

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 2024.

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. 2024CW3016 DELTA AND GUNNISON COUNTIES, HUBBARD CREEK, NORTH FORK OF THE GUNNISON RIVER. Bowie Resources, LLC, Ryan Wilson, P. O. Box 1488, Paonia, CO 81428, (970) 852-0110, c/o Kirsten M. Kurath, McDonough Law Group, 300 Main Street, Suite 102, Grand Junction, CO 81501, (970) 776-3311, kirsten@mcdonoughlawgroup.com APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Conditional rights of exchange: Bowie-Blue Mesa Exchange and Bowie-East Beckwith Exchange. Original Decree: July 15, 2005. Case No: 02CW77. District Court, Water Div 4. Subsequent Decrees: November 14, 2011, Case No. 11CW85: April 2, 2018, Case No. 2017CW3066, District Court, Water Div. No.4. Location: The downstream terminus of the Bowie-Blue Mesa Exchange is the confluence of the North Fork of the Gunnison River with the Gunnison River. The upstream terminus of the Bowie-Blue Mesa Exchange is the headgate of the Deer Trail Ditch located at a point on the west bank of Hubbard Creek, a tributary of the North Fork of the Gunnison, River, whence the SE corner of Section 11, Township 13 South, Range 91 West, 6th P.M. bears south 20°49' East 2191.1 feet. See Exhibit A attached to the Application. The downstream terminus of the Bowie-East Beckwith Exchange is the confluence of Hubbard Creek with the North Fork of the Gunnison River. The upstream terminus of the Bowie- East Beckwith Exchange is the headgate of the Deer Trail Ditch located at a point on the west bank of Hubbard Creek, a tributary of the North Fork of the Gunnison, River, whence the SE corner of Section 11, Township 13 South, Range 91 West, 6th P.M. bears south 20°49' East 2191.1 feet. See Exhibit A. Source: The water for the Bowie-Blue Mesa Exchange is Applicant's Blue Mesa Reservoir (Wayne N. Aspinall Unit of the Colorado River Storage Project) contract water, tributary to the Gunnison River. The water for the Bowie-East Beckwith Exchange is Applicant's East Beckwith Reservoir No. 1 stored water, tributary to Anthracite Creek, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. App. Date: The appropriation date for the Bowie-Blue Mesa Exchange is December 31, 2004. The appropriation date for the Bowie-East Beckwith Exchange is May 31, 2002. Amount and uses: The amount of the Bowie-Blue Mesa Exchange is 0.52 c.f.s. and its use is for the operation of the augmentation plan decreed in Case No. 02CW77. The amount of the Bowie-East Beckwith Exchange is 0.50 c.f.s. and its use is for the operation of the augmentation plan decreed in Case No. 02CW77. Applicant owns the Bowie Mine No. 1 Mine, located in Sections 23 and 34, T. 13 S., R 92 W., 6th P.M., which is no longer operational. Applicant also owns and operates the Bowie Mine No. 2, the portal of which is located in Section 10. T. 13 S., R. 91 W., 6th P.M., Delta County, Colorado. These underground mines are located in the North Fork of the Gunnison River Basin. In Case No. 02CW77, Applicant obtained absolute decrees for thirteen ponds used in association with Bowie Mines No. 1 and 2 ("Bowie Sedimentation Ponds"), as well as a decreed augmentation plan to augment out of priority depletions for industrial and domestic purposes associated with the on-going operation of the Bowie Mine No. 2 and to augment evaporative depletions from the Bowie Sedimentation Ponds ("Augmentation Plan"). The Bowie-East Beckwith Exchange will operate when there is a valid call during the irrigation season and Applicant's depletion credits from its Deer Trail Ditch and Farmer's Ditch shares, as decreed in

the Augmentation Plan, are insufficient to augment all of the depletions. In such event, the Applicant will release such additional amounts as are necessary from its East Beckwith Reservoir No. 1 storage right to augment out of priority depletions. The Bowie-Blue Mesa Exchange will operate during those times outside of the irrigation season when there is a valid call on the Gunnison River and Applicant does not have available depletion credits. In such event, the Applicant will release such additional amounts as are necessary from its Blue Mesa Reservoir contract water to augment out of priority depletions. Finding of Reasonable Diligence: The Application contains a detailed outline of what has been done toward completion of the appropriation of the Bowie-Blue Mesa Exchange and Bowie-East Beckwith Exchange Springs conditional water rights during this diligence period. Names and addresses of landowners: The headgate for the Deer Trail Ditch is located on land owned by the United States Bureau of Land Management, Montrose District Office, 2505 S. Townsend Ave., Montrose, CO. 81401. East Beckwith Reservoir No. 1 is located on land owned by the United States Forest Service, Paonia Ranger District, P.O. Box 1030, Paonia, CO 81428. Blue Mesa Reservoir is located on land owned by the United States of America, Regional Director, Upper Colorado Region, Bureau of Reclamation, 125 South State Street, Room 6107, Salt Lake City, UT 84138-1102. Applicant requests that the Court decree that Applicant has been reasonably diligent in this diligence period in the development of each of the conditional rights of exchange decrees and that such conditional decrees should be continued in full force and effect. (7 pages) **DELTA AND GUNNISON COUNTIES.**

CASE NO. 2024CW3017. Ouray County. Application for a Conditional Underground Water Right, a Conditional Water Storage Right, and for Approval of a Plan for Augmentation. Applicant, George Tidmarsh, 3578 Ponderosa Drive, Ridgway, CO 81432. Please direct all correspondence to Applicant's counsel, Amy N. Huff, Colorado Water & Land Law, LLC, 679 E. 2nd Ave, Unit 11B, Durango, CO 81301, 970-403-1770. amy@waterland-law.com. Groundwater Right: (a) Structure Name: Tidmarsh Well (Permit No. 329674, which was permitted as a monitoring well and will be converted for a non-exempt well). (b) Location: SW ¼ NE ¼ S29, T46N, R8W, NMPM, approximately 2,340' from the north section line and 2,482' from the east section line. UTM - X: 257727 Y: 4232853 (c) Source: Groundwater tributary to the Uncompahgre River (d) App Date: 2/3/2023 (d) Uses: Domestic use inside 3 single family dwelling units and associated accessory structures (i.e., barn, shop, garage), stockwater, irrigation, fire protection, freshening flows, augmentation and/or replacement of evaporation from the Tidmarsh Pond, and filling the Tidmarsh Pond for the aforementioned uses. All uses will occur on Applicant's property located in SW ¼ NE ¼ S29, T46N, R8W, NMPM, 3578 Ponderosa Drive, Ridgeway, CO 81432. (e) Amt: 25 gpm, Conditional. Applicant seeks approval to operate the Tidmarsh Well under the Plan for Augmentation described below. Water Storage Right: (a) Structure Name: Tidmarsh Pond (b) Location: SW ¼ NE ¼ S29, T46N, R8W, NMPM approximately 2,470' from the north section line and 2,570' from the east section line UTM - X: 257699 Y: 4232816 (c) Source: Groundwater tributary to the Uncompahgre River, as withdrawn under the Tidmarsh Well (d) Appropriation Date: 4/24/2024. (e) Uses: Domestic, irrigation, stockwater, fire protection, and piscatorial. (f) Amt: 0.136 Acre-Feet, Conditional. Plan for Augmentation: (a) Structures Augmented: Tidmarsh Well (b) Source of Augmentation: Water provided by Tri-County Water Conservancy District (Tri-County) from Ridgeway Reservoir pursuant to Applicant's lease with Tri-County for 2.0 AF/yr. as authorized by Tri-County's contract with the United States (c) Statement of Plan for Augmentation: This Plan for Augmentation (Plan) will replace the out of priority depletions caused by the out of priority diversions from Tidmarsh Well. When river administration results in curtailment of the Tidmarsh Well, Applicant will utilize this Plan to replace the out-of-priority depletions that affect the calling structure. At such times, Applicant will reduce its water use so that diversions from the Tidmarsh Well are used only for domestic use inside three (3) single family dwellings, six (6) horses, one (1) acre of irrigation, and pond evaporation. Applicant's engineer has determined

restricting the Tidmarsh Well to the foregoing uses will result in 1.94 acre-feet of annual out of priority depletions. Applicant has entered into a lease with Tri-County Water for 2.0 AF/yr. of augmentation water to be released from Ridgeway Reservoir as directed by the Division Engineer to prevent injury to calling water rights. This Plan is based on a reasonable water demand calculation of 13.34 AF/yr. and standard assumptions regarding consumption. It provides replacement for 195 gpd for each of the three (3) houses, which results in an annual total of 0.67 AF of diversions. The livestock water demands are based on six (6) horses or other livestock using 15 gpd each, which results in 0.12 AF/yr. The landscaping demands are based on the irrigation of one (1) acre of bluegrass with an irrigation water requirement of 1.97 AF/yr. and an irrigation efficiency of 80%. The pond evaporation is based on a 0.06 acre (2,500 sq ft) surface area pond using the Office of the State Engineer's Guidelines (2/28/95) for sites with an elevation above 6,500 feet for a total of 0.21 AF/yr. Pond freshening flows are based on 1 cfs per 10 AF of pond volume. The estimated volume of the Tidmarsh Pond is 0.136 AF, resulting in a freshening flow rate of 0.0136 cfs, or 6.1 gpm. Annualized, the pond freshening flows total 9.87 AF/yr. Water demands from the Tidmarsh Well were lagged via a Glover analysis. Under this Plan, Applicant's out of priority diversions will result in 1.97 AF/yr. of out of priority depletions. The domestic use is 15% consumptive. The irrigation use is 80% consumptive. The irrigation return flows were lagged via a Glover analysis. Both stockwater and pond evaporation are 100% consumptive. The pond freshening flows are considered non-consumptive because the water will return to Ridgeway Reservoir via a natural drainage. Affected Landowners: Applicant owns the land upon which any new diversion or storage structure will be constructed. Remarks: See Application. **OURAY COUNTY.**

CASE NO. 2024CW3018. Applicant: Robert Chapman, 6925 Wyoming Lane, Colorado Springs, CO 80923. (Please forward all correspondence and pleadings to David M. Shohet and W. James Tilton of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212). Application for Surface Water Rights. Name of Structure: Chapman's Carpenter Spring. Legal Description of Point of Diversion: An area of springs located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of irregular Section 3, Township 48 North, Range 4 West of the N.M.P.M. The area of the springs is shown on the attached **Exhibit A**. The location of the spring house is further shown on the attached **Exhibit B** plat. Source: Spring water tributary to the Lake Fork, tributary to the Gunnison River. Date of Initiation of Appropriation: April 25, 2024. Amount Claimed: 15 gallons/minute, conditional. Use or Proposed Uses: All of the spring water will be used for residential, domestic animal, lawn and garden watering, and fire protection on the Applicant's properties within the Masden Lake Fork Cove Subdivision. Applicant owns Lots 31, 33, 34, 57, and 78 of the Masden Lake Fork Cove Subdivision, which lots are shown on the attached **Exhibit B** plat map. Water will be diverted year-round for uses stated herein and stored in cisterns on Applicant's property for year-round use. The Carpenter Spring is located on land owned by the William and Carolina Alexander Family Trust, whose address is 788 Cove Road, Gunnison, Colorado, 81230-9346. **GUNNISON COUNTY.**

CASE NO. 2024CW3019 DELTA COUNTY 1. Applicants: **Trent C. Snyder and Cheryl S. Snyder**, 51975 Amber Road, Delta, CO 81416; 970-901-9546 by their attorney Camp & Skarka, LLC, 415 Palmer St., Delta CO 81416, 970-874-9777. APPLICATION TO MAKE ABSOLUTE. 2. Name of Structure: **SNYDER DITCH NOS. 1, 2 and 3**, decreed April 16, 2018 in Montrose County case no. 2017CW3075. 3. Source of water: spring, seeps and overflow tributary to Buttermilk Creek, and the Gunnison River. 4. Legal Description of decreed point of diversion: all in Delta County, Section 20, Township 51 North, Range 11 West, N.M.P.M. as follows: Snyder Ditch No. 1 NE4/SE4, approximately 2123 feet north of the south section line and 346 feet west of the east section line, UTM: 0228927 Easting(m), 4284783 Northing(m), Zone 13, NAD83; Snyder Ditch No. 2 SE4/NE4, approximately 2553 feet south of the north section line and 1155 feet west of the

east section line, UTM: 0228683 Easting(m), 4284974 Northing(m), Zone 13, NAD83; Snyder Ditch No. 3 SW4/NE4, approximately 1826 feet south of the north section line and 1874 feet west of the east section line, UTM: 0228467 Easting(m), 4285208 Northing(m), Zone 13, NAD83. 5. Date of Appropriation: June 1, 2017. 6. Amount: .075 c.f.s. from any or all three of the ditches. 7. Use: Absolute for the irrigation of 30 acres and stock water. 8. Statement of work done toward completion of the water right: The 30 acres have been cleared of brush to make it suitable for irrigation, and they have been irrigated from this water using a gravity feed / flood irrigation system. In addition, this water is used to fill five "tire tanks" for stock water use. Applicants have completed the diversion and request to now make their conditional water rights absolute. 9. Name and address of owner of the land upon which the structure is located: Applicants. **DELTA COUNTY.**

CASE NO. 2024CW3020, Gunnison County, Water District No. 4, Applicant: Bret Andrew Edstrom and Sven Arthur Edstrom, c/o Law Office of Robert M. O'Hayre, LLC, 120 North Taylor - P.O. Box 179, Gunnison, Colorado 81230, (970) 641-3326; bohayre@guclaw.com; **Type of Application:** Application for a Finding Reasonable Diligence, **Name of Structure:** Wiles No. 1 Well. **Location:** Within the SE ¼ SE ¼ of Section 14, Township 50 North, Range 1 West, N.M.P.M., Gunnison County, Colorado, 1300 feet South of the North boundary of said Section 14 and 2100 feet West of the East boundary of said Section 14 **Drainage Basin:** Alluvium of Ohio Creek. **Quantity:** 0.033 c.f.s. (15 g.p.m.). **Appropriation date:** June 28, 1997; **Use:** In-house residential use in one residence upon Lot 8B according to the Replat of Lot 8, Ohio Meadows Filing No. 1, recorded February 22, 2010 as Reception No. 596967 in the office of the Clerk and Recorder of Gunnison County, Colorado ("Replat") (formerly described as Lot 8A in previous applications prior to the recording of the Replat), the irrigation of not over .05 acres of lawn and gardens, fire protection and the watering of livestock. **Type of Structure:** Well. **GUNNISON COUNTY.**

CASE NO. 2024CW3021 (Ref. 09CW165, 2018CW3008). **Applicant:** Mika Ag Corp., d/b/a Escalante Land & Cattle Corp, 7105 Escalante Canyon Road, Delta, CO 81416. **Attorney:** James D. Brown, Camp & Skarka, LLC, P.O. Box 587, Delta, CO 81416. **Structures:** ER Midway Pump No. 1; ER Midway Pump No. 2; ER Lower Windy Pump; ER Upper Beaver Pump; and ER Goat Ranch Pump. **Conditional Water Rights Decree:** Decree entered Case No. 09CW165 on February 13, 2012, District Court for Water Division No. 4. **Source:** Escalante Creek, a tributary of the Gunnison River, in Water District No. 40. **Dates of Appropriation:** All structures October 30, 2009, except ER Lower Windy Pump, June 1, 1990. **Legal Descriptions:** **ER Midway Pump No. 1:** SW¼SE¼NE¼SW¼ of Section 7, T 15 S, R 97 W, 6th P.M. 2196.72 feet east of the West line and 58.02 south of the North line of said Section 7 (GPS: Easting: 215113.19, Northing: 4295120.86); **ER Midway Pump No. 2 (alternate point to ER Midway Pump No. 1):** SW¼SE¼ of Section 32, T 4 S, R 3 E, Ute Meridian GPS: Easting: 215064, Northing: 4295177; **ER Lower Windy Pump:** NW¼SW¼SW¼SE¼ of Section 33, T 4 S, R 3 E, Ute Meridian 2333.66 feet west of the East line and 568.82 feet north of the South line of said Section 33 (GPS: Easting: 216429.08, Northing: 4295237.79); **ER Upper Beaver Pump:** NE¼NE¼SE¼SE¼ of Section 27, T 14 S, R 98 W, 6th P.M. 197.24 feet west of the East line and 1293.53 feet north of the South line of said section 27 (GPS: Easting: 211303.2, Northing: 4300040.24); **ER Goat Ranch Pump:** SW¼SW¼SE¼SE¼, Section 32, T 4 S, R 3 E, Ute Meridian 1099.52 feet west of the East line and 117.56 feet north of the South line of said Section 32 (GPS: Easting: 215216, Northing: 4295169). **Efforts to Complete Appropriation:** Applicant's efforts to complete appropriation are more particularly described in the application on file with the Water Court. Such efforts include, without limitation, expenditures of funds for leveling of land to be irrigated and for extension of electric power to pump station sites and continuing efforts to acquire non-owned lands under irrigation and affected by pumping stations. **Name and address of owners of land.** Mika Ag

Corp., d/b/a Escalante Land & Cattle Corp, 7501 Escalante Canyon Rd., Delta, CO 81416 and United States of America, Dept. of Interior, BLM, 2465 South Townsend Ave., Montrose, CO 81401. **MESA AND DELTA COUNTIES.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of June 2024 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