

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 September 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. 2024CW24 (REF NO. 18CW9). Applicant: Lora Reddell, 5205 Peach Valley Rd., Delta, CO 81416. Application for Finding of Reasonable Diligence: Lora's Wastewater Ditch No. 1 – NE1/4SW1/4SW1/4 of Section 20, T15S, R94W, 6th P.M. Easting: 244992, Northing 4290733, Zone 13. Amount Claimed: 0.50 c.f.s. conditional for irrigation of 10 acres and stockwater. Lora's Wastewater Ditch No. 2 – NE1/4SW1/4SW1/4 of Section 20, T15S, R94W, 6th P.M. Easting: 245316, Northing: 4290716, Zone 13. Amount Claimed: 0.15 c.f.s. conditional for irrigation of 3 acres and stockwater. Source for both ditches: Gunnison River. Appropriation Date for both ditches: 04/10/2017. **DELTA COUNTY.**

CASE NO. 2024CW25. Applicants: Darrell Paulson and Living Water Ranch, LLC, 2227 West Park Row, Suite A, Pantego, TX 76013. Application for Conditional Surface and Groundwater Rights, Application for Approval of Plan for Augmentation and Appropriative Right of Exchange. APPLICATION FOR CONDITIONAL SURFACE WATER RIGHT: Living Water Ditch - SW1/4SE1/4 of Section 31, T15S, R95W, 6TH P.M., Easting: 234367, Northing: 4287898, Zone 13. Source: Uncompahgre River. Appropriation Date: 12/15/2023. Amount Claimed: 3.86 cfs conditional for stockwater, wildlife, irrigation of 13 acres, (until Living Water Pit Well No. 1 is built) and to fill and maintain refreshing flows for Living Water Pit Well No. 1 for its decreed uses. APPLICATION FOR CONDITIONAL GROUNDWATER RIGHT: Living Water Pit Well No. 1 – NW1/4SE1/4 of Section 31, T15S, R95W, 6TH P.M., Easting: 234449, Northing: 4288114, Zone 13. Source: Uncompahgre River. Appropriation Date: 12/15/2023. Amount Claimed: Maximum evaporation rate equals 0.119 cfs (53.25 gpm). Maximum annual evaporation 44.78 acre-feet conditional for stockwater, wildlife, aesthetic, and piscatorial. This will be a gravel pit that fills with groundwater and refreshing flows from the Living Water Ditch. Living Water Pit Well No. 2 – NE1/4SE1/4 of Section 31, T15S, R95W, 6TH P.M., Easting: 235033, Northing: 4288098, Zone 13. Source: Uncompahgre River. Appropriation Date: 12/15/2023. Amount Claimed: Maximum evaporation rate equals 0.018 cfs (8.192 gpm). Maximum annual evaporation 6.89 acre-feet conditional for stockwater, wildlife, aesthetic, and piscatorial. This will be a gravel pit that will be filled by groundwater, irrigation return flows from the Seepage Feeder Ditches No. 1 and 2, and flows from the Seepage Feeder Ditches No. 1 and 2 in the non-irrigation season. Living Water Pit Well No. 3 – NE1/4SE1/4 of Section 31, T15S, R95W, 6TH P.M., Easting: 235013, Northing: 4288278,

Zone 13. Source: Uncompahgre River. Appropriation Date: 12/15/2023. Amount Claimed: Maximum evaporation rate equals 0.018 cfs (8.192 gpm). Maximum annual evaporation 6.89 acre-feet conditional for stockwater, wildlife, aesthetic, and piscatorial. This will be a gravel pit that will be filled by groundwater and flows from the Seepage Feeder Ditches No. 1 and 2. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION: Name of structures to be augmented: Living Water Pit Wells No's 1, 2, and 3. Location of Structures: See above descriptions. Water Right(s) to be used for Augmentation: Blue Mesa Reservoir augmentation contract. Date of Appropriation: 12/15/2023. The plan for augmentation does include an exchange that the applicant desires to adjudicate. Complete Statement of Plan for Augmentation: Applicant seeks to replace out of priority depletions associated with evaporative consumptive uses from SJS Well. The applicant seeks to augment the uses in the Living Water Pit wells No's 1 and 2. (Tables 1 and 2 filed with the court show the future evaporative uses at the pit wells). The only irrigation and non-irrigation season call that could occur on the Uncompahgre River above Delta is from the Redlands Canal. The applicant plans to purchase water from Blue Mesa Reservoir to replace the CU for the months of January through June and December when there is a possibility of a call from Redlands Canal. The call situation for the Redlands Canal was derived from the Division Engineers office on January 31, 2017. The applicant will obtain a contract from USBR for 8.5 acre feet of water prior to the decree being signed. The detail accounting of all CU calculations done by WRS, LLC is shown at the bottom of Tables 1 and 2. The applicant intends to submit the well permits for Living Water Pit Wells No's 1, 2, and 3 once the decree is signed and applicant is ready to excavate area. APPROPRIATIVE RIGHT OF EXCHANGE: Upper Reach of Exchange - NE1/4SE1/4 of Section 31, T15S, R95W, 6TH P.M., Easting: 235086, Northing: 4288153, Zone 13. Appropriation Date: 9/23/2024. Lower Reach of Exchange - SW1/4SE1/4 of Section 11, T15S, R96W, 6TH P.M., Easting: 231485, Northing: 4294311, Zone 13. Appropriation Date: 9/23/2024. Rate of Exchange: Maximum evaporation rate from Living Water Pit Wells No's 1, 2, and 3 equals 0.055 cfs (69.633 gpm). **DELTA COUNTY.**

CASE NO. 2024CW3037 in the Uncompahgre River, Ouray County, Colorado. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name and address of Applicants: Darla Haselnus, Jennifer Mayrose, PO Box 1472, Ouray CO 81427. Please direct all correspondence, motions, and pleadings to Martha P. Whitmore or Danielle T. Skinner, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261. **FIRST CLAIM APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of structure: *Upper Forty Spring (a/k/a Upper 40 Spring).* Date of original decree: June 4, 1998, in Case No. 97CW143, in and for Water Division No. 4. Subsequent decrees awarding findings of diligence: October 28, 2004, in Case No. 04CW75; March 12, 2012, Case No. 11CW120; and September 6, 2018, in Case No. 18CW3012, each in and for Water Division No. 4. Legal description: The Spring is located in the SE1/4NW1/4SW1/4, Section 16, Township 46 North, Range 9 West, N.M.P.M., Ouray County, Colorado, at a point 1,552 feet South and 850 feet West of the section line (0248884 Easting and 4236006 Northing – Zone 13, NAD83) of said Section 16, Township 46 North, Range 9 West, N.M.P.M. Source: Tributary to Horsefly Creek and the Uncompahgre River. Appropriation date: September 12, 1997. Amount:

0.033 c.f.s., conditional. Use: for irrigation of 5 acres. Remarks: In Case No. 04CW75, the Upper Forty Spring was made absolute in the amount of 0.033 c.f.s. for recreation use. In Case No. 11CW120, the Upper Forty Spring was made absolute in the amount of 0.033 c.f.s. for domestic use in one-single family dwelling. In Case No. 18CW3012, the Upper Forty Spring was made absolute in the amount of 0.033 c.f.s. for stockwater use. Claim for diligence: Applicants request a finding of diligence for the Upper Forty Spring in the amount of 0.033 c.f.s., conditional, for irrigation of 5 acres. Names and addresses of owners of land upon which structure is located: Applicants. The following exhibits are on file with the Water Court: a map depicting the location of the structures (Exhibit A), and a detailed outline of what has been done toward completion of the appropriation and application of the water rights to beneficial use as decreed, including expenditures (Exhibit B) (pp. 6 with exhibits). **OURAY COUNTY.**

CASE NO. 2024CW3038 (Ref. Case No. 18CW3000) Grizzly Trail Holdings LLC c/o Barton E. Showalter; 1265 VZ County Road 1219, Grand Saline, TX, 75140, 214.953.6509. Please direct all correspondence to counsel for Applicant: Law of the Rockies, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO, 81230, 970-641-1903, kburgemeister@lawoftherockies.com. **APPLICATION FOR CHANGE OF WATER RIGHT.** Names of structure: SHOWALTER POND. Original Decree: 18CW3000, entered September 4, 2018, by the District Court, Water Division No. 4. Legal description of dam centerline: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, T14S, R85W, 6th PM at a point approximately 1454 feet from the east section line and 1087 feet from the south section line of said Section 17. UTM coordinates: Zone 13, Easting 334002, Northing 4299968, NAD 83. Source: East River via Showalter Ditch. Amount: Volume: 5.04 acre-feet (conditional). Maximum Rate of Diversion: Showalter Pond will be filled at a rate of up to 0.48 cfs. Use: Recreational and fishery. Surface area at high water line: 0.7 acres, Showalter Pond will be excavated below grade. Capacity: 5.04 acre-feet (4.62 acre-feet active capacity and 0.42 acre-feet dead storage). Application for Change of Water Right for Showalter Pond. At the time of the 18CW3000 case, it was anticipated that Showalter Pond would be lined and would not intercept groundwater. As constructed, the pond is not lined and does, at least occasionally, intercept groundwater. The pond was issued well permit 82683-F, pursuant to Upper Gunnison River Water Conservancy District augmentation certificate ASP-18-213A. Applicant seeks a change of water right for the Showalter Pond to reflect that underground water tributary to the East River is also a source of supply for the structure. Out of priority depletions will be augmented pursuant to the above-mentioned augmentation certificate and the plan approved in Case No. 03CW49. Showalter Pond is illustrated on Exhibit A as filed with this Application. Showalter Pond is on land owned by Applicant. **GUNNISON COUNTY.**

CASE NO. 2024CW3039 (Ref. Case No. 18CW3000) Grizzly Trail Holdings LLC c/o Barton E. Showalter; 1265 VZ County Road 1219, Grand Saline, TX, 75140, 214.953.6509. Please direct all correspondence to counsel for Applicant: 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.** Names of structures: SHOWALTER POND and SHOWALTER DITCH. Original Decree: 18CW3000, entered September 4,

2018, by the District Court, Water Division No. 4. Description of water rights from the Decree in Case No. 18CW3000: Name of Reservoir: SHOWALTER POND. Legal description of dam centerline: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, T14S, R85W, 6th PM at a point approximately 1454 feet from the east section line and 1087 feet from the south section line of said Section 17. UTM coordinates: Zone 13, Easting 334002, Northing 4299968, NAD 83. Source: East River via Showalter Ditch Amount: Volume: 5.04 acre-feet (conditional). Maximum Rate of Diversion: Showalter Pond will be filled at a rate of up to 0.48 cfs. Use: Recreational and fishery. Surface area at high water line: 0.7 acres, Showalter Pond will be excavated below grade. Capacity: 5.04 acre-feet (4.62 acre-feet active capacity and 0.42 acre-feet dead storage). Structure: SHOWALTER DITCH. Point of Diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, T14S, R85W, 6th PM at a point approximately 1469 feet from the east section line and 1546 feet from the south section line of said Section 17. UTM coordinates: Zone 13, Easting 334000, Northing 4300108, NAD 83. Source: East River Amount: 0.48 cfs (conditional). Use: To fill Showalter Pond. Water diverted pursuant to this water right will be used for storage in Showalter Pond for fishery and recreation uses. Application to Make Absolute. Showalter Pond and Showalter Ditch were constructed beginning on approximately November 3, 2018. Groundwater was intercepted by excavation of the Showalter Pond on November 17, 2018. As-built, Showalter Pond has a maximum surface area of 15,855 square feet, or 0.36 acres, and a depth of 9 feet. The storage volume is approximately 47,565 cubic feet, or 1.09 acre-feet. Showalter Ditch has been used to divert water into Showalter Pond in the full decreed amount of 0.48 cfs. A measuring flume has been installed near the headgate. The actual location of the point of diversion is at approximately 334000E, 4300139N, UTM Zone 13, NAD 83, which is approximately 100 feet away from the decreed location. Relief Requested. The Applicant seeks to make absolute: SHOWALTER POND in the amount of 1.09 acre-feet, and SHOWALTER DITCH, in the amount of 0.48 cfs. The Applicant seeks a finding of reasonable diligence for any portions of the above-described conditional water rights that are not made absolute in this proceeding, except that Applicant consents to cancellation of the Showalter Pond conditional water right for the amount in excess of 1.09 acre-feet. Showalter Pond and the Showalter Ditch point of diversion are illustrated on Exhibit A as filed with this Application. All structures are on land owned by Applicant. **GUNNISON COUNTY.**

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