

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 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:

**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. 2021CW23.** Applicant: Jeffory P Crane, 29163 Stingley Gulch Rd., Hotchkiss, CO 81419. Application for Absolute Storage and Surface Water Right and Application for Approval of Plan for Augmentation. APPLICATION FOR ABSOLUTE STORAGE WATER RIGHT: Cedar Pond – SE1/4NE1/4 of Section 19, T14S, R93W, 6<sup>th</sup> P.M., Easting 255204.3, Northing 430123.6, Zone 13, 1041 feet from the North Section Line and 250 feet from the East Section Line. Source: Cedar Gulch, Gunnison River. Appropriation Date: 08/29/2005. Amount Claimed: 1.50-acre feet absolute for irrigation of 5 acres, wildlife, stockwater, and recreation. APPLICATION FOR ABSOLUTE SURFACE WATER RIGHT: Crane Diversion – NW1/4SE1/4 of Section 18, T14S, R93W, 6<sup>th</sup> P.M., Easting 254994.5, Northing 4301712.1, Zone 13. Source: Cedar Gulch, Gunnison River. Appropriation Date: 09/01/2021. Amount Claimed: 30 gpm absolute for domestic and hydropower. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION: Crane Diversion – Location of structure described above. Water rights to be used for augmentation: 30 gpm as described above. Appropriation Date: 09/01/2021. Complete statement of plan of augmentation: Daily indoor household use is estimated to be 350 gallon/day per dwelling unit resulting in a total annual diversion for indoor household use of 0.39205 acre-feet. Dwelling units with non-evaporative sewage disposal systems have a consumptive use equal to 10% of the diversion (source: Upper Gunnison Water Conservancy District). The assumed amount to be augmented from consumptive uses is 35 gallons/day anytime there is a call. This augmentation plan will replace both consumptive and pond evaporative uses with releases from Cedar Pond. Cedar Pond operates with an Agri-Drain system that allows releases from the pond in 6-inch increments with drop boards. Traditional calls have been implemented by Hotchkiss Ranches usually starting at the end of June and continuing on until the end of September. Calculations filed with the application indicate pulling 3 to 4 boards during the 3-month call, one per month, will satisfy depletions from Cedar Gulch. **DELTA COUNTY.**

**CASE NO. 2021CW24 (REF NO. 08CW188, 15CW20).** Applicant: Ronald Shull, 1680 Ash Mesa Rd., Delta, CO 81416. Application for Finding of Reasonable Diligence: Shull Tailwater Diversion No 3 – NW1/4SW1/4NW1/4 of Section 18, T51N, R10W, NMPM. 1,707 feet from the north line and 401 feet from the west section line. Source: Uncompahgre River. Appropriation Date: 10/07/2008. Amount Claimed: 0.12 c.f.s.

conditional for supplemental irrigation of 4.78 acres, stockwater and wildlife. The application on file with the Water Court contains and outline of the work performed during the diligence period. **DELTA COUNTY.**

**CASE NO. 2021CW25.** Applicants: Doug Beach, 219 Country Club Park Rd., Grand Junction, CO 81507. Application for Absolute Surface Water Rights: Beach Spring #1 – NW1/4NW1/4 of Section 6, T13S, R88W, 6<sup>TH</sup> PM. Easting 302828, Northing 4314754, Zone 13. Source: Anthracite Creek, Gunnison River. Appropriation Date: 09/05/2021. Amount Claimed: 5 gpm absolute for livestock and wildlife. **GUNNISON COUNTY.**

**CASE NO. 2021CW26 (REF NO. 15CW10, 08CW108).** Applicant: Danny Eubanks, 36 miles Street, Many, LA 71449. Application for Finding of Reasonable Diligence: Eubanks Wastewater Ditch No. 1 – SE1/4SE1/4NE1/4 of Section 11, T13S, R89W, 6<sup>th</sup> PM. 2,195 feet south of the north section line and 22 feet west of the east section line. Eubanks Wastewater Ditch No. 2 – SE1/4SE1/4NE1/4 of Section 11, T13S, R89W, 6<sup>th</sup> PM. 2,593 feet south the north section line and 159 feet west of the east section line. Source: Anthracite Creek, North Fork of the Gunnison River. Appropriation Date: 09/16/2008. Amount Claimed: .50 c.f.s. conditional for irrigation of 10 acres for each Ditch. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.**

**CASE NO. 2021CW27.** Applicants: James Grady and Suzanne Hoest, 2549 G ½ Road, Grand Junction, CO 81505. Application for Conditional Surface Water Rights: Hannah's Spring – SE1/4NE1/4 of Section 9, T49N, R6W, NMPM. Easting 278704, Northing 4267399, Zone 13. Source: Cottonwood Creek, Crystal Creek, Gunnison River. Appropriation Date: 8/20/2021. Amount Claimed: 15 gpm conditional for wildlife, livestock and seasonal/recreational domestic. Pete's Spring – SE1/4NE1/4 of Section 9, T49N, R6W, NMPM. Easting 278712, Northing 4267553, Zone 13. Source: Cottonwood Creek, Crystal Creek, Gunnison River. Appropriation Date: 8/20/2021. Amount Claimed: 15 gpm conditional for wildlife, livestock and seasonal/recreational domestic. **MONTROSE COUNTY.**

**CASE NO. 2021CW28 (REF NO. 15CW9, 08CW104, 02CW12, 95CW136).** Applicants: Don and Kay Phillips, 534 S. 7<sup>th</sup> St., Montrose, CO 81401 and Doug and Janey Phillips, 68306 Sunset Drive, Montrose, CO 81403. Application for Finding of Reasonable Diligence: Phillips Spring - 675 feet west of the east section line and 690 feet south of the north section line of Section 9, T47N, R7W, NMPM. Source: Beaton Creek, Uncompahgre River. Appropriation Date: 09/26/1995. Amount Claimed: .03 c.f.s. conditional for domestic and wildlife uses. The application on file with the Water Court contains an outline of the work performed during the diligence period. **MONTROSE COUNTY.**

**CASE NO. 2021CW29.** Applicant: Simon DeHerrera, 35332 Hanson Mesa Rd., Hotchkiss, CO 81419. Application for Conditional Surface Water Rights: Hannah Spring - NW1/4SE1/4 of Section 20, T14S, R92W, 6<sup>TH</sup> PM. Easting 266184.4, Northing 4299970.5, Zone 13. Source: North Fork Gunnison River. Appropriation Date: 09/30/2021. Amount Claimed: 0.15 cfs conditional for stockwater, domestic, irrigation of garden and yard, and fire protection. **DELTA COUNTY.**

**CASE NO. 2021CW30.** Applicants: Jeff and Mary Roop, PO Box 655, Paonia, CO 81428. Application for Absolute Surface Water Rights: Roop Spring – SE1/4SE1/4 of Section 15, T50N, R6W, NMPM. Easting 280463, Northing 4274468, Zone 13. Source: Alkali Creek, Iron Creek, Muddy Creek, Smith Fork, Gunnison River. Appropriation Date: 07/23/2021. Amount Claimed: 15 gpm absolute for domestic and irrigation of 1.58 acres. **MONTROSE COUNTY.**

**CASE NO. 2021CW3044 – ADDITIONAL TIME GRANTED FOR STATUS.**

**CASE NO. 2021CW3045** MONTROSE COUNTY 1. Waterfall Canyon LLC and Matthew J. Miles, by David J. Skarka, P.O. Box 38, Delta CO 81416, 970-874-9777. APPLICATION FOR UNDERGROUND WATER RIGHTS, SURFACE WATER RIGHTS, STORAGE WATER RIGHTS, AND FOR APPROVAL OF A PLAN FOR AUGMENTATION 2. Name of Structures: Surface Water Right: **E. L. Osborn Ditch Enlargement**; Storage Water Rights: **Waterfall Canyon Ponds A, B, C, and D**, Underground Water Rights: **Waterfall Canyon Pit Wells E, F, G, and H.** 3. Legal Description of ditch and well locations: All are or will be located within Waterfall Canyon Subdivision, in Section 32, Township 49 North, Range 9 West NMPM. E. L. Osborn Ditch headgate is in the SE1/4SW1/4, at a point 1631 feet east of the west section line and 459 feet north of the south section line. Pond A will be in the NE1/4SW1/4, UTM easting 246635, Northing 4261323. Pond B will be in the NE1/4SW1/4, UTM easting 246637, Northing 4261520. Pond C will be in the SE1/4NW1/4, UTM easting 246652, Northing 4261774. Pond D will be in the SE1/4NW1/4, UTM easting 246644, Northing 4261978. Pit Well E will be in the NW1/4SE1/4, UTM easting 246813, Northing 4261393. Pit Well F will be in the NW1/4SE1/4, UTM easting 246827, Northing 4261530. Pit Well G is in the NW1/4SE1/4, UTM easting 246827, Northing 4261655. Pit Well H is in the NE1/4NW1/4, UTM easting 246507, Northing 4262131. 4. Date of Appropriation: May 1, 2005 5. Amount: E. L. Osborn Ditch Enlargement, 3.95 c.f.s. Total ponds and pit wells 19.165 acre-feet 6. Uses: E. L. Osborn Ditch Enlargement: recreation, wildlife, evaporation, fish culture, and the filling and refreshing of the ponds and pit wells. All Ponds and Wells: landscaping irrigation, recreation, wildlife water, fish culture and evaporation in the Waterfall Canyon Subdivision; all uses conditional. No additional water is sought from the E. L. Osborn Ditch, just additional uses. 7. Source of Water: Happy Canyon Creek, tributary to the Uncompahgre River; groundwater tributary to Happy Canyon Creek. 8. Water right to be used for augmentation: Applicants' interest in the Uncompahgre Valley Water Users Association system; contract with the Bureau of Reclamation for water stored in Blue Mesa Reservoir; 9. Statement of the Plan for Augmentation: The ponds and pit wells will impact the system by evaporation totaling 19.165 acre-feet per year; to the extent that they are or will be also used as storage facilities for the irrigation of lawn and landscaping, that use is pursuant to the decrees for the E. L. Osborn Ditch and the UWVUA shares owned by Applicants. Some of the evaporation occurs during times when there is no historic call. Applicants propose to compensate the stream for the evaporation loss during all times of historic call by using the water represented by 3.58 shares of the Uncompahgre Valley Water Users Association in the irrigation season (producing 0.045 c.f.s., total of 15.381 acre feet), and 2.0 acre-feet of water leased from the United States by contract with the Bureau of Reclamation from Blue Mesa Reservoir in the non-irrigation season. These waters will be delivered to the Uncompahgre River above all the potential senior calling rights, as deemed necessary by the Division Engineer. If the augmentation plan is operated according these, then no injury will occur to any downstream water rights. **MONTROSE COUNTY.**

**CASE NO. 2021CW3046 MONTROSE COUNTY** 1. Applicants: **Donald E. LaBarr**, 18549 6600 Road, Montrose, CO 81403, (970) 640-3246 by Clay, Dodson & Skarka, PLLC, 415 Palmer St., Delta CO 81416, 970-874-9777 and **Uncompahgre Valley Water Users Association**, Steve Anderson, Manager, 801 N. Park Street, Montrose, CO 81401 (970) 249-3813, by Devor Plumhoff LLC, 130 N. Park Ave., Montrose, CO 81401. APPLICATION TO MAKE ABSOLUTE THE LABARR – UVWUA HORSEFLY EXCHANGE 2. Name of Structures: **Fansher Horsefly Ditch No. 1 and LaBarr Ditch No. 1**, 3. Date of Original Decrees: Fansher Horsefly Ditch No. 1: October 26, 1933, Case No. CA6466, Montrose County District Court; LaBarr Ditch No. 1: December 16, 1976, Case W-2799. Court: Water Division 4. Legal description of points of diversion for both ditches: SE/4 SE/4 NW/4 of Section 22, Township 48 North, Range 9 West, NMPM at a point 2053 feet from the north section line and 2582 feet from the west section line (Easting 0251566m, Northing 4254185m, Zone 13, NAD83). 5. Dates of Appropriation: Fansher Horsefly Ditch No. 1: April 1, 1889; LaBarr Ditch No 1.: April 29, 1976. 6. Amount: Fansher Horsefly Ditch No. 1: 1.25 c.f.s.; LaBarr Ditch No 1.: 1.75 c.f.s. 7. Use: Irrigation. 8. Source of Water: Horsefly Creek, Tributary to the Uncompahgre River. 10: Date Plan of Exchange Conditionally Approved: August 13, 2015, Case No. 2015CW3020. 11. Action taken to complete Plan of Exchange: An Uncompahgre Valley Water Users Association canal, the CB Lateral, is piped across Horsefly Creek just downstream of the point of diversion of the Fansher Horsefly Ditch No. 1 / LaBarr Ditch No. 1. Pursuant to the Plan of Exchange conditionally approved on August 13, 2015, the Uncompahgre Valley Water Users Association delivers to Applicant LaBarr 1.25 c.f.s of water from the CB Lateral at such times as the water would have been available under the Fansher Horsefly Ditch No. 1 priority, and the 1.75 c.f.s. at such times as the water would have been available under the LaBarr Ditch No. 1 priority. This exchange is accommodated by Uncompahgre Valley Water Users Association diverting 3.0 c.f.s. of water, imported into the Uncompahgre Basin via the Gunnison Tunnel, into the Montrose and Delta Canal, replacing it by water bypassed at the Loutzenhizer Canal. Both structures take water from the Uncompahgre River. No change of use was sought and no change of use has occurred. No injury to other users can be seen by the LaBarr – UVWUA Horsefly Exchange. The upper and lower termini of the Exchange, the headgates of the Montrose and Delta Canal and the confluence of Horsefly Creek and the Uncompahgre River, are both within Township 48 North, Range 9 West, NMPM as follows: Upper: SE/4 SW/4 SE/4 of Section 23; Easting 0253407 Northing 4253157; 26 ft. South and 1850 ft. East of the section line; Lower: NW/4 NW/4 SW/4 of Section 10; Easting 0250869 Northing 4257072; 2040 ft. South and 59 ft. West of the section line. Applicants have operated the exchange in accordance with its terms and are thus entitled to make the exchange Absolute. **MONTROSE COUNTY.**

**CASE NO. 2021CW3047 OURAY COUNTY** 1. Applicant Tri-County Water Conservancy District, P.O. Box 347, Montrose CO 81402, 970-249-3369, a political subdivision of the State of Colorado, by Aaron R. Clay, P.O. Box 38, Delta CO 81416, 970-874-9777. APPLICATION FOR FINDING OF REASONABLE DILIGENCE 2. Name of Structures: Ram's Horn Reservoir and Dallas Divide Reservoir. 3. Date of Original Decree: Decree entered in case CA 2440 on April 14, 1961, latest continued diligence decree entered in case 2014CW3015. Court: Water Division No. 4. 4. Legal Description of decreed point of diversion: Ram's Horn Reservoir is proposed to be located at a point whence the northwest corner of Section 9, Township 45 North, Range 7 West, N.M.P.M. bears North 10°03' West 13,438 feet. Dallas Divide Reservoir is proposed to be located at a point whence the southwest corner of Section 14, Township 45 North, Range 10 West,

N.M.P.M. bears South 84°18' West 8,010 feet. 5. Date of Appropriation: November 16, 1956, as part of the Dallas Creek Project. Priorities 48 and 49, 5<sup>th</sup> adjudication. 6. Amounts: Ram's Horn Reservoir 25,349.14 acre-feet; Dallas Divide Reservoir 14,089.16 acre-feet. 7. Uses: irrigation, domestic, municipal, industrial, and flood control. 8. Source of Water: Cow Creek; Dallas Creek, both tributary to the Uncompahgre River. 9. 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: During the period from April 2014 to July 2021, Applicant has extended main lines, sold domestic water taps, and operated and maintained the Ridgway Dam. Site specific to the two reservoirs claimed in this Application, in the prior diligence period Applicant has entered into an agreement with Ouray County to cooperatively develop either or both of the Reservoirs. Together, they engaged Wright Water Engineers to do an analysis of the water needs in Ouray County. This analysis concluded that more storage of water is needed. Either or both Reservoirs would help provide such storage. Ram's Horn Reservoir is the subject of pending water court case 2019CW3098. **OURAY COUNTY.**

**CASE NO. 2021CW3048 (15CW3017) (07CW217) APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN GUNNISON COUNTY** 1. Name, address and telephone number of Applicant: Family Fishing, LLC, 70 Bristlecone Trail, Lot 15, Almont, CO 80210, (970) 641-3176 c/o David S. Hayes, Hayes Poznanovic Korver, LLC, 1999 Broadway, Suite 3200, Denver, CO 80202, (303) 825-1980, [dhayes@hpkwaterlaw.com](mailto:dhayes@hpkwaterlaw.com). 2. Description of Conditional Appropriative Right of Exchange A. Name of Water Right: Meridian Lake-CCR Well Lot 15 (the "Exchange"). B. Prior Decrees: The original decree adjudicating the Exchange was entered on March 23, 2009, in Case No. 07CW217, by the District Court, Water Division No. 4, State of Colorado. Diligence has been maintained for the Exchange by decree of the District Court for Water Division No. 4 entered in Case No. 15CW3017 on September 3, 2015. C. Legal Description: SW1/4SE1/4 Section 16, NE1/4NE1/4SE1/4 Section 21 and SW1/4NW1/4SW1/4 Section 22, Township 13 South, Range 86 West, 6<sup>th</sup> P.M., down the Slate and East Rivers to Almont thence up the Taylor River to Meridian Lake-CCR Well Lot 15 located in the SW1/4NW1/4 Section 9, Township 15 South, Range 83 West, 6<sup>th</sup> P.M. at a point 2600 feet from the north line and 330 feet from the west line of said Section 9. D. Description of Exchange: The Exchange operates by releasing water from Meridian Lake pursuant to the Upper Gunnison River Water Conservancy District Class D Augmentation Certificate into the Slate River and allowed to flow down the Slate and East Rivers to Almont and then up the Taylor River to Meridian Lake-CCR Well Lot 15. E. Appropriation Date: November 15, 2007. F. Amount: 0.033 c.f.s., conditional. G. Use: Augmentation of well permitted as No. 66595. 3. Evidence of reasonable diligence: During the applicable diligence period for the Exchange, the Applicant has taken steps to diligently develop the conditional right of exchange, including, without limitation, the activities listed in the Application. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. The Exchange was not needed because there was no downstream call during the diligence period. 4. Can and Will. The conditional Exchange can and will be diverted, stored, or otherwise captured, possessed, and controlled, and will be beneficially used, with diligence in a reasonable time. C.R.S. §37-92-305(9)(b). 5. Name(s) and address(es) of owner(s) or reputed owners 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: CCR Well Lot 15 is located on land owned by Applicant. WHEREFORE, Applicant respectfully requests that this Court enter a decree finding reasonable diligence for and continuing in full force and effect the conditional right of exchange for CCR Well Lot 15; and granting such other relief to the Applicant as the Court deems just and proper.  
**GUNNISON COUNTY.**

**CASE NO. 2021CW3049 (15CW3019) (07CW218) APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN GUNNISON COUNTY** 1. Name, address, and telephone number of Applicant: Taylor Rio, LLC, P.O. Box 193809, San Francisco, CA 94119, (970) 642-1130. c/o David S. Hayes, Hayes Poznanovic Korver, LLC, 1999 Broadway, Suite 3200, Denver, CO 80202, (303) 825-1980, [dhayes@hpkwaterlaw.com](mailto:dhayes@hpkwaterlaw.com). 2. Description of Conditional Appropriative Right of Exchange A. Name of Water Right: Meridian Lake-CCR Well Lot 16 (the "Exchange"). B. Prior Decrees: The original decree adjudicating the Exchange was entered on March 23, 2009, in Case No. 07CW218, by the District Court, Water Division No. 4, State of Colorado. Diligence has been maintained for the Exchange by decree of the District Court for Water Division No. 4 entered in Case No. 15CW3019 on September 3, 2015. C. Legal Description: SW1/4SE1/4 Section 16, NE1/4NE1/4SE1/4 Section 21 and SW1/4NW1/4SW1/4 Section 22, Township 13 South, Range 86 West, 6<sup>th</sup> P.M., down the Slate and East Rivers to Almont thence up the Taylor River to Meridian Lake-CCR Well Lot 16 located in the SE1/4NW1/4 Section 9, Township 15 South, Range 83 West, 6<sup>th</sup> P.M. at a point 2838 feet from the south line and 1965 feet from the west line of said Section 9. D. Description of Exchange: The Exchange operates by releasing water from Meridian Lake pursuant to the Upper Gunnison River Water Conservancy District Class D Augmentation Certificate into the Slate River and allowed to flow down the Slate and East Rivers to Almont and then up the Taylor River to Meridian Lake-CCR Well Lot 16. E. Appropriation Date: October 15, 2007. F. Amount: 0.033 c.f.s., conditional. G. Use: Augmentation of well permitted as No. 68916-F. 3. Evidence of reasonable diligence: During the applicable diligence period for the Exchange, the Applicant has taken steps to diligently develop the conditional right of exchange, including, without limitation, the activities listed in the Application, available for inspection at the office of the Water Clerk or via Colorado Courts E-filing. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. The Exchange was not needed because there was no downstream call during the diligence period. 4. Can and Will. The conditional Exchange can and will be diverted, stored, or otherwise captured, possessed, and controlled, and will be beneficially used, with diligence in a reasonable time. C.R.S. §37-92-305(9)(b). 5. Name(s) and address(es) of owner(s) or reputed owners 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: CCR Well Lot 16 is located on land owned by Applicant. WHEREFORE, Applicant respectfully requests that this Court enter a decree finding reasonable diligence for and continuing in full force and effect the conditional right of exchange for CCR Well Lot 16; and granting such other relief to the Applicant as the Court deems just and proper.  
**GUNNISON COUNTY.**

**CASE NO. 2021CW3050 GUNNISON COUNTY** 1. Applicant: **La Cabina, LLC**, by Clay, Dodson & Skarka, PLLC, 415 Palmer St., Delta CO 81416, 970-874-9777. **APPLICATION FOR FINDING OF REASONABLE DILLIGENCE** 2. Name of Structure: **La Cabina Spring**, 3. Legal description of points of diversion: La Cabina Spring is located

in the NE1/4 NW1/4 NW1/4, Section 17, Township 14 South, Range 87 West, 6th P.M., at a point 661 feet from the north section line and 960 feet from the west section line. 4. Date of Appropriation: July 31, 2014. Amount: 0.022 c.f.s., conditional. 5. Use: domestic in one cabin 6. Source of Water: Spring. **Applicant remodeled the cabin kitchen, installed a sink, piping and a day-tank for the water. Applicant also built a spring water collection box at the point of diversion and consulted with an excavator about installing a pump. A finding of reasonable diligence is requested.** GUNNISON COUNTY.

**CASE NO. 2021CW3051;** San Miguel County – San Miguel River; Carol H. Kammer and Robert B. Kammer; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR GROUNDWATER RIGHT, STORAGE RIGHT, AND REQUEST FOR APPROVAL OF PLAN FOR AUGMENTATION; Name, mailing address, and telephone number of applicants: Carol H. Kammer and Robert B. Kammer; P.O. Box 1949; Telluride CO 81435; (970) 759-8686; With copies of all pleadings to: John R. Pierce; Request for groundwater right: Name of structure: Kammer Well No. 1; Location: Easting: 0244783, Northing: 4200376 (Zone 13, NAD83), also described as in the NW ¼ of the SE ¼ of Section 7, Township 42 North, Range 9 West, of the New Mexico Principal Meridian at a point approximately 2,593 feet from the west section line and approximately 2,342 feet from the south section line; Source: Groundwater tributary to the South Fork of the San Miguel River; Depth: 205 feet; Date of appropriation: July 22, 2021; How appropriation was initiated: By retaining water counsel and a hydrologist to conduct a site inspection and prepare a supporting engineering report; Date applied to beneficial use: Currently in use pursuant to a domestic exempt well permit. Beneficial use under this claim will not occur until Applicants have obtained a new well permit pursuant to a decree in this case; Amount: 15 g.p.m., 0.8 a.f., annually, conditional; Regarding augmentation: Will operate pursuant to the augmentation plan requested below; Use: Domestic; Request for storage right: Name of water right: Trout Lake Reservoir, Kammer Enlargement; Location of structure: Easting: 0245807; Northing: 4190829 (Zone 13, NAD83 ). Decreed location for the Trout Lake Reservoir from case number C.A. 4641 is: on Lake Fork of San Miguel River, the initial point of the survey of which is at a point whence the NW corner of the SW ¼ of Section 8, Township 49 North, Range 4 West of the New Mexico Principal Meridian bears North 89° 15' West, a distance of 976 feet. The reservoir is approximately 7.5 miles upstream of the Kammer Well; Source: San Miguel River; Date of appropriation: July 22, 2021; How appropriation was initiated: By retaining water counsel and a hydrologist to conduct a site inspection and prepare a supporting engineering report; Amount claimed: 1 a.f., conditional; Use: Augmentation; Request for approval of plan for augmentation: Name of structure to be augmented: Kammer Well No. 1; Water rights to be used for augmentation: Trout Lake Reservoir, Kammer Enlargement; Statement of plan for augmentation: Water diverted at the Kammer Well No. 1 will be used for domestic purposes in two single family homes. The estimated water demand will range from approximately 0.06 to 0.07 a.f. per month with an annual total of 0.79 a.f. The water demand estimates assume 100 gallons per person per day and an average of 3.5 persons per home. Wastewater from each home will be discharged into a septic system resulting in depletions of 10 percent of diversions. Well pumping will not exceed 0.8 a.f. per year. This plan for augmentation is sufficient to offset out-of-priority depletions on a year-round basis. Applicant will obtain a water storage lease from the Public Service Company of Colorado for at least 0.1 a.f. to permit storage and release of the Trout Lake Reservoir, Kammer Enlargement, as required to support this augmentation plan. (4 pages) **SAN MIGUEL COUNTY.**



**CASE NO. 2021CW3052 DELTA COUNTY** 1. Applicant: Ilona A. Horvath and Martin Dragomirecky, by Clay, Dodson & Skarka, PLLC, 415 Palmer St., Delta CO 81416, 970-874-9777. APPLICATION FOR WATER RIGHTS (SURFACE) 2. Name of Structures: **Horvath Waste Water Pipes Nos. 1, 2 and 3.** 3. Legal description of points of diversion: **Horvath Waste Water Pipe No. 1** is located in the NE1/4 NE1/4, Section 28, Township 14 South, Range 93 West, 6th Principal Meridian. UTM Coordinates: Zone 13 Easting 258131.6; Northing 4299956.1. **Horvath Waste Water Pipe No. 2** is located in the NW1/4 NE1/4, Section 28, Township 14 South, Range 93 West, 6th Principal Meridian. UTM Coordinates: Zone 13 Easting 258069.7; Northing 4299701.4. **Horvath Waste Water Pipe No. 3** is located in the SE1/4 NE1/4, Section 28, Township 14 South, Range 93 West, 6th Principal Meridian. UTM Coordinates: Zone 13 Easting 258452.4; Northing 4299520.1., 4. Date of Appropriation: September 29, 1969 Amount: 2.725 c.f.s. absolute. 5. Use: Irrigation of 109 acres, and stock water. 6. Source of Water: Wastewater that flows onto Applicants' property, tributary to the Gunnison River. **DELTA COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of November, 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](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