

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 January 2021.

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: There has been filed in this proceeding a claim or claims which 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 as provided in the Water Right Determination and Administration Act of 1969, or be forever barred.

CASE NO. 2020CW57 AMENDED; Applicant: SJS Property, c/o Seth Schwartz, PO Box 6762, West Palm Beach, FL 33405. Amended Application for Underground Water Right, Storage Right, Change Water Right, and Approval of Plan for Augmentation. The amended application increases the amount of the change in Water Right for the Stewart Ditch from 0.0015 cfs to 0.0086 cfs to match the standard duty of water of 1 cfs to 40 acres for irrigation in the original decree. The irrigated acreage dry-up of 0.344 acres corresponds to the cfs amount of 0.0086 cfs. APPLICATION FOR UNDERGROUND WATER RIGHT: SJS Well – SW1/4NW1/4 of Section 28, T13S, R91W, 6th P.M. Easting 277240, Northing 4308206, Zone 13. Source: North Fork of the Gunnison River. Appropriation Date: 9/20/2016. Amount claimed: 15 gpm (0.0334) cfs Absolute for domestic, Conditional for commercial and irrigation. APPLICATION FOR CHANGE IN WATER RIGHT: Stewart Ditch - Location of structure: The Stewart Ditch headgate is located in the NW1/4NW1/4 of Section 28, T13S, R91W, 6th P.M. This applicant does not propose any modification of the existing diversion structure in any way. Original Decree: The applicant owns 35.2 shares in the Stewart Ditch, transferred from Tropic Ditch rights for priorities 1, 27 and 40. According to the Quit Claim deed for the property (attached), the applicant has ownership (like interest) in each of the priorities listed below. All three priorities have an Adjudication Date of 4/12/1901 for irrigation uses. The Stewart/Tropic Ditch has a right with Priority 1 for 1.25 cfs with an Appropriation Date of 6/1/1882; a right with Priority 27 for 4.73 cfs with an Appropriation Date of 12/27/1892, and a right with Priority 40 for 1.06 cfs with an Appropriation date of 4/1/1901. The Stewart Ditch, not associated with the Tropic Ditch rights, also has flood rights for 70.925 cfs with priorities of 3B, A24, A122 and J158, but those rights do not pertain to this case. The Stewart/Tropic Ditch rights, is apportioned into 192 shares for 7.04 cfs, making each share worth 0.0367 cfs per share for all three priorities. Since the senior 1.25 cfs portion of a share is 0.0065 cfs/share, the applicant seeks to change 1.32 share of their total of 35.2 shares. Decreed source: North Fork of the Gunnison River. Amount proposed to be changed: 0.0086 cfs Absolute; of Priority 1, Adjudication date of April 12, 1901 and Appropriation date of 6/1/1882. Decreed use: Irrigation, Domestic, Commercial, and Augmentation. Detailed description of proposed change: Applicant desires to change 0.0086 cfs of this right to domestic, commercial, irrigation, and augmentation uses for the protection of consumptive uses from the SJS Well. In the case of a river call, the 0.0086 cfs of the No. 1 priority will be bypassed back into the river at the Stewart Ditch headgate. Attached Tables 1 through 4 shows the amount that must be changed to compensate for the consumptive uses and the means to replace them. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION: SJS Well - Location of structure: Described above. Water rights to be used for augmentation: 0.0086 cfs of the Stewart Ditch as described above. Appropriation Date: 2/23/2018. Complete statement of plan for augmentation: Applicant seeks to replace out-of-priority depletions associated with consumptive uses from SJS Well. The applicant seeks to augment the following uses in the SJS Well: Domestic uses for a total of 6 single family dwellings. The use rate is 350 gallons per dwelling per day. Domestic uses for 8 seasonal cabins without dishwasher or laundry facilities. The use rate is 150 gallons per cabin

per day. Commercial use in a single bathroom in the commercial building at 50 gallons per day. Commercial use for a 4000 square foot bakery at the use rate of 116.4 gallons per day per 1000 square feet of space. This bakery does not serve customers at the bakery, they are strictly a source for baked goods. Commercial indoor irrigation for the starting of Cannabis plants for the months of March through July. The plants are then moved to greenhouses for summer growth. The attached Tables 1 through 4 show the current and future uses at the well. There is no municipal wastewater system in this area, so each house and commercial building will have their own septic system, with septic tank and leach field. The cabin might be joined together into a single septic system or joined with another system. The CU for water in a septic system is 10%. To obtain CU credits from the Stewart Ditch, the applicant is drying up 1.1 acres of land that was historically irrigated by the ditch. These areas are shown in attached Map 1. The applicant will continue to use ditch water to irrigate 11 different greenhouses in the general area of the dry-up, 4 that are 92 x 46 feet in dimension, and 7 that are sized 25 x 100 feet. The square footage from the irrigated greenhouses, 0.756 acres, is subtracted from the 1.1 acres of dry-up for a total dry-up of 0.344 acres. The consumptive use from this 0.344 acres of dry-up is then changed to domestic, commercial, irrigation and augmentation purposes to replace the depletions from the well. The resulting credits shown in Table 3 are enough to replace the well CU in the months of May through October. The river calls on the North Fork usually occurs in the months of June through October. The No. 1 right in the Stewart Ditch is always in priority. The only non-irrigation season call that could occur on the North Fork of the Gunnison River is from the Redlands Canal. The applicant plans to purchase water from Blue Mesa Reservoir to replace the CU on the months of November through April. The applicant will obtain a contract from the USBR for 0.5 af of water, the minimum amount, prior the decree being signed. The detailed accounting of all CU calculations is contained in the 12/30/2020 Engineering Report by WRS, LLC. The applicant intends to amend the well permit for SJS Well once the decree is signed. **DELTA COUNTY**

CASE NO. 2021CW1; Applicant: Keith and Jeannie Loucks, 21777 Hamilton Rd, Eckert, CO 81418. Application for Absolute Surface Water Rights: Omega WDID 4000773 ditch – SW1/4SE1/4 of Section 31, T13S, R94W, 6th P.M., Easting: 244833, Northing: 4306666. Source: Surface Creek, Gunnison River. Appropriation Date: 11/3/1977. Amount Claimed: 0.50 cfs absolute for stockwater. **DELTA COUNTY**

CASE NO. 2021CW2; Applicants: Shawn and Jennifer Johnson, PO Box 123, Gunnison, CO 81230. Application for Change of Water Right: Bill Knox Pipeline – SW1/4NM1/4, Section 7, T49N, R2E. NMPM, Easting 342996.2, Northing 4265193.1, Zone 13. Source: Tomichi Creek, Gunnison River. Appropriation Date: 6/1/1965. Total Amount Decreed to Structure: 1.6000 cfs absolute for irrigation. Complete Statement of Change: Transition surface water rights to a submerged irrigation well on applicant's property. Applicants neglected to use surface water rights because distance and elevation change would necessitate a large pump system that is cost prohibitive to install and operate. Applicants feel a submerged pump is much more energy efficient. Amount claimed: 1.6000 cfs for irrigation. **GUNNISON COUNTY**

CASE NO. 2021CW3 (REF NO. 08CW28, 14CW3060); Daniel Bolton, 34879 Powell Mesa Rd, Hotchkiss, CO 81419. Application for Finding of Reasonable Diligence: Bolton Pond – NE1/4-NW1/4-NW1/4, Section 20, T14S, R92W, 6th P.M. Source: Jay Creek, Gunnison River. Appropriation Date: 3/6/2008. Amount claimed: 5.0 acre-feet conditional for irrigation of 4 acres, fish culture, stockwater, and fire protection. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2019CW3098; Applicants: Tri-County Water Conservancy District, 647 N. 7th St., Montrose, CO 81401, email: mike@tricountywater.org, telephone 970-249-3369; Ouray County,

Colorado, PO Box C, Ouray, CO 81427, email: chunt@ouraycountyco.gov, telephone 970-325-7263; Ouray County Water Users Association, 595 Sabeta Dr., Ridgway, CO 81432, email: juttenbeef@outlook.com, telephone 970-258-7197; Colorado River Water Conservation District, 201 Centennial St, PO Box 1120, Glenwood Springs, CO 81602, email amueller@crwcd.org, telephone 970-945-8522, **FIRST AMENDED COMBINED APPLICATION FOR CONDITIONAL WATER RIGHTS (SURFACE), ALTERNATE DIVERSION POINT, RESERVOIR USE ENLARGEMENT AND CONDITIONAL APPROPRIATIVE RIGHT OF EXCHANGE, AND STORAGE.** I. First Claim: Surface Diversion for the Cow Creek – Ridgway Reservoir Pipeline. Name of structure: Cow Creek - Ridgway Reservoir Pipeline; Legal description: See Exhibits B and C on file with the Court; Source: Cow Creek, Date of appropriation: November 20, 2019; How appropriation was initiated: On the ground site visit and survey by GPS by Engineer; Board of County Commissioners of Ouray County, Colorado (Ouray County) Resolution Dated December 10, 2019; Tri-County Water Conservancy District (TriCounty) Board of Directors Resolution dated November 20, 2019; Application in Division 4 Water Court; Ouray County Water Users Association (OCWUA) affirmative vote of its members on or about December 18, 2019 and the applicants' intent to and actual appropriation of the water contemplated in this application for beneficial purposes; Date water applied to beneficial use: N/A; Amount claimed in cubic feet per second: Conditional 20 cfs; List All Uses or Proposed Uses: Storage, Augmentation, Exchange, Piscatorial, Municipal, Irrigation, Domestic, Industrial, Commercial, Reuse, Aquifer Recharge, Streamflow Enhancement, Hydropower Generation and Augmentation, Aquatic life including improving water quality for aquatic habitat in cooperation with the Colorado Water Conservation Board; Number of acres historically irrigated 100,300 acres; proposed to be irrigated 100,300 acres. Only historically irrigated lands will be irrigated, as generally depicted on Exhibit D on file with the Court. The water claimed in this application will be used to supplement or augment historically irrigated lands, and lands of downstream senior water rights holders. Applicant intends to use this water right to supplement irrigation on an area of land already irrigated under another water right; Legal description of irrigated acreage is as shown on Exhibits C and D on file with the Court; Place of Use is Ouray County, Montrose County, and Delta County, as shown on Exhibit D on file with the Court; Names and addresses of owners or reputed owners of the land upon which the structures are located is as shown on Exhibit A on file with the Court. Remarks or any other pertinent information: Due to tunneling and potential geotechnical uncertainty, the applicants are requesting the point of diversion to be located along an approximately 2,000-foot reach of Cow Creek between two points as described above and shown on Exhibit C on file with the Court to allow flexibility in design and construction of the pipeline project to avoid future changes to the point of diversion. II. Second Claim: Alternate Points of Diversion for the Cow Creek – Ridgway Reservoir Pipeline Project. Name of structure: Cow Creek - Ridgway Reservoir Pipeline; Legal description of each point of diversion: The Alternative Points of Diversion for the Cow Creek Ridgway Reservoir Pipeline Project, including Ditch Name, Location, and Landowner are provided in Exhibits A, B and C on file with the Court. III. Third Claim: Ram's Horn Reservoir Use Enlargement. Name of Reservoir: Ram's Horn Reservoir; Legal description of location of dam centerline: See Exhibits B and C on file with the Court; Source: Cow Creek tributary to the Uncompahgre River; If filled from a ditch: N/A; Date of appropriation: November 20, 2019; How appropriation was initiated: On the ground site visit by Engineer to reservoir and dam vicinity, mapping of reservoir and dam site from high resolution LIDAR survey information, initial preliminary geotechnical evaluation; Board of County Commissioners of Ouray County, Colorado (Ouray County) Resolution Dated December 10, 2019; Tri-County Water Conservancy District (Tri-County) Board of Directors Resolution dated November 20, 2019; Application in Division 4 Water Court; Ouray County Water Users Association (OCWUA) affirmative vote of its members on or about December 18, 2019 and the applicants' intent to and actual appropriation of the water contemplated in this application for beneficial purposes; Date water applied to beneficial use: N/A; Amount claimed: Conditional 25,349.15 (acre feet); List All

Uses or Proposed Uses: In addition to the currently decreed conditional uses of: Irrigation, Domestic, Municipal, Industrial and Flood Control, the applicants request a 2019 priority for the following additional uses: Flow Stabilization, Augmentation, Exchange, Aquifer Recharge, Reuse, Streamflow Enhancement and Augmentation (for aquatic life including improving water quality for aquatic habitat predicated upon approval from the Colorado Water Conservation Board) and Piscatorial Use in the Reservoir. These uses are limited by the terms of prior diligence decrees; Number of acres historically irrigated 100,300 acres; proposed to be irrigated 100,300 acres; Applicant intends to use this water right to supplement irrigation on an area of land already irrigated under another water right; Legal description of irrigated acreage. Irrigation within the Tri-Counties of Ouray, Montrose, and Delta is already a decreed use. Applicants seek, in the alternative, a 2019 water right for irrigation in Ouray, Montrose, and Delta Counties through direct reservoir release, augmentation or exchange. The water right decreed herein will be used throughout Ouray County for augmentation, exchange, irrigation, domestic, and municipal uses. See Exhibit D on file with the Court; Surface area of highwater line: 10,247,500 Square Feet; Vertical height of dam: 260 (feet); Length of dam: 720 (Lidar Data) feet. Dam height and length are approximate and subject to change based on final design and construction requirements; Total capacity of reservoir 25,349.15 (acre feet); Names and addresses of owners or reputed owners of the land upon which the structures are located is as shown on Exhibit A on file with the Court. IV. Fourth Claim: Conditional Appropriative Right of Exchange. Applicant seeks three appropriative rights of exchange: A. The Cow Creek Exchange located on Cow Creek between the upstream terminus at Ram's Horn Reservoir and the downstream terminus located at the confluence of Cow Creek and the Uncompahgre River; B. The Uncompahgre River Exchange located on the Uncompahgre River between the upstream terminus at the confluence of Canyon Creek and the Uncompahgre River (City of Ouray) and the downstream terminus at confluence of Cow Creek and the Uncompahgre River; and C. Dallas Creek Exchange located on Dallas Creek from the upstream terminus at the confluence of the East and West Forks of Dallas Creek and the downstream terminus at the confluence of Dallas Creek and the Uncompahgre River. The locations of the exchanges are shown on see Exhibit E on file with the Court and the exchange upstream and downstream termini are described in Exhibit B on file with the Court. The purpose of the exchanges are to allow the out-of-priority diversion, withdrawal, depletion, and storage of water for structures located in the Cow Creek, Upper Uncompahgre and Dallas Creek Basins by releasing water from Ridgway Reservoir and/or Ram's Horn Reservoir as a substitute source for water rights calls emanating from structures located downstream of the confluence of Cow Creek and the Uncompahgre River; The flow rates of the Exchanges are as follows: A. Cow Creek Exchange is 30 cfs conditional; B. Uncompahgre River Exchange is 174 cfs conditional; C. Dallas Creek Exchange is 35 cfs conditional; The appropriation date of the exchange: 11/20/2019; How appropriation was initiated: On the ground site visits by Engineer; Board of County; Commissioners of Ouray County, Colorado (Ouray County) Resolution Dated December 10, 2019; Tri-County Water Conservancy District (Tri-County) Board of Directors Resolution dated November 20, 2019; Application in Division 4 Water Court; Ouray County Water Users Association (OCWUA) affirmative vote of its members on or about December 18, 2019 and the applicants' intent to and actual appropriation of the water contemplated in this application for beneficial purposes. V. Fifth Claim: Storage of Water from Cow Creek Ditch and Pipeline in Ridgway Reservoir. Applicants seek a storage right in Ridgway Reservoir; See Exhibit B and C for legal description of dam centerline. The source is water diverted from Cow Creek or delivered from the Cow Creek Ditch and Pipeline and associated points of diversion. The date appropriated was November 20, 2019. How appropriation was initiated: On the ground site visits by Engineer; Board of County; Commissioners of Ouray County, Colorado (Ouray County) Resolution Dated December 10, 2019; Tri-County Water Conservancy District (Tri-County) Board of Directors Resolution dated November 20, 2019; Application in Division 4 Water Court; Ouray County Water Users Association (OCWUA) affirmative vote of its members on or about December 18, 2019 and

the applicants' intent to and actual appropriation of the water contemplated in this application for beneficial purposes. The amount claimed is conditional 13,750 AF and if filled from a ditch, conditional 20 cfs for Storage, Augmentation, Exchange, Piscatorial, Municipal, Irrigation, Domestic, Industrial, Commercial, Reuse, Aquifer Recharge, Streamflow Enhancement, Hydropower Generation and Augmentation, Recreation, Carry-over storage, Releases to satisfy downstream senior water rights during times of call, Aquatic life including improving water quality for aquatic habitat in cooperation with the Colorado Water Conservation Board. **DELTA, MONTROSE, AND OURAY COUNTIES.**

CASE NO. 2021CW3000; Delta County – Gunnison River; Fran Jessup; c/o John R. Pierce, Dufford Waldeck, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; **APPLICATION FOR FINDING OF REASONABLE DILIGENCE;** Name, address, and telephone number of applicant: Fran Jessup, 522 Riverview Drive, Grand Junction, CO 81507; (970) 985-9866; Introduction: In Case No. 2006CW236, Applicant obtained conditional right for the Cedaredge Homefront Well Nos. 1 and 2, as well as approval of a plan for augmentation to offset out-of-priority depletions from a planned 10-lot subdivision. Applicant has reduced her development plans and the Division of Water Resources has issued a domestic exempt well permit for the Cedaredge Homefront Well No. 1 pursuant to C.R.S. § 37-92-602(3)(b)(II)(A) to serve three residential lots (Well Permit No. 267681). The Division of Water Resources has recently reconfirmed that Well No. 1 can continue to operate as a domestic exempt well to provide water to three lots within the subdivision. Based on that confirmation, Applicant does not seek a finding of diligence regarding Well No. 1 and consents to the cancellation of the conditional right associated with that structure. Applicant does intend to pursue construction of the Cedaredge Homefront Well No. 2, however, and requests a finding of diligence for that structure below; Request for finding of diligence: Name of structure: Cedaredge Homefront Well No. 2; Permit No. 271423; Describe conditional water right: Date of Original Decree: July 24, 2008; Case No. 06CW26; Division 4; List all subsequent decrees awarding findings of diligence: 2014CW3050; Legal description: NE/4 NW/4 NE/4 of Section 19, T13S, R94W, 6th P.M., at a point 320 feet south of the north section line and 1816 feet west of the east section line in Section 19; Source of water: Groundwater tributary to Happy Hollow Creek, tributary to the Gunnison River; Appropriation Date: November 8, 2006; Amount: 15 gpm conditional, not to exceed 5.124 a.f. annually; Use: Domestic including lawn irrigation, stock, and fire suppression; Depth: (if well): 150 feet; 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: Well No. 2 has been constructed and is currently capped pending the development of the additional lots within the subdivision. (4 pages) **DELTA COUNTY**

CASE NO. 2021CW3001; Montrose County. Horsefly Creek, trib. of the San Miguel River. **Application for Finding of Reasonable Diligence and to Make Absolute, in Part.** Applicant: Eldred Colorado Family, LP, c/o Sara M. Dunn and Charles R. Goodson, Balcomb & Green, P.C. Structure: **Finch Reservoir**, a cond. storage right. Orig. Decree: Case No. W-1359 entered by the District Court, Water Div. No. 4 on 2/16/1973. Subsequent Decrees Finding Reasonable Diligence: Cases No. W-1359(78), 82CW310, 87CW86, 93CW77, 00CW112, 06CW77, 14CW3069 and 19CW3085, Water Div. No. 4. Applicant obtained approval of three alternate pts. of storage for Finch Reservoir in Case No. 07CW216, Div. 4 Water Court, on 7/6/2009. The alternate pts. of storage included Esperanza Pond located on the Middle Fork of Horsefly Creek in the amt. of 40 AF, the Middle Fork Reservoir located on the Middle Fork Horsefly Creek in the amt. of 960 AF, and Spirit Reservoir located on the S. Fork Horsefly Creek in the amt. of 1,000 AF. Applicant obtained approval of two alternate pts. of storage for Finch Reservoir in Case No. 08CW193, Div. 4 Water Court, on 11/18/2013. The alternate pts. of storage included 178 AF (combined) in Hofmann Reservoir No. 16, Finch Reservoir Enlargement and Hofmann Reservoir

No. 17, Finch Reservoir Enlargement, off-channel reservoirs filled with the Hofmann Reservoir Nos. 16/17 Ditch diverting from the Middle Fork Horsefly Creek. The Court determined that the Applicant had made 40 AF of the Finch Reservoir cond. water right absolute for piscatorial, irr. and rec. uses through the construction and filling of Esperanza Pond in Case No. 14CW3069, Div. 4 Water Court, entered 1/12/2015. The Court determined that the Applicant had made 15.5 AF of the Finch Reservoir cond. water right absolute for dom., irr., pisc. and rec. uses through the construction and storage of water at the Middle Fork Reservoir, Alternate Place of Storage No. 1 in Case No. 19CW3009, Div. 4 Water Court, entered 8/5/2019. Legal Description of Location of Dam: Orig. Place of Storage: The initial pt. of the dam is located at a pt. in the SE1/4, NE1/4, Sec. 35, T. 46 N., R. 11 W., N.M.P.M. whence the N.E. corner of said Sec. 35 bears N. 5° 32' E. 2,098 ft. from the initial pt. of the dam. The dam is located in the SE1/4 NE1/4 and the NE1/4 SE1/4 in said Sec. 35, and the W1/2 NW1/4 of Sec. 36, T. 46 N., R. 11 W., N.M.P.M., Montrose County, Colorado. Legal Description of Alternate Pts. of Storage: Esperanza Pond: NE1/4 NW1/4, Sec. 32, T. 46 N., R. 10 W., N.M.P.M. The location of the dam is 4,640 ft. from the S. Sec. Line and 2,860 ft. from the E. Sec. Line of said Sec. 32. Middle Fork Reservoir: SE1/4 NE1/4, Sec. 32, T. 46 N., R. 10 W., N.M.P.M. The location of the dam is 1,460 ft. from the N. Sec. Line and 120 ft. from the E. Sec. Line of said Sec. 32. Middle Fork Reservoir, Alternate Place of Storage No. 1: SW1/4 NW1/4 NW1/4 of Sec. 33, T. 46 N., R. 10 W., N.M.P.M., at a pt. 1,315 ft. from the N. Sec. Line and 405 ft. from the W. Sec. Line (Zone 13, NAD83, Easting 0238810m, Northing 4232272m). Spirit Reservoir: SW1/4, SE1/4, Sec. 32, T. 46 N., R. 10 W., N.M.P.M. The location of the dam at creek is 550 ft. from the S. Sec. Line and 2,425 ft. from the E. Sec. Line of said Sec. 32. Hofmann Reservoir No. 16, Finch Reservoir Enlargement: The S.E. end of the reservoir at the inflow pt. for the Hofmann Reservoir Nos. 16/17 Ditch is described as the SW1/4 NW1/4 SW1/4 of Sec. 34, T. 46 N., R. 10 W., N.M.P.M., 1,630 ft. from the S. Sec. Line and 420 ft. from the W. Sec. Line of said Sec. 34. GPS location coordinates in NAD 83: 13 S 240425, 4231502 (pts. were averaged; Garmin Map 76CS). The Hofmann Reservoir No. 16 was orig. decreed in Civil Action 5882, District Court, Montrose County. The Court corrected the legal description of the Hofmann Reservoir No. 16 to its actual location in Case No. 05CW272, District Court, Water Div. 4. Hofmann Reservoir No. 17, Finch Reservoir Enlargement: The S. end of the reservoir is described as the NW1/4 SE1/4 SE1/4 of Sec. 33, T. 46 N., R. 10 W., N.M.P.M., 1,150 ft. from the S. Sec. Line and 720 ft. from the E. Sec. Line of said Sec. 33. GPS location coordinates in NAD 83: 13 S 240064, 4231374 (pts. were averaged; Garmin Map 76CS). The Hofmann Reservoir 17 was orig. decreed in Civil Action 5882, District Court, Montrose County. The Court corrected the legal description of the Hofmann Reservoir No. 17 to its actual location in Case No. 05CW272. Sources: Orig. Place of Storage: Horsefly Creek and all tributaries trib. to Horsefly Creek, trib. to the San Miguel River, and Clear Creek through the Finch Reservoir Feeder Ditch. Esperanza Pond: Middle Fork Horsefly, Creek, trib. to Horsefly Creek, trib. to San Miguel River. Middle Fork Reservoir: Middle Fork Horsefly, Creek, trib. to Horsefly Creek, trib. to San Miguel River. Spirit Reservoir: S. Fork Horsefly, Creek, trib. to Horsefly Creek, trib. to San Miguel River. Hofmann Reservoir No. 16, Finch Reservoir Enlargement: Middle Fork Horsefly, Creek, trib. to Horsefly Creek, trib. to San Miguel River through the Hofmann Reservoir Nos. 16/17 Ditch. Hofmann Reservoir No. 17, Finch Reservoir Enlargement: Middle Fork Horsefly, Creek, trib. to Horsefly Creek, trib. to San Miguel River through the Hofmann Reservoir Nos. 16/17 Ditch. Approp. Date: 11/1/1971. Amt.: 21,844.5 AF, cond., with the right to fill and re-fill when water is physically and legally available. The alternate pts. of storage amts. include: 40 AF in Esperanza Pond, 960 AF in the Middle Fork Reservoir, 1,000 AF in Spirit Reservoir, and 178 AF cumulative in Hofmann Reservoir No. 16, Finch Enlargement and Hofmann Reservoir No. 17, Finch Enlargement. Uses: Dom., pisc., irr. and rec. purposes. Name of Structure: **Finch Reservoir Feeder Ditch**, a cond. storage right. Orig. Decree: Case No. W-3286 entered by the District Court, Water Div. No. 4 on 12/30/1977. Subsequent Decrees: Case Nos. 82CW95, 86CW168, 92CW188, 99CW148, 06CW77 and 14CW3069, District Court, Water Div. 4. Legal Description:

The Finch Reservoir Feeder Ditch diverts from the S.E. bank of Clear Creek at a pt. whence the S.W. corner of Sec. 22, T. 46 N., R. 11 W. of the N.M.P.M., Montrose County, Colorado, bears S. 37° 30' W. 7,500 ft. The Finch Reservoir Feeder Ditch then proceeds to the Finch Reservoir, intercepting surface runoff and flows, including but not limited to the following four drainages: Drainage No. 1: at a pt. whence the S.W. corner of Sec. 22, T. 46 N., R. 11 W. of the N.M.P.M., Montrose County, Colorado, bears S. 48° 30' W. 5,900 ft. Drainage No. 2: at a pt. whence the S.W. corner of Sec. 22, T. 46 N., R. 11 W. of the N.M.P.M., Montrose County, Colorado, bears S. 72° W. 3,600 ft. Drainage No. 3: at a pt. whence the S.E. corner of Sec. 26, T. 46 N., R. 11 W. of the N.M.P.M., Montrose County, Colorado, bears S. 66° 30' E. 5,450 ft. Drainage No. 4: at a pt. whence the S.E. corner of Sec. 26, T. 46 N., R. 11 W. of the N.M.P.M., Montrose County, Colorado, bears S. 66 deg. 30' E. 2,250 ft. Source: Clear Creek, surface run-off and intervening drainages trib. to Horsefly Creek, trib. to the San Miguel River. Approp. Date: 7/5/1977. Amt.: 31.0 cfs, cond. Use: Power generation, dom., piscatorial, rec. and irr., and for the filling of the Finch Reservoir. Integrated System: The cond. water rights described herein are individual components of Applicant's integrated water supply system. Consequently, in diligence proceedings, work on any one feature of Applicant's supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of Applicant's water supply system. See C.R.S. § 37-92-301(4)(b). In the diligence period preceding the filing of this application, Applicant has diligently pursued development of the subject cond. water rights. A detailed outline of what has been done toward completion or for completion of the approp. and application of water to a beneficial use as cond. decreed, including expenditures, is on file with this court. Claim to Make Absolute: Applicant requests that 40 AF stored in Esperanza Pond be made absolute for all uses decreed to Finch Reservoir in W-1359 including dom., pisc., irr. and rec. purposes. In Case No. 14CW3069, the Court determined that 40 AF had been made absolute by construction and operation of Esperanza Pond in 2007 and 2008 for pisc., irr. and rec. purposes. Pursuant to C.R.S. 37-92-301(4)(e) Applicant claims all remaining cond. amts. for all uses within Esperanza Pond. Date Water Applied to Beneficial Use: 1/31/2015. This reservoir fills every year between January and February depending on climatic conditions. Name and address of owner of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. **MONTROSE COUNTY**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of March, 2021 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