

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 February 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. 2024CW3.** Applicant: Lazy HX LLC, 10922 25 Mesa Rd., Delta, CO 81416. Application for Change of Water Right: Decreed Water Right for Which Change is Sought: Adobe Ditch. Date of Original and All Relevant Decrees: 1/31/1964, CA4808. Court: Division 4 Water Court. Provide a Verbatim Legal Description from Most Recent Decree that Adjudicated the Location: The headgate is in the SE1/4NE1/4SW1/4 of Section 21, T51N, R11W, NMPM. Easting: 751850, Northing: 4283931, approx. 2,624 feet east of the west section line and 1,402 feet north of the south section line (from case 03CW200). Decreed Source of Water: Buttermilk Creek, Gunnison River. Appropriation Date: 04/01/1955. Total Amount Decreed to Structure: 3.975 cfs absolute. Decreed uses: Irrigation, domestic, and stockwater. Amount of Water Applicant Intends to Change: 1.0 cfs absolute of priority K-122 and 1.0 cfs absolute of priority K-123. Detailed Description of Proposed Change: Applicant intends to have their Adobe Ditch water carried by the U.V.W.U.A. system. For this to happen the applicant's water would be put in the Enterprise Ditch (Buttermilk Creek Headgate). Then U.V.W.U.A. would put that water in the FN Lateral System to be dispersed. Applicant would pull their water share out of the FNB Lateral. The acreage irrigated and the amount of water will not change for the applicant or U.V.W.U.A. Location Information: Enterprise Ditch (Buttermilk Creek Headgate) - SW1/4NW1/4, Section 27, T51N, R11W, NMPM, Easting: 230853, Northing: 4283308, approx. 2,487 feet from the north section line and 727 feet from the west section line. **DELTA AND MONTROSE COUNTIES.**

**CASE NO. 2024CW4 (REF NO. 17CW3057, 12CW87, 11CW52, 05CW146, 04CW122).** Applicant: Ranjeet Grewal, 118 Rosetta Circle, Durango, CO 81301. Application for Finding of Reasonable Diligence: LV Well No. 1 – NE1/4NE1/4SW1/4 of Section 1, T13S, R95W, 6th P.M., 2955 feet south of the north section line, 2724 feet west of the east section line, Easting: 243429.4, Northing: 4315513, Zone 13. LV Well No. 2 – NE1/4SW1/4 of Section 1, T13S, R95W, 6th P.M., 2300 feet north of the south section line, 2000 feet east of the west section line, Easting: 243190.7, Northing: 4315552, Zone 13. LV Well No. 3 - NE1/4SW1/4 of Section 1, T13S, R95W, 6th P.M., 2500 feet north of the south section line, 1487 feet east of the west section, Easting: 243205.6, Northing: 4315438, Zone 13. Source: Kiser Creek, Ward Creek, Tongue Creek, Gunnison River. Appropriation Dates: LV Well No. 1 - 02/12/2003, LV Well No. 2 - 06/21/2004, LV Well No. 3 – 05/26/2005. Amount Claimed: Each well 5 g.p.m. conditional for domestic and irrigation. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

**CASE NO. 2024CW5 (REF NO. 17CW3043).** Applicant: William L. Punkoney, 8594 Ellens Way, Austin, CO 81410. Application for Finding of Reasonable Diligence: Punkoney Wastewater Ditch - SE1/4NE1/4, Section 3, T15S, R95W, 6<sup>th</sup> P.M., Easting: 240200, Northing: 4296417, Zone 13, approx. 2171 feet south of the north section line and 168 feet west of the east section line. Source: Gunnison River. Appropriation Date: 04/28/2017. Amount Claimed: 0.20 c.f.s., conditional for

irrigation and stockwater. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

**CASE NO. 2024CW6 (REF NO. 17CW3047).** Applicants: Carlos and Maria Rodriguez, 19308 F Road, Delta, CO 81416. Application to Make Absolute: Kirk D. Huff Wastewater Ditches Numbers 1, 2, and 3 - All are in the NE1/4NW1/4, Section 27, T15S, R92W, 6<sup>th</sup> P.M., as follows: Kirk D. Huff Wastewater Ditch No 1, Easting: 239227, Northing: 4290297; Kirk D. Huff Wastewater Ditch No 2, Easting: 239241 Northing: 4290371; Kirk D. Huff Wastewater Ditch No 3, Easting: 239239, Northing: 4290428, all in Zone 13. Source: Uncompahgre River. Appropriation Date: 03/17/2017. Amount Claimed: 0.50 c.f.s. absolute cumulative for irrigation of 12 acres and stockwater. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

**CASE NO. 2024CW7 (REF NO. 17CW49, 11CW94, 04CW166, 98CW36, 91CW43).** Applicant: Diane Miller, 768 Continental Ct., Grand Junction, CO 81506. Application for Finding of Reasonable Diligence: Dual M Pump Plant 1 – NW1/4SW1/4 of Section 1, T50N, R19W, N.M.P.M., Easting: 156832.47 Northing: 4282754.91. Dual M Pump Plant 2 – NW1/4SW1/4 of Section 1, T50N, R19W, N.M.P.M., Easting: 156897.86 Northing: 4282757.65. Dual M Pump Plant 3 – SW1/4NE1/4 of Section 2, T50N, R19W, N.M.P.M., Easting: 156323.90 Northing: 4283184.50. Dual M Pump Plant 4 – NE1/4SE1/4 Section 35, T51N, R19W, N.M.P.M., Easting: 156514.77 Northing: 4284214.32. Dual M Pump Plant 5 – NE1/4SE1/4 of Section 35, T51N, R19W, N.M.P.M., Easting: 156506.71 Northing: 4284275.04. All pumps are in Zone 13. Source: Dolores River. Appropriation Date: 05/08/1991 for all pumps. Amount Claimed 7.05 c.f.s. conditional cumulative for irrigation and stockwater. The application on file with the Water Court contains an outline of the work performed during the diligence period. **MESA COUNTY.**

**CASE NO. 2024CW8 (REF NO. 17CW51, 02CW224, 95CW170).** Applicant: L. D. Gold, P.O. Box 2496, Telluride, CO 81435. Application for Finding of Reasonable Diligence and to Make Absolute in Whole or in Part: Silverbell Flume and Pipeline No. 1 Gold Enlargement No. 1 – SW1/4SW1/4 of Section 28, T42N, R9W, N.M.P.M., Easting: 247360, 4194766 Northing: 4194766. Source: Howards Fork, San Miguel River. Appropriation Date: 06/01/1993. Amount Claimed: .50 c.f.s. conditional for hydropower and commercial use and 0.25 c.f.s. absolute for hydropower and commercial use. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **SAN MIGUEL COUNTY.**

**CASE NO. 2024CW3006. Delta County. Application for Underground Water Rights and Request for Approval of Plan for Augmentation.** Applicant: Honey Rock, LLC, 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:** Applicant was awarded conditional underground water rights for the Manager's Residence Well and the Greenhouse Well and approval of a plan for augmentation in Case No. 2021CW3060, Water Division 4. In this Application, Applicant seeks: (1) additional conditional underground water rights for two wells, Manager's Residence Well – Enlargement and Greenhouse Well – Enlargement, which will divert groundwater tributary to the Gunnison River; and (2) approval of a plan for augmentation for additional out-of-priority depletions that would result from use of such wells. **Request for Underground Water Right:** Name of Well: Manager's Residence Well – Enlargement. Source: groundwater tributary to the Gunnison River. Depth of Well: 100 feet. Permit Number: The current permit for the Manager's Residence Well is Permit No. 87634-F; Applicant will apply for a new permit. Location: SE ¼ NE ¼ of Section 34, Township 14 South, Range 98 West of the 6<sup>th</sup> P.M., 2,060 feet from the North section line and 360 feet from

the East section line. UTM Coordinates: 211217 Easting, 4299033 Northing, Zone 13. Uses: domestic use inside three (3) residences and seven (7) single bedroom units, and commercial for a campground consisting of ten (10) spaces. Appropriation Date: February 2, 2024. Quantity: 25 gpm; 0.69 acre feet annually. Landowner: Applicant. Comments: will be operated according to a plan for augmentation, approval for which is sought in this application. **Request for Underground Water Right**: Name of Well: Greenhouse Well. Permit Number: The current permit for the Manager's Residence Well is Permit No. 87635-F; Applicant will apply for a new permit. Source: groundwater tributary to the Gunnison River. Depth of Well: 210 feet. Location: SW ¼ NE ¼ of Section 35, Township 14 South, Range 98 West of the 6<sup>th</sup> P.M., 2,371 feet from the North section line and 1,160 feet from the West section line. UTM Coordinates: 211681 Easting, 4298930 Northing, Zone 13. Use: domestic use inside two (2) residences and irrigation of mixed crops inside three (3) greenhouses. Appropriation Date: February 2, 2024. Quantity: 25 gpm; 3.27 acre feet annually. Landowner: Applicant. Comments: will be operated according to a plan for augmentation, approval for which is sought in this application. **Request for Approval of Plan for Augmentation**: Name of Structures to be augmented: Manager's Residence Well - Enlargement and Greenhouse Well - Enlargement. Water Rights to be Used for Augmentation: Aspinall Unit – Blue Mesa Reservoir, decreed in Civil Action No. 6981 and Civil Action No. 10045. The initial point of survey of Blue Mesa Dam is located at a point on the right abutment being the intersection of the center line of the axis of the dam and the center line of the outlet works tunnel, whence the Southwest corner of Section 31, T 49 N, R 4 W, N.M.P.M., bears N 78°36'44" W a distance of 3,207.07 feet. Source of water is the Gunnison River. Appropriation date is November 11, 1957. Amount decreed to Blue Mesa Reservoir is 939,204 acre-feet decreed in Case No. 6981 and 124,253 acre-feet transferred to the reservoir in Case No. 10045; total amount decreed is 1,063,457 acre-feet. The amount to be included in this plan for augmentation is 1.00 acre feet per year. Decreed uses are domestic, municipal, irrigation, stock watering, industrial, stock watering, hydropower generation, piscatorial, wildlife, recreation and other purposes. Statement of Plan for Augmentation: Water Demands. The Manager's Residence Well water demands (original decree and Enlargement) for three (3) residences, seven (7) single bedroom units and a ten (10) space campground total 2.14 acre feet per year. This total is based on three (3) residences using 350 gallons per day per residence and seven single bedroom units using 75 gallons per day per unit, assuming year-round occupancy. The total water use of the three (3) residences and seven single bedroom units is 1.79 acre feet per year. The water demand from the Manager's Residence Well for ten (10) campsites using 50 gallons per day each from April through October is 0.35 acre feet per year. The total Manager's Residence Well water demand is 2.14 acre feet per year with the lagged demands for the Manager's Residence Well totaling 2.14 acre feet per year. The monthly water demands were lagged using a Glover Analysis: Option No. 1 with a transmissivity of 300 gpd/ft, a specific yield of 0.1, and an x distance of 146 feet (x = distance from well to river). The decreed total lagged demands for the Manager's Residence Well from Case No. 2021CW3060 total 1.44 acre feet per year. The additional amount claimed for the Manager's Residence Well – Enlargement in this Application is 0.69 acre feet. The Greenhouse Well water demands (original decree and Enlargement) for growing mixed crops inside three (3) greenhouses and for domestic use inside two (2) residences total 5.77 acre feet per year. This total is based on two (2) residences using 350 gallons per day with year-round occupancy, with a total of 0.79 acre feet annually. Greenhouse water use is planned for three (3) greenhouse each covering 9,000 square feet. The planned water demand for the greenhouses is 4.98 acre feet annually. The total Greenhouse Well monthly water demands were lagged using a Glover Analysis, Option No. 1 with a transmissivity of 300 gpd/ft, a specific yield of 0.1, and an x distance of 775 feet and total 5.77 acre feet per year. The decreed total lagged demands for the Greenhouse Well from Case No. 2021CW3060 total 2.50 acre feet per year. The additional amount claimed for the Greenhouse Well – Enlargement in this Application is 3.27 acre feet. The total additional lagged demand to the Gunnison River was calculated by adding the lagged demand from the Manager's

Residence Well – Enlargement and the Greenhouse Well – Enlargement for a total additional amount of 3.96 acre feet per year. Depletions. Total lagged water depletions were calculated by subtracting the calculated total lagged return flows to the Gunnison River from the total lagged demand. The return flows from the Manager's Residence Well – Enlargement were calculated based on 85 percent return from the septic systems to the Gunnison River through the river alluvium and are 0.58 acre feet per year. This return flow was lagged to the Gunnison River through the alluvium using a Glover Analysis: Option No. 2, transmissivity = 25,000 gpd/ft, specific yield = 0.2, an x distance of 150 feet and a w distance of 462 ft (w = distance from the river to no-flow boundary through the well). The alluvium transmissivity of 25,000 gpd/ft was estimated from sand and gravel grain sizes observed during test hole drilling. The return flows from the Greenhouse Well residences were calculated based on 85 percent return from the septic systems to the Gunnison River through the river alluvium and are 0.67 acre feet per year. The calculated return flows from the greenhouses are estimated to be 10 percent. These return flows from the greenhouses total 0.25 acre feet per year. The total return flows from the Greenhouse Well – Enlargement total 0.92 acre feet annually. These monthly return flows were then lagged to the Gunnison River through terrace gravels using a Glover Analysis, Option No. 2, Transmissivity = 35,000 gpd/ft, Specific Yield, = 0.2, distance x = 1,080 feet w = 2,844 feet. Grain sizes observed during the Greenhouse Well test well drilling were larger than river alluvium and included larger gravels, indicating a higher transmissivity value for the terrace gravels than the alluvium. The total lagged return flows for the Manager's Residence Well – Enlargement and the Greenhouse Well – Enlargement combined are 1.50 acre feet per year. River Administration. The call from the Redlands Power Canal is not typically administered. Thus, to assess potential future calls from the Redlands Power Canal, the streamflow of the Gunnison River at the Whitewater Gage was compared to the decreed water rights of the Redlands Power Canal. When the gauged flow for the Gunnison River at Whitewater was less than the senior 650 c.f.s. water right, a potential call is assumed. This augmentation plan uses the call period for augmentation plans for the Redlands Canal provided by the Division Engineer for the analysis as they represented a water year under extreme drought conditions. The percent of days per month out of priority are provided in the Application. Out-of-Priority Depletions and Augmentation Releases. The total lagged depletions to the Gunnison River equal 2.39 acre feet per year and are calculated by subtracting the total lagged return flows from the total lagged demands. The call schedule discussed above for the Redlands Power Canal was applied to the total lagged depletions and calculated a total potential out-of-priority depletion of 0.68 acre feet per year. The required monthly augmentation releases from Blue Mesa Reservoir needed to replace out-of-priority depletions total 0.80 acre feet per year. The total amount needed from Blue Mesa Reservoir was calculated for each segment of the Gunnison River identified by the Division of Water Resources and added across the total distance from Blue Mesa Reservoir to Honey Rock Landing. From Crystal Dam to the confluence with the North Fork of the Gunnison (30.5 miles), transit loss on the South Fork of the Gunnison is 0.15 percent per mile. Transit loss along the Gunnison River from North Fork of the Gunnison to Delta (17.3 miles) is 0.25 percent per mile. Transit loss on the Gunnison River from Delta to Honey Rock Landing (20.8 miles) is 0.5 percent per mile. Prior to or upon approval of this plan for augmentation, Applicant will enter into a water supply contract with the United States for augmentation water in the amount of 1.0 acre foot of water per year. Applicant can lease additional replacement water as needed if, under future conditions, the potential out-of-priority depletions exceed 1.00 acre feet per year. The engineering values used in this application are those currently used by or calculated by Applicant's engineers but may be subject to change during the course of this proceeding without the need to amend or republish this application. 4. Names and addresses of owners of 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 modifications to the existing pool: all new structures are or will be constructed on land owned by Applicant. **DELTA COUNTY.**

**CASE NO. 2024CW3007 – REJECTED**

**CASE NO. 2024CW3008 DELTA COUNTY** 1. Applicant: **Gillespie Family Trust**, W. Tyrone Gillespie, Trustee, 16764 Farmers Mine Road, Paonia CO 81428, 970-390-4251 by its attorney Camp & Skarka, LLC, 415 Palmer St., Delta CO 81416, 970-874-9777. APPLICATION FOR FINDING OF DUE DILIGENCE. 2. Name of Structure: **GILLESPIE WELL**, decreed June 21, 2011 in Montrose County case no. 2010CW44. 3. Source of water: Groundwater tributary to the North Fork of the Gunnison River. 4. Legal Description of decreed point of diversion: NE1/4SW1/4NW1/4, Section 29, Township 13 South, Range 91 West, 6<sup>th</sup> P.M. approximately 1271 feet south of the north section line and 1287 feet east of the west section line (Zone 13, NAD83, Easting 0275700m, Northing 4308466m). 5. Date of Appropriation: February 18, 2004. 6. Amount: .0044 c.f.s. (2gpm). 7. Use: conditional for one in-house domestic use, protected by an augmentation plan in Montrose County case no. 2010CW44. 8. Statement of work done toward completion of the water right: The Gillespie Well is decreed for domestic use in three single-family residences and commercial use in a winery and tasting room, protected by the augmentation plan decreed in 2010CW44. Domestic use for two single-family residences and commercial use in a winery and tasting room was made absolute in Montrose County case no. 2017CW3027. Domestic use in one single-family residence remains conditional and Applicant request that this use be continued conditional. Since the previous diligence period, Applicant is completing preliminary drawings / preliminary plans to relocate the wine tasting room to a different building to be constructed on Applicant's property, and to convert the wine tasting building to a third residence. 9. Name and address of owner of the land upon which the structure is located: Applicant. **DELTA COUNTY.**

**CASE NO. 2024CW3009. APPLICATION FOR CHANGE OF WATER RIGHT - ALTERNATE POINT OF DIVERSION.** Please direct all correspondence, motions, and pleadings to Curtis, Justus, & Zahedi, LLC, John P. Justus, Nicoli R. Bowley, 1333 W. 120th Ave., Suite 302, Westminster, CO 80234, Telephone: (303) 595-9441. 1. Name, mailing address, telephone number and email address of applicant(s): The Conservation Fund, a non-profit corporation incorporated in Maryland as a non-stock corporation (hereinafter "The Conservation Fund"). 1655 N. Fort Myer Drive, Suite 1300, Arlington, Virginia 22209, (703) 525-6300, stison@conservationfund.org, with a copy to: The Conservation Fund, Attention: Ms. Christine Quinlan, P.O. Box 669, Niwot, CO 80544-0669, (303) 938-3764, cquinlan@conservationfund.org. 2. Introduction: Mika Ag., Corporation, a Colorado corporation doing business as Escalante Land & Cattle Corp. ("Mika Ag. Corp."), is the record owner and claimant of the water rights decreed to the Boise Ditch. The Conservation Fund is under a Contract for Sale of Real Estate with Mika Ag. Corp. to purchase the water rights associated with the Boise Ditch and has express consent from Mika Ag. Corp. to seek the change in this Application. Through this Application, the Applicant seeks to change the decreed point of diversion for the water right decreed to the Boise Ditch to permit the use of an alternate point of diversion. The approval of the use of an alternate point of diversion sought in this Application is not combined with any other type of change of water right, and there is no intervening surface diversion point or inflow between the new proposed alternate point of diversion and the originally decreed diversion point. 3. Decreed Water Right for Which Change is Sought: a. Name of Structure: Boise Ditch, Priority No. 8. b. Date of original and all relevant subsequent decrees: Decree entered on February 17, 1906, in CA 0456, In the Matter of the Adjudication of the Priorities of Water Rights, in Water District No. 40 by the Delta County District Court; Decree entered on August 29, 2008, in Case No. 2005CW266 by the District Court in and for Water Division No. 4. c. Legal description of structure as described in most recent decree that adjudicated the location: i. The headgate of said ditch is situate on west bank of Escalante Creek at a point whence the SW corner of the SE1/4 of the NW1/4 of Section 31, in T.

15 S. R. 97 W. of the 6th P.M., bears southerly 42 rods distant (the "Original Headgate"). ii. Decreed Source of water: Escalante Creek. iii. Appropriation Date: March 1, 1890. iv. Decreed use or uses: Irrigation. v. Total amount decreed to structure in cubic feet per second (cfs): 1.25 cfs, Absolute. vi. Amount of water that applicant intends to change: 1.25 cfs, Absolute. d. The Decree entered on August 29, 2008, in Case No. 2005CW266 by the District Court in and for Water Division No. 4 adjudicated numerous alternate points of diversion for the Boise Ditch, Priority No. 8, in addition to the Original Headgate, for irrigation of up to 6,000 acres of land. Applicant does not seek to change or alter those permitted alternate points of diversion. 4. Detailed description of proposed change in a surface point of diversion: a. As stated, Applicant is under contract to purchase the Boise Ditch water right described in paragraph 3, and has the express written consent from its owner, Mika Ag. Corp. to seek this change. Applicant requests that it be authorized to use the Harry Walker Ditch headgate as an alternate point of diversion for the Boise Ditch water right. This proposed change is not combined with and does not include any other type of change of water right, and when diverted at the Harry Walker Ditch the water right will continue to irrigate the same lands that the Boise Ditch has irrigated by diversion at the Original Headgate since its appropriation. There are no intervening surface diversion points or inflows between the Original Headgate and the Harry Walker Ditch headgate. The State of Colorado, acting by and through the Department of Natural Resources for the use and benefit of the Colorado Division of Parks and Wildlife and Wildlife Commission ("Colorado Parks and Wildlife"), owns the Harry Walker Ditch water right. b. Location of new point of diversion: i. Public Land Survey System (PLSS): SE1/4 NW1/4 of Section 31, Township 15 South, Range 97 West, 6th P.M. derived from CDSS MapViewer. ii. UTM Coordinates: Zone 12, Easting: 214787.2, Northing: 4289302.6.. j. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed: The United States acting through the Department of the Interior, Bureau of Land Management and/or Colorado Parks and Wildlife owns the land on which the proposed changed point of diversion is located. Bureau of Land Management, Uncompahgre Field Office, 2465 S. Townsend Ave., Montrose, CO 81401. Colorado Parks and Wildlife, Attn: Rob Harris, Water Section Manager, 6060 Broadway, Denver, Colorado 80203. **DELTA COUNTY.**

**CASE NO. 2024CW3010**, Colorado Department of Transportation ("CDOT"), 606 South St. Grand Junction, Colorado 81501. Please direct communications regarding this case to Jennifer L. Mele, First Assistant Attorney General, John R. Newman, Assistant Attorney General, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7<sup>th</sup> Floor, Denver, Colorado 80203. Telephone: (720) 508-6282 (Mele) (720) 508-6860 (Newman). Email: jen.mele@coag.gov; john.newman@coag.gov. APPLICATION FOR FINDING OF REASONABLE DILIGENCE Applicant, the Colorado Department of Transportation ("CDOT"), hereby files this application for findings of reasonable diligence. **1. Name, mailing address, e-mail address, and telephone number of Applicant**: Colorado Department of Transportation 606 South 9<sup>th</sup> St. Grand Junction, CO 81501 (970) 682-6300 David.Mendel@state.co.us **2. Description of conditional water right**: A. Name: Old Mine Spring B. Location: SE ¼ of the NW ¼, Section 1, Township 48N, Range 5W, NMPM, Gunnison County, Colorado. Having a basis of bearings of S89° 48'06"E from the W1/4 corner of said Section 1 (monumented by USGLO brass cap) to the E1/4 corner of said Section 1 (monumented by a USGLO brass cap), said spring location being more particularly described as follows: Beginning at the W1/4 corner of said Section 1, thence along the east-west center Section line S.89° 48'06"E. 2147.17 feet, at a point N.89° 48'06"W. 3270.84 feet, from the E1/4 corner of said Section 1; thence N.00° 11'54"E. 857.67 feet to the location of the spring. See Exhibit A. C. Prior Decrees: i. Original Decree: Case No. 04CW94, District Court, Water Division No. 4, entered December 3, 2004. ii. Subsequent Decrees: Case No. 10CW156, District Court, Water Division No. 4, entered December 1, 2010, Case No. 17CW36, Water Division No. 4, entered February 2, 2018. D. Amount: 0.02 c.f.s. E.

Source: Old Mine Spring, tributary to the Gunnison River. F. Date of appropriation: June 1, 1999. G. Use: Domestic. **3. Outline of work completed towards diligence**: A detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the diligence period follows. This list is not intended to be exclusive and may be supplemented by additional evidence. A. CDOT hired Weaver Consultants Group to conduct a Feasibility Study to determine the feasibility of using the Old Mine Spring for at CDOT's Blue Mesa maintenance facility. The results of the study were sent to CDOT in a report dated October 31, 2023. The total cost for this study was \$50,346.81. i. On June 30, 2023 Weaver Consultants Group billed and CDOT later paid \$6,501.61 for the study. ii. On August 22, 2023 Weaver Consultants Group billed and CDOT later paid \$4,104.12 for the study. iii. On September 22, 2023 Weaver Consultants Group billed and CDOT later paid \$6,700.20 for the study. iv. On October 26, 2023 Weaver Consultants Group billed and CDOT later paid \$8,925.61 for the study. v. On November 28, 2023 Weaver Consultants Group billed and CDOT later paid \$24,115.27 for the study. B. CDOT staff time and expenses in investigating feasibility of use of the water right, including travel from Denver to the Old Mine Spring to gather water samples and having the water samples tested. C. CDOT paid for the testing of water samples from Old Mine Spring totaling \$874. **5. Name of owners of land upon which structures are located**: A. Colorado Department of Transportation 606 South 9<sup>th</sup> Street Grand Junction, Colorado 81501 WHEREFORE, CDOT requests this Court enter a decree finding that CDOT has exercised reasonable diligence in the development of the subject water right and to continue them in full force as decreed and for such other relief as this Court deems just and proper. **GUNNISON COUNTY.**

**CASE NO. 2024CW3011.** COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 6060 Broadway, Denver, CO 80216. Please send all correspondence and inquires regarding this matter to: Christopher R. Stork 720-508-6311 and Elizabeth M. Joyce 720-508-6761, Office of the Attorney General, 1300 Broadway, 7<sup>th</sup> Floor, Denver, Colorado. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE, in MESA COUNTY. **1. Name, mailing address, email address, and telephone number of Applicant**: Colorado Division of Parks and Wildlife ("CPW") Attn: Robert K. Harris, Water Resources Section Manager, 6060 Broadway, Denver, Colorado 80216, robert.harris@state.co.us | 303-291-7550 **2. Description of conditional storage water rights (the "ER Reservoirs")**: **A. Name of Structure: ER Little Pasture South Fork Reservoir No. 1** i. Original Decree: Case No. 15CW3082, District Court, Water Division No. 4, Montrose County, Colorado, dated February 26, 2024. ii. Subsequent Decrees: N/A. iii. Legal Description of Location of Dam: Initial point is located in NE1/4 NE1/4 SW1/4 of Section 1, T49N, R16W, N.M.P.M., Mesa County (old Water District 40), 2268' north of the South section line and 2586' east of the West section line of said Section 1; UTM 13: E185966, N4271767. See Exhibit A for a map depicting the location of the ER Reservoirs. iv. Source: Kelso Creek, tributary to Escalante Creek, tributary to the Gunnison River. v. Date of Appropriation: November 25, 2015. vi. Amount: 25 acre-feet, CONDITIONAL. vii. Uses: Storage for livestock, piscatorial, wildlife, fire protection, and irrigation of up to 20 acres in Section 31, T15S, R97W. viii. Physical attributes of reservoir: a. Surface area of high water line: 5 acres. b. Vertical height of dam: 12 feet. c. Length of dam: 200 feet. d. Active capacity: 25 acre-feet. e. Dead storage: 0 acre-feet. **B. Name of Structure: ER Little Pasture South Fork Reservoir No. 2** i. Original Decree: Case No. 15CW3082, District Court, Water Division No. 4, Montrose County, Colorado, dated February 26, 2024. ii. Subsequent Decrees: N/A. iii. Legal Description of Location of Dam: Initial point is located in SW1/4 NE1/4 SW1/4 of Section 1, T49N, R16W, N.M.P.M., Mesa County (old Water District 40), 1604' north of the South section line and 1948' east of the West section line of said Section 1; UTM 13: E185764, N4271576. iv. Source: Kelso Creek, tributary to Escalante Creek, tributary to the Gunnison River. v. Date of Appropriation: November 25, 2015. vi. Amount: 25 acre-feet, conditional. vii. Uses: Storage for livestock, piscatorial, wildlife, fire

protection, and irrigation of up to 20 acres in Section 31, T15S, R97W. viii. Physical attributes of reservoir: a. Surface area of high water line: 5 acres. b. Vertical height of dam: 12 feet. c. Length of dam: 200 feet. d. Active capacity: 25 acre-feet. e. Dead storage: 0 acre-feet. **C. Name of Structure: ER Little Pasture South Fork Reservoir No. 3** i. Original Decree: Case No. 15CW3082, District Court, Water Division No. 4, Montrose County, Colorado, dated February 26, 2024. ii. Subsequent Decrees: N/A. iii. Legal Description of Location of Dam: Initial point is located in NW1/4 SE1/4 SW1/4 of Section 1, T49N, R16W, N.M.P.M., Mesa County (old Water District 40), 1043' north of the South section line and 1500' east of the West section line of said Section 1; UTM 13: E185621, N4271414. iv. Source: Kelso Creek, tributary to Escalante Creek, tributary to the Gunnison River. v. Date of Appropriation: November 25, 2015. vi. Amount: 25 acre-feet, CONDITIONAL. vii. Uses: Storage for livestock, piscatorial, wildlife, fire protection, and irrigation of up to 20 acres in Section 31, T15S, R97W. viii. Physical attributes of reservoir: a. Surface area of high water line: 5 acres. b. Vertical height of dam: 12 feet. c. Length of dam: 200 feet. d. Active capacity: 25 acre-feet. e. Dead storage: 0 acre-feet. **D. Name of Structure: ER Little Pasture South Fork Reservoir No. 4** i. Original Decree: Case No. 15CW3082, District Court, Water Division No. 4, Montrose County, Colorado, dated February 26, 2024. ii. Subsequent Decrees: N/A. iii. Legal Description of Location of Dam: Initial point is located in SE1/4 SW1/4 SW1/4 of Section 1, T49N, R16W, N.M.P.M., Mesa County (old Water District 40), 508' north of the South section line and 858' east of the West section line of said Section 1; UTM 13: E185420, N4271264. iv. Source: Kelso Creek, tributary to Escalante Creek, tributary to the Gunnison River. v. Date of Appropriation: November 25, 2015. vi. Amount: 25 acre-feet, CONDITIONAL. vii. Uses: Storage for livestock, piscatorial, wildlife, fire protection, and irrigation of up to 20 acres in Section 31, T15S, R97W. viii. Physical attributes of reservoir: a. Surface area of high water line: 5 acres. b. Vertical height of dam: 12 feet. c. Length of dam: 200 feet. d. Active capacity: 25 acre-feet. e. Dead storage: 0 acre-feet. **E. Name of Structure: ER Little Pasture North Fork Reservoir No. 1** i. Original Decree: Case No. 15CW3082, District Court, Water Division No. 4, Montrose County, Colorado, dated February 26, 2024. ii. Subsequent Decrees: N/A. iii. Legal Description of Location of Dam: Initial point is located in SE1/4 SE1/4 NW1/4 of Section 1, T49N, R16W, N.M.P.M., Mesa County (old Water District 40), 2284' south of the North section line and 2514' east of the West section line of said Section 1; UTM 13: E185952, N4271962. iv. Source: Kelso Creek, tributary to Escalante Creek, tributary to the Gunnison River. v. Date of Appropriation: November 25, 2015. vi. Amount: 25 acre-feet, CONDITIONAL. vii. Uses: Storage for livestock, piscatorial, wildlife, fire protection, and irrigation of up to 20 acres in Section 31, T15S, R97W. viii. Physical attributes of reservoir: a. Surface area of high water line: 5 acres. b. Vertical height of dam: 12 feet. c. Length of dam: 200 feet. d. Active capacity: 25 acre-feet. e. Dead storage: 0 acre-feet. **F. Name of Structure: ER Little Pasture North Fork Reservoir No. 2** i. Original Decree: Case No. 15CW3082, District Court, Water Division No. 4, Montrose County, Colorado, dated February 26, 2024. ii. Subsequent Decrees: N/A. iii. Legal Description of Location of Dam: Initial point is located in SW1/4 SE1/4 NW1/4 of Section 1, T49N, R16W, N.M.P.M., Mesa County (old Water District 40), 2013' south of the North section line and 1753' east of the West section line of said Section 1; UTM 13: E185723, N4272051. iv. Source: Kelso Creek, tributary to Escalante Creek, tributary to the Gunnison River. v. Date of Appropriation: November 25, 2015. vi. Amount: 25 acre-feet, conditional. vii. Uses: Storage for livestock, piscatorial, wildlife, fire protection, and irrigation of up to 20 acres in Section 31, T15S, R97W. viii. Physical attributes of reservoir: a. Surface area of high water line: 5 acres. b. Vertical height of dam: 12 feet. c. Length of dam: 200 feet. d. Active capacity: 25 acre-feet. e. Dead storage: 0 acre-feet. **G. Name of Structure: ER Little Pasture North Fork Reservoir No. 3** i. Original Decree: Case No. 15CW3082, District Court, Water Division No. 4, Montrose County, Colorado, dated February 26, 2024. ii. Subsequent Decrees: N/A. iii. Legal Description of Location of Dam: Initial point is located in NE1/4 SW1/4 NW1/4 of Section 1, T49N, R16W, N.M.P.M., Mesa County (old Water District 40), 1561' south of the North section line and 1127' east of the West section line of said Section 1; UTM 13: E185538,



N4272195. iv. Source: Kelso Creek, tributary to Escalante Creek, tributary to the Gunnison River. v. Date of Appropriation: November 25, 2015. vi. Amount: 25 acre-feet, CONDITIONAL. vii. Uses: Storage for livestock, piscatorial, wildlife, fire protection, and irrigation of up to 20 acres in Section 31, T15S, R97W. viii. Physical attributes of reservoir: a. Surface area of high water line: 5 acres. b. Vertical height of dam: 12 feet. c. Length of dam: 200 feet. d. Active capacity: 25 acre-feet. e. Dead storage: 0 acre-feet. **3. Outline of what has been done toward completion of this appropriation and application of water to beneficial use as conditionally decreed**: CPW acquired the subject water rights and associated property on December 12, 2017, and was substituted as the applicant in the prior diligence case on January 18, 2018. Since acquiring the subject water rights, CPW has maintained diligence on the subject water rights. CPW's actions towards completion of the appropriation included, but were not limited to, the following: **A.** In 2018, CPW created the White Hawk State Wildlife Area (SWA) from the subject property and made the SWA available for wildlife-related public recreational use. **B.** Since acquiring the property on which the water rights are located, the White Hawk SWA, CPW identified management objectives for the SWA and the subject water rights and conducted field investigations to support those objectives. **C.** CPW's management objectives for the SWA include the preservation of an important "core conservation population" of Colorado River cutthroat trout in Kelso Creek and the enhancement of stream and riparian health at the headwaters of Kelso Creek. To inform development of the subject water rights consistent with these management objectives, CPW performed the following: a. In 2019, CPW performed field investigations in 2019, including, but not limited to, streamflow measurements and stream transects, to support an instream flow (ISF) water right on Kelso Creek, the source for the subject water rights. In 2020, CPW recommended Kelso Creek for an ISF appropriation to the Colorado Water Conservation Board to preserve the natural environment to a reasonable degree. The Kelso Creek ISF was decreed in 20CW3072 in the amount of 0.85 cfs (9/01 – 3/31), and 2.4 cfs (4/1 – 8/31), from its headwaters at the White Hawk SWA to the confluence with Bear Gulch. The Kelso Creek ISF is intended to, in part, protect the Kelso Creek Colorado River cutthroat trout population. b. In 2020, CPW collected detailed stream temperature data on Kelso Creek to inform strategies to improve stream health. c. CPW conducted wild spawn operations in 2021 to support the core conservation population of Colorado River cutthroat trout. The Kelso Creek genetics were replicated in Woods Lake, also owned by CPW, to preserve the genetic history of that population and create redundancy in the event of population loss in Kelso Creek. **D.** CPW staff, including the CPW Property Technician, District Wildlife Manager, and Area Aquatic Biologist perform routine, annual site visits to maintain the property, document rangeland quality, inventory water resources, and assess the natural environment. **E.** CPW's management objectives for the SWA also include strategies that support rangeland health to support big game summer range. CPW staff met on October 30, 2019 and March 29, 2022 to identify appropriate development strategies for the subject water rights to balance the multiple management objectives based on the information gathered from these site visits. **F.** CPW performs monthly reviews of the water court resume to determine whether the filing of Statements of Opposition is necessary to protect its water rights in Water Division No. 4, including the subject conditional water rights. CPW has incurred costs of attorney fees for legal advice and consultations regarding development of this water right. **4. Owner of land upon which the structures are or may be located**: - Applicant, CPW. - Uncompahgre National Forest, 764 Horizon Dr, Ste, 115 Grand Junction, CO 81506. WHEREFORE, Applicant respectfully requests that this Court enter a decree finding that Applicants have exercised reasonable diligence in the development of the ER Reservoirs conditional storage water rights originally decreed in Case No. 15CW3082 so that such conditional storage water right may continue in full force and effect and for such other and further relief as this Court deems necessary. (9 pages) **MESA COUNTY.**

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