section line, NE1/4 NE1/4 NE1/4, Section 22, Township 14 South, Range 92 West, 6th P.M. Source: spring tributary to Bell Creek and the North Fork of the Gunnison River. Appropriation date: October 21, 2002. Amount: .033 c.f.s. Decreed Use: irrigation of one acre, domestic in one single-family dwelling, fire protection, and stockwater. Description of Proposed Correction: Raina's Spring ("Spring") is actually located in the SE ¼ NE ¼ of Section 22, Township 14 South, Range 92 West, 6th P.M. The location is shown on Exhibit A attached hereto. The Spring has been diverted from this actual location since the decree in Case No. 2006CW6 ("Decree") was entered and is not located at the decreed location. The decreed location is up a hillside from and on the other side of Bell Creek from the actual location of the Spring and the place of use. Applicant has placed water from the Spring to beneficial use from the actual location since issuance of the Decree. Applicant seeks a decree for the actual location of the Spring to correct the erroneously described location in the Decree. Legal Description of Corrected Point of Diversion: SE ¼ NE ¼ of Section 22, Township 14 South, Range 92 West, 6th P.M. UTM Coordinates: Northing 4300404.8 Easting 269753.8, Zone 13. Landowner: Applicant. **DELTA COUNTY.**

CASE NO. 2024CW3028 Delta County. Application for Change of Water Right.
Applicant: Theron E. Johnson, 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 a change in use of Raina's Spring to increase the decreed domestic use to two single-family dwellings. The decreed uses are currently irrigation of one acre, domestic in one single-family dwelling, fire protection, and stockwater. Applicant does not seek an increase in the decreed amount of .033 c.f.s. Applicant has the prior right to use of the water from Raina's Spring pursuant to C.R.S. Section 37-82-102 because Applicant owns the land on which Raina's Spring is located. Name of Structure: Raina's Spring. Date of original and all relevant subsequent decrees: Original decree – Case No. 2006CW6. Water Division 4, September 15, 2006. Legal description of structure as described in most recent decree that adjudicated the location: 400 feet south of the north section line and 400 feet west of the east section line, NE1/4 NE1/4 NE1/4, Section 22, Township 14 South, Range 92 West, 6th P.M. UTM coordinates: 4300961.5 Northing, 269857.9 Easting, Zone 13. Actual Point of Diversion: SE ¼ NE ¼ of Section 22, Township 14 South, Range 92 West of the 6th P.M. UTM Coordinates: Northing 4300404.8 Easting 269753.8, Zone 13. Source: spring tributary to Bell Creek and the North Fork of the Gunnison River. Appropriation Date: October 21, 2002. Amount: 0.033 c.f.s.. Decreed uses: irrigation of one acre, domestic in one single-family dwelling, fire

protection, and stockwater. Amount of water that Applicant intends to change: 0.033 c.f.s. Detailed description of proposed change: Applicant seeks a change in the decreed uses for Raina's Spring to increase the decreed domestic use to domestic use in two single family dwellings. The remaining decreed uses will remain unchanged. Upon entry of a decree in this case, the decreed uses shall be irrigation of one acre, domestic in two single-family dwellings, fire protection, and stockwater. The waters diverted by Raina's Spring arise on land owned by Applicant. Pursuant to C.R.S. Section 37-82-201, Applicant has the prior right to such waters as they will be used on land owned by Applicant. Landowner: Applicant. Note: Applicant is seeking a correction for an established but erroneously described point of diversion pursuant to C.R.S. Section 37-92-305(3.6) contemporaneously with this Application. The proposed corrected point of diversion is the actual point of diversion described above. **DELTA COUNTY.**

CASE NO. 2024CW3029; Delta County – North Fork Gunnison River; Paonia Riverbank LLC; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR GROUNDWATER RIGHT, STORAGE RIGHT, SURFACE RIGHT, EXCHANGE PROJECT, AND REQUEST FOR APPROVAL OF PLAN FOR AUGMENTATION; Name and contact information for Applicant: Paonia Riverbank LLC; c/o Frederick Zimmer; P.O. Box 1554; Paonia CO 81428-8054; (970) 497-9477; Request for groundwater right: Name of well: Paonia Riverbank Well, currently approved as a domestic exempt well under permit no. 91067. Applicant will apply for a new well permit for the Paonia Riverbank Well upon approval of the plan for augmentation requested below; Location: The Paonia Riverbank Well is located in the NE ¼ of the NW ¼ of Section 6, Township 14 South, Range 91 West of the 6th Principal Meridian, UTM Zone 13 NAD83, 274139m E, 4305708m N; Source: Groundwater tributary to the North Fork Gunnison River; Depth: 31 feet; Appropriation date: June 27, 2024, by filing the Application in this case; Amount: 30 g.p.m. (0.067 c.f.s.), 5.4 a.f. annually, conditional; Related plan for augmentation: The Paonia Riverbank Well will operate in connection with the plan for augmentation requested in this case; Uses: In-house domestic in up to 15 single family dwellings; Request for storage right: Name of structure: Paonia Riverbank Pond; Location: The NE ¼ of the NW ¼ of Section 6, Township 14 South, Range 91 West of the 6th Principal Meridian. The center of the pond will be located at UTM Zone 13 NAD83, 274229m E, 4305627m N; Filling source: Paonia Riverbank Pump, diverting water from the North Fork Gunnison River, as requested below; Appropriation date: June 27, 2024, by filing the Application in this case; Amount claimed/capacity: 1.2 acre-feet, all active capacity, with the right to fill and refill in priority; Uses: Augmentation, recreation, fire protection, and wildlife watering directly from the pond; Surface area of high-water line: 0.25 acres; Height of dam: Less than 10 feet; Request for surface right: Name of structure: Paonia Riverbank Pump; Location: The Paonia Riverbank Pump will be located in the NE ¼ of the NW ¼ of Section 6, Township 14 South, Range 91 West of the 6th Principal Meridian. Coordinates for the approximate location of the structure are UTM Zone 13 NAD83, 274263m E, 4305614m N; Source: North Fork Gunnison River; Appropriation date: June 27, 2024, by filing the Application in this case; Amount: 100 g.p.m. (0.22 c.f.s.); Uses: Filling and refilling the Paonia Riverbank Pond when in priority; Request for approval of plan for augmentation: Water rights to be augmented: Paonia Riverbank Well, requested in this case; Water rights to be used for

augmentation: Paonia Riverbank Pond: Requested in this case; Blue Mesa Reservoir: Date of original decree and Case Nos.: Blue Mesa Reservoir (Wayne N. Aspinall unit of the Colorado River Storage Project) was decreed 939,204 acre-feet in C.A. Nos. 5590 and 6981, Gunnison County District Court, with a November 11, 1957, appropriation date. An additional 124,253 acre-feet, with the same appropriation date, was transferred to the reservoir in C.A. No. 10045, making the total amount decreed to Blue Mesa Reservoir 1,063,457 acre-feet; Type of water right: Storage; Legal description: Blue Mesa Reservoir: 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 of the center line of the outlet works tunnel, whence the SW corner of section 31, T49N, R4W, NMPM bears North 78°36'44" West a distance of 3,207.07 feet; Source: Gunnison River; Appropriation date: November 11, 1957; Amount: 1,063,457 a.f.; Decreed use: Domestic, municipal, irrigation, stock watering, industrial, hydropower, piscatorial, wildlife, recreation and other purposes; Does Applicant intend to change water rights to support this augmentation plan? No; Does this plan for augmentation include an exchange project? Yes, requested below; Statement of plan for augmentation: Demand and depletions: The Paonia Riverbank Well will be used to supply water for domestic use in up to 15 homes on Applicant's property. Total annual demand will be 5.4 acre-feet. Because return flows from that in-house domestic use will be treated at Town of Paonia's sanitary sewer and wastewater treatment facility discharging to the same stream system as the depletion, a five percent depletion factor has been applied to that demand, resulting in annual depletions of 0.28 a.f.; Potential calls on the North Fork Gunnison River: Records of the Division of Water Resources show that calls by the Short Ditch have been placed on the North Fork during the months of June-October. Division of Water Resources has indicated that the potential call period for the Short Ditch is June 15 through October 15. This plan for augmentation will address potential out-of-priority depletions during that period primarily with releases from the Paonia Riverbank Pond; Potential Gunnison River calls: The senior calling right on the Gunnison River is the Redlands Power Canal ("RPC"). Calls by the RPC could occur under RPC's senior 670 c.f.s. right with a 1912 adjudication date or under the RPC 80 c.f.s. junior right with a 1959 adjudication date. The call period is based on periods in which flows on the Gunnison River were low enough that RPC could have placed calls in 2002 and 2003. The call periods correspond to the maximum number of days for any given month during 2002 and 2003 when flows on the Gunnison River were lower than the water rights decreed to RPC. This plan for augmentation will address a potential senior call by the RPC with either releases from the Paonia Riverbank Pond or Blue Mesa Reservoir; Operation of the plan: This plan for augmentation replaces out-of-priority depletions to the North Fork Gunnison River and the Gunnison River cause by diversions from the Paonia Riverbank Well. The replacement obligation for the Paonia Riverbank Pond is 0.09 a.f. per year, which will be addressed with releases from the 1.2 a.f. of water stored in the Paonia Riverbank Pond. The replacement obligation for Blue Mesa Reservoir is 0.12 a.f. per year. Water supply contracts for Blue Mesa Reservoir are available in one acre-foot increments, so Applicant will obtain a water supply contract for one acre-foot and the excess 0.88 acre-feet will be available under this plan without further court approval to address any increase in the call period beyond that contemplated based on historical conditions; Request for approval of exchange project associated with an augmentation plan (appropriative right of exchange): Name of exchange: Paonia

Riverbank Well Exchange Project No. 1; Location of exchange reach: Downstream terminus: The confluence of the North Fork Gunnison River and the Gunnison River which is located within the NW ¼ of the NW ¼ of Section 6, Township 15 South, Range 93 West, 6th Principal Meridian (UTM Zone 13, NAD83; 253592.4m E; 4296490.6m N); Upstream terminus: At the point of depletion for the Paonia Riverbank Well on the North Fork Gunnison River, located within the NE ¼ of NW ¼ Section 6, Township 14 South, Range 91 West, 6th Principal Meridian (UTM Zone 13, NAD83; 274241m E; 4305588m N); Source: Releases from Blue Mesa Reservoir; Date of appropriation: June 27, 2024, by filing the Application in this case; Amount: 0.0004 c.f.s.; Use: Augmentation (Exchanging water released from Blue Mesa Reservoir from the confluence of the Gunnison River and the North Fork Gunnison River upstream to the point on the North Fork Gunnison River at which depletions from the Paonia Riverbank Well impacts the river.); Request for approval of exchange project associated with an augmentation plan (appropriative right of exchange): Name of exchange: Paonia Riverbank Well Exchange Project No. 2; Location of exchange reach: Downstream terminus: A point on the North Fork Gunnison River adjacent to the Town of Paonia Wastewater Treatment Facility which is located within the NW ¼ of the NW ¼ of Section 12, Township 14 South, Range 92 West, 6th Principal Meridian (UTM Zone 13, NAD83; 271992m E; 4303917m N); Upstream terminus: At the point of depletion and is located within the NE ¼ of NW ¼ Section 6, Township 14 South, Range 91 West, 6th Principal Meridian (UTM Zone 13, NAD83; 274241m E; 4305588m N); Source: Return flows from the Paonia Riverbank Well through the Paonia Wastewater Treatment Facility; Date of appropriation: June 27, 2024, by filing the Application in this case; Amount: 0.0004 c.f.s.; Use: Augmentation (Exchanging return flows from the Paonia Wastewater Treatment Facility upstream to the point on the North Fork Gunnison River at which depletions from the Paonia Riverbank Well impact the river.) (8pages) **DELTA COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of August 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 [Division 4 | Colorado Judicial Branch](#)). (This publication can be viewed in its entirety on the state court website at: [Division 4 | Colorado Judicial Branch](#).) FRED CASTLE, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401