

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 July 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. 2024CW11 - AMENDED. Applicants: Tyler W. and Aubrey E. Fletcher, 209 Spud Hill Rd., Montrose, CO 81403 and Michael A. and Deborah J. McNeil, 32015 Hwy 550, Montrose, CO 81403. Application for Change of Water Right: Decreed Water Right for which Change is Sought: Hayes-Teague Ditch. Date of Original and All Relevant Decrees: 5/15/1897, 10/18/2004, Case No: CA0939, 04CW80. Court: Division 4 Water Court. Provide a Verbatim Legal Description from Most Recent Decree that Adjudicated the Location: Hayes-Teague Ditch, the headgate of which decreed as follows: on the north bank of Cow Creek in the NW1/4NE1/4NW1/4, Section 16, T46N, R8W, N.M.P.M., Easting: 259877, Northing: 4236253, Zone 13. Decreed Source of Water: Cow Creek, Uncompahgre River. Appropriation Date: 05/01/1882. Total Amount Decreed to Structure: 0.6667 cfs absolute. Decreed uses: Irrigation. Amount of Water Applicant Intends to Change: 0.6667 cfs absolute. Detailed Description of Proposed Change: Transfer water from Hayes-Teague Ditch (04CW80), originally Sol-Teague (CA0939), to Chaffee Ditch. There are no intervening water rights that would be injured by this requested change. This requested change will not result in an increase in diversions or an expansion of historically irrigated lands. Location of the New Surface Point of Diversion: NE1/4NW1/4, Section 16, T46N, R8W, N.M.P.M., Easting: 259336, Northing: 4236514. **OURAY COUNTY.**

CASE NO. 2024CW21. Applicant: Todd Weibel, 137 River Ln., Ridgway, CO 81432. Application for Conditional Surface Water Rights: Moon Pump and Pipeline - NW1/4SE1/4 of Section 4, T45N, R8W, NMPM., Easting: 259493, Northing: 4229308 Zone 13. Source: Uncompahgre River. Appropriation Date: 05/16/2024. Amount Claimed: 0.15 cfs conditional for irrigation of 6 acres and stockwater. **OURAY COUNTY.**

CASE NO. 2024CW22 (REF NO. 18CW12). Applicant: Hanson Homestead Estates HOA, 34594 Hanson Mesa Rd., Hotchkiss, CO 81419. Application for Finding of Reasonable Diligence: Wilmore Well: NW1/4SE1/4 of Section 30, T14S, R92W, 6th P.M., 2,060 feet from the south section line and 1,757 feet from the east section line. Easting: 264446, Northing: 4298570, Zone 13. Source: North Fork Gunnison River, Gunnison River. Appropriation Date: 01/20/2018. Amount Claimed: .033 c.f.s. (15 g.p.m.) conditional for domestic dwellings 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. 2024CW3030. Applicant: Upper Gunnison River Water Conservancy District, 210 West Spencer, Suite A, Gunnison, CO 81230; direct all correspondence and pleadings regarding this Application to: John H. McClow, General Counsel, Upper Gunnison River Water Conservancy District, 210 West Spencer, Suite A, Gunnison, CO 81230 email: jmcclow@ugrwcd.org. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART .** 2. Name of structure: Lake San Cristobal. Type: Reservoir. Conditional decree. Date of decree: December 5, 2011. Case No. 03CW108. Court: Water Division 4. b) Subsequent decree awarding findings of diligence: June 21, 2018 Case No. 2018CW3001 Court: Water Division 4 b) Legal description: Lake San Cristobal is located in Sections 15, 22 and 27, Township 43 North, Range 4 West, New Mexico Principal Meridian, in Hinsdale County. The left abutment of the outlet structure is located in the NE ¼ NE ¼ SW ¼ Section 15, Township 43 North, Range 4 West, New Mexico Principal Meridian, at a point approximately 2,260 feet east of the west section line and 2,040 feet north of the south section line of Section 15. c) Source of water: Lake Fork of the Gunnison River, a tributary of the Gunnison River. d) Appropriation date: April 23, 2003. Use: Domestic, municipal, commercial, industrial to include mining, milling and reclamation, irrigation, recreation, and fishery and wildlife habitat, and be released to augment out-of-priority depletions by such uses (including pond evaporation and livestock watering), subject to the limitations of paragraph 41(h) of the Decree. Detailed outline of what has been done for completion of the appropriation and application of the water to a beneficial use as conditionally decreed: Based on the report attached as EXHIBIT A, a total of 244 acre-feet of the Lake San Cristobal refill right was stored in Water Year 2020 during the period June 11, 2020, to July 29, 2020, when the refill right was in priority. This exercise of the refill right exceeds the prior absolute storage amount of 143 acre-feet by a difference of 101 acre-feet. Claim to make absolute in part: A total of 244 acre feet of the Lake San Cristobal refill right should be made absolute during the next diligence filing, an increase of 101 acre-feet beyond the current absolute amount of 143 acre-feet. The remaining 706 acre-feet of the refill water right should continue as conditional. Names and addresses of owners of the land on which structures are located and upon which water is and will be stored are listed in EXHIBIT B attached to the Application. **HINSDALE COUNTY.**

CASE NO. 2024CW3031. Gunnison County. **Application for Findings of Reasonable Diligence.** Applicant: William R Goddard, Jr., c/o Christopher L. Geiger & Andrea J. Hall, Balcomb & Green, P.C., PO Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546. Applicant requests a finding of reasonable diligence in the development of the conditional water rights decreed to the Goddard North Braid Ditch, Goddard North Braid Ditch Well, Goddard South Braid Ditch, Goddard South Braid Ditch Well, South Meadow Pond Well, North Meadow Pond Well, and the Goddard Fishery Exchange (“Subject Water Rights”). A map showing the location of these water rights identified as Exhibit A on file with the Water Ct. All Subject Water Rights were originally decreed in Dist. Ct., Water Div. 4 in 11CW44 on 1/17/2012 and subsequent diligence decreed in 18CW3004 on 07/23/2018. Structure: Goddard North Braid Ditch. Legal Description: A point in the NW1/4 SW1/4 Sec. 24, T. 50 N., R. 1 W., NMPM at a point 2,590 ft. from the S. Sec. line, 28 ft. from the W. Sec. line. UTM Zone 13N, NAD83, Easting 331,759 and Northing 4,272,013. Source: Wastewater from the Home Ditch. Date of Approp.: 01/14/2011. Amt.: 5.13 c.f.s., of which

5.0 c.f.s. were confirmed absolute in 18CW3004 and 0.13 c.f.s. remains conditional. Uses: Piscatorial, rec., and fire protection through deliveries to the Goddard North Meadow Pond Well, Goddard South Meadow Pond Well, and the Goddard River Pond Well. Goddard River Pond Well: The dam centerline for which is in the SE1/4 SE1/4 Sec. 23, T. 50 N., R. 1 W., NMPM at a point 242 ft. from the S. Sec. line and 1,116 ft. from the East Sec. line. UTM Zone 13N, NAD83, Easting 331,397 and Northing 4,271300. Structure: Goddard North Braid Ditch Well. Legal Description: a point in the NW1/4 SW1/4 Sec. 24, T. 50 N., R. 1 W., NMPM at a point 2,590 ft. from the S. Sec. line, 28 ft. from the W. Sec. line. UTM Zone 13N, NAD83, Easting 331,759 and Northing 4,272013. Source: Groundwater tributary to the Gunnison River. Date of Approp.: 1/14/2011. Amt.: 0.004 c.f.s. (1.70 AF), of which 0.002 c.f.s. (0.83 AF) was confirmed absolute in 18CW3004 and 0.002 c.f.s.; (0.87 AF) remains conditional. Uses: Piscatorial, rec., and fire protection through deliveries to the Goddard River Pond Well, Goddard North Meadow Pond Well, and the Goddard South Meadow Pond Well. Structure: Goddard South Braid Ditch. Legal Description: A point in the NW1/4 of the SW1/4 of Sec. 24, T. 50 N., R. 1 W., NMPM, at a point 1,929 ft. from the S. Sec. line and 25 ft. from the W. Sec. line. Also described as UTM Zone 13N, NAD83, Easting 331,755 and Northing 4,271,812. Source: Wastewater from the Home Ditch. Date of Approp.: 1/14/2011. Amt.: 4.21 c.f.s, of which, 1.3 c.f.s. were confirmed absolute in 18CW3004 and 2.91 c.f.s. remain conditional. Uses: Piscatorial, rec. and fire protection through deliveries to the Goddard River Pond Well, Goddard North Meadow Pond Well, and Goddard South Meadow Pond Well. Structure: Goddard South Braid Ditch Well. Legal Description: A point in the NW1/4 SW1/4 Sec. 24, T. 50 N., R. 1 W., NMPM at a point 1,929 ft. from the S. Sec. line and 25 ft. from the W. Sec. line. UTM Zone 13N, NAD83, Easting 331,755 and Northing 4,271,812. Source: Groundwater tributary to the Gunnison River. Date of Approp.: 1/14/2011. Amt.: 0.011 c.f.s. (4.27 AF), of which 0.004 c.f.s. (1.63 AF) was confirmed absolute in 18CW3004 and 0.004 c.f.s. (2.64 AF annually), remains conditional. Uses: Piscatorial, rec. and fire protection through deliveries to the Goddard River Pond Well, Goddard North Meadow Pond Well, and Goddard South Meadow Pond Well. Structure: Goddard South Meadow Pond Well. Legal Description: Location of the dam centerline NE1/4 SE1/4 Sec. 23, T. 50 N., R. 1 W., NMPM, at a point 1,371 ft. from the S. Sec. line and 521 ft. from the East Sec. line. UTM Zone 13N, NAD83, Easting 331,585 and Northing 4,271,643. Source: Groundwater tributary to the Gunnison River. Date of Approp.: 1/14/2011. Amt.: 0.007 c.f.s. (2.8 AF) of which 0.83 AF was confirmed absolute in 18CW3004 and 1.97 AF remain conditional. Uses: Piscatorial, rec. and fire protection. Surface Area of High-Water Line: 0.84 acres. Total Capacity: 6.72 AF. Structure: Goddard North Meadow Pond Well. Legal Description: Location of dam centerline NE1/4 SE1/4 Sec. 23, T. 50 N., R. 1 W., NMPM at a point 2,038 ft. from the S. Sec. line and 475 ft. from the East Sec. line. UTM Zone 13N, NAD83, Easting 331,603 and Northing 4,271,846. Source: Groundwater tributary to the Gunnison River. Date of Approp.: 1/14/2011. Amt.: 0.006 c.f.s. (2.20 AF) of which 1.13 AF were confirmed absolute in 18CW3004 and 1.07 AF remain conditional. Uses: Piscatorial, rec. and fire protection. Surface Areas of High-Water Line: 0.66 acres. Total Capacity: 5.28 AF. Structure: Goddard Fishery Exchange. Downstream Terminus: Blue Mesa Reservoir Dam, as described in 11CW44. Upstream Terminus: Goddard North Braid Ditch. Date of Approp.: 04/29/2011. Max Rate of Exchange: 0.029 c.f.s., conditional. This exchange is for all

purposes described herein associated with the Decree in 11CW44; the Amt. of the exchange represents the instantaneous rate of depletion for all structures expressed in c.f.s. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Integrated System: As decreed in 11CW44, the Subject Water Rights are part of an integrated water supply for Applicant's property. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights of the entire project or system." C.R.S. § 37- 92-301(4)(b). Name and address of the owner of the land upon which the above-described water rights are located: Applicant. (8 pages of original application, Exh. A) **GUNNISON COUNTY.**

CASE NO. 2024CW3032 (REF. 17CW3079) Applicants: Martin Smilkstein Trust dated February 7, 2019, and Angela Kalisiak Trust dated February 7, 2019, 1680 NW Riverscape St., Portland, OR, 97209-1834. Please direct all correspondence to counsel for Applicants: Law of the Rockies, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO, 81230, kburgemeister@lawoftherockies.com, (970) 641-1903. Application for Finding of Reasonable Diligence and for Change of Water Right. Name of reservoir: SMILKSTEIN POND. Case Number, Date, and Court of Original Decree: 17CW3079 (July 30, 2018) in District Court, Water Division 4. Location: Legal description of dam centerline: NW¼NE¼ Section 17, T49N, R4W, NMPM. UTM coordinates: Zone 13, Easting 298020, Northing 4265054, NAD 83. Source: Saddle Creek, tributary to Soap Creek, tributary to the Gunnison River. Appropriation Date: December 1, 2017. Amount: Volume: 0.5 acre-feet (conditional). Maximum Rate of Diversion: Smilkstein Pond will be filled, refilled, and refreshed at a rate of up to 0.05 cfs. Uses: Recreational, fishery, and fire protection. Surface area at high water line: 0.1 acres. Vertical height of dam: 9 feet. Length of dam: 120 feet. Capacity: 0.5 acre-feet (all live). Remarks: Smilkstein Pond will be an on-channel reservoir. It will be operated as a flow through pond and normally kept full of water. The refreshing flow through the pond will be 0.05 cfs. Structure: SMILKSTEIN HYDRO PIPELINE. Case Number, Date, and Court of Original Decree: 17CW3079 (July 30, 2018) in District Court, Water Division 4. Point of Diversion: SE¼NW¼ Section 17, T49N, R4W, NMPM, UTM coordinates: Zone 13, Easting 297622, Northing 4265018, NAD 83. Source: Gunnison River. Appropriation Date: December 1, 2017. Amount: 0.20 cfs (conditional). Uses: Power generation. Water diverted pursuant to this water right will be used for hydroelectric power generation to meet on-site needs for electricity. Structure: SMILKSTEIN PIPELINE. Point of Diversion: NE¼SW¼ Section 17, T49N, R4W, NMPM. UTM coordinates: Zone 13, Easting 297425, Northing 4264560, NAD 83. Source: Unnamed tributary to Soap Creek, tributary to the Gunnison River. Appropriation Date: December 1, 2017. Amount: 0.20 cfs (conditional). Use: Recreational, fishery, power generation, and fire protection. Water diverted pursuant to this water right will be used for hydroelectric power generation to meet on-site needs for electricity through subsequent diversion by the SMILKSTEIN HYDRO PIPELINE, and

for storage in SMILKSTEIN POND for fishery and recreation uses and for providing fire protection. Remarks: Flow in the SMILKSTEIN PIPELINE will be discharged into Saddle Creek at UTM Coordinates: Zone 13, Easting 297472, Northing 4264887, NAD 83. The locations of the SMILKSTEIN POND, SMILKSTEIN HYDRO PIPELINE, and the SMILKSTEIN PIPELINE are illustrated on Exhibit A submitted with this Application. Relief Requested. Applicants seek a change of water right to change the decreed location of Smilkstein Pond. Applicant seeks to change the legal description of the dam centerline to a point in the SW¼NE¼ Section 17, T49N, R4W, NMPM, UTM coordinates: Zone 13, Easting 297864, Northing 4265047, NAD 83. The pond will be located approximately 500 feet west of the decreed location. The decreed location and proposed new location are both illustrated on Exhibit A. The pond will still be located on Applicants' property, and the point of diversion from the stream will remain unchanged. Applicants seek a finding of reasonable diligence with respect to the SMILKSTEIN POND, SMILKSTEIN HYDRO PIPELINE, and the SMILKSTEIN PIPELINE. During the diligence period, the following actions have been taken, which demonstrate diligence towards completion of the appropriation of the remaining conditional water rights: Procured engineered plans for the Smilkstein Pond and dam; Procured plans and specifications for Smilkstein Pipeline diversion infrastructure; Received one bid for construction of Smilkstein Pipeline diversion, and submitted request for an additional bid; Expenditures included \$8,030 in fees for the engineered plans. The owner of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: SMILKSTEIN PIPELINE is located on land owned by Soap Creek Ranch, LLC, 5051 N. Circulo Sobrio, Tucson, Arizona, 85718. Other structures are on land owned by Applicants. **GUNNISON COUNTY.**

CASE NO. 2024CW3033. (REF. 18CW3005, 10CW59, 96CW60). Applicants/Owners: (Lost Miner Cabin Creek Well, Lost Miner Well No. 7, Lost Miner Well No. 8, Lost Miner Well No. 9) Raco Land And Cattle Company LLC, 9888 Whistling Elk Dr., Littleton, CO, 80127; (Lost Miner Well No. 2) Bruce Thomas Mullin, Jr., 226 Homestead Rd, Gunnison, CO, 81230, (Lost Miner Well No. 5) Ryan Keith Fry and Cirenda Sue Fry, 190 Crosscut Rd, Gunnison, CO, 81230; (Lost Miner Well No. 6) Lance Ruggera and Andrea Ruggera, 45951 US Highway 50, Gunnison, CO, 81230; (Lost Miner Well No. 10) Scott A. Yates and Debra S. Yates, 2133 S Ellis Ct., Lakewood, CO, 80228; (Lost Miner Well No. 12) Daniel Eric Gomez and Deidreia Marie Gomez, 155 Winze Rd, Gunnison, CO, 81230; (Lost Miner Well No. 15) John Mortell, PO Box 3543, Crested Butte, CO, 81224; (Lost Miner Well No. 16) Joseph Albert Burn IV and Casandra Burn, 607 Winze Rd, Gunnison, CO, 81230; (Lost Miner Well No. 17) George Marcus Yarbrough and Kathryn P. Yarbrough Trust, dated September 10, 1991, 196 Paa Ko Dr, Sandia Park, NM, 87047; (Adit Pond) Lost Miner Ranch Association c/o Linda Chambliss, its Registered Agent, 377 Winze Rd, Gunnison, CO, 81230, lchambliss@westernalum.org, 970-209-1257. **Please direct all correspondence to counsel for Applicants: LAW OF THE ROCKIES, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO,**

81230, (970) 641-1903, kburgemeister@lawoftherockies.com. **APPLICATION TO MAKE CONDITIONAL RIGHTS ABSOLUTE, FOR FINDING OF REASONABLE DILIGENCE, AND FOR CHANGE OF WATER RIGHT.** Overview: This Application seeks to make certain conditional water rights absolute and a finding of reasonable diligence for other conditional water rights associated with the Lost Miner subdivision in Gunnison County, Colorado. The court, case numbers, and dates for the original and subsequent decrees for these water rights are as follows: Case No. 96CW60, dated October 10, 1996; Case No. 10CW59, dated January 11, 2012; Case No. 18CW3005, dated July 30, 2018, all in District Court, Water Division 4. Additionally, pursuant to this Court's Order dated May 13, 2024, the Applicants obtained leave to combine such application with an application the change the decreed location of one of the conditional water rights. Name of right: LOST MINER CABIN CREEK WELL. Location: SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, Township 49 North, Range 1 East of the N.M.P.M. at a point approximately 2800 feet east of the west section line and 1500 feet south of the north section line of said Section 12. Source: Tomichi Creek alluvium, tributary to Tomichi Creek, tributary to the Gunnison River. Appropriation Date: January 10, 1996. Amount: 15 gallons per minute ("gpm") (conditional). Uses: Domestic, irrigation of no more than 5000 square feet, livestock watering, and fire protection. Depth: Approximately 100 feet. Name of right: LOST MINER WELL NO. 2. Location: SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 1890 feet East of the West line, and 540 feet North of the South line of said Section 2. Source: Tomichi Creek alluvium, tributary to Tomichi Creek, tributary to the Gunnison River. Appropriation Date: January 10, 1996. Amount: 15 gallons per minute ("gpm") (conditional). Uses: Domestic, irrigation of no more than 5000 square feet, livestock watering, and fire protection. Depth: Approximately 100 feet. Name of right: LOST MINER WELL NO. 5. Location: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 3620 feet East of the West line, and 270 feet North of the South line of said Section 2. Source: Tomichi Creek alluvium, tributary to Tomichi Creek, tributary to the Gunnison River. Appropriation Date: January 10, 1996. Amount: 3 gallons per minute ("gpm") (conditional). Uses: Domestic, irrigation of no more than 5000 square feet, livestock watering, and fire protection. Depth: 120 feet. The conditional water right for LOST MINER WELL NO.5 was previously made absolute in the amount of 12 gpm. Name of right: LOST MINER WELL NO. 6. Location: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 720 feet East of the West line, and 310 feet South of the North line of said Section 12. Source: Tomichi Creek alluvium, tributary to Tomichi Creek, tributary to the Gunnison River. Appropriation Date: January 10, 1996. Amount: 14.5 gallons per minute ("gpm") (conditional). Uses: Domestic, irrigation of no more than 5000 square feet, livestock watering, and fire protection. Depth: 620 feet. The conditional water right for LOST MINER WELL NO.5 was previously made absolute in the amount of 0.5 gpm. Name of right: LOST MINER WELL NO. 7. Location: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 2740 feet East of the West line, and 2000 feet South of the North line of said Section 12. Source: Tomichi Creek alluvium, tributary to Tomichi Creek, tributary to the Gunnison River. Appropriation Date: January 10, 1996. Amount: 15 gallons per minute ("gpm") (conditional). Uses: Domestic, irrigation of no more than 5000 square feet,

livestock watering, and fire protection. Depth: Approximately 100 feet. Name of right: LOST MINER WELL NO. 8. Location: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 2740 feet East of the West line, and 2270 feet South of the North line of said Section 12. Source: Tomichi Creek alluvium, tributary to Tomichi Creek, tributary to the Gunnison River. Appropriation Date: January 10, 1996. Amount: 15 gallons per minute ("gpm") (conditional). Uses: Domestic, irrigation of no more than 5000 square feet, livestock watering, and fire protection. Depth: Approximately 100 feet. Name of right: LOST MINER WELL NO. 9. Location: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 1600 feet East of the West line, and 2700 feet South of the North line of said Section 12. Source: Tomichi Creek alluvium, tributary to Tomichi Creek, tributary to the Gunnison River. Appropriation Date: January 10, 1996. Amount: 15 gallons per minute ("gpm") (conditional). Uses: Domestic, irrigation of no more than 5000 square feet, livestock watering, and fire protection. Depth: Approximately 100 feet. Name of right: LOST MINER WELL NO.10. Location: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 930 feet West of the East line, and 2340 feet South of the North line in said Section 11. Source: Tomichi Creek alluvium, tributary to Tomichi Creek, tributary to the Gunnison River. Appropriation Date: January 10, 1996. Amount: 15 gallons per minute ("gpm") (conditional). Uses: Domestic, irrigation of no more than 5000 square feet, livestock watering, and fire protection. Depth: Approximately 100 feet. Name of right: LOST MINER WELL NO.12. Decreed Location: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 2580 feet West of the East line, and 2680 feet South of the North line in said Section 11. Source: Tomichi Creek alluvium, tributary to Tomichi Creek, tributary to the Gunnison River. Appropriation Date: January 10, 1996. Amount: 15 gallons per minute ("gpm") (conditional). Uses: Domestic, irrigation of no more than 5000 square feet, livestock watering, and fire protection. Depth: Approximately 100 feet. Name of right: LOST MINER WELL NO.15. Location: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 3930 feet West of the East line, and 2690 feet South of the North line in said Section 11. Source: Tomichi Creek alluvium, tributary to Tomichi Creek, tributary to the Gunnison River. Appropriation Date: January 10, 1996. Amount: 15 gallons per minute ("gpm") (conditional). Uses: Domestic, irrigation of no more than 5000 square feet, livestock watering, and fire protection. Depth: Approximately 100 feet. Name of right: LOST MINER WELL NO.16. Location: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 4430 feet West of the East line, and 2620 feet South of the North line in said Section 11. Source: Tomichi Creek alluvium, tributary to Tomichi Creek, tributary to the Gunnison River. Appropriation Date: January 10, 1996. Amount: 15 gallons per minute ("gpm") (conditional). Uses: Domestic, irrigation of no more than 5000 square feet, livestock watering, and fire protection. Depth: Approximately 100 feet. Name of right: LOST MINER WELL NO.17. Location: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado, at a point approximately 5090 feet West of the East line, and 2530 feet South of the North line in said Section 11. Source: Tomichi Creek alluvium, tributary to Tomichi Creek, tributary to the Gunnison River. Appropriation Date: January

10, 1996. Amount: 15 gallons per minute (“gpm”) (conditional). Uses: Domestic, irrigation of no more than 5000 square feet, livestock watering, and fire protection. Depth: Approximately 100 feet. Name of right: ADIT POND. Location: SE1/4SW1/4 Section 2, Township 49 North, Range 1 East of the N.M.P.M., in Gunnison County, Colorado Source: Gunnison River. Appropriation Date: January 10, 1996. Amount: 3.6 acre-feet (conditional). Uses: Fish and wildlife habitat, recreation, and by way of augmentation of the wells described above, domestic, irrigation, livestock watering, and fire protection. Source: Tomichi Creek, by way of the Griffing No. 2 Ditch, under the following rights: The Griffing No. 2 Ditch Lost Miner Enlargement decreed (absolute) in Case No. 10CW59; The 0.04 cfs of Priority No. 39 decreed to Griffing Ditch No. 2 that was changed in Case No. 96CW60; and The 0.127 cfs of Priority No. 11 decreed to McCanne Ditch No. 3 that was changed in Case No. 96CW60. The locations of the above-named structures are illustrated on Exhibit A as submitted with this Application. Relief Requested. Applicants Daniel Eric Gomez and Deidreia Marie Gomez seek a change in the decreed location of LOST MINER WELL NO. 12. The decreed location is stated above. The well was actually drilled at a location approximately 400 feet to the east, at a point in the NWSE of Section 11, T49N, R1E, NMPM, GPS: 340548E, 4265415N, UTM Zone 13, NAD 83. The decreed and actual locations are illustrated on Exhibit B as submitted with this Application. The same Applicants seek to make LOST MINER WELL NO. 12 absolute. The well was completed to a depth of 37 feet pursuant to well permit 52239-F, and water was applied to beneficial use on or about November 5, 2001. Applicants Joseph Albert Burn IV and Casandra Burn seek to make LOST MINER WELL NO. 16 absolute. The well was completed to a depth of 73 feet pursuant to well permit 85155-F, and water was applied to beneficial use on or about February 7, 2022. Applicants seek a finding of reasonable diligence with respect to the remaining conditional water rights. A summary of diligence activities is provided in the Application on file with the Water Court. The owner of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: All new structures will be located on land that is owned by Applicants. **GUNNISON COUNTY.**

CASE NO. 2024CW3034 DELTA COUNTY 1. Applicant: **Grand Mesa Water Conservancy District**, P.O. Box 129, Cedaredge CO 81413, Austin Kaiser, President 970-250-4027; **North Fork Water Conservancy District** c/o Tom Alvey, P.O. Box 217, Hotchkiss CO 81419, 970-872-3911, by Camp & Skarka, LLC, 415 Palmer St., Delta CO 81416, 970-874-9777. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 2. Name of Structures: **Grand Mesa Project** which consists of eight structures, Gorsuch Reservoir, renamed Cactus Park Reservoir; Gorsuch Feeder Canal, renamed Surface Creek Feeder Canal; Gorsuch Outlet Canal, renamed Cactus Park Outlet Canal; Electric Mountain Reservoir; Hubbard Creek Feeder Canal, renamed Electric Mountain Feeder Canal; Grand Mesa Canal; Ward Creek Feeder Canal; and Fruitgrowers Feeder Canal. 3. Date of Original Decree: January 31, 1964 Case No. CA 4808, Delta County District Court. 4. Legal Description of decreed points of diversion: These water rights are located over a large area on the south slope of the Grand Mesa in Delta County, within the boundaries of the two Applicants. Cactus Park Reservoir is located at a point whence the quarter corner of Sections 23 and 24, Township 13 South, Range 94 West of the 6th P.M.

bears South 7° East 1,450 feet. Electric Mountain Reservoir is located in or near Sections 2 and 3, Township 11 South, Range 91 West, 6th P.M. The other structures are located near to or in between these two reservoirs, in the following townships: Township 13 South, Range 94 West, 6th P.M. Township 13 South, Range 93 West, 6th P.M., Township 12 South, Range 92 West, 6th P.M. Township 12 South, Range 92 West, 6th P.M., Township 12 South, Range 92 West, 6th P.M. and Township 11 South, Range 91 West, 6th P.M. 5. Date of Appropriation: June 15, 1961. 6. Amounts: 29,000 acre-feet in Cactus Park Reservoir; 200 c.f.s. in Surface Creek Feeder Canal; 235 c.f.s. in Cactus Park Outlet Canal; 27,000 acre-feet in Electric Mountain Reservoir; 100 c.f.s. in Electric Mountain Feeder Canal; 610 c.f.s. in Grand Mesa Canal; 14 c.f.s. in Ward Creek Feeder Canal; 20 c.f.s. in Fruitgrowers Feeder Canal. 7. Uses: Irrigation, recreation, fish culture, municipal, domestic, stock, and storage for these uses. 8. Claims for diligence: The facts supporting diligence are detailed in the Application. **DELTA COUNTY.**

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