

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

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

Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of June 2023.

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. 2023CW17 (REF NO. 16CW57).** Applicant: John Uribe, 1150 Campo Sano Ave., Suite 300, Coral Gables, FL. 33146. Application to Make Absolute: Tanager Spring – SW1/4SE1/4NW1/4 of Section 30, T44N, R10W, N.M.P.M., 2170 feet from the north section line and 1415 feet from the west section line, Easting: 235773, Northing: 4214255, Zone 13. Source: Alder Creek, Leopard Creek, San Miguel River. Appropriation Date: 07/20/2016. Amount Claimed: 6 g.p.m. absolute for irrigation of 3 acres, domestic, stockwater, and fire protection. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **SAN MIGUEL COUNTY.**

**CASE NO. 2023CW18 (REF NO. 16CW58, 00CW168).** Applicant: Stillwater Land & Livestock, LLC., 37248 Stucker Mesa Rd., Hotchkiss, CO. 81419. Application To Make Absolute: Vought Spring No. 3 – NE1/4NW1/4SE1/4 in Section 34, T13S, R92W, 6<sup>th</sup> P.M., 2,375 feet north of the south section line and 1,790 feet west of the east section line, Easting: 269807, Northing: 4306647, Zone 13. Source: North Fork of the Gunnison River, Gunnison River. Appropriation Date: 10/23/2000. Amount Claimed: .03 c.f.s. absolute for domestic use. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

**CASE NO. 2023CW3033;** Gunnison County - Gunnison River; Hidden River Ranch Association; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE AND REQUEST FOR FINDING OF REASONABLE DILIGENCE; Name, address, and telephone number of Applicant: Hidden River Ranch Association; c/o Melanie Miller; 11 Rodeo Drive; Crested Butte, CO 81224; Request to make conditional right absolute and for finding of diligence: Name of structures: HRR Well Nos. 1, 2, 3, 5, 7, 9, 10, 12, 14, 16; Description of conditional water rights: Original Decree: May 15, 1996, Case No. 95CW147, Water Division 4; Subsequent decrees awarding findings of diligence:

<b>Date of Decree</b>	<b>Case No.</b>
January 25, 2003	2002CW70, Water Division 4
September 8, 2010	2009CW13, Water Division 4
June 5, 2017	2016CW3061, Water Division 4

Legal description: The wells are all located in Township 14 South, Range 85 West, 6<sup>th</sup> P.M. as follows:

<b>Name</b>	<b>Sec.</b>	<b>Easting(m); *</b>	<b>Northing(m); *</b>
HRR Well No. 1	20	334262.9	4298868.7
HRR Well No. 2	20	334206.3	4298982.5

HRR Well No. 3	20	334192.3	4299013.8
HRR Well No. 5	20	334128.2	4299164.4
HRR Well No. 7	20	334068.8	4299321.6
HRR Well No. 9	20	334004.2	4299447.3
HRR Well No. 10	20	333968.3	4299545.2
HRR Well No. 12	20	333897.1	4299622.9
HRR Well No. 14	17	333589.9	4299797.7
HRR Well No. 16	17	333579.2	4299951.6
* Zone 13, NAD 83			

Source: The alluvium of the East River, tributary to the Gunnison River; Appropriation Date: June 8, 1995; Amount: 15 gpm in each of the wells, or 255 gpm in the aggregate; Use: Year-round in-house domestic use for single-family residences with attached caretaker units, and for the summer irrigation of not to exceed 2,000 square feet of home lawns and gardens on each ranch site; 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 above-described conditional groundwater rights are part of a subdivision and are being placed to use as individual landowners purchase lots and construct homes. Those conditional water rights are augmented by the plan for augmentation approved in Case No. 95CW147 and are essential to the beneficial use of the lots. Since the last diligence decree was entered in Case No. 16CW3061, the Hidden River Ranch Well No. 10 has been permitted, constructed, and placed to beneficial use. On April 17, 2020, the HRR Well No. 10 was pumped at a rate of 15 gpm. Since that time, the well has been used to provide water to Lot 10 for domestic use and lawn and garden irrigation. Additionally, during the last diligence period, lots 1, 2, 3, 4, and 9 were purchased. Construction is nearly complete on Lot 1. Lot 3 is being developed and has submitted architectural plans to the Association for review; If claim to make absolute in whole or in part: Applicant requests that the conditional water right in HRR Well No. 10 be made absolute for all decreed uses. That well has been permitted, constructed, and placed to beneficial use. On April 17, 2020, the HRR Well No. 10 was pumped at a rate of 15 gpm. Since that time the well has been used to provide water to Lot 10 for domestic use and lawn and garden irrigation; Date water applied to beneficial use: April 17, 2020; Amount: 15 gpm in each of the wells, or 255 gpm in the aggregate when used in conjunction with the other Hidden River Ranch Wells decreed in Case No. 95CW147. WHEREFORE, Applicant requests the Court enter a decree granting the following: The conditional water right in HRR Well No. 10 is made absolute for 15 gpm for all decreed uses; A finding of reasonable diligence is granted for the conditional water rights for HRR Well Nos. 1, 2, 3, 5, 7, 9, 12, 14, and 16. The HRR Wells are part of an integrated system comprised of several features. Applicant requests a finding that work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in development of water rights for the entire project pursuant to C.R.S. §37-92-301(4)(b). In the event that the conditional water right above is not made absolute in this case, Applicant requests a finding of diligence with regard to any portion of such water right that remains conditional. (5 pages). **GUNNISON COUNTY.**

**CASE NO. 2023CW3034**; Ouray County - Uncompahgre River; Alpine Homes-Ridgway LLC; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR GROUNDWATER RIGHT AND REQUEST FOR APPROVAL OF PLAN FOR AUGMENTATION INCLUDING AN EXCHANGE PROJECT; Name,

mailing address, and telephone number of Applicant: Alpine Homes-Ridgway, LLC; c/o Jake S. Cantor, 301 Hillside Lane, Telluride CO 81435, (813) 403-9646; Request for groundwater right: Name and permit information for well: Riverfront Village Well, currently permitted as monitoring well, Permit No. 326810.; Location: SE¼ of the NW¼ Section 16, Township 45 North, Range 8 West of the New Mexico Principal Meridian; UTM Zone 13, NAD83, 258930m E, 4226487m N; Source: Groundwater tributary to the Uncompahgre River; Depth of well: 40 feet; Date of appropriation: June 27, 2023; How appropriation was initiated: By filing of the water court application in this case; Amount: 25 g.p.m., 1.92 a.f. per year conditional; Does the well operate pursuant to a plan for augmentation? Yes, the well will operate pursuant to the augmentation plan requested below, or pursuant to such plan as may be approved by the water court in the future; Uses: Irrigation of up to 1.95 acres of landscaping; Additional comments: The Riverfront Village Well was drilled approximately 30 feet from the Uncompahgre River and will operate as a headgate well; Request for approval of plan for augmentation and exchange project: Name of structures to be augmented: Riverfront Village Well, requested above; Water rights used for augmentation: Ridgway Reservoir; Case number of decree: Case Nos. CA2440 and 94CW52; Legal description of water right: The centerline of the crest of the Ridgway Reservoir Dam at the East abutment is located at a point whence the South quarter corner of Section 16, Township 46 North, Range 8 West, NMPM bears South 37° 11' 22.8" East 2680.38 feet; and the centerline of the crest of the Ridgway Dam at the West abutment is located at a point whence said South quarter corner of said Section 16, bears South 69° 52' 37.2" East 4252.33 feet; and the centerline of the Dam between the East and West abutments bears South 74° 10' 42" West 2466.00 feet; Source: Uncompahgre River and Dallas Creek; Appropriation date: November 16, 1956; Amount: 84,602 a.f.; Uses: Irrigation, stock watering, power generation, municipal, industrial, fish culture, recreation, flood protection; Statement of plan for augmentation: The Riverfront Village Well will supply water for irrigation of up to 1.95 acres of landscaped areas. Estimated irrigation demands will be 1.92 a.f. per year and depletions will be 1.65 a.f. per year. Calls by senior downstream rights on the Uncompahgre River, all of which are located below Ridgway Reservoir, have historically occurred as early as May 14 and as late as September 11. The primary downstream senior calling right on the Gunnison River is the Redlands Power Canal ("RPC"); Operation of plan for augmentation: replacement water to offset potential out-of-priority depletions to the Uncompahgre River and Gunnison River will be supplied through a long-term water supply contract for the release of up to two acre-feet from Ridgway Reservoir; Exchange project associated with an augmentation plan: Riverfront Village Well Exchange; Location of exchange reach: Downstream terminus: At the release structure for Ridgway Reservoir in the NW¼ of the SW¼ of Section 16, Township 46 North, Range 8 West, New Mexico Principal Meridian (UTM Zone 13, NAD83; 258701m E; 4235919m N); Upstream terminus: The point of depletion which is adjacent to the Riverfront Village Well and is within the SE1/4 of NW1/4 Section 16, Township 45 North, Range 8 West, New Mexico Principal Meridian (UTM Zone 13, NAD83; 258885m E; 4226487m N); Appropriation date: June 27, 2023; How appropriation was initiated: By filing of the application in this case; Amount: 0.007 c.f.s., conditional; Use: Augmentation and exchange; Note: Applicant acknowledges that the Colorado Water Conservation Board ("CWCB") has an instream flow right within the exchange reach on the Uncompahgre River decreed in Case No. 98CW222 which is senior to the water rights requested for the Riverfront Village Well and the Riverfront Village Well Exchange. The Riverfront Village Well Exchange will not operate and diversions from the Riverfront Village Well will cease if the CWCB places a valid call based on that instream flow right. (5 pages) **OURAY COUNTY.**

**CASE NO. 2023CW3035 IN GUNNISON COUNTY - APPLICATION FOR CHANGE OF CONDITIONAL WATER RIGHT** City of Gunnison, c/o Jennifer M. DiLalla, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 80302 1. Name,

address, and telephone number of applicant: City of Gunnison, a Colorado Municipal Corporation, c/o David Gardner, Director of Public Works, 1100 W. Virginia Ave., Gunnison, CO 81230

2. Decreed water right for which change is sought:

2.1 Name of structure: City of Gunnison Well No. 11 (WDID 5905944) ("Well No. 11").

2.2 Date of original decree and all relevant subsequent decrees: Case No. 81CW307, entered Nov. 30, 1988; Case No. 94CW92, entered July 17, 1995; Case No. 01CW124, entered Feb. 26, 2002; Case No. 08CW14, entered Aug. 14, 2008; Case No. 14CW3063, entered Dec. 30, 2014; Case No. 20CW3095, entered May 3, 2021; all in the District Court for Water Division No. 4. The amended judgment and decree entered on Jan. 5, 1989, in Case No. 81CW308 ("81CW308 Decree") approved the alternate points of diversion described in par. 2.4 below.

2.3 Legal description of structure as described in most recent decree that adjudicated location: 1,350 feet South of the North Section line and 2,700 feet West of the East Section line of Sec. 35, T50N, R1W of the N.M.P.M., Gunnison County. (UTM: 330690.3 East, 4269032.2 North.) All UTM coordinates given in this Application are NAD 83, Zone 13. The decreed location is shown on the map attached as **Ex. A**.

2.4 Legal descriptions – alternate points of diversion (all as shown on **Ex. A**). Under the 81CW308 Decree, the water right decreed to Well No. 11 may be diverted at the following alternate points of diversion:

2.4.1 Gunnison Town Ditch (WDID: 5900572): On the south bank of the Gunnison River at a point whence the E1/4 corner of Sec. 24, T50N, R1W of the N.M.P.M. bears S. 56° 30' East 1,760 feet. (UTM: 333114.0 East, 4272361.0 North.)

2.4.2 Gunnison Town Pipeline (WDID: 5900931) ("Town Pipeline"): Intake gallery on the east bank of the Gunnison River at a point whence the E1/4 corner of Sec. 35, T50N, R1W of the N.M.P.M. bears S. 85° 58' East 3,823.2 feet. (UTM: 330576.0 East, 4268929.0 North.) In pending Case No. 23CW3005, the City has filed an Application for Simple Change in Surface Point of Diversion Under C.R.S. § 37-92-305(3.5) for the Town Pipeline.

2.4.3 O'Fallon Ditch (WDID: 5901037): On the east bank of the Gunnison River at a point whence the E1/4 corner of Sec. 33, T51N, R1E of the N.M.P.M. bears North 85° East 1,565 feet. (UTM: 337649.6 East, 4278134.4 North.)

2.4.4 Gunnison Well Nos. 1 through 6: Located as follows within the City of Gunnison:

2.4.4.1 Well No. 1 (WDID: 5905000): 6th St. & Virginia Ave. (UTM: 331072.3 East, 4268216.3 North.)

2.4.4.2 Well No. 2 (WDID: 5905001): 9th St. & Gothic Ave. (UTM: 331042.0 East, 4268506.0 North.)

2.4.4.3 Well No. 3 (WDID: 5905002): 9th St. & Ohio Ave. (UTM: 331079.0 East, 4268397.0 North.)

2.4.4.4 Well No. 4 (WDID: 5905003): 9th St. & Gunnison Ave. (UTM: 331085.0 East, 4267761.0 North.)

2.4.4.5 Well No. 5 (WDID: 5905004): 9th St. & Rio Grande Ave. (UTM: 331037.0 East, 4267161.0 North.)

2.4.4.6 Well No. 6 (WDID: 5905005): 10th St. & Virginia Ave. (UTM: 331109.0 East, 4268119.0 North.)

2.4.5 Gunnison Well Nos. 7 through 10, 12, and 13: Located within the County of Gunnison as follows:

2.4.5.1 Well No. 7 (WDID: 5905006; Permit No. 10857-F): NE1/4 NE1/4 of Sec. 35, T50N, R1W of the N.M.P.M. (UTM: 331423.0 East, 4269611.0 North.)

2.4.5.2 Well No. 8 (WDID: 5905007; Permit No. 21363-F): NW1/4 NW1/4 of Sec. 36, T50N, R1W of the N.M.P.M. (UTM: 331942.0 East, 4269267.0 North.)

2.4.5.3 Well No. 9 (WDID: 5905008; Permit No. 21362-F): SW1/4 NE1/4 of Sec. 35, T50N, R1W of the N.M.P.M. (UTM: 331285.0 East, 4269173.0 North.)

2.4.5.4 Well No. 10 (WDID: 5905943; Permit No. 53045-F): 60 feet North of the South section line and 70 feet West of the East section line in the SE1/4 SE1/4 of Sec. 26, T50N, R1W of the N.M.P.M., Gunnison County. (UTM: 331690.0 East, 4269638.0 North.)

2.4.5.5 Well No. 12 (WDID: 5905945): The originally decreed location is 2,650 feet North of the South Section line and 2,350 feet East of the West Section line of Sec. 35, T50N, R1W of the N.M.P.M., Gunnison County. (UTM: TBD East, TBD North.) The Well No. 12 Alternate Point decreed in Case No. 21CW3071 will be located on the City's Van Tuyl Ranch in the NE1/4, the SE1/4, the E1/2 of the SW1/4, and the E1/2 of the SE1/4 of Sec. 26, T50N, R1W of the N.M.P.M., in Gunnison County.

2.4.5.6 Well No. 13 (WDID: 5905935): NE1/4 SE1/4 Sec. 26, T50N, R1W, N.M.P.M., on the City's Van Tuyl Ranch. (UTM: 331567.9 East, 4270393.8 North, Zone 13, NAD 83.)

2.4.6 Unnamed points of diversion:

2.4.6.1 (WDID: 5901568): On the East bank of the Taylor River in Sec. 22, T51N, R1E of the N.M.P.M., 1,700

feet north of the south section line and 3,700 feet east of the west section line of said Sec/ 22. (UTM: 339320.2 East, 4281315.7 North.) In the Colorado Decision Support System ("CDSS") online database, this point of diversion is identified as "Gunnison Town Alt Divr 1." 2.4.6.2 (WDID: 5901569): On the East bank of a side channel of the Gunnison River in the SE1/4 NW1/4 of Sec. 35, T50N, R1W of the N.M.P.M., whence the NW corner of said section bears North 39.7° West a distance of 3,054 feet. (UTM: 330690.3 East, 4269032.2 North.) In the CDSS online database, this point of diversion is identified as "Gunnison Town Alt Divr 2." 2.5 Decreed source of water: Groundwater tributary to the Gunnison River. 2.6 Appropriation date: Dec. 22, 1981. 2.7 Amount: 1.11 cfs, conditional. 2.8 Decreed use: Municipal purposes, including without limitation domestic, commercial, industrial, irrigation, and fire prevention purposes. Municipal irrigation use will be within the City's boundaries, including as they may be altered in the future. The City's approximate current boundaries are shown on the map attached as **Ex. A**. 2.9 Historical use: Not applicable because the water right is conditional. 2.10 Amount of water to be changed: Entirety of the water right. 2.11 Note: Based on undersigned counsel's email exchange with the Well Commissioner for Division 4 on Apr. 5, 2023, Gunnison has determined that the CDSS UTM coordinates included in the legal description in par. 2.3 above are incorrect. Upon completion of Well No. 11, and following conferral with the Well Commissioner, Gunnison will file notice of the correct UTM coordinates. 3. Detailed description of change: 3.1 Reason for change: The City seeks to relocate Well No. 11 from private property to City-owned property, as described in par. 3.2 below. 3.2 Location of new point of diversion: The changed point of diversion will be located on the City's Van Tuyl Ranch, the boundaries of which are shown on the map attached as **Ex. A** and the full legal description of which is given in attached **Ex. B**. As described in par. 2.4.5.5 above, the Van Tuyl Ranch is generally located in the NE1/4, the SE1/4, the E1/2 of the SW1/4, and the E1/2 of the SE1/4 of Sec. 26, T50N, R1W of the N.M.P.M., in Gunnison County. 3.3 No other change: By this application, the City seeks only a change in Well No. 11's decreed point of diversion, and seeks no other change to the conditional water right. Well No. 11 as relocated in this case will continue to serve as an alternate point of diversion for other Gunnison water rights under the decree entered by this Court in Case No. 81CW308. 3.4 No increase in contemplated draft: The claimed change in point of diversion for Well No. 11 will not increase the conditional water right's contemplated draft on the Gunnison River. 4. Names and addresses of owner(s) 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: The City owns the land on which the claimed new point of diversion is located. The address is 379 County Road 14, Gunnison, CO 81230. WHEREFORE, Gunnison requests that the Court enter a decree granting this Application and changing the decreed point of diversion for the Well No. 11 conditional water right. **GUNNISON COUNTY.**

**CASE NO. 2023CW3036. San Miguel River or its tributaries, San Miguel County, Application for Finding of Reasonable Diligence and to Make Absolute**

**1. Applicant:** San Juan Vista Landowners Association, c/o Brent Richter, 10234 Greatwood Court, Highlands, Ranch CO 80126, send all pleadings and correspondence to Martha P. Whitmore, LLC, Hockersmith & Whitmore, LLC, PO Box 646, 917 Main Street, Ouray, CO 81427-0646, 970-325-4414, Email: [marti@ouraylaw.com](mailto:marti@ouraylaw.com). **2. Name of Structure:** Leopard Creek Ditch, changed for use to residential wells. This application is to make absolute the water right for Well No. 59, associated with Lot 33. **3. Well Permit #84570-F** **4. Describe conditional water right (as to each structure) including the following information from the Referee's Ruling and Judgment and Decree:** The conditional water right was for 82 wells decreed in Case Nos. W-2225 and W-2264 as a conditional change in use and location from the Leopard Creek Ditch, aka the Boyd Collins Ditch, to these wells of 0.279 c.f.s. and limiting each well to 15 gpm (0.033 c.f.s.) and 0.20 acre-feet annual appropriation for household use only. **A. Date of Original**

Decree: October 31, 1974 (changes decree dated June 3, 1911) Case No. W-2225 Court: District Court, Water Division No. 4. **B** Subsequent decrees awarding findings of diligence (Case No. and date of decree): Case No. W-2264 dated April 13, 1979; Case No. 81CW173 dated January 22, 1982; Case No. 85CW274 dated July 24, 1990; Case No. 96CW177 dated February 25, 1997; Case 03CW89 dated August 7, 2006; Case No. 12CW093 dated November 18, 2013; and Case No. 19CW3082 dated August 13, 2020. **C**. Legal description: (PLSS) (include perpendicular distances from section lines, and indicate  $\frac{1}{4}$   $\frac{1}{4}$ , section number, township, range, meridian and county; mark the location of the structure on a USGS topographic map and attach to this application a legible 8  $\frac{1}{2}$  x 11 inch copy of the applicable portion of the map). In areas where section lines have not been established, a bearing and distance to an established government monument is acceptable. In areas having generally recognized street addresses, include street address, and if applicable, the lot, block, and subdivision: **Preferred Legal Description (PLSS)**: San Juan Vista Subdivision, Filing No. 1, encompasses approximately 600 acres of land, more or less, in San Miguel County, Colorado and more particularly described as lying in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 12, S $\frac{1}{2}$ , S $\frac{1}{2}$ N $\frac{1}{2}$  and N $\frac{1}{2}$ NE $\frac{1}{4}$ , Section 13, all in Township 44 North, Range 10 West, N.M.P.M., San Miguel County, Colorado, and the headgate for Leopard Creek is located on the west bank of the Middle Fork of Leopard Creek at a point whence the southeast corner of Section 13, Township 44 North, Range 10 West, N.M.P.M., bears South 67°37' East, 681 feet. **D**. Source of water: Leopard Creek. **E**. Appropriation Date: June 20, 1887 Amount: 15 gpm per well. **F**, Use: In-house wells for domestic purposes and municipal purposes. Municipal purposes cancelled in Order dated February 25, 1997 in Case No. 96CW177. **G**. Depth: (if well) Original decree is for 82 separate wells of unspecified depth. This application to make absolute only pertains to the well for Lot 33 owned by the Applicant. **H**. Surface area of high water line: N/A **a**. Maximum height of dam: N/A **b**. Length of dam: N/A **c**. Average depth: N/A **I**. Total capacity of Reservoir in acre feet: N/A **a**. Active Capacity: N/A **b**. Dead Storage: N/A **5**. 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: (add additional sheets if necessary.) Mark the location of proposed area to be irrigated on a USGS topographic map and attach to this application a legible 8  $\frac{1}{2}$  x 11 inch copy of the applicable portion of the map. Applicant seeks to have made absolute the water right for Well No. 59 associated with Lot 33. The well was drilled and constructed on June 21, 2017 under a previous well permit number (#79810-F), but a statement of beneficial use was not submitted to the State Engineer's office at that time. A new well permit, #84570-F was issued August 5, 2020 and the pump installation report was submitted on November 18, 2020. The well was put to beneficial use on November 2, 2020 through the completion of the pump installation and pumping of water for beneficial purposes associated with a residence and in-house uses. The well has been in use for these purposes since that date and continues to serve one single-family dwelling in accordance with the terms and conditions of previous decrees. Well No. 59 for Lot 33 is located in Section 13, Township 44 North, Range 10 West. N.M.P.M., San Miguel County, Colorado as more particularly described: NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 13, T. 44 N., Range 10 West, N.M. P.M. UTM: Easting: 0243655 Northing: 4216855, Zone 13, NAD83. Amount: 15 g.p.m. not to exceed an annual withdrawal of 0.2 acre-feet. **SAN MIGUEL COUNTY**.

**CASE NO. 2023CW3037** (16CW3083) OURAY COUNTY. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name and Address of Applicant: Divide Golf, LLC ("Divide"), 105 North Badger Trail, Ridgway, Colorado 81432, c/o Kristin Moseley, Michael Daugherty, Somach Simmons & Dunn, P.C., 1155 Canyon Blvd, Suite 110, Boulder, Colorado 80302. 2. Name of Structures: FP Golf Course Pond Nos. 1 & 5. 3. Description of Conditional Water Rights: **3.1. FB Golf Course Pond No. 1** 3.1.1. Original Decree: Case No. 92CW177, District Court in and for Water Division No. 4, State of Colorado (the "Water Court"), dated November

26, 1993. 3.1.2. Subsequent Diligence Decrees: Case Nos. 16CW3083 (June 5, 2007), 10CW102 (December 12, 2010), and 99CW222 (June 17, 2004), Water Division 4. 3.1.3. Source: Fairway Pines Well Field and Fairway Pines Well Nos. 1, 2, 4 and 6, described more fully in Case No. 92CW178. Water produced from these structures is tributary to the Uncompaghere River. Pursuant to the decree in Case No. 99CW222, Fairway Pines Well Nos. 3A and 5A were confirmed as sources of supply. 3.1.4. Location: The decreed location of the center point of the pond is at a point in U.S. Government Lot 4 of Section 31, Township 46 North, Range 8 West, N.M.P.M., Ouray County, Colorado, S09°45'E, 2105 feet from the northwest corner of said Section 31. 3.1.5. Use: Golf course irrigation, aesthetic uses and fire protection. 3.1.6. Appropriation Date: April 15, 1992. 3.1.7. Amount: 0.69 acre-feet, conditional, with the right to fill and refill when water is physically and legally available. 3.1.8. Maximum Height of Dam: Under 10 feet. 3.1.9. Length of Dam: 100 feet. 3.1.10. Total Capacity: 0.69 acre-feet. 3.1.10.1. Active Capacity: 0.69 acre-feet. 3.1.10.2. Dead Storage: 0 acre-feet. **3.2. FP Golf Course Pond No. 5** 3.2.1. Original Decree: Case No. 92CW177 (November 26, 1993), Water Division 4. 3.2.2. Subsequent Diligence Decrees: Case Nos. 16CW3083 (June 5, 2007), 10CW102 (December 12, 2010), and 99CW222 (June 17, 2004), Water Division 4. 3.2.3. Source: Fairway Pines Well Field and Fairway Pines Well Nos. 1, 2, 4 and 6, described more fully in Case No. 92CW178. Water produced from these structures is tributary to the Uncompaghere River. Pursuant to the decree in Case No. 99CW222, Fairway Pines Well Nos. 3A and 5A were confirmed as sources of supply. 3.2.4. Location: The decreed location of the center point of the pond is at a point in U.S. Government Lot 4 of Section 31, Township 46 North, Range 8 West, N.M.P.M., Ouray County, Colorado, S08°42'E, 1540 feet from the northwest corner of said Section 31. This location is alternately described as NW1/4 SW1/4 NW1/4 of Section 31, Township 46 North, Range 8 West, N.M.P.M., at a point 1387 feet from the north section line and 241 feet from the west section line of said Section 31. 3.2.5. Use: Golf course irrigation, aesthetic use and fire protection. 3.2.6. Appropriation Date: April 15, 1992. 3.2.7. Amount: 3.2 acre-feet, conditional, with the right to fill and refill when water is physically and legally available. In Case No. 10CW102, 2.22 acre-feet were made absolute for aesthetic and fire protection purposes, and 1.12 acre-feet were made absolute for golf course irrigation. 3.2.8. Maximum Height of Dam: Under 10 feet. 3.2.9. Length of Dam: 60 feet. 3.2.10. Total Capacity: 3.2 acre-feet. 3.2.10.1. Active Capacity: 3.2 acre-feet. 3.2.10.2. Dead Storage: 0 acre-feet. 4. Request for finding of reasonable diligence on conditional water rights: Applicant owns and operates the Divide Ranch and Club, a golf course and events center located northwest of Ridgway. Maintaining a reliable and efficient supply of water is critical for irrigation of the greenways and hosting events year-round. FP Golf Course Pond Nos. 1 & 5 are an essential component of Applicant's integrated water system, and both ponds are fed by the Fairway Pines Well Field decreed in Case No. 92CW178. In support of its claim for findings of reasonable diligence, Applicant has engaged in numerous activities during the diligence period that demonstrate diligence toward the application of the subject water rights to their decreed beneficial uses. Applicant has incurred significant costs and expenditures during the diligence period to operate, maintain, upgrade, and expand its water facilities, as well as to acquire, maintain, and protect the water rights that make up the integrated system. Applicant's specific diligence activities include the following: 4.1. Upgrading, cleaning, and replacing irrigation pumps. 4.2. Installation of high efficiency irrigation replacement heads. 4.3. Repairing the main irrigation line. 4.4. Upgrading, repairing, replacing, and installing meter, pump, and valve parts for the FP Wells pumping to the FP Reservoir, as well as pond and reservoir maintenance. 4.5. On February 1, 2019, Applicant reached a Settlement Agreement with the Fairway Pines Estates Owners Association (the "FPEOA") regarding a number of pending water rights issues, which is recorded at the Ouray County Clerk and Recorder, Reception No. 222499 (the "Settlement Agreement"). Pursuant to the Settlement Agreement, the FPEOA conveyed a number of water rights to Applicant, including the Fairway Pines Reservoir (Estate Owners

Enlargement), FPEOA Pond Nos. 1 and 2, FB Golf Course Pond Nos. 2 through 4, the FPEOA Pumping Plant, FPEOA Well Nos. 1 and 2, and the plan for augmentation decreed in Water Court Case No. 16CW3069. Acquisition of the FPEOA water rights will enable Applicant to incorporate them into its water rights portfolio to allow for additional methods of providing water service to Applicant's property. 4.6. Construction of the FPEOA Pumping Plant and pipeline project from Dallas Creek, including installation of lift stations and pressure pump stations, as well as associated legal, engineering, and permitting fees. 4.7. The planning, survey, design, and construction of FPEOA Pond No. 1, and planning, survey, and design of FPEOA Pond No. 2. 4.8. The submittal of a substitute water supply plan to replace depletions associated with the FPEOA Pumping Plant. 4.9. In Case No. 21CW3017 (13CW3034), Applicant made absolute in part and otherwise obtained findings of reasonable diligence for the following water rights: the Fairway Pines Estates Owners Pond 1, the Fairway Pines Estate Owners Pond 2, the FP Golf Course Pond No. 2, the FP Golf Course Pond No. 3, the FP Golf Course Pond No. 4, the Fairway Pines Estates Owners Association Pumping Plant, the Fairway Pines Reservoir (Estate Owners Enlargement). 4.10. Applicant completed the adjudication of the plan for augmentation decreed in Case No. 16CW3069 on May 9, 2019. 4.11. In Consolidated Case Nos. 19CW3056 and 19CW3057, Applicant obtained findings of reasonable diligence as to the conditional water rights originally decreed in Case No. 10CW197, including the Fairway Pines Reservoir (a/k/a FP Reservoir), Scott's Ditch, and the Fairway Pines Ditch. Scott's Ditch and the Fairway Pines Ditch, along with the FP Wells, are used to fill the Fairway Pines Reservoir and are subject to the same plan for augmentation decreed in Case No. 10CW197. 4.12. In Case No. 22CW3006, Applicant obtained findings of reasonable diligence regarding the conditional water rights originally decreed in Case No. 92CW178, including the FP Well Nos. 1, 2, 3A, 4, 5A, 6, and 7 through 16. 4.13. Applicant entered into a joint venture to accept effluent from the Fairway Pines Sanitation District, which involved the construction, lining, cleaning, and landscaping of several structures that make up Applicant's integrated water system. 4.14. The Applicant performed ongoing monitoring of water rights filings of other appropriators in Water Division No. 4 to protect the subject decreed water rights. Costs associated with the above activities exceeded \$400,000. Because the FP Well Field and the FP Golf Course Ponds are an integrated water supply for the Divide Ranch & Club golf course, diligence activities for any portion of the system can be used as evidence of diligence for the remainder. The above activities are necessary prerequisites to applying the subject water right to beneficial use, demonstrate the Applicant's diligence to fully develop and place the rights to beneficial use, and entitle the Applicant to a continuation of these rights. Attached as **Exhibit A** is a map denoting the locations of FP Golf Course Pond Nos. 1 & 5. 5. Names and addresses of owners of land upon which structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: the Applicant. WHEREFORE, the Applicant requests that this Court enter a decree that makes a finding of reasonable diligence with respect to the FP Golf Course Pond Nos. 1 & 5 and continues those rights in full force and effect and enters such other relief that the Court sees fit. **OURAY COUNTY.**

**CASE NO. 2023CW3038.** Applicant: Deutsch Domestic Water Company, P.O. Box 45, Crawford, CO 81425. Attorneys for Applicant: Brown & Camp, LLC, P.O. Box 43, Delta, CO 81416 (970) 874-4451. **APPLICATION FOR STORAGE WATER RIGHTS:** Structures to be decreed: Young Ditch Storage Tanks. Location: point in the NW1/4SW1/4 of Sec. 32, T15S, R91W, 6th P.M. at UTM coordinates: Zone 13, x274437.45, y4287073.03. Amount: 60,000 gallons (0.184 acre feet). Source: Smith Fork of the Gunnison River, Gunnison River. Date of appropriation: December 6, 2021. Use: storage for all uses decreed to the Deutsch Domestic Pipeline. All reservoir structures to be non-jurisdictional. **DELTA COUNTY.**



**CASE NO. 2023CW3039, Gunnison County, Water District No. 4, Applicant:** Fox Meadows Subdivision Home Owners Association, c/o Law Office of Michael C. Dawson, P.C., 120 North Taylor - P.O. Box 179, Gunnison, Colorado 81230, (970) 641-3326; [mdawson@quclaw.com](mailto:mdawson@quclaw.com); **Type of Application:** Application to make Absolute and for Finding Reasonable Diligence, **Name of Structure:** Fox Meadows Subdivision Well Nos. 1-7. **Location:** FMS Well Nos. 1-7 will be located within a portion of the property described as: Township 50 North, Range 1 West, N.M.P.M., Section 13: W1/2NW1/4NW1/4, Section 14: A tract of land located in the NE1/4NE1/4 of Section 14, more particularly described as follows: Beginning at the Northeast corner (marked stone) of said Section 14; thence South 88° 32' 49" West along the North line of said Section 14 a distance of 999.25 feet to the easterly boundary of Chekwa Trail, a dedicated roadway according to the plat of Ohio Meadows Filing No. 3, a Gunnison County Subdivision filed under Reception No. 289612 and dated July 7, 1972; thence along said easterly roadway boundary on a curve to the left a distance of 197.06 feet, said curve having a radius of 1170.0 feet and a chord which bears South 19° 36' 30" East 196.82 feet; thence on a curve to the right a distance of 211.10 feet, said curve having a radius of 1230.0 feet and a chord which bears South 19° 31' East 210.84 feet; thence South 14° 36' East 390.0 feet; thence on a curve to the right a distance of 570.02 feet to the South boundary of the said Northeast Quarter of the Northeast Quarter said curve having a radius of 3030.0 feet and a chord which bears South 9° 12' 38" East 569.18 feet-thence leaving the said easterly roadway boundary North 88° 43' 15" East along the above said South boundary 681.14 feet to the section line between said Sections 13 and 14; thence North 0° 19' 30" West along the above said section 1333.54 feet to the point of beginning, Now Platted as Lots 1-7, Fox Meadows Subdivision according to the Plat recorded January 26, 2005 at Reception number 550373 of the records of Gunnison County, Colorado. County of Gunnison, State of Colorado. Fox Meadows Subdivision Well No. 2 (Permit No. 92807) has been drilled on Fox Meadows Lot 2. **Drainage Basin:** Gunnison. **Quantity:** 0.033 c.f.s. (15 g.p.m.), 0.485 acre feet per well for a total of 3.73 acre feet per year; **Appropriation date:** June 12, 2002; **Use:** Wells 1 - 7 will be used for year-round in-house domestic use for seven single family residences, irrigation of up to 2,500 square feet of lawn and garden for each of the seven single family residences, for a total of 17,500 square feet of lawn and garden irrigation; watering of up to 2 horses for each of the seven single family residences for a total of 14 horses, and fire protection. Wells 1-7 are protected with the water service contract 04-29A with the United States Bureau of Reclamation for 1 acre foot of water in Blue Mesa Reservoir **Type of Structures:** Wells. Other: Applicant requests an absolute water right in part and a finding of reasonable diligence. The Application sets forth the actions taken toward the completion of appropriation and application of water to beneficial use as conditionally decreed. **GUNNISON COUNTY.**

**CASE NO. 2023CW3040** (16CW3084, 08CW10). DISTRICT COURT, WATER DIVISION NO. 4, STATE OF COLORADO, Montrose County Justice Center, 1200 N. Grand Ave., Bin A Montrose, CO 81401. CONCERNING THE APPLICATION FOR WATER RIGHTS OF CRESTED BUTTE, LLC, a Colorado limited liability company, and UNITED STATES OF AMERICA, DEPARTMENT OF AGRICULTURE, UNITED STATES FOREST SERVICE, IN THE EAST RIVER, TRIBUTARY TO THE GUNNISON RIVER, GUNNISON COUNTY, COLORADO. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE.** 1. Name, Address, Telephone Number, and Email Address of Applicants: Crested Butte, LLC, a Colorado limited liability company, c/o Legal Department, 390 Interlocken Crescent, Suite 1000, Broomfield, CO 80021, [legalnotices@vailresorts.com](mailto:legalnotices@vailresorts.com) (303) 404-1800, United States of America, Department of Agriculture, United States Forest Service, Andrea Rogers, Physical Resources Group Leader, 1617 Cole Blvd., Lakewood, CO 80401, [andrea.rogers@usda.gov](mailto:andrea.rogers@usda.gov) (303) 275-5153, Crested Butte, LLC, ("Crested Butte") and the United States Forest Service ("USFS"), are collectively referred to hereafter as "Co-Applicants.", Direct All Pleadings to: P. Fritz Holleman, Cassidy L. Woodard, Bushong & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, Colorado 80302,

[fholleman@BH-Lawyers.com](mailto:fholleman@BH-Lawyers.com); [cwoodard@BH-Lawyers.com](mailto:cwoodard@BH-Lawyers.com) David W. Gehlert, Environment and Natural Resources Division, Natural Resources Section, 999 18th Street, South Terrace, Suite 370, Denver, CO 80202, [David.gehlert@usdoj.gov](mailto:David.gehlert@usdoj.gov) (303) 844-1386. 2. Names of Structures: 2.1. Crescent Lake; and 2.2. East River Pump Station, Crescent Lake Supplement. 3. Description of Conditional Water Rights: 3.1. Crescent Lake: 3.1.1. Location: The legal descriptions of the dam and the point of diversion for the filling source are as follows: 3.1.1.1. Dam Location: The center of the dam will be in the NE1/4NE1/4 of Section 23, Township 13 South, Range 86 West, 6th P.M., approximately 838.40 feet south of the north section line and 450.50 feet west of the east section line of said section. See **Exhibit A**, 3.1.1.2. Point of Diversion: Crescent Lake will be filled by in-priority diversions under the East River Pump Station, Crescent Lake Supplement decreed herein. The East River Pump Station, Crescent Lake Supplement is located at a point on the right bank of the East River in the NW1/4SE1/4 of Section 13, Township 13 South, Range 86 West, 6th P.M., from whence the SW corner of said section 13 bears South 61° E. 31'28" West a distance of 3,959 feet, 3.1.2. Source: The East River, a tributary of the Gunnison River, 3.1.3. Appropriation date: May 31, 2006, 3.1.4. Amount: 160 acre-feet, conditional, 3.1.4.1. Surface Area of High Water Line: 8.7 acres, 3.1.4.2. Maximum Height of Dam: 72 feet, 3.1.4.3. Length of Dam: 300 feet, 3.1.4.4. Capacity: 160 acre-feet, 150 acre-feet of which is active, 3.1.5. Uses: recreational, piscatorial, firefighting, and commercial (snowmaking) purposes, 3.2. East River Pump Station, Crescent Lake Supplement: 3.2.1. Point of Diversion: At a point on the right bank of the East River in the NW1/4SE1/4 of Section 13, Township 13 South, Range 86 West, 6th P.M., from whence the SW corner of said section 13 bears South 61° E. 31'28" West a distance of 3,959 feet, also being 1,802 feet north of the south section line and 2,005 feet west of the east section line. See **Exhibit A**, 3.2.2. Source: The East River, a tributary of the Gunnison River, 3.2.3. Appropriation date: May 31, 2006, 3.2.4. Amount: 6 c.f.s., conditional, 3.2.5. Uses: recreational, piscatorial, firefighting, and commercial (snowmaking) purposes to fill and refill Crescent Lake. 4. Request for Findings of Reasonable Diligence: Co-Applicants seek findings that they have exercised reasonable diligence in the development of the conditional water rights for Crescent Lake and the East River Pump Station, Crescent Lake Supplement, as described in Paragraph 3 above, for all conditional amounts and uses. 5. Diligence Activities: During the subject diligence period from June 2017 until the present date, Co-Applicants' efforts toward development of the subject water rights include, but are not limited to, the following: 5.1. The subject water rights are part of an integrated water supply system that will, among other things, be used to provide snowmaking water service to the Crested Butte ski area. Co-Applicant Crested Butte has engaged in numerous activities during the relevant diligence period that demonstrate diligence toward the application of the subject water rights to the decreed beneficial uses and has incurred significant expense in investigations and capital improvements related to its water supply facilities in order to provide a dependable legal and physical supply of water to the ski area. All such expenditures are necessary steps in the development of Crested Butte's integrated water supply system and the subject water rights, 5.2. Crested Butte has incurred over \$781,000 in costs associated with snowmaking maintenance and upgrades at the ski area, including but not limited to pump, pipe, and snow gun maintenance and other equipment and infrastructure upgrades associated with the integrated water supply system at the ski area. These improvements will result in increased water demand for the decreed uses and further development and need for the subject water rights, 5.3. Crested Butte has incurred over \$2.4 million in connection with lift upgrades at the ski area, not otherwise described above. These lift upgrades specifically include upgrades to the Teo lift in 2018 and the Peachtree lift in 2020 and slope improvement dirt work performed. Crested Butte has also incurred over \$3.4 million in lift maintenance expenses and over \$1.4 million in lift operational expenses, 5.4. Crested Butte has conducted two separate cost studies for Crescent Lake. The first study was performed by Resources Engineering in 2019 at a cost of \$2,595. The second study was performed in early

2023 by LRE Water at a cost of approximately \$5,000., 5.5. Crested Butte conducted numerous meetings with outside engineering and legal consultants and potential partners regarding the development of the subject water rights, 5.6. Crested Butte has successfully adjudicated other diligence applications for water rights in Water Division No. 4 for the ski area that are part of the integrated water supply system for the ski area, including the water rights at issue in the decrees in Case Nos. 20CW3039 and 20CW3085, 5.7. Crested Butte has regularly monitored the filings of other water users and has incurred legal and engineering costs in connection with other cases to protect the subject water rights and integrated water supply system at the ski area, 5.8. Crested Butte continues to rely upon the subject water rights and fully intends to develop and utilize the subject water rights for the full decreed amounts and has no intention to abandon them. 6. Land Ownership: 6.1. Crescent Lake: North Village Associates LLC, 1205 SW 37<sup>th</sup> Ave., Floor 3, Miami, FL 33135-4226, and Town of Mt. Crested Butte, Colorado, P.O. Box 5800, Crested Butte, Colorado 81225-5800, 6.2. East River Pump Station, Crescent Lake Supplement: United States of America, 216 N. Colorado Street, Gunnison, CO 81230-2162, with copy to United States of America, Department of Justice, Attn: David W. Gehlert, Esq., Natural Resources Section, 999 18<sup>th</sup> Street, South Terrace, Suite 370, Denver, Colorado 80202. WHEREFORE, the Co-Applicants respectfully requests that the Court enter an order (1) granting their request for findings of reasonable diligence on the water rights described in Paragraph 3 above associated with Crescent Lake and the East River Pump Station, Crescent Lake Supplement; and (2) granting such other and further relief as deemed appropriate. (8 pages + Exhibit) **GUNNISON COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of August 2023 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](http://www.courts.state.co.us)). (This publication can be viewed in its entirety on the state court website at: [www.courts.state.co.us](http://www.courts.state.co.us)). FRED CASTLE, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401