

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 April 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. 2022CW8. Applicant: Lawrence Zeldenthuis, 42949 D Road, Crawford, CO 81415. Application for Absolute Surface Water Right: Zeldenthuis Spring #3 – SE1/4SE1/4 of Section 34, T15S, R91W, 6th PM., Easting 279186, Northing 4286556, Zone 13. Source: McNeil Creek, Smith Fork of the Gunnison River. Appropriation Date: 04/11/2022. Amount Claimed: 6 gpm absolute for stockwater, wildlife, and domestic use. **DELTA COUNTY.**

CASE NO. 2022CW9 (REF NO. 15CW3099). Applicant: Kriss Arvane Burwell, 1097 Scott Circle, Delta, CO 81416. Application for Finding of Reasonable Diligence: Burwell Domestic Spring - SE1/4NW1/4SE1/4, Section 28, T15S, R101W, 6th P.M., Easting 179825.77, Northing 4291744.18, Zone 13, 1596 feet west of the east section line and 1614 feet north of the south section line. Source: Spring tributary to Gill Creek, West Creek, Dolores River. Appropriation Date: 07/31/1965. Amount Claimed: 0.011 c.f.s. conditional for domestic use in 2 single family dwellings. The application on file with the Water Court contains an outline of the work performed during the diligence period. **MESA COUNTY.**

CASE NO. 2022CW10 (REF NO. 15CW3098, 08CW172, 00CW125). Applicant: Kriss Arvane Burwell, 1097 Scott Circle, Delta, CO 81416. Application for Finding of Reasonable Diligence: Burwell Irrigation Ditch - SW1/4NE1/4SE1/4, Section 28, T15S, R101W, 6th P.M., at a point 1270 feet west of the east section line and 2300 feet north of the south section line. Source: Unnamed creek tributary to Gill Creek, West Creek, Dolores River. Appropriation Date: 07/01/2000. Amount Claimed: 2.0 c.f.s. for irrigation of 80 acres. The application on file with the Water Court contains an outline of the work performed during the diligence period. **MESA COUNTY.**

CASE NO. 2022CW3023 SAN MIGUEL COUNTY 1. Applicant: Morgan and Sarah Smith Family Trust of 2000 as amended and restated 2012, Morgan C. Smith, Trustee, 3130 Last Dollar Rd., Telluride, CO 81320 by Clay, Dodson & Skarka, PLLC, 415 Palmer St., Delta CO 81416, 970-874-9777. APPLICATION TO MAKE ABSOLUTE; 2. Name of Structure: **Aldasoro Ditch First Enlargement;** 3. Date of Original Decree: March 8, 1991, Case No. 90CW69, Water Division No. 4; 4. Legal description of points of diversion: In the SW1/4NW1/4SE1/4, Section 19, Township 43 North, Range 9 West, N.M.P.M. at a point bearing North 24°15' East 14,850 feet from the northwest corner of Section 6, Township 42 North, Range 9 West, N.M.P.M. 5. Date of Appropriation: January 30, 1990. Amount: 0.09 c.f.s. of the 0.12 c.f.s. still conditional of the 1.0 c.f.s. decreed. 6. Uses: domestic, commercial, irrigation, recreation, aesthetic, fish, wildlife, and stock water. Applicant request to cancel uses for domestic, commercial, recreation, aesthetic, fish, and wildlife purposes – leaving irrigation and stock water (livestock watering) as allowed uses. 7. Source of Water: Sheep Creek, tributary to the San Miguel River. 8. Claim to make absolute: **Applicant brought in a mini-excavator to clean the entire ditch; installed about 1,000 feet of pipe in part of the ditch; installed a new metal diversion gate at the point to**

diversion; installed a concrete pressure box and a gravity fed water line from the ditch down to Applicant's pasture; and installed high powered sprinklers to run off the gravity fed line to complete the appropriation. Applicant expended approximately \$15,000.00 to complete the work and seeks to make the conditional right absolute for irrigation and stock water only. Applicant seeks to cancel all other uses. **SAN MIGUEL COUNTY.**

CASE NO. 2022CW3024 MESA COUNTY, WEST CREEK, DOLORES RIVER, William R. Vanover, P.O. Box 1256, Alice, TX 78333, c/o Kirsten M. Kurath, 858 Grand Ave., Suite 1, Grand Junction, CO 81501, (970) 242-6262, kmkurath@wth-law.com APPLICATION TO MAKE ABSOLUTE, OR, IN THE ALTERNATIVE, FOR A FINDING OF REASONABLE DILIGENCE

Structure: Rolland Diversion. Decree: April 19, 2016, Case No. 2015CW3110, District Court, Water Div. No. 4. Subsequent Decrees: Not Applicable. Legal Description: Water will be diverted at the following alternate points of diversion: Point of Diversion No. 1: A point located approximately 384 feet from the South section line and 583 feet from the West section line of Section 12, Township 15 South, Range 102 West, 6th P.M., in the SW1/4 SW1/4 SW1/4 of said Section 12. Point of Diversion No. 2: A point located approximately 1,191 feet from the South section line and 688 feet from the West section line of Section 12, Township 15 South, Range 102 West, 6th P.M., in the NE1/4 SW1/4 SW1/4 of said Section 12. See Exhibit A attached to the Application. Source: West Creek, tributary to the Dolores River. App. Date: June 1, 2013.

Amount: 0.85 c.f.s., conditional. Applicant will divert this amount at either or both of the alternate points of diversion described above. The total combined diversions at both of the points of diversion shall be limited to 0.85 c.f.s. Uses: Irrigation of up to 34 acres. The land to be irrigated is located within the real property described on Exhibit B, attached to the Application ("Property"). A detailed outline of what has been done toward the completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures, is contained in the Application. Claim to Make Water Right Absolute: This April the DeMilles diverted at a combined rate of 2.36 c.f.s. from Point of Diversion No. 1 and Point of Diversion No. 2. The water diverted was used to irrigate the Property and was diverted in priority when there was no call on West Creek. The combined diversion rate accounts for both the existing absolute water rights decreed to the alternate points of diversion, 1 c.f.s. of the Gill Ditch Admin No. 300079.12174 and 0.5 c.f.s. of the UnawEEP Cattle Range Ditch No. 3 Admin No. 27777.23177, and the Rolland Diversion. Therefore, the full 0.85 c.f.s. of the Rolland Diversion water right should be decreed absolute. Name and Address of Landowner: Applicant. Applicant requests that the Court adjudge and decree that the Rolland Diversion water right be decreed absolute in the full decreed amount of 0.85 c.f.s. for irrigation; or, in the alternative, if the Court finds that the full 0.85 c.f.s. has not been made absolute that the Court adjudge and decree such amount the Court finds has been made absolute by the Applicant and that the Applicant have been reasonably diligent in the development of the Rolland Diversion conditional water right for any amount not made absolute by this Application and that any remaining conditional portion of the Rolland Diversion be continued in full force and effect, and that the Court grant the Applicant such other and further relief as may be appropriate. (7 pages) **MESA COUNTY.**

CASE NO. 2022CW3025. Applicant: City of Ouray, P.O. Box 468, Ouray, Colorado 81427, by Carol A. Viner, Carol A. Viner, P.C., 1104 S. Townsend Avenue, Montrose, Colorado 81401, 970-208-9418. Application for Finding of Diligence: **Minion Spring No. 1** – NW¼SW¼ Section 31, Township 44 North, Range 7 West, New Mexico Principal Meridian, 2073 from the south section line and 522 from the west section line. Source: Canyon Creek, tributary to the Uncompahgre River. Appropriation Date: December 6, 1987. Amount Claimed: 0.02 c.f.s., conditional for Commercial, domestic, sanitarium, bathing pool and heating and other beneficial uses. **Minion Spring No. 2** – NW¼SW¼ Section 31, Township 44 North, Range 7 West, New

Mexico Principal Meridian, 2032 from the south section line and 423 from the west section line. Source: Canyon Creek, tributary to the Uncompahgre River. Appropriation Date: December 6, 1987. Amount Claimed: 0.04 c.f.s., conditional for Commercial, domestic, sanitarium, bathing pool and heating and other beneficial uses. **Minion Spring No. 5** – NW¼SW¼ Section 31, Township 44 North, Range 7 West, New Mexico Principal Meridian, 2064 from the south section line and 702 from the west section line. Source: Canyon Creek, tributary to the Uncompahgre River. Appropriation Date: December 24, 1987. Amount Claimed: 0.04 c.f.s., conditional for Commercial, domestic, sanitarium, bathing pool and heating and other beneficial uses. **Minion Spring No. 6** – NW¼SW¼ Section 31, Township 44 North, Range 7 West, New Mexico Principal Meridian, 2054 from the south section line and 698 from the west section line. Source: Canyon Creek, tributary to the Uncompahgre River. Appropriation Date: December 24, 1987. Amount Claimed: 0.02 c.f.s., conditional for Commercial, domestic, sanitarium, bathing pool and heating and other beneficial uses. **Minion Spring No. 7** – NW¼SW¼ Section 31, Township 44 North, Range 7 West, New Mexico Principal Meridian, 1848 from the south section line and 627 from the west section line. Source: Canyon Creek, tributary to the Uncompahgre River. Appropriation Date: November 12, 1987. Amount Claimed: 0.05 c.f.s., conditional for Commercial, domestic, sanitarium, bathing pool and heating and other beneficial uses. **Minion Spring No. 8** – NW¼SW¼ Section 31, Township 44 North, Range 7 West, New Mexico Principal Meridian, 2198 from the south section line and 809 from the west section line. Source: Canyon Creek, tributary to the Uncompahgre River. Appropriation Date: December 24, 1987. Amount Claimed: 0.03 c.f.s., conditional for Commercial, domestic, sanitarium, bathing pool and heating and other beneficial uses. **OURAY COUNTY.**

CASE NO. 2022WC3026 – REJECTED

CASE NO. 2022CW3027. Gunnison County. Application for Underground Water Right and Request for Approval for Plan of Augmentation. Applicant: Thomas J. Spezze and Tamara M. Spezze, c/o John T. Howe, Hoskin Farina & Kampf, P.C., 200 Grand Avenue, Suite 400, Grand Junction, Colorado 81501; (970) 986-3400. 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 that is the subject of a Gunnison County Planning Department development application that will divert groundwater tributary to Cochetopa Creek; and (2) 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 : the Spezze Well is located in the NW ¼ NW ¼ SW ¼ of Section 28, Township 49 North, Range 2 East of the 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; .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 Approval of Plan for Augmentation: Name of Structure to be augmented: Spezze Well. Water Right to be Used for Augmentation: O'Fallon No. 3 Ditch, decreed in Civil Action No. 1266, Gunnison County District Court, April 29, 1904. Location: The point of

diversion O'Fallon No. 3 Ditch is located on the East Bank of Cochetopa Creek at a point whence the Southwest corner of Section 28, Township 49 North, Range 2 East N.M.P.M bears South 49° 16' West 1538 feet. Source of Water: Cochetopa Creek. Appropriation Date: July 14, 1883. Amount Decreed: 2.8 c.f.s. Amount to be included in this Plan for Augmentation: .018 acre feet acre-feet per year. Decreed Use: irrigation. 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.

Spezze Well augmentation requirements	
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	65
Annual gallons per year of CU (augmentation requirement)	7,300
Meadow grass CU per year, AF per acre	1.25
Meadow grass CU per year, gallons per acre	407,325
AF of CU augmentation required	0.018
SF of meadow grass required to be dried up	781
Acres of meadow grass required to be dried up	0.02

Applicants are the owner of water rights in the O'Fallon No. 3 Ditch described above. Applicants will dry up 800 square feet of the meadow irrigated by the O'Fallon No. 3 Ditch in the area shown on Exhibit C amounting to .018 acre feet per year. Landowner: all new structures are or will be constructed on land owned by Applicants. **GUNNION COUNTY.**

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