

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 2025.

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. 25CW4 (REF NO 18CW40, 12CW10, 05CW113). Applicant: Ryan Stucker, Valarie Stucker, 33188 J Rd Hotchkiss, CO 81419. Application for Finding of Reasonable Diligence: Stucker Spring #1 – SE1/4NE1/4NW1/4 of Section 36, T14S, R93W, 6th PM, 1347 ft south of the north section line and 1993 ft east of the west section line, North Fork of Gunnison River. Appropriation Date: 07/16/2005. Amount claimed .25 cfs for irrigation, livestock, water. Stucker Spring #2 – NW1/4SE1/4NW1/4 of Section 36, T14S, R93W, 6th PM, 1467 ft south of the north section line and 1962 ft east of the west section line, North Fork of Gunnison River. Appropriation Date: 07/16/2005. Amount claimed .25 cfs for irrigation, livestock, water. Stucker Springs #3 – NW1/4SE1/4NW1/4 of Section 36, T14S, R93W, 6th PM, 1860 ft south of the north section line and 1990 ft east of the west section line, North Fork of Gunnison River. Appropriation Date: 07/16/2005. Amount claimed .25 cfs for irrigation, livestock, water. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2025CW3001 (REF 23CW3078, 17CW3039, 08CW150)

Applicants: **Tri-County Water Conservancy District, (TCWCD)** 647 N. 7th St., Montrose CO 81401, 970-249-3369; **Uncompahgre Valley Water Users Association, (UVWUA)** P.O. Box 69, Montrose CO 81402 970-249-3813; **United States of America, (USA)** c/o U. S. Department of Justice, Environmental and Natural Resources Division, 999 18th St., South Terrace, Suite 370, Denver CO 80202. APPLICATION TO MAKE ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE. 2. Name of Structures: **Tri-County / Uncompahgre Valley Water Users Exchange.** 3. Date of Original Decree: July 25, 2011, 08CW150, Division 4. 4. Legal Description: The affected reach is from the confluence of the South Canal and the Uncompahgre River, at UTM coordinates Easting 255386, Northing 4250654, Colorado Central Zone, approximately 445 feet from the east section line and 2584 feet from the south section line, NE1/4NE1/4SE1/4 Section 36, Township 48 North, Range 9 West, N.M.P.M. upstream to the outlet of Ridgway Reservoir, at UTM coordinates Easting 258604, Northing 4235645, Colorado Central Zone, approximately 60 feet from the west section line and 1607 feet from the south

section line, SW1/4NW1/4SW1/4, Section 16, Township 46 North, Range 8 West, N.M.P.M. 5. Source: Gunnison Tunnel, which takes water from the Gunnison River; Ridgway Reservoir, which stores water from the Uncompahgre River. 6. Date of Appropriation: June 4, 1991. 7. Amounts: 200 c.f.s. (159 c.f.s. absolute; 41 c.f.s. conditional) 8. Uses: municipal use pursuant to an appropriative right of exchange. 9. Outline of what has been done toward completion of the water right: The exchange is operated each year. On May 23, 2024, 159 c.f.s. of water was delivered and measured at the headgate to Fairview Reservoir on the South Canal. This is an increase of 26 c.f.s. from the previous amount of 133 c.f.s. that had been made absolute. Applicants request to make 159 c.f.s. absolute and continue the balance of 41 c.f.s. as conditional. 10. Names of owners of the land upon which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant United States as to Gunnison Tunnel and Ridgway Reservoir; Project 7 Water Authority, P.O. Box 1185, Montrose CO 81402-1185 as to Fairview Reservoir. **MONTROSE AND OURAY COUNTIES.**

CASE NO. 2025CW3002 (REF 18CW3053, 12CW44, 03CW264, 93CW66, 86CW143, 82CW182, W1365) DALLAS CREEK, TRIBUTARY TO UNCOMPAHGRE RIVER. Dallas Creek Water Company c/o Scott C. Miller and Jason M. Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Loghill Village Pumping Plant. Original Decree: May 23, 1974, Case No. W-1365, Water Division 4. Previous Diligence Decree: February 25, 2019, Case No. 2018CW3053, Water Division 4. Legal: North bank of Dallas Creek, whence the Northwest Corner of Section 7, Township 45 North, Range 8 West, N.M.P.M., bears North 77° 0' West, 2,450 feet, more or less, in Ouray County. Also described in UTM format as Zone 13, NAD 83, Northing 4228595m, Easting 0255441m). Place of use: Applicant's service area on Loghill Mesa (within the boundaries of Loghill Mesa in Sections 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33 of Township 46 North, Range 8 West, and Sections 24, 25, and 36 of Township 46 North, Range 9 West, and Sections 5 and 6 of Township 45 North, Range 8 West and Section 1 of Township 45 North, Range 9 West of the N.M.P.M.). Source: Dallas Creek, tributary to Uncompahgre River. Appropriation date: March 17, 1971. Amount: 0.24 c.f.s. conditional. Uses: Municipal, industrial, residential, commercial, recreational, and fish culture purposes. Landowner info: Abel Ridgway Ranch Inc., 1815 Y Street, Lincoln, NE 68508. Map and description of diligence activities are on file with the court. **OURAY COUNTY**

25CW3003 SAN MIGUEL RIVER BASIN. Application for Conditional Storage Right. Telluride Preserve Homeowners Association, c/o Ryan Jarvis and Laurel Quinto of JVAM PLLC, 305 Gold Rivers Ct., Ste 200, Basalt CO 81621, (970) 922-2122. Structure: Trout Lake Reservoir, Telluride Preserve Enlargement. Location: NE¼ SW¼ Sec 8 T41N R9W NMPM, 2,275 ft S and 1,594 ft W of said sec line; also described as Zone 13, NAD83, UTM Easting: 245807.00, UTM Northing: 4190829.00. Source: Lake Fork of the San Miguel River. Date of appropriation.: 7/12/2024. How appropriation was initiated: formulation of intent to appropriate storage in Trout Lake for replacement of out-of-priority depletions, meeting with water commissioner, field inspection, and conferring with the owner of Trout Lake regarding lease of storage space. Amount: 3.0 af, conditional. Uses:

Replacement of depletions, including by augmentation. Surface area of high water line: 138 acres. Vertical height of dam: 38.5 ft, according to the decree in CA4641. Total capacity: 3,314 af. Active capacity: Approx. 2,274 af. Dead storage: Approx. 1,040 af. Owner of land: Public Service Company of Colorado ("PSCo"), Water Resources, 1800 Larimer St, STE 1300, Denver, CO, 80202. Remarks: Trout Lake is an existing reservoir owned by PSCo originally decreed in Civil Action No. 4641, Montrose County District Court, for the storage of 3,186 af. The storage of water pursuant to the claim set forth in this Paragraph 2 will not materially alter the surface area, dam dimensions or other physical attributes of Trout Lake. Water stored under this water storage right may be used to replace depletions pursuant to the plan for augmentation approved by this Court in Case No. 86CW72 as amended in Case No. 03CW239. (4 pages, 1 Exhibit). **SAN MIGUEL COUNTY.**

Case No. 25CW3004 (REF 24CW3015) David L. Mollenberg; c/o William T. Raley and John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 241-5500; APPLICATION FOR CHANGE IN UNDERGROUND WATER RIGHT AND REQUEST FOR APPROVAL OF AMENDED PLAN FOR AUGMENTATION; Name, address, and telephone number of applicant: David L. Mollenberg; 3070 I 70 Business Loop, Unit B-1, Grand Junction, CO 81504; (775) 240-5741; Decreed water right for which change is sought: Name of structure: Mollenberg Well; Date of original and all relevant subsequent decrees: August 19, 2024, Case No. 2024CW3015, Water Division 4; Location description of structure as described in most recent decree: The Mollenberg Well will be located on the Applicant's property within the SW¼ of the SE¼ of Section 28, Township 12 South, Range 99 West of the Ute Principal Meridian, situated at a point with GPS coordinates Zone 12, NAD83; 720148m E; 4317114m N; Decreed source of water: Groundwater tributary to the Gunnison River; Appropriation Date: March 29, 2024; Decreed amount: 0.134 c.f.s. (60 gallons per minute; 3.77 a.f. annual appropriation) conditional; Decreed uses: Domestic home and irrigation, three single-family homes and lawn and garden irrigation of 0.25 acres per home (0.75 acres total); Depth of well: 200 feet below ground surface; Augmentation plan associated with operation of the well: Mollenberg Well Augmentation Plan; Detailed description of proposed change: Proposed use: Domestic water for use in a commercial campground consisting of 12 full-service sites and 13 tent sites; Proposed amount: 60 g.p.m., or 0.134 c.f.s., not to exceed 2.38 a.f. annually, conditional; Decreed water right for which change is sought: Mollenberg Well Augmentation Plan; Name of structure to be augmented: Mollenberg Well; Water rights to be used for augmentation: Augmentation water to support the augmentation plan requested in this case will be obtained through a water supply contract with the Bureau of Reclamation for releases from Blue Mesa Reservoir; Information regarding water rights used for augmentation: Blue Mesa Reservoir: Date of original decree and Case Nos.: Blue Mesa Reservoir (Wayne N. Aspinall unit of the Colorado River Storage Project) was decreed 939,204 acre-feet in C.A. Nos. 5590 and 6981 with a November 11, 1957, appropriation date. An additional 124,253 acre-feet, with the same appropriation date, was transferred to the reservoir in C.A. No. 10045, making the total amount decreed to Blue Mesa Reservoir 1,063,457 a.f.; Type of water right: Storage; Legal description of storage structure: Blue Mesa Reservoir: 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 of the center line of the outlet works tunnel, whence the SW corner of section 31, T49N, R4W, NMPM bears North 78°36'44" West a distance of 3,207.07 feet; Decreed source: Gunnison River; Appropriation date: November 11, 1957; Decreed amount: 1,063,457 a.f.; Decreed uses: Domestic, municipal, irrigation, stock watering, industrial, hydropower, piscatorial, wildlife, recreation and other purposes; Does Applicant intend to change a water right to provide a source of augmentation? No; Decreed statement of plan for augmentation: Depletions: Water from the Mollenberg Well will be used to supply water for domestic use in up to three single-family dwellings and lawn and garden irrigation of up to 0.25 acre per single-family dwelling (0.75 acre total) on the Applicant's property; Domestic Demand Depletions: The estimated water demand to support domestic use in the homes is 0.1 a.f. per month or 1.2 a.f. per year. The water demand estimate assumes 100 gallons per person per day and an average of 3.5 people per home. Wastewater from the homes will be discharged to septic systems, so overall depletion of the aquifer is estimated to be 10 percent of demand. Therefore, use of the well for domestic purposes in three homes will result in a monthly depletion of 0.01 a.f. and an annual depletion of approximately 0.12 a.f.; Lawn and Garden Irrigation Demand and Depletions: The maximum demand and depletions for lawn and garden irrigation were estimated by assuming the total 0.75-acre area consists of bluegrass, and irrigation will be accomplished using sprinklers with an irrigation efficiency of 85 percent; Decreed operation of plan for augmentation: The only senior calling structure downstream of the Mollenberg Well is the Redlands Power Canal (RPC), which holds three separately decreed rights: 670 c.f.s. absolute decreed in Case No. CA1927 with a July 31, 1905, appropriation date and a July 22, 1912, adjudication date ("Senior Redlands Right"); 80 c.f.s. absolute decreed in Case No. CA8303 with a June 26, 1941, appropriation date and a July 21, 1959, adjudication date (together with the 100 c.f.s. right below, "Junior Redlands Rights"); 100 c.f.s. absolute decreed in Case No. 94CW0228 with an October 1, 1994, appropriation date and a December 31, 1994, adjudication date (together with the 80 c.f.s. right above, "Junior Redlands Rights"); Potential call period: Potential out-of-priority depletions under this plan for augmentation are based on potential call periods for both the Senior Redlands Right and the Junior Redlands Rights during the extreme drought conditions that existed in 2002-2003. The call periods correspond to the maximum number of days for any given month over the two-year period when Gunnison River flows at the RPC diversion were less than the decreed amounts for the RPC's water rights; Replacement water: To address potential out-of-priority depletions from the use of the Mollenberg Well, Applicant will obtain a water supply contract from the U.S. Bureau of Reclamation for the annual purchase of replacement water to be released from Blue Mesa Reservoir. Applicant will purchase a contract for 2 a.f. The water-purchase obligation accounts for a conveyance loss of 30 percent per Water Division 4 guidance. To the extent that the water purchased under the water supply contract exceeds the amount necessary to address out-of-priority depletions, Applicant requests the right to use such excess to protect against potential increases in the call period; Detailed description of proposed change: Amended statement of plan for augmentation: Depletions: The Mollenberg Well will be used to supply domestic water for use in a commercial campground consisting of 12 full-service sites and 13 tent sites. Each full-service site will provide individual water connections with flush toilets used in the camping vehicle or in a service building. Tent sites will obtain

water from faucets provided in common areas and centralized flush toilets provided in a service building; Domestic Demand Depletions: Consistent with the water supply requirements specified in 6 CCR 1010-9 (Campgrounds and Recreation Areas), the water demand for the full-service sites is assumed to be 100 gallons per day per site, and the water demand for the tent sites is assumed to be 75 gallons per day per site. The estimated water demand for domestic use in the campground is 0.2 acre-feet per month or 2.4 acre-feet per year. Wastewater from the campground will be discharged to a septic system, and as a result, overall depletion to the aquifer is estimated to be 10 percent of the demand. Use of the well for domestic purposes in the campground will result in a monthly depletion of 0.02 acre-feet and an annual depletion of approximately 0.24 acre-feet; Replacement water: To address potential out-of-priority depletions from the use of the Mollenberg Well, Applicant will obtain a water supply contract from the U.S. Bureau of Reclamation for the annual purchase of replacement water to be released from Blue Mesa Reservoir. Applicant will purchase a contract for 1 a.f. The water-purchase obligation accounts for a conveyance loss of 30 percent per Water Division 4 guidance. To the extent that the water purchased under the water supply contract exceeds the amount necessary to address out-of-priority depletions, Applicant requests the right to use such excess to protect against potential increases in the call period. (6 pages). **MESA COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of April 2025 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 [Division 4 | Colorado Judicial Branch](#) This publication can be viewed in its entirety on the state court website at: [Division 4 | Colorado Judicial Branch](#).) FRED CASTLE, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401