

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 March 2025.

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.**

**CORRECTION: CASE NO. 2025CW1 (REF NO CA1288, CA1959, 17CW23)** Applicant: Ashley Jackson-Baillie, 17185 Hwy 550, Ridgway, CO 81432. Application for Change of Water Right: Baillie Pump – SE1/4NE1/4 of Section 11, T44N, R8W, NMPM., Easting 0263100M, Northing 4217957M, Zone 13 NAD 83, Uncompahgre River. Appropriation Date: 05/15/1897. Amount claimed: 0.02844 cfs from priority 144A, 0.125 cfs from priority 64, 0.15344 cfs total 68.89 gpm for irrigation. Request for an alternate point of diversion between the Baillie Pump water rights and its original point of diversion the Ward Ditch. **OURAY COUNTY.**

**Case No. 2025CW5** Applicant: Ute Mountain Ute Tribe, PO Box 248, Towaoc, CO 81334. Application for Surface Water Rights. Old Homestead Spring – SE1/4NW1/4 of Section 21 Township 48N Range 4W, NMPM, Easting 296386.1, Northing 4252687.9, unnamed tributary to Willow Creek, tributary to Lake Fork of the Gunnison River. Appropriation Date: 12/17/1956. Amount claimed: 15 gpm for livestock and wildlife watering. Horse Pasture Spring – NE1/4SW1/4 Section 21, Township 48N Range 4W, NMPM, Easting 296625.7 Northing 4252322.5, unnamed tributary to Willow Creek, tributary to Lake Fork of the Gunnison River. Appropriation Date: 12/17/1956. Amount claimed: 15 gpm for livestock and wildlife watering. Little Rock Spring – SE1/4NW1/4 Section 21, Township 48N Range 4W NMPM, Easting 296431.3 Northing 4252569.2, unnamed tributary to Willow Creek tributary to Lake Fork of the Gunnison River, Appropriation Date: 12/27/1956. Amount claimed: 15 gpm for livestock and wildlife watering. **GUNNISON COUNTY.**

**Case No. 2025CW6 (REF 18CW56)** Applicant: Fire Mountain Canal and Reservoir Company, PO BOX 543, Hotchkiss, CO 81419. Application for Finding of Reasonable Diligence. East Beckwith Reservoir No 1 – NW1/4SW1/4NE1/4 of Section3, Township 14S, Range 88W, 6<sup>th</sup> PM. 2157 feet west of the east section line and 1689 feet south of the north section line. Lost Lake Watershed, tributary to Ruby Anthracite Creek. Appropriation date: 11/08/2005. Amount Claimed: 39.0 AF for commercial and industrial

purposes administered by the North Fork Water Conservancy District. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY**

**Case No. 2025CW3005 (REF 18CW3045)** Gunnison River; Clayton P. Knox and Joy C. Knox; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION TO MAKE WATER RIGHT ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE; Name, address, and telephone number of Applicant: Clayton P. Knox and Joy C. Knox, 19567 Highway O, Sedalia, MO 65301; (660) 287-1786; Request to make absolute and for finding of diligence: Name of well and permit number: Shrock Well, Permit No. 301813; Describe conditional water right: Date of original decree: March 12, 2019; Case No. 2018CW3045; Division 4; Legal description: NE/4, SE/4 of Section 21, Township 51 North, Range 7 West, N.M.P.M at a point 1,474 feet from the south section line and 1,268 feet from the east section line (Zone 13, NAD83, Easting 0269309m, Northing 4283263m); Source: Groundwater tributary to the Smith Fork, tributary to the Gunnison River; Depth of well: 281 feet; Appropriation date: June 28, 2016; Amount claimed in c.f.s.: 0.0334 c.f.s. (15 gallons per minute) conditional; Amount claimed in a.f.: 2.38 a.f. per year conditional during Phase 1 and 3.57 a.f. per year conditional during Phase 2; Use: Commercial and stock watering uses; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: The Shrock Well was constructed on or before July 13, 2016, and water was subsequently used at the full decreed rate of diversion to support commercial and stockwater uses. A water supply contract for Blue Mesa Reservoir was obtained on June 19, 2019. A well permit to allow the Shrock Well to operate pursuant to the augmentation plan approved in Case No. 2018CW3045 was issued on February 12, 2020; If claim to make absolute in whole or in part: Date water applied to beneficial use: February 12, 2020; Amount claimed in c.f.s.: 0.0334 c.f.s. (15 gallons per minute); Amount claimed in a.f.: 2.38 a.f. per year, conditional, during Phase 1 and 3.57 a.f. per year during Phase 2; Use: Commercial and stock watering uses; Request to make absolute and for finding of diligence: Name of structure: Shrock Exchange; Describe conditional water right: Date of original decree: March 12, 2019; Case No. 2018CW3045; Division 4; Legal description: The downstream terminus of the Shrock Exchange is located within the NE/4 NE/4 of Section 24, Township 15 South, Range 94 West, 6th P.M., at a point 1,195 feet from the north section line and 74 feet from the east section line (Zone 13, NAD83, Easting 0253257m, Northing 4291412m). The upstream terminus of the Shrock Exchange is located within the SW/4 SW/4 of Section 35, Township 15 South, Range 92 West, 6th P.M., at a point 1,189 feet from the south section line and 171 feet from the west section line (Zone 13, NAD83, Easting 0269439m, Northing 4286865m); Appropriation date: October 26, 2018; Amount: 0.0064 c.f.s.; Use: Augmentation of out-of-priority depletions from the Shrock Well; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: The Shrock Well was constructed on or before July 13, 2016. A water supply contract for Blue Mesa Reservoir was obtained on June 19, 2019. A well permit to allow the Shrock Well to operate pursuant to the augmentation plan approved

in Case No. 2018CW3045 was issued on February 12, 2020. Upon issuance of that well permit the augmentation plan approved in Case No. 2018CW3045 became fully operational and the Shrock Exchange was placed to beneficial use; If claim to make absolute in whole or in part: Date water applied to beneficial use: February 12, 2020; Amount claimed: 0.0064 c.f.s.; Use: Augmentation of out-of-priority depletions from the Shrock Well. WHEREFORE, Applicants respectfully request the Court make absolute the amounts requested above. With regard to any conditionally decreed amounts not made absolute in this case, Applicants request a finding of reasonable diligence. (5 pages) The application on file with the Water Court contains an outline of the work performed during the diligence period. **MONTROSE COUNTY**

**Case No. 2025CW3006 (REF 18CW3054)** Application for Finding of Reasonable Diligence. Applicant: City of Delta, c/o Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601. Name and Description of Conditional Water Rights: City of Delta Hydropower Water Rights. Original Decree: Entered on June 11, 1982 in Case No. 81CW291, District Court, Water Division No. 4. Subsequent decrees finding reasonable diligence were entered in Case Nos. 86CW33, 90CW42, 04CW51, 10CW179, and 18CW3054. By decree entered in Case No. 10CW179, the Court cancelled the conditional decree for Proposed Turbine Site #1. Legal Description of Points of Diversion: (A map is on file with the court.) (i) Proposed Turbine Site #2 – From the Northeast Corner of Section 7, Township 13 South, Range 95 West of the 6<sup>th</sup> P.M., Delta County, Colorado; thence South 59°30' West, more or less, 2350 feet, more or less, to said “Proposed Site #2.” (ii) Three or more turbines on the City of Delta’s existing Grand Mesa water system pipeline, including the Dirty George Aqueduct, Doughspoon Aqueduct, and Delta Pipeline and a turbine site on the Lower White Ranch located 1250 feet west and 250 feet north of the SE corner of the NE¼, Section 5, Township 15 South, Range 95 West of the 6<sup>th</sup> P.M. Source: Tributaries to Dirty George Creek, Oak Creek, and Doughspoon Creek, and the Gunnison River. Date of appropriation: As set forth on Exhibit A attached to the application on file with the court. Amount: As set forth on Exhibit A attached to the application on file with the court. Use: Generation of hydroelectric power (non-consumptive). Integrated System: As decreed in Case No. 2018CW3054, the City of Delta hydropower water rights are part of an integrated water supply system to provide municipal water supplies to the City of Delta. Work on one feature of the municipal water supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system. C.R.S. § 37-92-301(4)(b). The application includes a detailed outline of what has been done for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures. Names and addresses of owners 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: Proposed Turbine Site #2: United States Department of the Interior, Bureau of Land Management, Southwest Colorado District Office, 2465 S. Townsend Ave., Montrose, CO 81401. Points of diversion for Applicant’s existing Grand Mesa water system pipeline: United States Department of Agriculture, Forest Service, Grand Mesa, Uncompahgre and Gunnison National Forest, 2250 South Main Street, Delta, CO 81416. Turbine Site on Lower White Ranch: Applicant holds an

easement on the White Ranch, owned by: 7H7 Properties-Hamilton LLC, c/o Doug Keyston, P.O. Box 620777, Woodside, CA 94062-0777. Applicant requests the Court to determine, adjudge, and decree that the Applicant has shown reasonable diligence in the development of the conditional hydropower water rights and continuing such conditional water rights in full force and effect. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

**CASE NO. 2025CW3007 (REF 18CW3047, 11CW154, 05CW38)** 1. Applicant: **Myers Homestead Estates Water Company, Inc.** c/o David Hanson, 20981 Wild Turkey Lane, Cedaredge, CO 81413; telephone (970) 433-4562 by Camp & Skarka, LLC, 415 Palmer St., Delta, CO 81416. APPLICATION TO MAKE ABSOLUTE IN PART, AND FOR FINDING OF REASONABLE DILIGENCE. 2. Name of Structures: **Myers Homestead Well Nos. 1 and 2** (Well No. 1 Permit # 68659; Well No. 2 Permit # 68658). 3. Date of Original Decree: December 12, 2005, Case No. 05CW38, Division 4. 4. Legal Description: Both structures are located in Township 13 South, Range 95 West, 6<sup>th</sup> P.M. as follows: **Myers Homestead Well No. 1** is located in the NE4 of the NE4 of Section 11, 683 feet from the North Section line and 789 feet from the East Section line; Easting(m) 0242314 and Northing(m) 4314695, Zone 13, NAD83; **Myers Homestead Well No. 2** is located in the NW4 of the NW4 of Section 12, 473 feet from the North Section line and 120 feet from the West Section line; Easting(m) 0242593 and Northing(m) 4314755, Zone 13, NAD83. 5. Source: Groundwater tributary to Ward Creek, Forked Tongue Creek and the Gunnison River. 6. Date of Appropriation: **Myers Homestead Well No. 1:** July 12, 2004; **Myers Homestead Well No. 2:** March 1, 2005. 7. Amounts: **Myers Homestead Well No. 1:** 0.045 c.f.s (22.5 gpm) for Domestic Use in eleven (11) single family dwellings, and Irrigation of 0.2 acres of lawn and garden on each lot. **Myers Homestead Well No. 2:** 0.033 c.f.s. (15 gpm) for Domestic Use to serve, in tandem with **Myers Homestead Well No. 1**, four single family dwellings and irrigation of 0.2 acres of lawn and garden on each lot. **Myers Homestead Well Nos 1 and 2** serve ten (10) lots in a twelve (12) lot subdivision named the Myers Homestead Estates Subdivision, which is in Cedaredge, CO. The subdivision lots served by **Myers Homestead Well Nos. 1 and 2** are lot numbers 3 through 12. Lots 1 and 2 are served by a different source of water (Colby Domestic Water Company). This description is given to clarify the record as to the number of lots and the numbering of the lots served by **Wells No. 1 and No. 2**. Although **Myers Homestead Well No. 1** was originally decreed to serve 11 single-family residences, **Myers Homestead Well No. 1** will only serve 10 single family residences (one per lot). Request is made to cancel the 11th single-family residence and limit the well to 10 single-family residences. In case 11CW154, **Myers Homestead Well No. 1** was made absolute for domestic use on lots 3 and 4 for two single family dwellings, and irrigation of 0.04 acres of lawn and garden. In case 18CW3047, **Myers Homestead Well No. 1** was made absolute for domestic use on lots 8 and 10 for two single family dwellings and irrigation of 0.04 acres of lawn and garden, and **Myers Homestead Well No. 2** was made absolute for domestic use in four single family dwellings (lots 3, 4, 8 and 10) and irrigation of 0.08 acres of lawn and garden. This description is given to clarify the record showing which lots have water that has been made absolute. 8. Uses: domestic and irrigation. 9. Outline of what has been done toward completion of the water right: In the last six years, a single-family residence was constructed on lot 9 of the Myers Homestead Estates Subdivision,

and this lot is served by the **Myers Homestead Estates Well Nos. 1 and 2. Myers Homestead Well No. 2** should be made absolute as it is being used for the full decreed amount. With respect to **Myers Homestead Well No 1**, Applicant requests to make absolute for domestic use in one single family dwelling on lot 9, and for irrigation of 0.02 acres lawn and garden on lot 9, and to continue the balance as conditional for lots 5, 6, 7, 11 and 12. 10. Names of owners of the land upon which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: James and Gail Morgan, 20809 Wild Turkey Lane, Cedaredge, CO 81413; David and Carrie Hanson, 20981 Wild Turkey Lane, Cedaredge, CO 81413; Richard and Catherine Wagner, 21039 Wild Turkey Lane, Cedaredge, CO 81413; Ralph and Nancy Seeley, 21047 Wild Turkey Lane, Cedaredge, 81413; Michael and Dalcyce Sellers, 1128 Rifle Pit Road, Sundance, WY 82729; Richard and Debra Geddes Trust dated July 22, 2022, 11 Camino Los Suenos, Sante Fe, NM 87506; John and Gina Mattison, 30490 Highway 92, Hotchkiss, CO 81419; John and Sue Ehlers, 86 Indian Road, Port Chester, NY 10573; and Quay McCormick, 20872 Wild Turkey Lane, Cedaredge, CO 81413. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

**CASE NO. 2025CW3008 (REF 18CW3036, 12CW40)** 1. Applicant: **Whiting Farms, Inc.**, c/o Thomas Scott Whiting, P.O. Box 100, Delta, CO 81416, [drtomwhiting@aol.com](mailto:drtomwhiting@aol.com); 970-874-8321 by Camp & Skarka, LLC, 415 Palmer St., Delta, CO 81416. APPLICATION TO MAKE ABSOLUTE IN PART, AND FOR FINDING OF REASONABLE DILIGENCE. 2. Name of Structures: **Whiting Well No. 1**, Permit No. 206580; **Whiting Well No. 2**, Permit No. 287157; **Lone Star Reservoir (Enlargement)**. Whiting Well No. 1 and 2 are supported by the Whiting Augmentation Plan decreed in 12CW40. 3. Date of Original Decree: September 24, 2012, case no. 12CW40 in Division 4. 4. Legal Description: **Whiting Well No. 1** is located in the NW1/4NE1/4SW1/4, Section 19, Township 14 South, Range 96 West, 6th P.M. approximately 2430 feet north of the south section line and 1977 feet east of the west section line (UTM coordinates Northing 4301568, Easting 0224831); **Whiting Well No. 2** is located in the SE1/4SE1/4NW1/4, Section 19, Township 14 South, Range 96 West, 6th P.M. approximately 2230 feet south of the north section line and 2640 feet east of the west section line. (UTM coordinates Northing 4301757, Easting 0225040). The **Lone Star Reservoir (Enlarged)** is located in the NE1/4NE1/4NW1/4, Section 25, Township 14 South, Range 97 West, 6th P.M., at a point 327 feet south of the north section line and 2304 feet east of the west section line. 5. Source: Groundwater tributary to Alkali Creek and the Gunnison River. 6. Date of Appropriation: **Whiting Well No. 1:** April 24, 2012; **Whiting Well No. 2:** April 24, 2012; **Lone Star Reservoir (Enlargement):** April 24, 2012. 7. Amounts: **Whiting Well No. 1:** 0.004 c.f.s. for commercial use; **Whiting Well No. 2:** 0.033 c.f.s. for commercial use; **Lone Star Reservoir (Enlargement):** 4.03 acre-feet for augmentation use. 8. Uses: commercial and augmentation. 9. Outline of what has been done toward completion of the water right: Applicant actively uses **Whiting Well No. 1** and **No. 2** for its poultry growing operation. Since its last diligence filing, Applicant has constructed three additional poultry barns. **Whiting Well No. 1** and **No. 2** now serve 16 total poultry barns in active operation. At full build-out, **Whiting Well No. 1** and **No. 2** will serve 20 active poultry barns. Applicant requests to make **Whiting Well No. 1** and **No. 2** absolute for

commercial use in 16 poultry barns, and to continue the balance as conditional. Applicant requests to make absolute the **Lone Star Reservoir Enlargement** for augmentation use for 16 poultry barns served by **Whiting Well No. 1** and **No. 2**, and to continue the balance of augmentation use as conditional. 10. Names of owners of the land upon which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

**CASE NO. 2025CW3009 (REF 18CW3056, 12CW37, 05CW90)** 1. Applicants: **Gary Leak, Ellen Leak, Cort Galbreath, Paul Huttenhower, Amanda Holley, Chad Koorndyke, Abbie Koorndyke, Michael Gruenefeldt, Michael Wilson and Deborah Wilson** all c/o **Gary Leak**, 33508 Riverpark Rd., Hotchkiss, CO 81419; telephone (303) 601-1600; email [leakgw@hotmail.com](mailto:leakgw@hotmail.com), by Camp & Skarka, LLC, 415 Palmer St., Delta, CO 81416. APPLICATION TO MAKE ABSOLUTE IN PART, AND FOR FINDING OF REASONABLE DILIGENCE. 2. Name of Structures: **River Park Acres Well No. 1** (Permit 64371-F); **River Park Acres Well No. 2** (Permit TBD). **River Park Acres Well No. 1** and **No. 2** are intended to supply domestic and stockwater to 8 lots in a 10-lot subdivision known as *Riverpark Acres Subdivision* near Hotchkiss, Colorado. The lots to be served by the Wells are Lots 1 through 8. 3. Date of Original Decree: February 27, 2006, Case No. 05CW90, Division 4. 4. Legal Description: Both structures are located in NE1/4, NE1/4, NW14 of Section 1, Township 15 South, Range 93 West, 6th P.M. as follows: **River Park Acres Well No. 1:** at a point 50 feet south from the North Section line and 2510 east feet from the West Section line; Easting(m) 0262383 and Northing(m) 4296419, Zone 13, NAD83. **River Park Acres Well No. 2:** to be constructed at a point 200 feet south of the North section line and 2200 feet east of the West section line. 5. Source: Waters tributary to the North Fork of the Gunnison River. 6. Date of Appropriation: May 23, 2005 for each Well. 7. Amounts: 15 g.p.m. for each Well with maximum annual diversions from both Wells of 3.33 acre feet. 8. Uses: Both Wells were decreed for domestic and livestock water for 8 single family residences located in the River Park Acres Subdivision. River Park Acres Well No. 1 was made absolute for 1 single family residence and stockwater in 12CW37. The 1 single family residence that was constructed in the 12CW37 case was located on Lot 8. 9. Outline of what has been done toward completion of the water right: In the last six years, Lots 1 – 6 of Riverpark Acres Subdivision sold. Dwelling structures on Lots 3, 4, 6, 7 and 8 have been built and are using water from River Park Acres Well No. 1. Well No. 1 was previously made absolute for the dwelling located on Lot 8 in 12CW37. Applicants request to make River Park Acres Well No. 1 absolute for domestic and stockwater uses on Lots 3, 4, 6 and 7 (and reflect that it has already been made absolute for Lot 8), and continue the balance for Well No. 1 and Well No. 2 as conditional. 10. Names of owners of the land upon which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Ellen Leak, 33508 Riverpark Road, Hotchkiss, CO 81419; Cort Galbreath, 33506 Riverpark Road, Hotchkiss, CO 81419; Paul Huttenhower and Amanda Holley, 33502 Riverpark Road, Hotchkiss, CO 81419; Chad Koorndyke and Abbie Koorndyke, 33500 Riverpark Road, Hotchkiss, CO 81419; Michael Gruenefeldt, 33410 Riverpark Road, Hotchkiss, CO 81419; Michael Wilson and Deborah Wilson, 711 Jasmine Lane, Grand Junction, CO 81506; and Jeffery Awmiller, 33402 Riverpark Road,

Hotchkiss, CO 81419. Jeffrey Awmiller is the current owner of Lot 1, Riverpark Acres Subdivision, and did not want to participate in the Application. The application on file with the Water Court contains an outline of the work performed during the diligence period.  
**DELTA COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of May 2025 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