

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

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

Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of September 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. 2023CW27 (REF NO. 17CW24, 10CW151). Applicant: Joyce M. Loss, 63601 Oak Grove Road, Montrose, CO 81403. Application To Make Absolute: Loss Wastewater Ditch – SW1/4SE1/4 of Section 32, T49N, R9W, NMPM. Easting: 246951, Northing: 4260863, Zone 13. Source: Happy Canyon Creek, Uncompahgre River. Appropriation Date: 05/07/2010. Amount Claimed: .30 c.f.s. absolute for irrigation of 6 acres. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **MONTROSE COUNTY.**

CASE NO. 2023CW28. Applicant: Chad Simmons and 2 Bar S Ranch, LLC., UPS Store 1221, #189, 33-A Office Park Road, Hilton Head Island, SC 29928. Application for Absolute and Conditional Surface and Storage Water Rights: Simmons Spring No. 7 - NE1/4SW1/4 of Section 36, T48N, R6W, NMPM., Easting 283412, Northing 4250355, Zone 13. Amount Claimed: 0.02 cfs (10 gpm) absolute for stockwater, wildlife, and to fill Westview Pond for its decreed uses. Appropriation Date: 05/27/2009. Simmons Spring No. 8 - NW1/4SW1/4 of Section 29, T48N, R5W, NMPM., Easting 284909, Northing 4251164, Zone 13. Amount Claimed: 0.10 cfs (45 gpm) absolute for stockwater, wildlife, irrigation of 1 acre with an appropriation date of 05/27/2009, and conditional for irrigation of an additional 3 acres and to fill Simmons Pond 10 with an appropriation date of 06/12/2023. Simmons Wastewater No. 9 - NW1/4SW1/4 of Section 29, T48N, R5W, NMPM., Easting 284918, Northing 4251159, Zone 13. Amount Claimed: 0.10 cfs (45 gpm) absolute for stockwater, wildlife, irrigation of 1 acre with an appropriation date of 05/27/2009, and conditional for irrigation of an additional 11 acres and to fill Simmons Pond 10 with an appropriation date of 06/12/2023. Westview Pond - SE1/4NW1/4 of Section 36, T48N, R6W, NMPM., Easting 283392, Northing 4250421, Zone 13. Amount Claimed: 2.57 acre-feet absolute for stockwater, wildlife, fish, and irrigation of 5 acres of areas below pond. Appropriation Date: 05/27/2009. Source for all Structures: Little Cimarron River, Big Cimarron River, Gunnison River. **MONTROSE COUNTY.**

CASE NO. 2023CW29 (REF NO. 17CW26, 2011CW28, 04CW28). James and Linda Boulden, P. O. Box 388, Gateway, CO 81522. Application for Finding of Reasonable Diligence: Boulden Pump – NE1/4NE1/4SW1/4 of Section 34, T15S, R104W, 6th PM., Easting: 151575.31, Northing: 4291412.45, Zone 13. 2031 feet from the south section line and 2335 feet from the west section line. Source: Dolores River. Appropriation Date: 03/02/2004. Amount Claimed: 2.58 cfs conditional to irrigate 103 acres. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **MESA COUNTY.**

CASE NO. 2023CW30 (REF NO. 17CW28). Applicant: Kris A. Kropp, First Fruits Organic Farms, Inc., P.O. Box 864, Paonia, CO 81428. Application for Absolute Surface Water Rights: Kropp Wastewater Ditch No. 1 East – NW1/4NW1/4SW1/4 of Section 6, T14S, R91W, 6th P.M., Easting 273643, Northing 4304951, Zone 13. Amount Claimed: 1.75 c.f.s. conditional cumulative for irrigation of 35 acres from the Kropp Wastewater Ditch No.1 East and Kropp

Wastewater Ditch No.2 West. Kropp Wastewater Ditch No. 2 West – NW1/4NW1/4SW1/4 of Section 6, T14S, R91W, 6th P.M., Easting 273617, Northing 4304913, Zone 13. Amount Claimed: 1.75 c.f.s. conditional cumulative for irrigation of 35 acres from the Kropp Wastewater Ditch No.1 East and Kropp Wastewater Ditch No.2 West. Kropp Spring West – SW1/4SW1/4SW1/4 of Section 6, T14S, R91W, 6th P.M., Easting 273557, Northing 4304243, Zone 13. Amount Claimed: .03 c.f.s. conditional for filling of an undecreed pond, domestic use in one single-family dwelling and irrigation of 50 acres. Kropp Spring East – NE1/4SW1/4SW1/4 of Section 6, T14S, R91W, 6th P.M., Easting 273757, Northing 4304359, Zone 13. Amount Claimed: .05 c.f.s. conditional for filling of an undecreed pond, domestic use in one single-family dwelling and irrigation of 50 acres. Appropriation Date for all Structures: 03/22/2017. Source for all Structures: North Fork Gunnison River, Gunnison River. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2023CW31. Applicant: Ronald N. Turley, 54600 Hickory Rd., Olathe, CO 81425. Application for Conditional Storage Water Rights: Turley North Reservoir – NW1/4SE1/4 of Section 6, T13S, R92W, 6th PM., Easting: 265135, Northing: 4314576, Zone 13. Source: Gunnison River. Appropriation Date: 01/10/2023. Amount Claimed: 7 acre feet conditional for stockwater, irrigation, wildlife, fire protection, and recreation. **DELTA COUNTY.**

CASE NO 2023CW3056. DELTA COUNTY, TERROR AND HUBBARD CREEK, NORTH FORK OF THE GUNNISON RIVER, Bowie Resources, LLC, Ryan Wilson, P.O. Box 1488, Paonia, Colorado 81428, (970) 852-0110, rwilson@wolverinefuels.com, c/o Kirsten M. Kurath, Williams, Turner & Holmes, PC, 858 Grand Ave., Suite 1, Grand Junction, CO 81501, (970) 242-6262, kmkurath@wth-law.com APPLICATION FOR FINDING OF REASONABLE DILIGENCE Structures: Bowie Resources Springs. Original Decree: September 30, 2004, Case No.99CW263, Water Court, Water Division 4. Subsequent Decrees: May 31, 2011, Case No.10CW157, and September 25, 2017, Case No. 17CW3029, Water Court, Water Division 4. Legal Descriptions: See Table 1 below. The locations of the Bowie Resource Springs are shown on Figure 1, attached to the Application. Source: Five of the Bowie Resources Springs are springs which are tributary to Terror Creek. Thirty-two of the Bowie Resources Springs are springs which are tributary to Hubbard Creek. Terror Creek and Hubbard Creek are both tributary to the North Fork of the Gunnison River. App. Date: October 31, 1997. Amounts: See Table 1 below. Uses: All of the Bowie Resources Springs will be used for industrial purposes and other purposes incidental to the operation of the Bowie No. 2 Mine. Finding of Reasonable Diligence: The Application contains a detailed outline of what has been done toward completion of the appropriation of the Bowie Resource Springs conditional water rights during this diligence period, including expenditures. Name and Address of Landowners: The Bowie Resources Springs are located on lands owned and/or administered by three different entities: Applicant, the United States Bureau of Land Management, Department of the Interior, Uncompahgre Field Office, 2505 South Townsend, Montrose, CO 81401 and the U.S.D.A., Forest Service Paonia Ranger District, PO Box 1030, 403 N. Rio Grande Ave., Paonia, CO 81428. The owner of the land on which each of the Bowie Resources Springs is located is shown on Table 1 below. Applicant requests that the Court enter an order finding that the Applicant has been reasonably diligent in the development of the Bowie Resource Springs conditional water rights and continuing the conditional portion of the water right in full force and effect. (8 pages)

TABLE 1
BOWIE RESOURCES SPRINGS
TERROR CREEK SPRINGS

<u>SPRING</u>	<u>AMOUNT</u>	<u>LANDOWNER</u>	<u>QTR/QTR</u>	<u>LOCATION</u>
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	<u>(GPM)</u>	<u>Ship (Note 1)</u>		<u>SECTION/ T/R</u>	<u>DISTANCE FROM SECTION LINE</u>			
					<u>Feet</u>	<u>From</u>	<u>Feet</u>	<u>From</u>
S-4	1.0	BRL	SE/NE	4/13S/91W	2080	N	1210	E
S-4A	2.0	BRL	SE/NE	4/13S/91W	1850	N	1110	E
S-16	10.0	BRL	SW/NE	4/13S/91W	1800	N	2150	E
S33-8	1.0	USFS	SE/SW	33/12S/91W	1150	S	1670	W
SP33-5	3.0	USFS	NE/SW	33/12S/91W	1600	S	1690	W

HUBBARD CREEK SPRINGS

S-2	2.0	BRL	NW/SW	3/13S/91W	2480	S	100	W
S-3	2.0	BRL	NE/SE	4/13S/91W	2300	S	475	E
S-5	1.0	BRL	NE/NE	4/13S/91W	900	N	700	E
S-5A	4.0	BRL	NE/NE	4/13S/91W	950	N	900	E
S-13	1.0	BRL	NE/NE	10/13S/91W	80	N	210	E
S-17	20.0	BLM	NW/SE	3/13S/91W	1400	S	1620	E
S2-2	16.0	BLM	SW/NW	2/13S/91W	1750	N	200	W
S2-3	1.0	BLM	NW/SW	2/13S/91W	2150	S	110	W
S2-5	1.0	BLM	SE/SW	2/13S/91W	400	S	1800	W
S2-6	11.0	BLM	SE/SW	2/13S/91W	1300	S	1440	W
S2-7	38.0	BLM	NW/SW	2/13S/91W	1430	S	880	W
S2-8	1.0	BLM	NW/SW	2/13S/91W	1680	S	450	W
S33-1	1.0	USFS	SE/NE	33/12S/91W	2400	N	700	E
S33-2	30.0	USFS	NE/SE	33/12S/91W	3780	S	300	E
S33-9	3.0	USFS	SE/NE	33/12S/91W	2620	N	620	E
S34-1	4.0	USFS	SW/NW	34/12S/91W	3150	N	150	W
SP34-2	15.0	USFS	SW/NW	34/12S/91W	3230	N	400	W
S34-3	2.0	USFS	SW/NW	34/12S/91W	3450	N	600	W
S34-4	4.0	USFS	SW/NW	34/12S/91W	3580	N	800	W
S34-5	11.0	USFS	SW/NW	34/12S/91W	3660	N	1050	W
S34-7	4.0	USFS	SW/SW	34/12S/91W	560	S	180	W
S34-9	43.0	USFS	SE/NW	34/12S/91W	3750	N	1600	W
S34-10	11.0	USFS	NE/SE	34/12S/91W	2290	S	1050	E
S34-11	19.0	USFS	SE/SE	33/12S/91W	1050	S	350	E
S34-17	4.0	USFS	NE/NE	34/12S/91W	120	N	900	E
S34-18	2.0	USFS	NE/NE	34/12S/91W	400	N	1000	E
S34-19	8.0	USFS	SE/NE	34/12S/91W	3150	N	1000	E
S34-20	1.0	USFS	NE/SE	34/12S/91W	3050	S	720	E
S34-21	11.0	USFS	NE/SE	34/12S/91W	2040	S	1380	E
S34-22	35.0	USFS	NE/SE	34/12S/91W	2130	S	1000	E
S34-23	75.0	USFS	NW/SE	34/12S/91W	2300	S	1350	E
S34-24	1.0	USFS	SW/SW	35/12S/91W	310	S	150	W

Note 1: Land ownership column indicates the owner of the land on which the spring is located, as follows: BLM: United States Bureau of Land Management, Department of the Interior, USFS:U.S.D.A., Forest Service, BRL: Applicant Bowie Resources, LLC. **DELTA COUNTY.**

CASE NO. 2023CW3057; Mesa County - Gunnison River; Douglas R. King; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE AND REQUEST FOR FINDING OF REASONABLE DILIGENCE; Name, address, and phone number of Applicant: Douglas R. King, P.O. Box 2738, Grand Junction, CO 81502, (970) 245-6420; Request to make absolute and for finding of reasonable diligence: Name of structure: Cook Irrigation Ditch Enlargement, aka Cook Irrigating Ditch Enlargement; Description of conditional water rights:

Original decree: Case No. 81CW128 dated February 9, 1982, Water Division 4; Subsequent decrees awarding findings of diligence: Case Nos. 85CW290, 89CW255, 96CW144, and 16CW53, Water Division 4; Legal description: NW¼ SE¼ NW¼ of Section 12, Township 13 South, Range 104 West, 6th P.M., at a point 1,813 feet from the north section line and 1,715 feet from the west section line (which can also be described as Zone 13 Converted, NAD83, Easting 0155985.98m, Northing 4318025.81m); Source: Coates Creek; Appropriation date: June 5, 1981; Amount: 1.8 c.f.s. conditional; Use: Irrigation for pasture land during flood season; Outline of what has been done toward completion of appropriation and application of water to beneficial use: During the diligence period, Applicant has extended his irrigation system to irrigate an additional 50 acres, bringing his total irrigated acreage to approximately 106 acres. Applicant has constructed the system to accommodate his plans for additional future expansion to irrigate the remaining 44 acres; If claim to make absolute in whole or in part: Date water applied to beneficial use: June 1, 2023; Amount: 1.33 c.f.s. (in addition to the 2.2 c.f.s. already made absolute) for the irrigation of an additional 50 acres (total of 106 acres at the time of the application), leaving 0.47 c.f.s. conditional for the irrigation of the remaining 44 acres; Use: Irrigation. In the event that some or all of the conditional water right above is not made absolute, Applicant requests a finding of reasonable diligence with regard to any portion of the water right that remains conditional. (4 pages) **MESA COUNTY.**

CASE NO. 2023CW3058; Delta County - Gunnison River; Richard Blosser; c/o John R. Pierce and William T. Raley, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR UNDERGROUND WATER RIGHT AND REQUEST FOR APPROVAL OF PLAN FOR AUGMENTATION INCLUDING AN EXCHANGE PROJECT; Name, address, and telephone number of applicant: Richard Blosser, 76528 West Black Canyon Road, Crawford, CO 81415, (970) 216-2807; Request for underground water right: Name of well: Blosser Well; Location of structure: The Blosser Well will be located on Applicant's property within the one-acre envelope located in the SE ¼ of the NW ¼ of Section 21, Township 51 North, Range 7 West of the New Mexico P. M. with an approximate centroid at UTM Zone 13, NAD83, 268736m E, 4283668m N; Source: Groundwater tributary to the Smith Fork River, tributary to the Gunnison River; Depth of well: 224 feet below ground surface; Information regarding appropriation: Date of appropriation: September 29, 2023; How appropriation was initiated: By filing the application in this case; Amount claimed: 20 g.p.m., 1.5 a.f. annually conditional; Augmentation plan associated with operation of the well: An augmentation plan to address out-of-priority depletions from the Blosser Well is requested in this application; Uses: Commercial, fire protection; Request for approval of plan for augmentation: Name of structure to be augmented: Blosser Well; Details regarding augmented structure: See above; Water rights to be used for augmentation: Augmentation water to support the augmentation plan requested in this case will be obtained through a water supply contract with the Bureau of Reclamation for releases from Blue Mesa Reservoir; Information regarding water rights used for augmentation: Blue Mesa Reservoir: Date of original decree and Case Nos.: Blue Mesa Reservoir (Wayne N. Aspinall unit of the Colorado River Storage Project) was decreed 939,204 acre-feet in C.A. Nos. 5590 and 6981 with a November 11, 1957, appropriation date. An additional 124,253 acre-feet, with the same appropriation date, was transferred to the reservoir in C.A. No. 10045, making the total amount decreed to Blue Mesa Reservoir 1,063,457 a.f.; Type of water right: Storage; Legal description of storage structure: Blue Mesa Reservoir: The initial point of survey of Blue Mesa Dam is located at a point on the right abutment being the intersection of the center line of the axis of the dam and of the center line of the outlet works tunnel, whence the SW corner of section 31, T49N, R4W, NMPM bears North 78°36'44" West a distance of 3,207.07 feet.; Source: Gunnison River; Appropriation date: November 11, 1957; Amount: 1,063,457 a.f.; Decreed use: domestic, municipal, irrigation, stock watering, industrial, hydropower, piscatorial, wildlife, recreation and other purposes; Does

Applicant intend to change a water right to provide a source of augmentation? No; Does the plan for augmentation include an exchange? Yes, the Blosser Well Exchange Project is requested below; Statement of plan for augmentation: Depletions: Water from the Blosser Well will be used for watering the chickens and cleaning the barns and other operational equipment. The estimated water demand to support chicken operations will average 1,250 gallons per day ("g.p.d.") for September through March and 1,500 g.p.d. for April through August. Water for operations is assumed to be 100% consumptive. Total annual depletions will equal 1.51 a.f.; Operation of plan: There are no historical calls on the Smith Fork downstream of the point of depletion for the Blosser Well. The primary calling structure downstream of the Blosser Well is the Redlands Power Canal (RPC), which holds three separately decreed rights: 670 c.f.s. absolute decreed in Case No. CA1927 with a July 31, 1905, appropriation date and a July 22, 1912, adjudication date ("Senior Redlands Right"); 80 c.f.s. absolute decreed in Case No. CA8303 with a June 26, 1941, appropriation date and a July 21, 1959, adjudication date (together with the 100 c.f.s. right below, "Junior Redlands Rights"); 100 c.f.s. absolute decreed in Case No. 94CW0228 with an October 1, 1994, appropriation date and a December 31, 1994, adjudication date (together with the 80 c.f.s. right above, "Junior Redlands Rights"); Potential call period: Potential out-of-priority depletions under this plan for augmentation are based on potential call periods for both the Senior Redlands Right and the Junior Redlands Rights during the extreme drought conditions that existed in 2002-2003. The call periods correspond to the maximum number of days for any given month over the two-year period when Gunnison River flows at the RPC diversion were less than the decreed amounts for the RPC's water rights; Replacement water: To address potential out-of-priority depletions from the use of the Blosser Well, Applicant will obtain a water supply contract from the U.S. Bureau of Reclamation for the annual purchase of replacement water to be released from Blue Mesa Reservoir. The water purchase obligation assumes a conveyance loss of 0.15 percent per mile or 4.0 percent for the 27-mile distance from Crystal Dam to the confluence of the Smith Fork per Water Division 4 guidance. To the extent that the water purchased under the water supply contract exceeds the amount necessary to address out-of-priority depletions, Applicant requests the right to use such excess to protect against potential increases in the call period; Request for approval of exchange project: Name of exchange: Blosser Well Exchange Project; Location: Downstream terminus: The confluence of Smith Fork and the Gunnison River located within the NE 1/4 NE 1/4 of Section 24, Township 15 South, Range 94 West, 6th P.M. (UTM Zone 13, NAD83, Easting 253242m, Northing 4291444m); Upstream terminus: The point at which depletions from the Blosser Well impact Smith Fork, located within the NW 1/4 SE 1/4 of Section 34, Township 15 South, Range 92 West, 6th P.M., (UTM Zone 13, NAD83, Easting 268727m, Northing 4286982m); Source: Releases from Blue Mesa Reservoir pursuant to the water supply contract described in the request for approval of Applicant's augmentation plan above; Date of appropriation: September 29, 2023; How appropriation was initiated: By filing the application in this case; Amount: 0.002 c.f.s. conditional; Use: Augmentation and replacement of depletions from the Blosser Well as described in Applicant's request for approval of plan for augmentation above. (6 pages) **DELTA COUNTY.**

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