

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 May 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. 2021CW8.** Applicant: Higher Ground Land Co., LLC. 36702 Fruitland Mesa Rd., Crawford, CO 81415. Application for Absolute Surface Water Rights: Higher Ground Spring #1 – NE1/4NE1/4, Section 23, T51N, R5.5W, N.M.P.M., Easting 284659, Northing 4283583, Zone 13. Source: Clear Fork, Gunnison River. Higher Ground Spring #2 – NE1/4NE1/4, Section 23, T51N, R5.5W, N.M.P.M., Easting 284665, Northing 4283602, Zone 13. Source: Clear Fork, Gunnison River. Higher Ground Spring #3 – SE1/4NE1/4, Section 24, T51N, R6W, N.M.P.M., Easting 284042, Northing 4283449, Zone 13. Source: Clear Fork, Gunnison River. Higher Ground Spring #4 – SE1/4NE1/4, Section 25, T51N, R6W, N.M.P.M., Easting 283802, Northing 4281765, Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #5 – SE1/4SE1/4, Section 24, T51N, R6W, N.M.P.M., Easting 283797, Northing 4282541, Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #6 – SE1/4SE1/4, Section 24, T51N, R6W, N.M.P.M., Easting 283831, Northing 4282483, Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #7 – SE1/4SE1/4, Section 24, T51N, R6W, N.M.P.M., Easting 283862, Northing 4282472, Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #8 – SE1/4SE1/4, Section 24, T51N, R6W, N.M.P.M., Easting 283925, Northing 4282426, Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #9 – SE1/4SE1/4, Section 24, T51N, R6W, N.M.P.M., Easting 283929, Northing 4282418, Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #10 – SE1/4SE1/4, Section 24, T51N, R6W, N.M.P.M., Easting 283946, Northing 4282367, Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #11 – NE1/4NE1/4, Section 23, T51N, R5.5W, N.M.P.M., Easting 284655, Northing 4283574, Zone 13. Source: Clear Fork, Gunnison River. Higher Ground Spring #12 – NE1/4NE1/4, Section 23, T51N, R5.5W, N.M.P.M., Easting 284631, Northing 4283862, Zone 13. Source: Clear Fork, Gunnison River. Higher Ground Spring #13 – NE1/4NE1/4, Section 23, T51N, R5.5W, N.M.P.M., Easting 284640, Northing 4283789, Zone 13. Source: Clear Fork, Gunnison River. Higher Ground Spring #14 – NE1/4NE1/4, Section 23, T51N, R5.5W, N.M.P.M., Easting 284651, Northing 4283767, Zone 13. Source: Clear Fork, Gunnison River. Higher Ground Spring #15 – NE1/4NE1/4, Section 23, T51N, R5.5W, N.M.P.M., Easting 284667, Northing 4283730, Zone 13. Source: Clear Fork, Gunnison River. Higher Ground Spring #16 – SW1/4SE1/4, Section 26, T51N, R6W, N.M.P.M., Easting 282010, Northing 4281108, Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #17 – NE1/4SW1/4, Section 26, T51N, R6W, N.M.P.M., Easting 281655, Northing 4281401,

Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #18 – SE1/4SW1/4, Section 26, T51N, R6W, N.M.P.M., Easting 281427, Northing 4281130,  
Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #19 – SW1/4NW1/4, Section 26, T51N, R6W, N.M.P.M., Easting 281187, Northing 4281937,  
Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #20 – NE1/4SE1/4, Section 26, T51N, R6W, N.M.P.M., Easting 282454, Northing 4281575,  
Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #21 – NW1/4SW1/4, Section 25, T51N, R6W, N.M.P.M., Easting 282538, Northing 4281505,  
Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #22 – SE1/4NW1/4, Section 24, T51N, R6W, N.M.P.M., Easting 283206, Northing 4283202,  
Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #23 – NW1/4SW1/4, Section 24, T51N, R6W, N.M.P.M., Easting 282637, Northing 4283082,  
Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #24 – NW1/4SW1/4, Section 24, T51N, R6W, N.M.P.M., Easting 282764, Northing 4282920,  
Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #25 – NE1/4SW1/4, Section 24, T51N, R6W, N.M.P.M., Easting 283040, Northing 4282842,  
Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #26 – NE1/4SW1/4, Section 24, T51N, R6W, N.M.P.M., Easting 283102, Northing 4282868,  
Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #27 – SE1/4SW1/4, Section 24, T51N, R6W, N.M.P.M., Easting 283190, Northing 4282657,  
Zone 13. Source: Doug Creek, Gunnison River. Higher Ground Spring #28 – SW1/4SE1/4, Section 24, T51N, R6W, N.M.P.M., Easting 283416, Northing 4282435,  
Zone 13. Source: Doug Creek, Gunnison River. Jerry and Louise Neff Spring – SW1/4NW1/4, Section 21, T51N, R7W, N.M.P.M., Easting 268477, Northing 4283766,  
Zone 13. Source: Smith Fork, Gunnison River. Appropriation Date for all springs: 12/31/1932. Amount Claimed for all springs: 15 gpm absolute for stockwater and wildlife.

#### **MONTROSE, GUNNISON, AND DELTA COUNTIES**

**CASE NO. 2021CW9.** Applicant: Christopher A. Nance, 30758 L Rd., Hotchkiss, CO 81419. Application for Conditional and Absolute Surface Water Rights: Redwing Waste Water Pipeline – NE1/4NE1/4, Section 28, T14S, R93W, 6<sup>th</sup> P.M., Easting 258129.5, Northing 4299957.2, Zone 13. Source: Allen Gulch, North Fork Gunnison River. Appropriation Date: 2/16/2021. Amount Claimed: 0.10 c.f.s. absolute for irrigation of 2 acres and wildlife and 0.05 c.f.s. conditional for irrigation of 1 acre and wildlife. **DELTA COUNTY**

**CASE NO. 2021CW10.** Applicant: WM Troy and Karen K. Latham, 1847 7 Rd., Mack, CO 81525. Application for Conditional Surface Water Rights: Fall Cabin Ditch – NW1/4SE1/4, Section 14, T49N, R14W, N.M.P.M., Easting 727104.09, Northing 4265541.76, Zone 12. Source: Dry Fork, Escalante Creek, Gunnison River. Appropriation Date: 5/11/2021. Amount Claimed: 10 c.f.s. conditional for irrigation of 540 acres, stockwater, and domestic. **MESA AND MONTROSE COUNTIES**

**CASE NO. 2021CW11.** Applicant: Kathryn and Justin Erickson, 221 Sunflower Loop, Carbondale, CO 81623. Application for Absolute Surface Water Rights: Martin Spring – NW1/4NE1/4, Section 3, T14S, R87W, 6<sup>th</sup> P.M., Easting 318011, Northing 4304539, Zone

13. Source: Gunnison River. Appropriation Date: 8/6/2020. Amount Claimed: 0.033 c.f.s. absolute for domestic use. **GUNNISON COUNTY**

**CASE NO. 2021CW3022 (15CW3001) (07CW199).** APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE in **SAN MIGUEL COUNTY** 1. Applicant: Ranch Properties Holdings, LLC c/o Art Kubert, 151 South Old Woodward, Suite 400, Birmingham, MI 48009 c/o David S. Hayes, Esq., Hayes Poznanovic Korver, LLC, 1999 Broadway, Suite 3200, Denver, CO 80202, (303) 825-1980. 2. Name of structure: Sawyer's Pond. 3. Description of Conditional Water Right: A. Prior Decrees: On December 1, 2008, the District Court for Water Division No. 4 entered a decree in Case No. 07CW199. A decree awarding a finding of diligence was entered May 26, 2015 in Case No. 15CW3001, Water Division No. 4. B. Location: The actual location is located in the SW1/4 SW1/4, Section 3, T. 44 N., R. 11 W., N.M.P.M., at a point 1000 feet north of the south section line and 150 feet east of the west section line. Due to a section line discrepancy in the DWR database, and for the purposes of the Colorado Division of Water Resources database, ONLY, the location shall be indicated as NE1/4 SE1/4 SE1/4 of Section 4, T. 44 N., R. 11 W., N.M.P.M., at a point 1110 feet north of the south section line and 245 feet west of the east section line. C. Source: McKenzie Creek, tributary to San Miguel River. D. Appropriation Date: August 1, 2006. E. Amount and Uses: .90 AF ABSOLUTE for stock watering, piscatorial, fire protection, and wildlife habitat and watering; and .96 AF CONDITIONAL for stock watering, piscatorial, fire protection, and wildlife habitat and watering. 4. Evidence of Reasonable Diligence: Sawyer's Pond is one of several structures used to supply water for use on the Applicant's Canyon Creek Ranch property in San Miguel County, Colorado. The application contains a summary of specific projects and work undertaken during the six-year diligence period prior to the filing of this application with respect to the storage and use of water from the Sawyer's Pond and other water structures comprising the Canyon Creek Ranch. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter; and is available for inspection at the office of the Division 4 Water Clerk or via Colorado Courts E-filing. Applicant can and will apply the remaining conditional portion of the Sawyer's Pond water right to beneficial use within a reasonable period of time. 5. 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. WHEREFORE, the Applicant respectfully requests the Court enter a finding of reasonable diligence for 0.96 AF conditional, decreed to Sawyer's Pond in Case No. 07CW199, Water Division No. 4; and continue said conditional water right for an additional six-year diligence period. **SAN MIGUEL COUNTY**

**CASE NO. 2021CW3023.** Delta County, on the Uncompahgre River **APPLICATION FOR SURFACE WATER RIGHT.** Name and address of Applicant: DERT Property Management LLC c/o Eric Barker, 21 Creative Place, Montrose, Colorado 81401. Please direct all correspondence, motions, and pleadings to Karl Hanlon, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602 (970) 945-2261. **FIRST CLAIM: APPLICATION FOR SURFACE WATER RIGHT.** Name of

structure: *DELT Ditch No. 1.* Legal description: The point of diversion is located at Easting 759680.77m Northing 4286187.35m Zone 12. Source of UTM's Google Earth Pro. Street Address: 18406 Highway 50, Delta, Colorado 81416. Source: Uncompahgre River. Appropriation date: May 11, 2020. How appropriation was initiated: Identification in the field. Amount: 2.0 c.f.s. Uses: piscatorial, recreation, irrigation, fire protection. Remarks: DELT Ditch No. 1 diverts water flowing from a large seep area on the Applicant's property. The seep area is shown on the exhibit to the application. The irrigated area includes up to 30 acres of the Applicant's property lying generally east of the river. SECOND CLAIM: APPLICATION FOR SURFACE WATER RIGHT. Name of structure: *DELT Ditch No. 2.* Legal description: The point of diversion is located at Easting 759680.77m Northing 4286366.75m in Zone 12. Source of UTM's Google Earth Pro. Street Address: 18406 Highway 50, Delta, Colorado 81416. Source: Uncompahgre River. Appropriation date: May 11, 2020. How appropriation was initiated: Identification in the field. Amount: 5.0 c.f.s. Uses: piscatorial, recreation, irrigation, fire protection. Remarks: DELT Ditch No. 2 diverts water flowing from a large seep area on the Applicant's property. The seep area is shown on the map attached as Exhibit A. The irrigated area includes up to 30 acres of the Applicant's property lying generally east of the river. THIRD CLAIM: APPLICATION FOR SURFACE WATER RIGHT. Name of structure: *DELT Ditch 2 – 1<sup>st</sup> Enlargement.* Legal description: The point of diversion is located at Easting 759228.41m Northing 4286963.79m in Zone 12. Source of UTM's Google Earth Pro. Street Address: 18406 Highway 50, Delta, Colorado 81416. Source: Uncompahgre River. Appropriation date: May 11, 2020. How appropriation was initiated: Identification in the field. Amount: 2.0 c.f.s. Uses: piscatorial, recreation, irrigation, fire protection. Remarks: DELT Ditch No. 2 – 1<sup>st</sup> Enlargement will divert tail water crossing Highway 80 on to the Applicant's property. The area to be irrigated includes up to 30 acres of the Applicant's property. Names and addresses of owners of land upon which structures are located: Applicant. A map depicting the location of the structures to be decreed is on file with the Water Court. (5 pp. with exhibits). **DELTA COUNTY**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of July, 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 <https://coloradojudicial.gov>). (This publication can be viewed in its entirety on the state court website at: <https://coloradojudicial.gov>). FRED CASTLE, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401