

IN THE DISTRICT COURT IN AND FOR WATER DIVISION NO. 4
STATE OF COLORADO

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER DIVISION
NO. 4

Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of October 2022.

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. 2022CW23. Applicants: Samuel R. Fritzlan and Teri A Fritzlan, PO 711, Hotchkiss, CO 81419. Application for Absolute Surface Water Rights: Fritzlan Pipeline - NE1/4SW1/4 of Section 15, T14S, R92W, 6TH PM., Easting 268839, Northing 4301569, Zone 13. Source: North Fork Gunnison River. Appropriation Date: 05/01/1973. Amount Claimed: .075 cfs absolute for irrigation of 2 acres and stockwater. **DELTA COUNTY.**

CASE NO. 2022CW24 (REF NO. 16CW62, 10CW27, 03CW211). Applicant, Bryan Cairns and Jennifer Cairns, 18340 H Road, Delta, CO 81416. Application To Make Absolute in Whole or in Part: Cairns Pump and Pipeline – SE1/4NE1/4 NW1/4 of Section 16, T15S, R95W, 6th PM., Easting 759107, Northing 4293537, Zone 12, 1,056 feet south of the north section line and 2,600 feet east of the west section line. Source: Henry Gulch and the Gunnison River. Appropriation Date: 05/05/2003. Amount claimed: 0.25 cfs absolute for irrigation of 6 acres and conditional for irrigation of 4 acres. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2022CW25. Applicants: Claire M. Noone and Henry D. Myers, 38770 Stucker Mesa Rd., Hotchkiss, CO 81419. Application for Conditional Surface Water Rights: McCoy Spring - NE1/4SE1/4 of Section 2, T14S, R92W, 6TH PM., 1950 feet north of the south section line and 1110 feet west of the east section line. Source: North Fork Gunnison River. Appropriation Date: 10/30/1988. Amount Claimed: .01 cfs conditional for domestic use in a single-family residence and irrigation of up to 1 acre. **DELTA COUNTY.**

CASE NO. 2022CW3008. FIRST AMENDED APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO § 37-92-305(3.5), C.R.S. 1. Applicants: Paul and Diane Redd ("Applicants") P.O. Box 445, Paradox, CO 81429, Paulredd429@gmail.com, 970.859.7272, Attorneys: John P. Justus, Karoline M. Henning, HOSKIN FARINA & KAMPF, Professional Corporation, 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502. WATER RIGHTS TO BE CHANGED 2. Decreed water right for which change is sought: The E.C. Hamilton Ditch, Priority No. 7. a. Name of structure(s): i. The E.C. Hamilton Ditch, a.k.a., The Hamilton Ditch (the "Hamilton Ditch"); and ii. The Goshorn No. 3 Ditch as a decreed alternate point of diversion. b. Date of original and all relevant subsequent decrees: Decree entered on February 1, 1892 in CA 473, In the Matter of the Adjudication of the Priorities of Water Rights in Water District No. 61 by the Montrose County District Court (the "CA473 Decree"); Decree entered October 19, 1978 in Case No. W-2499 by the District Court in and for Water Division No. 4 (the "W-2499 Decree"); Decree entered October 19, 1978 in Case No. W-2501 by the District Court in and for Water Division No. 4 (the "W-2501 Decree"); Decree entered February 9, 1982 in Consolidated Case Nos. 81CW77-82 by the District Court in and for Water Division No. 4 (the "81CW77-82 Decree"); and Decree entered on July 1, 1985 in Case No. 84CW93 by the District Court in and

for Water Division No. 4 (the "1984 Abandonment Decree"). c. Legal description of structure as described in most recent decree that adjudicated the location: i. When Diverting at the Hamilton Ditch: "The headgate is located at a point in Montrose County, Colorado, on the North Bank of Huff or Spring Creek, about 30 feet above its junction with West Paradox Creek, on the North East quarter South West quarter Section 33 Tp. 48 N. R. 19 W. N.M.P.M."; and When Diverting at the Goshorn No. 3 Ditch as an alternate point of diversion pursuant to the terms of the 81CW77-82 Decree: Headgate located on the West bank of Paradox Creek from which the NE corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 49 North, Range 19 West, N.M.P.M, bears South 78° East 1450 feet. d. Decreed source of water: i. Huff or Spring Creek if diverting at the Hamilton Ditch; and ii. Paradox Creek if diverting at the Goshorn No. 3 Ditch pursuant to the terms of the 81CW77-82 Decree. e. Appropriation Date: October 5, 1883. f. Total amount decreed to structure in cubic feet per second (cfs): 0.4 cfs, Absolute. g. Decreed use or uses: Irrigation. h. Amount of water that applicant intends to change: 0.4 cfs Absolute, subject to the diversion rate limitations set forth in the W-2499 Decree and the W-2501 Decree for diversion at the Hamilton Ditch. 3. Decreed water right for which change is sought: The Swain Ditch, Priority No. 9 a. Name of structures: i. The Swain Ditch; ii. The Hamilton Ditch as a decreed supplemental point of diversion; and iii. The Goshorn No. 3 Ditch as a decreed alternate point of diversion. b. Date of original and all relevant subsequent decrees: Decree entered on February 1, 1892 in CA 473, In the Matter of the Adjudication of the Priorities of Water Rights in Water District No. 61 by the Montrose County District Court; Decree entered October 19, 1978 in Case No. W-2499 by the District Court in and for Water Division No. 4; and Decree entered October 19, 1978 in Case No. W-2501 by the District Court in and for Water Division No. 4; the 81CW77-82 Decree; and the 1984 Abandonment Decree. c. Legal description of structure as described in most recent decree that adjudicated the location: i. Original Point of Diversion: "The headgate is located at a point in Montrose County, Colorado, on the West bank of West Paradox Creek near its junction with Huff Springs Creek being near to and about 24 rods South West from the North West corner of the North East quarter of the South East quarter of Section 33, Tp. 48 N. R. 19 W. N.M.P.M." ii. Hamilton Ditch as Supplemental Point of Diversion in W-2499 and W-2501 Decrees: "At a point on the North Bank of Huff Creek or Spring Creek, about 30 feet above its junction with West Paradox Creek, on the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 33, Township 48 North, Range 19 West, of the N.M.P.M., the present point of diversion of the Hamilton Ditch, Priority No. 7." iii. When Diverting at the Goshorn No. 3 Ditch as an alternate point of diversion pursuant to the terms of the 81CW77-82 Decree: Headgate located on the West bank of Paradox Creek from which the NE corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 49 North, Range 19 West, N.M.P.M, bears South 78° East 1450 feet. d. Decreed sources of water: i. West Paradox Creek and Huff Creek if diverting at the Swain Ditch; ii. Huff or Spring Creek if diverting at the Hamilton Ditch pursuant to either the W-2499 Decree or the W-2501 Decree; and iii. West Paradox Creek if diverting at Goshorn No. 3 Ditch e. Appropriation Date: January 7, 1884. f. Total amount decreed to structures in cfs: 0.61 cfs, Absolute. g. Decreed use or uses: Irrigation. h. Amount of water that applicant intends to change: 0.61 cfs, Absolute, subject to the diversion rate limitations set forth in the W-2499 Decree and the W-2501 Decree. 4. Decreed water right for which change is sought: The Robinson Ditch, Priority No. 15 a. Name of structures: i. The Robinson Ditch; and ii. The Hamilton Ditch as a decreed alternate point of diversion. b. Date of original and all relevant subsequent decrees: Decree entered on February 1, 1892 in CA 473, In the Matter of the Adjudication of the Priorities of Water Rights in Water District No. 61 by the Montrose County District Court; Decree entered October 19, 1978 in Case No. W-2501 by the District Court in and for Water Division No. 4. c. Legal description of structure as described in most recent decree that adjudicated the location: i. Original Point of Diversion: "headgate is located at a point in Montrose County, Colorado, whence the North East corner Section 32 Tp. 48 N. R. 19 W. N.M.P.M., bears South 43° East 930 feet." ii. Hamilton Ditch as an Alternate Point of Diversion in W-2501 Decree: "At a point on the North Bank of Huff

Creek or Spring Creek, about 30 feet above its junction with West Paradox Creek, on the NE1/4 of the SW1/4 of Section 33, Township 48 North, Range 19 West, of the N.M.P.M., the present point of diversion of the Hamilton Ditch, Priority No. 7.” d. Decreed sources of water: i. Arrow Head, Little Arrow Head, and Aztec Springs if diverting at the Robinson Ditch; and ii. Huff or Spring Creek if diverting at the Hamilton Ditch pursuant to the W-2501 Decree. e. Appropriation Date: September 30, 1886. f. Total amount decreed to structure in cfs: 1 cfs, Absolute. g. Decreed use or uses: Irrigation. h. Amount of water that applicant intends to change: 1 cfs, Absolute. 5. Decreed water right for which change is sought: The Mary E. Young Ditch, Priority No. 16. a. Name of structures: i. The Mary E. Young No. 1; ii. The Hamilton Ditch as a decreed supplemental point of diversion; iii. The Goshorn No. 3 Ditch as a decreed alternate point of diversion. iv. b. Date of original and all relevant subsequent decrees: Decree entered on February 1, 1892 in CA 473, In the Matter of the Adjudication of the Priorities of Water Rights in Water District No. 61 by the Montrose County District Court; Decree entered October 19, 1978 in Case No. W-2499 by the District Court in and for Water Division No. 4; and Decree entered October 19, 1978 in Case No. W-2501 by the District Court in and for Water Division No. 4; the 81CW77-82 Decree; and the 1984 Abandonment Decree.. c. Legal description of structure as described in most recent decree that adjudicated the location: i. Original Point of Diversion: The headgate is located at a point in Montrose County, Colorado, near the South East corner of the South West quarter of the North West quarter of Section 33, Tp. 48 N. R. 19 W. N.M.P.M. ii. Hamilton Ditch as Supplemental Point of Diversion in W-2499 and W-2501 Decrees: “At a point on the North Bank of Huff Creek or Spring Creek, about 30 feet above its junction with West Paradox Creek, on the NE1/4 of the SW1/4 of Section 33, Township 48 North, Range 19 West, of the N.M.P.M., the present point of diversion of the Hamilton Ditch, Priority No. 7”; and iii. When Diverting at the Goshorn No. 3 Ditch as an alternate point of diversion pursuant to the terms of the 81CW77-82 Decree: Headgate located on the West bank of Paradox Creek from which the NE corner of the SW ¼ SW ¼ of Section 29, Township 49 North, Range 19 West, N.M.P.M, bears South 78° East 1450 feet. d. Decreed source of water: i. Huff Springs Creek and seepage therefrom; Huff or Spring Creek if diverting from the Mary E. Young No. 1 Ditch; ii. Huff or Spring Creek if diverting from the Hamilton Ditch pursuant to either the W-2499 Decree or the W-2501 Decree; and iii. Paradox Creek if diverting at the Goshorn No. 3 Ditch pursuant to the terms of the 81CW77-82 Decree. e. Appropriation Date: May 1, 1887. f. Total amount decreed to structure in cfs: 0.6 cfs, Absolute. g. Decreed use or uses: Irrigation. h. Amount of water that applicant intends to change: 0.6 cfs, Absolute, subject to the diversion rate limitations set forth in the W-2499 Decree and the W-2499 Decree. 6. Decreed water right for which change is sought: Hamilton Ditch, Priority No. 22 a. Name of structure: The Hamilton Ditch b. Date of original and all relevant subsequent decrees: Decree entered on April 4, 1934 in CA 3261, In the Matter of the Adjudication of the Priorities of Water Rights in Water District No. 61 by the District Court of the Seventh Judicial District in and for the County of Montrose. c. Legal description of structure as described in most recent decree that adjudicated the location: “Headgate situated at the junction of West Paradox Creek with Spring or Huff Creek on the North Side of said Spring or Huff Creek, said headgate being located on the NE quarter of the SW quarter Section 33 Twp. 48 N. R. 19 W. N.M.P.M.” d. Decreed source of water: Huff or Spring Creek. e. Appropriation Date: April 2, 1909. f. Total amount decreed to structure in cfs: 0.6 cfs, Absolute. g. Decreed use or uses: Irrigation. h. Amount of water that applicant intends to change: 0.6 cfs, Absolute. 7. Decreed water right for which change is sought: The Swain Ditch Extension No. 1, Priority No. 25. a. Name of structure: The Swain Ditch Extension No. 1. b. Date of original and all relevant subsequent decrees: Decree entered on April 4, 1934 in CA 3261, In the Matter of the Adjudication of the Priorities of Water Rights in Water District No. 61 by the District Court of the Seventh Judicial District in and for the County of Montrose. c. Legal description of structure as described in most recent decree that adjudicated the location: Headgate is described as being “located on the South Bank of Huff Creek in Section 33 Twp. 48

N. R. 19 W. N.M.P.M. about 150 feet in a Northeasterly direction from the junction of said Huff Creek with Paradox Creek. d. Decreed source of water: Huff Creek, a natural stream and tributary of West Paradox Creek, a tributary of the Dolores River. e. Appropriation Date: April 2, 1909. f. Total amount decreed to structure cfs: 0.11 cfs, Absolute. g. Decreed use or uses: Irrigation. h. Amount of water that applicant intends to change: 0.11 cfs, Absolute. 8. Detailed description of proposed change in a surface point of diversion: a. Applicants are the owners of the water rights described in paragraphs 2 through 7 above (the "Subject Water Rights"). Applicants have constructed a new diversion structure on Huff Creek in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32, Township 48 North, Range 19 West of the N.M.P.M., at location approximately 2,840 feet upstream of the Hamilton Ditch (the "Consolidated Huff Creek Point of Diversion"). Applicants propose the following simple changes in point of diversion for the Subject Water Rights as follows: i. Change of the decreed point of diversion of the Hamilton Ditch, Priority No. 7, from the point of diversion on Huff Creek described in paragraph 2.c.i. of this application to the Consolidated Huff Creek Point of Diversion. The alternate point of diversion for Priority No. 7 at the Goshorn No. 3 Ditch described in paragraph 2.c.ii pursuant to the 81CW77-82 Decree is not to be modified or changed by this application. ii. Change of the decreed alternate point of diversion for the Swain Ditch, Priority No. 9, from the alternate point of diversion on Huff Creek at the Hamilton Ditch described in paragraph 3.c.ii. of this application to the Consolidated Huff Creek Point of Diversion. The original point of diversion at the Swain Ditch, described in paragraph 3.c.i., and the alternate point of diversion for Priority No. 9 at the Goshorn No. 3 Ditch described in paragraph 3.c.iii pursuant to the 81CW77-82 Decree are not to be modified or changed by this application. iii. Change of the decreed alternate point of diversion for the Robinson Ditch, Priority No. 15, from the alternate point of diversion on Huff Creek at the Hamilton Ditch described in paragraph 4.c.ii. of this application to the Consolidated Huff Creek Point of Diversion. The original point of diversion at the Robinson Ditch, described in paragraph 4.c.i. is not to be modified or changed by this application. iv. Change of both the original point of diversion on Huff Creek and the decreed alternate point of diversion on Huff Creek for the Mary E. Young, Priority No. 16, from the locations described in paragraphs 5.c.i. and 5.c.ii. of this application to the Consolidated Huff Creek Point of Diversion. The alternate point of diversion for Priority No. 16 at the Goshorn No. 3 Ditch described in paragraph 5.c.iii pursuant to the 81CW77-82 Decree is not to be modified or changed by this application. v. Change of the decreed point of diversion on Huff Creek for the Hamilton Ditch, Priority No. 22, from the location described in paragraph 6.c. to the Consolidated Huff Creek Point of Diversion. vi. Change of the decreed point of diversion on Huff Creek for the Swain Ditch Extension No. 1, Priority No. 25, from the location described in paragraph 7.c. to the Consolidated Huff Creek Point of Diversion. b. There are no intervening points of inflows from a surface stream or decreed in-stream flows in the affected reach of Huff/Spring Creek. On the approval of the change for the Subject Water Rights, there will not be any "intervening surface diversion point" on Huff/Spring Creek meaning there will not be any ditch diversion or other point of diversion for a decreed surface water right, point of replacement or point of diversion by exchange that is part of an existing decreed exchange, well or well field that is decreed to operate as a surface diversion between the points of diversion described in paragraph 8.a. from which the water rights are being changed and the new point of diversion at the Consolidated Huff Creek Point of Diversion. The diversion structures for the ditches known as the Hamilton Ditch, the Mary E. Young Ditch, and the Swain Ditch Extension No. 1 will no longer be used, nor will any water rights remain decreed for diversion at those structures. Exhibit 1 to the Amended Application is a map developed from CDSS Mapviewer reflecting both the hydrography and the locations of any decreed structures on Huff or Spring Creek. c. Location of the Consolidated Huff Creek Point of Diversion: i. Public Land Survey System (PLSS): NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32, Township 48 North, Range 19 West of the N.M.P.M., derived from CDSS MapViewer. ii. Point(s) of Diversion: UTM Zone 13, Easting 152152, Northing 4255266. 9. Name(s) and

address(es) of owner(s) or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed: Applicants are the owners of the land on which the new diversion structure is located. The Amended Application is 10 pages in length. **MONTROSE COUNTY.**

CASE NO. 2022W3027 Gunnison County. Amended Application for Underground Water Right, Water Storage Right and Request for Approval for Plan of Augmentation. Applicant:

Thomas J. Spezze and Tamara M. Spezze. 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: Applicants seek: (1) a conditional underground water right for a well located on Applicants' property ("Spezze Well") that is the subject of a Gunnison County Planning Department development application that will divert groundwater tributary to Cochetopa Creek; (2) a water storage right for an augmentation pond to replace out of priority depletions from the Spezze Well; and (3) approval of a plan for augmentation for out of priority depletions that would result from use of such well. Request for Underground Water Right: Name of Well: Spezze Well. Source: groundwater tributary to Cochetopa Creek, tributary to Tomichi Creek, tributary to the Gunnison River. Depth of Well: 100 feet. Permit Number: An application for a residential well permit will be filed with the Division of Water Resources. Location: NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T 49 N, R 2 E, N.M.P.M., 2,525 feet from the South section line and 150 feet from the West section line. UTM Coordinates: 345988 Easting, 4260483 Northing, Zone 13. Uses: domestic use inside one single family residence. Appropriation Date: March 25, 2019. Quantity: 15 gpm conditional; .224 acre feet annually. Comments: the Spezze Well will be operated according to a plan for augmentation, approval for which is sought in this application. Applicants are seeking a minor subdivision of their property. Lot 1 of the Spezze Minor Subdivision will be served by the Spezze Well. Lot 2 of the Spezze Minor Subdivision will be served by the existing well on the property, Permit No. 285077, which shall remain the only exempt well on a parcel of 35 or more and satisfies section 37-92-602(3)(b)(iv), C.R.S. and Colorado Division of Water Resources Policy 2011-1. Request for Water Storage Right: Name of Structure: Spezze Augmentation Pond. Source: Cochetopa Creek, tributary to Tomichi Creek, tributary to the Gunnison River. Location: NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T 49 N, R 2 E, N.M.P.M. The Center point of the pond is located at a point that is 450 feet East of the West line and 1500 feet North of the South line of said Section 28; UTM Coordinates: Easting 346084, Northing 4260173, Zone 13. The intake for the pond is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T 49 N, R 2 E, N.M.P.M. on the West bank of Cochetopa Creek at a point located 755 feet from the West line and 1550 feet from the South line of Section 28; UTM Coordinates: Easting 346177, Northing 4260185, Zone 13. Source: Cochetopa Creek, tributary to Tomichi Creek, tributary to the Gunnison River. Appropriation date: October 28, 2022. Amount: 1.6 acre feet conditional, together with the right to fill and refill in priority. Uses: Augmentation, evaporation, wildlife consistent with a pond and fire protection. Additional information: The Spezze Augmentation Pond will be developed by enlargement of an existing wildlife enhancement pond, adding a liner and installing a release mechanism with a measuring device. The Spezze Augmentation Pond will be filled when water is available for diversion in priority during runoff conditions in the spring of each year and at other times when water is available in priority. Landowner: Applicants. Request for Approval of Plan for Augmentation: Name of Structure to be augmented: Spezze Well. Water Right to be Used for Augmentation: Spezze Augmentation Pond described above. Statement of Plan for Augmentation: The water demands for the Spezze Well are calculated in the following table. The residence served by the Spezze Well will have a septic system that will return all return flows to the Cochetopa Creek. Consumptive use of ten percent (10%) is assumed for indoor use.

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| Spezze Well augmentation requirements |
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| Gallons per person per day water use | 50 |
| Number of residents | 4 |
| Total gallons per day | 200 |
| Consumptive use (CU) percent on indoor use and septic leach field loss | 10% |
| Total gallons per day CU from residence | 20 |
| No. of days in year | 365 |
| Annual gallons per year of CU (augmentation requirement) | 7,300 (.022 af) |

A call may be placed against the Spezze Well by senior water rights on Cochetopa Creek, Tomichi Creek or the Gunnison River at any time during the year. During periods of downstream call, measured releases of water from the Spezze Augmentation Pond will be made to Cochetopa Creek to replace depletions from the Spezze Well. Actual releases will depend on the period of call and the amount of actual depletions attributable to the Spezze Well affecting Cochetopa Creek during the relevant call period. The Spezze Augmentation Pond will be filled during periods of runoff each spring and at such other times as water is available in priority. Applicant will install such measuring devices as may reasonably be required by the Division Engineer to facilitate the operation of this plan for augmentation and to assure compliance therewith. This plan for augmentation will not injuriously affect the owner of or persons entitled to use water under a vested water right or decreed conditional water right. **GUNNISON COUNTY.**

CASE NO. 2022CW3066 – REJECTED

CASE NO. 2022CW3067. 1. Applicant: Norwood Water Commission P.O. Box 528, Norwood, CO 81423 Attn. Patti Grafmyer. Please send all correspondence to Stephen B. Johnson, Esq., Stephen B. Johnson Law Firm, P.C. 100 W. Colorado Ave. Wintercrown Building #227 (Express Mail Only) PO Box 726 (Postal Delivery Only), Telluride, CO 81435. 2. Name of structure: NWC Gurley Diversion a/k/a NWC Municipal Diversion. Type: Headgate and ditch. 3. Describe conditional water right (as to each structure) including the following information from previous decree: Date of Original Decree: June 2, 1997; and see Order Correcting Clerical Error dated May 18, 1997. Case No. 94CW245. Court: Water Court, Division 4. 4. List all subsequent decrees awarding findings of diligence: A. Case No. 03CW143, entered on January 13, 2004, Water Court, Division 4. B. Case No. 10CW1, entered on May 25, 2010, Water Court, Division 4. C. Case No. 2016CW3028, entered on October 11, 2016, Water Court, Division 4. 5. Legal Description of Point of Diversion: 1155 feet South of the North section line and 825 feet East of the West section line of Section 6, Township 44 North, Range 12 West, N.M.P.M. The proposed point of diversion for the NWC Gurley Diversion is depicted on the Norwood Water Commission 2010 Water Rights Filing Locations map, Figure 4. Figure 4 is available for review at the NWC office. 6. Source of water: Spring tributary to Gurley Canyon, a/k/a Maverick Gulch/Maverick Draw/ Maverick Draw Gulch, a/k/a No-Name Gulch/No-Name Creek, a/k/a Lower Gurley Ditch, which is tributary to Naturita Creek and the San Miguel River. 7. Appropriation Date: November 1, 1994. 8. Amount: 5.0 c.f.s. 9. Use: Municipal. 10. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: The NWC Gurley Diversion conditional water right is part of an integrated municipal water supply, treatment and delivery system administered by the Norwood Water Commission (“NWC”). Since the application for finding of reasonable diligence for this water right was filed in Case No. 2016CW3028, Applicant in coordination with the Town of Norwood, Colorado has expended

substantial funds for engineering and legal fees in connection with NWC water system planning, grant applications, prosecuting various water right applications and statements of opposition to defend water rights that support the NWC water supply system, rehabilitation of the NWC water supply infrastructure, and additional water treatment plant upgrade work. In 2017, the Town of Norwood acting by and through the NWC obtained a decree in Case No. 2017CW3049 finding reasonable diligence for the development of the Norwood-Nelson Ditch conditional water right. During 2016-2017, the Town of Norwood conducted preliminary and final engineering for a Raw Water Irrigation System ("RWIS"). The NWC has spent in conjunction with the Town of Norwood approximately \$1,348,533.00 on completion of the RWIS project, which went on-line during the summer of 2019. In 2019, the Applicant's water rights engineering firm, SGM, performed a Water Availability Analysis for NWC River Diversion (Case No.10CW202), and a Water Availability Analysis and Supply Development for Lone Cone System (Case No.10CW203). On May 20, 2019 the NWC obtained a decree in Case No. 2019CW3025 finding reasonable diligence in the development of the Forest Street Subdrain conditional surface water right. In 2019, the Applicant filed applications for finding of reasonable diligence for multiple structures in Case Nos. 19CW3025 and 19CW3026, and obtained favorable rulings and decrees in those cases in 2020. In 2020, NWC completed a Water Master Plan in which the NWC River Diversion was identified as a key water right that could provide a firm yield of 1,000 acre feet per year. On April 21, 2022, the Norwood Water Commission signed an agreement with SGM to update the 2020 Water Master Plan to include 24 "Rural Housing" Units in Pinion Park and the future development of land that was purchased by the Town of Mountain Village (75 – 100 housing units), at a cost of \$10,000. 11. Description of place of use (where the water is proposed to be applied to beneficial use): Norwood Water Commission Water Service Area, located in San Miguel and Montrose Counties, in all or portions of Sections 31-33, 35, 36, T46N, R14W; Sections 31-33, T46N, R13W; Sections 4-6, T45 1/2N, R13W; Sections 1-6, 8-15, T45N, R14W; Sections 2-18, 20-29, 32-36, T45N, R13W; Sections 18-19, 29-33, T45N, R12W; Sections 1-5, 8-17, T44N, R13W; Sections 4-8, 17, 18, T44N, R12W, all in NMPM, as shown on Figure 1 filed as part of Case No. 10CW202, and is incorporated herein by this reference. A copy of that map is available for review at the Water Court Clerk's office or the Norwood Water Commission office. 12. Location information in UTM format: Easting 215958.48, Northing 4221673.32 (supplied by Mark Ragsdale). 13. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Town of Norwood, CO PO Box 528 1670 Naturita St. Norwood, CO 81423. **SAN MIGUEL COUNTY.**

CASE NO. 2022CW3068 (ref. 15CW3042). Applicant: Bildor Real Estate LTD, 1438 Claiborne Lane Aledo, TX 76008 (907) 901-8602. Please direct all correspondence to Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO 81230, 970-641-1903, kbargemeister@lawoftherockies.com. APPLICATION TO MAKE CONDITIONAL RIGHTS ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE Names of structures: High Bridge Pump and Pipeline, House Lake, and South Pond. Original Decree: 15CW3042 entered October 11, 2016, by the District Court, Water Division No. 4. High Bridge Pump and Pipeline. Legal Description: UTM coordinates (Zone 13S, NAD 83): Easting 299250, Northing 4222976. PLSS at a point on the left bank of the Lake Fork Gunnison River within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 45 North, Range 4 West, New Mexico Principal Meridian, 1799 feet from the south section line and 1460 feet from the east section line in Hinsdale County. Amount: 2.5 cfs (conditional). Beneficial Use: Irrigation of 82 acres in the E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 14, and in the E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 45 North, Range 4 West, New Mexico Principal Meridian and piscatorial, recreation, and fire protection in House Lake and the South Pond including the filling and continuous refilling of the House Lake

and the South Pond for the foregoing uses. Appropriation date of June 30, 2015. Source: Lake Fork Gunnison River. House Lake. Legal Description: At a point within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 45 North, Range 4 West, New Mexico Principal Meridian, 15 feet from the north section line and 2551 feet from the east section line. UTM coordinates (Zone 13S, NAD 83): Easting 298964, Northing 4224030 in Hinsdale County. Amount: 17.5 acre feet (conditional). Beneficial Uses: Irrigation, piscatorial, recreation, and fire protection. Appropriation date: June 30, 2015. Source: Lake Fork Gunnison River. South Pond. Legal Description: At a point within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 45 North, Range 4 West, New Mexico Principal Meridian, 2242 feet from the south section line and 2113 feet from the east section line. UTM coordinates (Zone 13S, NAD 83): Easting 299057, Northing 4223116. Amount: 13.2 acre feet (conditional). Beneficial Uses: Irrigation, piscatorial, recreation, and fire protection. Appropriation Date: June 30, 2015. Source: Lake Fork Gunnison River. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use: Applicant constructed the pump and pipeline and both ponds, and diverted water through the pump and pipeline to fill both ponds. The maximum rate at which water was diverted was 2.0 cfs. Applicant has paid the annual fees for its augmentation contract with the Lake San Cristobal Water Activity Enterprise. Relief Requested. The Applicant seeks to make absolute: High Bridge Pump and Pipeline, in the amount of 2.0 cfs; House Lake, in the amount of 17.5 acre feet; South Pond, in the amount of 13.2 acre feet. 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, including the remaining 0.5 cfs of the High Bridge Pump and Pipeline. All structures are on land owned by Applicant. **HINSDALE COUNTY.**

CASE NO. 2022CW3069 – REJECTED

CASE NO. 2022CW3070. COME NOW the Applicant, the Town of Ophir, Colorado by and through its lawyer, Stephen B. Johnson Law Firm, P.C., and submits this Application for Finding of Reasonable Diligence according to the provisions of Article 92 of Chapter 37, Colorado Revised Statutes 1973, known as the Water Rights Determination and Administration Act of 1969. Applicant states the following factual and legal grounds supporting this Application, and makes the following claim for a finding of reasonable diligence pursuant to C.R.S. §§ 37-92-301(4) and 302(1)(a), and also pursuant to U.L.R. 3. **SUMMARY OF APPLICATION** Applicant is requesting entry of a decree in this case finding that it has exercised reasonable diligence in completing the appropriation of water under Applicant's conditional water rights described herein and previously decreed by the Water Court in Case Nos. 1996CW20, 1998CW39, 2002CW216 and 2009CW152 for the diversion of water tributary to Howard's Fork of the South Fork of the San Miguel River at the Silverbell Spring Nos. 1 and 3 at the rate of 1.25 c.f.s., and 0.10 c.f.s., respectively, for the following beneficial uses: domestic, commercial (including use in a commercial water bottling operation), irrigation, firefighting (all structures) and hydropower (Silverbell Spring No. 1 only is decreed for hydropower use), by direct diversion and hydropower use or by diversion and storage for subsequent hydropower use. The subject conditional water rights are owned by Applicant. See Notice of Change of Ownership filed in Case No. 2016CW3025 on October 21, 2022. The location of the subject water rights are depicted on Exhibit A to this Application and is on file with the Water Court Clerk. 1. **Name, address and telephone number of Applicant.** Town of Ophir, CO PO Box 683 Ophir, Colorado 81426 Attn. John Wontrobski, Town Manager. Tel. No. (970) 728-4943. Please send all correspondence to the Attorney for the Applicant. **CLAIMS FOR FINDING OF REASONABLE DILIGENCE** 2. **Information from previous decrees.** The Water Court entered its Decree in Case No. 1996CW20, on November 19, 1996, awarding the subject conditional water rights for the diversion of surface water for domestic, commercial (including use in a commercial water bottling operation),

irrigation and firefighting purposes with an appropriation date of June 4, 1994 and a priority date relating back to May 2, 1996. The Water Court entered its Amended Ruling of Referee and Decree in Case No. 1998CW39 on March 9, 2001, finding that the-then applicant in that case, Black Diamond Investments, Inc., had exercised reasonable diligence towards completing the appropriation of water at the Silverbell Spring Nos. 1 through 3. The Water Court in Case No. 1998CW39 also added hydropower as a decreed beneficial use of water diverted at the Silverbell Spring Nos. 1 and 2, either by direct diversion or by diversion and storage for subsequent hydropower use. The Water Court entered its Findings of Fact and Conclusions of Law, Rulings of Referee and Diligence Decrees in Case Nos. 2002CW216 and 2009CW152, respectively on November 5, 2003 and May 14, 2010 finding that Telluride Brand, LLC, and Richard P. Kearney had exercised reasonable diligence towards the completion of appropriation of water for the previously decreed beneficial uses of water pursuant to the subject conditional water rights decreed for diversion at the Silverbell Spring Nos. 1, 2 and 3. The Water Court entered its Findings of Fact and Conclusions of Law, Rulings of Referee and Diligence Decrees in Case No. 16CW3025 on October 31, 2016. Said Decree ordered the Silverbell Spring No. 2 conditional water right withdrawn and abandoned. The subject water rights were generously donated to the Applicant on or about October 5, 2022.

3. Name of diversion structure. **Silverbell Spring No. 1.** Decreed point of diversion: Located at a point whence the S $\frac{1}{4}$ [South Quarter Corner] of Section 32, Township 42 North, Range 9 West of the N.M.P.M. bears South 32°24'27" West a distance of 6,766.02 feet, in unincorporated San Miguel County, Colorado. This point of diversion is within an unsurveyed portion of Township 42 North, Range 9 West of the N.M.P.M., which is protracted by the State Engineer's Office as being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T. 42 N., R. 9 W., N.M.P.M. This point of diversion is also described by the following U.T.M. Zone 13 coordinates: 247,312 meters East; 4,194,970 meters North. Source. Surface spring tributary to the Howards Fork of the South Fork of the San Miguel River and the San Miguel River. Appropriation date. June 4, 1994. Diversion rate. 1.25 c.f.s., conditional. a. Uses. Domestic, commercial (including use in a commercial water bottling operation), irrigation, hydropower and firefighting purposes by direct diversion and immediate application to these decreed beneficial uses, or by diversion and storage for subsequent beneficial use. b. The name and address of the owner of land upon which the point of diversion is located. United States Department of Agriculture, Forest Service, Uncompaghre National Forest, Norwood Ranger District, P.O. Box 388, Norwood, CO 81423 (according to the San Miguel County parcel ownership records).

4. Name of diversion structure. **Silverbell Spring No. 3.** a. Decreed point of diversion. Located at a point whence the S $\frac{1}{4}$ Corner of Section 32, Township 42 North, Range 9 West of the N.M.P.M. bears South 63°42'55" West a distance of 6,567.23 feet. This point of diversion is within an unsurveyed portion of Township 42 North, Range 9 West of the N.M.P.M., which is protracted by the State Engineer's Office as being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, T. 42 N., R. 9 W., N.M.P.M. This point of diversion is also described by the following U.T.M. Zone 13 coordinates: 248397 meters east and 4194224 meters north. b. Source. Surface spring tributary to the Howards Fork of the South Fork of the San Miguel River and the San Miguel River. c. Appropriation date. June 4, 1994. d. Diversion rate. 0.10 c.f.s., conditional. e. Uses. Domestic, commercial (including use in a commercial water bottling operation), irrigation and firefighting purposes by direct diversion and immediate application to these decreed beneficial uses, or by diversion and storage for subsequent beneficial use. f. The name and address of the owner of land upon which the point of diversion is located. United States Department of Agriculture, Forest Service, Uncompaghre National Forest, Norwood Ranger District, P.O. Box 388, Norwood, CO 81423 (according to the San Miguel County parcel ownership records).

6. Detailed outline of work performed toward diligently completing the appropriation of water for all beneficial uses under the subject conditional water rights, including expenditures. a. Legal expenses. During the preceding six-year diligence period following entry of the previous water rights diligence decree by the Water Court in Case No. 2016CW302,

Applicant has retained the Applicant's Attorney and have expended approximately \$1,098.00 for legal fees associated with acquisition of the subject water rights, analysis and advice regarding retention and continuation of the subject conditional water rights, and for obtaining a new a special use permit from the U.S.D.A., Uncompaghre National Forest for development and improvement of the Silverbell Spring Nos. 1 and 3 diversion structures, not including legal work and to prepare this Application. b. Other diligence activities and costs. On or about September 28, 2022 Applicant applied for a new Special Use Permit from the U.S.D.A., San Miguel National Forest regarding diversion, conveyance and use of the subject conditional water rights. Applicant has obtained an evaluation of the subject water rights by SGM Engineering Inc. including a site visit on or about September 20, 2022 and has spent or obligated approximately \$4,060.88 in conducting SGM's due diligence investigation of the subject water rights and potential future use of the subject water rights by the Applicant. d. Total diligence expenses. Applicants have expended or obligated a total of \$5,158.88 during the preceding six-year diligence period for the above-described diligence activities towards completing the appropriation of their subject conditional water rights decreed for diversion at the Silverbell Spring Nos. 1 and 3. 7. Applicant states, pursuant to C.R.S. § 37-92-305(9)(b), that the subject conditional water rights can and will be diverted and put to beneficial use within a reasonable amount of time. Applicant further states that its diligence efforts and costs are reasonable during the previous conditional water right diligence period given the pandemic conditions during some of the past six years. **REQUEST FOR ENTRY OF A DECREE** 8. Applicant requests the Water Court, pursuant to C.R.S. §§ 37-92-304 and 37-92-305, to enter a decree in this case finding that Applicant has exercised reasonable diligence in completing the appropriation of water under the subject Silverbell Spring No. 1 and 3, conditional water rights and also determining that these conditional water rights be continued in full force and effect throughout an additional six-year diligence period. Respectfully submitted this 26th day of October, 2022. Attorney for the Applicant: Stephen B. Johnson **SAN MIGUEL COUNTY.**

CASE NO. 2022CW3071 (Ref. 02CW246, 09CW193, 16CW49) Name, mailing address, email address, and telephone number of applicant: The original owners of this water right were Tim J. Manzagol and Shelia Manzagol. The water rights were transferred and sold on September 20, 2022 to Chat Springs Ranch, LLC, a Colorado Limited Liability Company, who is now the Applicant herein. A Notice of Transfer of Ownership has been filed with the Court. Chat Springs Ranch, LLC, 23 Poinciana Way, Ponte Vedra Beach, FL 320872, Contact person: Katherine Falwell, Phone Number: 904-834-7581, Email address: falwell@mandalafamilywellness.com , with all pleadings and correspondence to Martha P. Whitmore, Hockersmith & Whitmore, LLC, PO Box 646, Ouray, CO 81427-0646, marti@ouraylaw.com, 970-325-4414: Describe conditional water right (as to each structure) including the following information from previous decree: In previous diligence decrees the Court found and decreed that Shining Mountain Spring No. 1 was absolute in an amount of 0.028 c.f.s. (12.5 gpm) for the irrigation of 1/8 acre and for wildlife purposes; Shining Mountain Spring No.2 absolute in an amount of 0.028 c.f.s. (12.5 g.p.m.) for wildlife purposes, Shining Mountain Ditch absolute in an amount of 0.033 c.f.s. (15 g.p.m.) for wildlife use, Quaking Aspen Ditch absolute in an amount of 0.033 c.f.s. (15 g.p.m) for wildlife use, and Patsy's Spring absolute in an amount of 0.022 c.f.s. (10.0 g.p.m.) for irrigation of 1/8 acre and wildlife use. As a result, a finding of diligence is not necessary for those rights in those amounts and for those uses. Diligence is sought for the following structures and rights: Shining Mountain Spring No. 1, Shining Mountain Spring No., Shining Mountain Ditch, Patsy's Spring, Brittney's Spring, Quaking Aspens Spring, Quaking Aspens Ditch. Date of original decree (for all structures): December 15, 2003, Case No: 02CW246; District Court in and for Water Division No. 4 B. All subsequent decrees awarding findings of diligence: For all structures: 09CW183, June 7, 2010, District Court in and for Water Division

No. 4; 16CW49, October 27, 2016, District Court in and for Water Division No. 4. C. Legal Descriptions for all structures: Shining Mountain Spring No. 1. Shining Mountain Spring No. 1 is located in the SW1/4SE1/4NE1/4 of Section 4, Township 44 North, Range 8 West, N.M.P.M. The point of diversion is at the location of the emergence of the spring at a point 2,800 feet from the south line and 675 feet from the east line of said section. Shining Mountain Spring No. 2. Shining Mountain Spring No. 2 is located in the SW1/4SE1/4NE1/4 of Section 4, Township 44 North, Range 8 West, N.M.P.M. The point of diversion is at the location of the emergence of the spring at a point 2,825 feet from the south line and 700 feet from the east line of said section. Shining Mountain Ditch. Shining Mountain Ditch is located in the SE1/4SE1/4NE1/4 of Section 4, Township 44 North, Range 8 West, N.M.P.M. This surface water diversion is located down gradient from Shining Mountain Springs Nos. 1 and 2 in the natural drainage after the water from those two springs converge. The point of diversion is at a point 3,025 feet from the south line and 650 feet from the east line of said section. Patsy's Spring. Patsy's Spring is located in the NE1/4SE1/4NE1/4 of Section 4, Township 44 North, Range 8 West N.M.P.M. The point of diversion is at the location of the emergence of the spring at a point 3,375 from the south line and 550 feet from the east line of said section. Brittney's Spring. Brittney's Spring is located in the SE1/4SE1/4NE1/4 of Section 4, Township 44 North, Range 8 West, N.M.P.M. The point of diversion is at the location of the emergence of the spring at a point 3,100 feet from the south line and 475 feet from the east line of said section. Quaking Aspens Spring. Quaking Aspens Spring is located in the SE1/4SE1/4NE1/4 of Section 4, Township 44 North, Range 8 West, N.M.P.M. The point of diversion is at the location of the emergence of the spring at a point 3,175 feet from the south line and 450 feet from the east line of said section. Quaking Aspens Spring. Quaking Aspens Spring is located in the SE1/4SE1/4NE1/4 of Section 4, Township 44 North, Range 8 West, N.M.P.M. The point of diversion is at the location of the emergence of the spring at a point 3,175 feet from the south line and 450 feet from the east line of said section. Sources of Water: All structures divert water which is tributary to Coal Creek, which is tributary to the Uncompahgre River as decreed in Case No. 02CW346. The water from the springs does not reach a surface stream or creek, but the water is tributary to Coal Creek and/or the Uncompahgre River. Appropriate Date: For all structures September 27, 2002. Amounts: Shining Mountain Spring No. 1: 12.5 g.p.m., Shining Mountain Spring No. 2: 12.5 g.p.m., Shining Mountain Ditch: 25 g.p.m., Patsy's Spring: 10 g.p.m., Brittney's Spring: 25 g.p.m., Quaking Aspens Spring: 15 g.p.m., Quaking Aspens Ditch: 50 g.p.m. Uses: The uses for all structures are domestic use in two single family dwellings, irrigation including wetlands, power generation, recreational, and wildlife purposes. Irrigation includes approximately 9 acres within the SE1/4 NE1/4 of Section 4, Township 44 North, Range 8 West, N.M.P.M. A term and condition previously decreed in 02CW246 provides that the combined diversions from Shining Mountain Spring No. 1, Shining Mountain Spring No. 2 and Shining Mountain Ditch shall not exceed a flow rate of 25 gallons per minute (g.p.m.) at any one time, and the combined diversions from Patsy's Spring, Brittney's Spring, Quaking Aspens Spring and Quaking Aspens Ditch shall not exceed a flow rate of 50 g.p.m. at any one time. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: During this diligence period, the previous owners Tim and Sheila Manzagol have maintained the private Timber Road for access to the property and the pathways to the springs. They have done maintenance at least 6 times a year for each of the 6 years, and the cost of doing so has been approximately \$7,200.00. They have purchased electric fencing materials and a solar unit to run the fencing for a total of \$1,150.00. They have purchased miscellaneous irrigation pipe, stakes and so on, as well as performed other maintenance on the irrigated acreage, and on the property where the springs are located. The total expenditures over the past six years has been approximately \$8,820.00. The Manzagols have now sold the property and the water rights to the Applicant herein. Applicant has owned the property and

water rights for slightly over a month and have not yet determined a course of action to further develop the water rights, but they do intend to put the water to beneficial use as permitted under the conditional decrees. UTM Locations of all Structures: all seven structures are located within Section 4, Township 44 North, Range 8 West, N.M.P.M as follows:

| Name | ¼ ¼ ¼ | Easting* (m) | Northing* (m) | Ft. from Sec. Line | Ft. from Sec. Line |
|-------------------------------|----------|-----------------|------------------|-----------------------|-----------------------|
| Shining Mountain Spring No. 1 | SW SE NE | 259865.6 | 4219813.9 | 2800-South | 675 - East |
| Shining Mountain Spring No. 2 | SW SE NE | 259858.3 | 4219821.7 | 2825-South | 700 - East |
| Shining Mountain Ditch | SE SE NE | 259876.5 | 4219882.1 | 3025-South | 650 – East |
| Patsy's Spring | NE SE NE | 259912 | 4219987.8 | 3375-South | 550 - East |
| Brittney's Spring | SE SE NE | 259930.9 | 4219903.4 | 3100-South | 475 - East |
| Quaking Aspens Spring | SE SE NE | 259939.5 | 4219926 | 3175-South | 450 - East |
| Quaking Aspens Ditch | SE SE NE | 259922.8 | 4220056.1 | 3600-South | 525 - East |

*Zone 13, NAD83. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: N/A – All structures and uses are on property owned by Applicant. Remarks or any other pertinent information: Applicant requests that the Court find that the conditional water rights can and will be completed with diligence, that the Applicant has continued developing its water rights with diligence over the past six years, that the conditional rights should be continued for another six years. The Applicant prays the Court for such other and further relief as the Court deems just and proper and warranted by the evidence.

OURAY COUNTY.

CASE NO. 2022CW3072 DELTA COUNTY 1. Applicant: **Douglas G. Huff and Dana S. Huff**, by Clay, Dodson & Skarka, PLLC, 415 Palmer St., Delta CO 81416, 970-874-9777. **APPLICATION TO MAKE ABSOLUTE** 2. Name of Structure: **Huff F Road Wastewater Diversion**, 3. Legal description of location: Delta County, SE1/4SW1/4SW1 /4 of Section 20, Township 15 South, Range 95 West, 6th PM, approximately 35 feet north of the south section line and 677 feet east of the west section line. UTM coordinates Northing 4290835 Easting 235400, Zone 13. 4. Date of Appropriation: May 1, 2007. Amount: 0.50 c.f.s. absolute. 5. Use: Irrigation of 10 acres and stockwater use. 6. Source of Water: Source is wastewater taken and returned tributary to the Gunnison River. **Applicant has installed pipe to collect the water at the F Road Diversion, thus completing the diversion. Applicants request to make their conditional decree absolute. DELTA COUNTY.**

CASE NO. 2022CW3073 (REF NOS. 1993CW247, 2003CW27 and 2016CW3034). **Application for Finding of Diligence and to Make Absolute.** Applicant: Whetstone Mountain Ranch Owners Association, c/o John T. Howe, Hoskin Farina & Kampf, Professional Corporation, 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502; (970) 986-3400. Name of Structure: Baxter Ditch. Original Decree: Case No. 93CW247, entered January 23, 1997, Water Division 4. Subsequent Decrees: Case No. 03CW27, entered August 29, 2003; Case No. 2016CW3034, entered October 27, 2016. Source: Baxter Gulch,

tributary to Slate River, tributary to East River, tributary to Gunnison River. Location: Baxter Ditch: NW¼SE¼ of Section 11, T14S, R86W of the 6th P.M., whence the SE¼ corner of the SW¼ of NE¼ of Section 11, bears N85°30' East 542 feet. Uses: Irrigation of 310 acres in the NE¼ of Section 11, N½SE¼ of Section 11, NW¼ of Section 12 and N½SW¼ of Section 12, T14S, R86W of the 6th P.M.; fill and storage of Lodge Pole Lake and Smith Ranch Lake Reservoir, augmentation, fire protection, recreation, aesthetic, piscatorial, wildlife habitat, stock watering, golf course irrigation, domestic, residential, irrigation of lawns, gardens and landscaping, manufacturing, commercial, construction, industrial, sanitary, street cleaning, and dust control. Appropriation Date: December 26, 1993. Quantity: 5.00 c.f.s. Landowners: Whetstone Mountain Ranch Owners Association and other owners of property in Whetstone Mountain Ranch. Additional Information: Applicant seeks to have Baxter Ditch made absolute for irrigation of an additional 73 acres of Whetstone Mountain Ranch property and a finding of diligence for the remaining decreed conditional uses not previously made absolute or abandoned. Baxter Ditch is a part of a single unified water supply system intended to supply water for the Whetstone Mountain Ranch. Accordingly, work on one feature of the system shall be considered in finding that reasonable diligence has been shown in the development of the water rights and uses decreed to all features of the system. The Application contains a detailed description of the work performed during the diligence period. **GUNNISON COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of December 2022 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 www.courts.state.co.us). (This publication can be viewed in its entirety on the state court website at: www.courts.state.co.us). FRED CASTLE, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401