

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 April 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. 25CW7 (REF 16CW3097)** Moonrise Enterprises LLC, PO Box 786, Norwood, CO 81423. Application for Finding of Reasonable Diligence: Moonrise Well No 1 – NE1/4SE1/4 of Section 29, T45N, R13W, NMPM., Easting 0209154, Northing 4224425, Zone 13 NAD83, San Miguel River. Appropriation Date: 12/31/2016. Amount claimed: 0.10 cfs combined 4.0 af annually for greenhouse irrigation, sanitary/commercial use and augmentation commercial cannabis; Moonrise Pond No 1– NE1/4SE1/4 of Section 29, T45N, R13W, NMPM., Easting 0209266, Northing 4224671, Zone 13 NAD83, San Miguel River. Appropriation Date: 12/31/2016. Amount claimed: 5 af with the right to fill and refill when in priority, cumulative amount claimed for all ponds 15 af plus refill for greenhouse irrigation, sanitary/commercial use and augmentation commercial cannabis; Moonrise Pond No 2– NE1/4SE1/4 of Section 29, T45N, R13W, NMPM., Easting 0209120, Northing 4224421, Zone 13 NAD83, San Miguel River. Appropriation Date: 12/31/2016. Amount claimed: 5 af with the right to fill and refill when in priority, cumulative amount claimed for all ponds 15 af with plus refill for greenhouse irrigation, sanitary/commercial use and augmentation commercial cannabis; Moonrise Well No 2 - Moonrise Well No 2 – SW1/4SW1/4 of Section 28, T45N, R13W, NMPM, Easting 0209437, Northing 4224153, Zone 13 NAD83, San Miguel River. Appropriation Date: 12/31/2016. Amount claimed: 0.10 cfs combined 4.0 af annually for greenhouse irrigation, sanitary/commercial use and augmentation commercial cannabis; Moonrise Pond No 3 - SW1/4SW1/4 of Section 28, T45N, R13W, NMPM., Easting 0209449, Northing 4224165, Zone 13 NAD83, San Miguel River. Appropriation Date: 12/31/2016. Amount claimed: 5 af with the right to fill and refill when in priority, cumulative amount claimed for all ponds 15 af with plus refill for greenhouse irrigation, sanitary/commercial use and augmentation commercial cannabis. A detailed description of what has been done toward completion of the Appropriation and Application of water to its decreed beneficial uses is attached to the Application which is on file with the Water Clerk for Water Division No. 4. **SAN MIGUEL COUNTY.**

**Case No. 25CW3011 (REF 18CW3059, 12CW38)** Gunnison River; MGMGJ Properties, LLC; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand

Junction, CO 81506, (970) 248-5865; APPLICATION FOR FINDING OF REASONABLE DILIGENCE; Name, address, and telephone number of applicant: MGMGJ Properties, LLC; c/o Mark Gardner; P.O. Box 1769; Grand Junction, CO 81502; (970) 242-7538; Request for finding of diligence: Name of structure: Warren Gravel Pit Well; Describe conditional water right: Original Decree: Case No. 2012CW38; November 19, 2012; Water Division 4; Subsequent decrees awarding diligence: 2018CW3059; Legal description: SW1/4 NE1/4 NW1/4, Section 9, Township 15 South, Range 95 West, 6th P.M., 800 feet from the north section line and 2,000 feet from the west section line. UTM Coordinates: Easting 237565, Northing 4295332; Zone 13; Source of water: Groundwater tributary to the Gunnison River; Appropriation Date: January 1, 2012; Amount: 0.18 c.f.s. of water (92.03 acre-feet annually); Use: Industrial (gravel extraction), evaporation from a gravel pit, wildlife, fish culture, and stockwater; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicant's predecessor in title mined approximately 1,000 tons of material from the Warren Pit in the spring of 2019. Applicant acquired the Warren Pit to meet a critical demand for future material supply needs. After purchasing the Warren Pit, Applicant obtained a water supply contract from the Bureau of Reclamation to support the augmentation plan decreed in Case No. 2012CW0038. Due to delays at the Bureau of Reclamation, obtaining that contract took nearly a year. After obtaining that water supply contract, Applicant obtained a well permit for the Warren Pit (Permit No. 87926-F) on March 14, 2024. The Warren Pit is a critical part of Applicant's business plan and will become the primary source of supply for Applicant's operations in approximately five years. (3 pages). A detailed description of what has been done toward completion of the Appropriation and Application of water to its decreed beneficial uses is attached to the Application which is on file with the Water Clerk for Water Division No. 4. **DELTA COUNTY.**

**Case No. 25CW3012 (REF 17CW3033) Applicant:** ELK MOUNTAIN RESORT PARTNERS, LLC, dba ELK MOUNTAIN RESORT, Mr. Barry Madden, Managing Member, by, Bo James Nerlin, Devor & Plunhoff, LLC, 152 Colorado Ave., Montrose, CO 81401, 970-249-7000. FOR FINDING OF REASONABLE DILIGENCE. The Applicant seeks a finding of reasonable diligence, for the following water rights located in Ouray County: **Name of Structures:** Elk Mountain Spring No. 1; 0.091 c.f.s. (40.8 g.p.m.), for irrigation of one acre and fire protection; 0.10 c.f.s. (44.9 g.p.m.), for domestic, commercial, recreation, livestock, and fish and wildlife uses, with an appropriation date of August 17, 1998; Elk Mountain Well No. 1; 0.005 c.f.s. (2.3 g.p.m.), for irrigation of one-half acre, fire protection, domestic, and commercial uses; 0.033 c.f.s. (15 g.p.m.) for recreation, livestock, fish and wildlife uses, with an appropriation date of August 20, 1997; Located in the NW ¼ SE ¼ of Sec. 9, T 46N, R 10W, N.M.P.M., in Ouray County, Colorado, being 340 ft. from the South Section Line and 2275 ft. from the East Section Line of said Section 9. (Easting: 239805 m, Northing: 4237976 m, UTM Zone 13, NAD83.) Elk Mountain Well No. 1; 0.005 c.f.s. (2.3 g.p.m.), for irrigation of one-half acre, fire protection, domestic, and commercial uses; 0.033 c.f.s. (15 g.p.m.) for recreation, livestock, fish and wildlife uses, with an appropriation date of August 20, 1997; Located in the SE ¼ SW ¼ of Sec. 9, T 46N, R 10W,

N.M.P.M., in Ouray County, Colorado, being 442 ft. from the South Section Line and 1778 ft. from the West Section Line of said Section 9. (Easting: 239397 m, Northing: 4237710 m, UTM Zone 13, NAD83.) Elk Mountain Well No. 3; 0.021 c.f.s. (9.4 g.p.m.), for irrigation of one-half acre, fire protection, domestic, and commercial uses; 0.033 c.f.s. (15 g.p.m.) for recreation, livestock, fish and wildlife uses, with an appropriation date of August 20, 1997; Located in the NW ¼ SE ¼ of Sec. 9, T 46N, R 10W, N.M.P.M., in Ouray County, Colorado, being 1366 ft. from the South Section Line and 2627 ft. from the East Section Line of said Section 9. (Easting: 239698 m, Northing: 4237986 m, UTM Zone 13, NAD83.) Elk Mountain Well No. 4; 0.033 c.f.s. (15 g.p.m.), for recreation, irrigation of one-half acre, livestock, fish and wildlife uses, with an appropriation date of August 20, 1997; and Located in the NW ¼ NE ¼ of Sec. 16, T 46N, R 10W, of the N.M.P.M. in Ouray County, Colorado, being 656 ft. from the North Section Line and 2281 ft. from the East Section Line of said Section 16. (Easting: 239785 m, Northing: 4237368 m, UTM Zone 13, NAD83.)

Elk Mountain Well No. 5; 0.011 c.f.s. (4.9 g.p.m.), for irrigation of one-half acre, fire protection, domestic, and commercial uses; 0.033 c.f.s. (14.8 g.p.m.) for recreation, livestock, fish and wildlife uses, with an appropriation date of August 20, 1997.

Located in the NW 1/4 NE ¼ of Sec. 16, T 46 N, R 10 W, N.M.P.M., in Ouray County, Colorado being 740 ft. for the North Section Line and 2387 ft. from the East Section Line of said Section 16. (Easting, 239752 m, Northing: 4237343 m UTM Zone 13 NAD83). A detailed description of what has been done toward completion of the Appropriation and Application of water to its decreed beneficial uses is attached to the Application which is on file with the Water Clerk for Water Division No. 4. **OURAY COUNTY.**

**Case No. 25CW3013 (REF. 16CW3069) APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE AND FOR A FINDING OF REASONABLE DILIGENCE 1.**

Name and address of Applicant: Divide Golf, LLC ("Divide")\_105 North Badger Trail Ridgway, Colorado 81432 Copies of all pleadings to: Kristin H. Moseley\_Lindsey A. Ratcliff\_Somach Simmons & Dunn, P.C.\_1155 Canyon Blvd, Suite 110\_Boulder, Colorado 80302\_2. Name of Structures: 2.1. Fairway Pines Estate Owners Well No. 1.\_2.2. Fairway Pines Estate Owners Well No. 2.\_3. Description of conditional water rights: 3.1. Fairway Pines Estate Owners Well No. 1 (WDID: 6805096): 3.1.1. Decree: Case No. 16CW3069, District Court in Water Division No. 4, State of Colorado, entered May 9, 2019 (16CW3069 Decree). 3.1.2. Location: The well is located in the SW 1/4 SW 1/4 of Section 31, Township 46 North, Range 8 West, N.M.P.M., at a point 640 feet north of the south section line and 324 feet east of the west section line. UTM coordinates: Easting 0254971; Northing 4230627 (NAD83, Zone 13 North) 3.1.3. Source: Groundwater tributary to the Uncompahgre River.\_3.1.4. Amount: 0.03 cubic feet per second ("cfs") (13.7 gallons per minute ("gpm")), conditional.\_3.1.5. Appropriation Date: March 28, 2016.\_3.1.6. Uses: Irrigation of 76.4 acres at Fairway Pines Golf Course; filling Fairway Pines Reservoir (Estate Owners Enlargement), Fairway Pines Estates Owners Ponds I and 2 and Fairway Pines Golf Course Ponds 2, 3, and 4 for their uses as decreed in Case No. 13CW3034 for fire protection, irrigation of golf course and green belt, industrial use by Oumy County for roads and other projects; recreation, and emergency domestic use by the members of the Fairway Pines Estates Owners Association in the Dallas Creek Water Company treatment plant.\_3.1.7. Well permit:

Permit No. 83538-F, which cancelled and replaced monitoring well Permit No. 300585.

3.2. Fairway Pines Estate Owners Well No. 2 (WDID: 68050967):

3.2.1. Decree: 16CW3069 Decree.

3.2.2. Location: The well is located in the SW 1/4 SW 1/4 of Section 31, Township 46 North, Range 8 West, N.M.P.M., at a point 1,092 feet north of the south section line and 1,187 feet east of the west section line. UTM coordinates: Easting 0255238; Northing 4230758 (NAD83, Zone 13 North).

3.2.3. Source: Groundwater tributary to the Uncompahgre River.

3.2.4. Amount: 0.078 cfs (35.2 gpm), conditional.

3.2.5. Appropriation Date: March 28, 2016.

3.2.6. Uses: Irrigation of 76.4 acres at Fairway Pines Golf Course; filling Fairway Pines Reservoir (Estate Owners Enlargement), Fairway Pines Estates Owners Ponds 1 and 2 and Fairway Pines Golf Course Ponds 2, 3, and 4 for their uses as decreed in Case No. 13CW3034 for fire protection, irrigation of golf course and green belt, industrial use by Ouray County for roads and other projects; recreation, and emergency domestic use by the members of the Fairway Pines Estates Owners Association in the Dallas Creek Water Company treatment plant.

3.2.7. Well permit: Permit No. 83539-F, which cancelled and replaced monitoring well Permit No. 300584.

3.3. Remarks:

3.3.1. A general location map depicting the locations of the Fairway Pines Estate Owners Well Nos. 1 and 2 is attached as **Exhibit A**.

3.3.2. The conditional water rights described in paragraphs 3.1 and 3.2 will be augmented as part of the Fairway Pines Estate Owners Augmentation Plan decreed in Case No. 16CW3069 and will operate pursuant to the terms and conditions decreed therein.

3.3.3. The combined annual withdrawal of ground water from both the Fairway Pines Estate Owners Well Nos. 1 and 2 will not exceed 39.44 acre-feet.

4. Request for Finding of Integrated Water Supply System: "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). The water rights described in paragraphs 3.1 and 3.2 are part of an integrated water system for Applicant's property.

5. Request to make the Fairway Pines Estate Owners Well Nos. 1 and 2 absolute for specific uses: The Applicant seeks confirmation that it has made absolute the Fairway Pines Estate Owners Well Nos. 1 and 2 water rights described in paragraphs 3.1 and 3.2. The Applicant has diverted and put the water rights to beneficial use as described below:

5.1. Fairway Pines Estate Owners Well No. 1:

5.1.1. Amount and use: 0.03 cfs (13.7 gpm) for irrigation of 76.4 acres at Fairway Pines Golf Course; filling of Fairway Pines Golf Course Ponds 2, 3, and 4 for their uses originally decreed in Case No. 13CW3034 for fire protection; irrigation of golf course and green belt; and industrial use by Ouray County for roads and other projects.

5.1.2. Remaining conditional uses: 0.03 cfs (13.7 gpm) for filling Fairway Pines Reservoir (Estate Owners Enlargement) and Fairway Pines Estates Owners Ponds 1 and 2; recreation; and emergency domestic use by the members of the Fairway Pines Estates Owners Association in the Dallas Creek Water Company treatment plant.

5.2. Fairway Pines Estate Owners Well No. 2:

5.2.1. Amount and use: 0.078 cfs (35.2 gpm) for irrigation of 76.4 acres at Fairway Pines Golf Course; filling of Fairway Pines Golf Course Ponds 2, 3, and 4 for their uses originally decreed in Case No. 13CW3034 for fire protection; irrigation of golf course and green belt; and industrial use by Ouray County for roads and other projects.

5.2.2. Remaining conditional uses: 0.078 cfs (35.2 gpm) for filling Fairway Pines Reservoir (Estate Owners Enlargement)

and Fairway Pines Estates Owners Ponds 1 and 2; recreation; and emergency domestic use by the members of the Fairway Pines Estates Owners Association in the Dallas Creek Water Company treatment plant. 6. Request for a finding of reasonable diligence on remaining conditional water rights: Applicant owns and operates the Divide Ranch and Club, a golf course and events center located northwest of Ridgway. Maintaining a reliable and efficient supply of water is critical for irrigation of the greenways and hosting events year-round. Fairway Pines Estate Owners Well Nos. 1 and 2 are essential components of Applicant's integrated water system. For the remaining conditional portions of the Fairway Pines Estate Owners Well Nos. 1 and 2 water rights as described in paragraphs 5.1.2 and 5.2.2, and to the extent the Court declines to find that Applicant has satisfied its claim that the Fairway Pines Estate Owners Well Nos. 1 and 2 water rights have been made absolute as described in paragraphs 5.1.1 and 5.2.1, Applicant has diligently maintained the water rights, and can and will perfect them for beneficial uses pursuant to the standards set forth in C.R.S. §§ 37-92-301(4) and 37-92-305(9)(b) and associated caselaw. In support of its claim for findings of reasonable diligence, Applicant has engaged in numerous activities during the diligence period that demonstrate diligence toward the application of Fairway Pines Estate Owners Well Nos. 1 and 2 water rights to their decreed beneficial uses. Applicant has incurred significant costs and expenditures during the diligence period to operate, maintain, upgrade, and expand its water facilities, as well as to acquire, maintain, and protect the water rights that make up the integrated system. Applicant's specific diligence activities during the diligence period include the following: 6.1. On August 26, 2019, the Colorado Division of Water Resources ("DWR") issued Well Permit Nos. 83538-F and 83539-F for the Fairway Pines Estate Owners Well Nos. 1 and 2, respectively. These permits cancelled previously issued permits for the Fairway Pines Estate Owners Well Nos. 1 and 2 when the wells were used for monitoring. Well Permit Nos. 83538-F and 83539-F state that the uses of the wells are augmentation, irrigation, and to fill Fairway Pines Reservoir (Estate Owners Enlargement), Fairway Pines Estates Owners Ponds 1 and 2, and Fairway Pines Golf Course Ponds 2, 3, and 4. Applicant expended \$2,559 to prepare and file the permit applications. 6.2. Applicant constructed the Fairway Pines Estates Owners Pond 1 and a lift station that will pump Fairway Pines Estates Owners Ponds 1 and 2 back to the main irrigation ponds and central irrigation station. Applicant partially filled Fairway Pines Estates Owners Pond 1 using water pumped from Fairway Pines Estate Owners Well Nos. 1 and 2. 6.3. Applicant constructed the Fairway Pines Estates Owners Association Pumping Plant, which involved extensive trenching, installation of piping, and construction of a pump station on Dallas Creek. Construction was completed in August 2021. 6.4. Applicant installed green fire hydrants throughout the subdivision that are pressurized by Applicant's irrigation pumps from Fairway Pines Golf Course Ponds 2, 3, and 4. 6.5. Applicant provided water to Ouray County for dust suppression on roads. 6.6. Applicant is working toward a Water Delivery Agreement with Fairway Pines Sanitation District ("District") to improve and construct infrastructure that will make operation of the Fairway Pines Waste Water Works domestic wastewater treatment plant ("Plant") and Divide Ranch and Club more efficient. The District delivers treated wastewater effluent from the Plant to ponds on Applicant's property for subsequent irrigation of the golf course. 6.7. In 2021, in Case No. 21CW3017, Applicant made absolute in part and

otherwise obtained findings of reasonable diligence for the following water rights: the Fairway Pines Estates Owners Pond 1, the Fairway Pines Estate Owners Pond 2, the FP Golf Course Pond No. 2, the FP Golf Course Pond No. 3, the FP Golf Course Pond No. 4, the Fairway Pines Estates Owners Association Pumping Plant, the Fairway Pines Reservoir (Estate Owners Enlargement). 6.8. In 2023, the Applicant filed for and the Court granted reasonable diligence in the development of the FP Golf Course Pond No. 1 and FP Golf Course Pond No. 5 in Case No. 23CW3037. 6.9. On June 19, 2024, Applicant renewed an agreement with Tri-County Water Conservancy District to use water from the Dallas Creek Project pursuant to a 20-year contract. This water will be used to offset depletions to the Uncompahgre River caused by pumping from the Fairway Pines Estate Owners Well Nos. 1 and 2. Applicant paid a total of \$22,605 for augmentation water during the diligence period. 7. Names and addresses of owners of land upon which the subject water rights are or will be located: 7.1. Fairway Pines Estate Owners Well No. 1. 7.1.1. Divide Golf, LLC, 105 North Badger Trail, Ridgway, CO 81432. 7.2. Fairway Pines Estate Owners Well No. 2. 7.2.1. Loghill Village Park and Recreation District, 180 Ponderosa Drive, Ridgway, CO 81432. WHEREFORE, the Applicant respectfully requests the Water Court enter a decree finding that: (i) the Applicant has made the Fairway Pines Estate Owners Well Nos. 1 and 2 water rights absolute as described in paragraphs 5.1.1 and 5.2.1; (ii) the Applicant has exercised reasonable diligence with respect to the remaining conditional water rights, and (iii) such other and further relief as the Water Court deems just and proper. A detailed description of what has been done toward completion of the Appropriation and Application of water to its decreed beneficial uses is attached to the Application which is on file with the Water Clerk for Water Division No. 4. **OURAY COUNTY.**

**Case No. 25CW3014;** Colorado River; Mary A. Sievers; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; Application for Surface Water Right; Name and contact information of Applicant: Mary A. Sievers, P.O. Box 4, Collbran, CO 81624; (970) 623-1484; Request for surface right (wastewater): Name of structure: Sievers Wastewater Ditch; Location: The point of diversion for the Sievers Wastewater Ditch is located on Applicant's property at a point in the SE/4 NW/4 of Section 7, Township 10 South, Range 95 West, 6<sup>th</sup> PM, UTM Zone 12 NAD83, 755647m E, 4343639m N; Source: Wastewater and surface flows from upgradient land east of Applicant's property, tributary to Plateau Creek, tributary to the Colorado River; Appropriation date: May 15, 2021; How appropriation was initiated: By diversion of water and application to beneficial use for irrigation on Applicant's property; Date water applied to beneficial use: May 15, 2021; Amount: 0.6 c.f.s. absolute; Use: Irrigation, livestock, wildlife watering directly from the ditch; Description of irrigated area: 8.5 acres on Applicant's property, the approximate center of which is located in the SW/4 NW/4 of Section 7, Township 10 South, Range 95 West, 6<sup>th</sup> PM. (3 pages). **MESA COUNTY.**

**Case No. 2025CW3015 (Ref. 1988CW182, 1995CW60, 2004CW78, 2012CW28 and 2018CW3058) Application for Finding of Diligence.** Applicant: Bent Creek Homeowners Association, Inc.; P.O. Box 35, Lake City, Colorado 81235. Attorney for Applicant: John T. Howe, Hoskin, Farina & Kampf, Professional Corporation, Post Office

Box 40, Grand Junction, Colorado 81502; (970) 986-3400. Name of Structure: Bent Creek No. 1 Well. Prior Decrees: Case Nos. 1988CW182, 1995CW60, 2004CW78, 2012CW28 and 2018CW3058; all in Water Division 4. Source: Lake Fork of the Gunnison River alluvium, tributary to the Gunnison River. Location: SE¼ SE¼ of Section 11, Township 42 North, Range 5 West, NMPM, Hinsdale County, Colorado; UTM Coordinates: Easting 290996, Northing 4198304, Zone 13. Use: Domestic use within a thirteen residence subdivision, including lawn and garden irrigation. Appropriation Date: May 26, 1988. Quantity: 28 g.p.m. conditional (22 g.p.m. was previously made absolute in Case No. 2004CW78). A detailed description of what has been done toward completion of the Appropriation and Application of water to its decreed beneficial uses is attached to the Application which is on file with the Water Clerk for Water Division No. 4. **HINSDALE COUNTY.**

**Case No. 25CW3016 (REF 09CW186, 18CW3057);** San Miguel County - Colorado River; Aldasoro Ranch Homeowners Company; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR FINDING OF REASONABLE DILIGENCE; Name, mailing address, and phone number of Applicant: Aldasoro Ranch Homeowners Company, c/o Shellie Duplan, 307 Society Drive, Unit C, Telluride, CO 81435; (970) 728-5191; Request for finding of reasonable diligence: Name of structures: TAP Well No. 5, TAP Well No. 6, TAP Well Field (collectively referred as "TAP Wells"); Description of conditional water right: Original Decree: Case No. 2009CW186; November 27, 2012; Water Division 4; Subsequent decrees awarding findings of diligence: 2018CW3057; Legal description: TAP Well No. 5: Located in the NE1/4 of the NE1/4, Section 32, Township 43, Range 9 West of the N.M.P.M., at a point 1,036 feet from the north section line and 82 feet from the east section line of Section 32; TAP Well No. 6: Located in the NW1/4 of the NW1/4, Section 33, Township 43, Range 9 West of the N.M.P.M., at a point 957 feet from the north section line and 677 feet from the west section line of Section 33; TAP Well Field: TAP Wells No. 5 and 6 are constructed on property previously owned by San Miguel Valley Corporation ("SMVC"), now Genesee Properties, Inc. The wells were constructed pursuant to an Agreement made August 3, 2000, between Applicant's predecessors in interest, Aldasoro, LTD and Aldasoro Brothers, and SMVC, which agreement is recorded as Reception No. 336593 in the records of the San Miguel County Clerk and Recorder's office. By future agreement that may be made between Applicant and Genesee Properties, Inc., SMVC or their affiliate owner(s) of that property, the TAP Wells No. 5 and/or No. 6 may be relocated within the SMVC property to locations more convenient for the property's development. The SMVC property (TAP Well Field) is generally located in Secs. 32 and 33, T. 43N., R. 9W., N.M.P.M. The total rate produced by TAP Wells No. 5 and 6 and any relocated replacement well(s) constructed within the Well Field will not exceed the collective pumping rate of 500 g.p.m.; Source: Groundwater tributary to the San Miguel River; Depth of wells: TAP Well No. 5: 200 feet; TAP Well No. 6: 200 feet; TAP Well Field: To be determined; not drilled; Appropriation date: December 31, 2009; Amount decreed in gallons per minute: 250 g.p.m. each for TAP Well No. 5 and TAP Well No. 6 and 500 g.p.m. total cumulative for those wells and the TAP Well Field. Total annual production, together with the wells augmented in Case No. 1990CW069, shall not exceed 177 acre-feet, conditional; Uses: Total number of acres proposed to be irrigated: 25 acres



of lawns and gardens within the subdivision. The land to be irrigated is generally located in Sections 28, 29, and 30, Township 43 North, Range 9 West, N.M.P.M. Total cumulative irrigation under these conditional rights and the rights decreed in Case No. 1990CW069 shall not exceed 25 acres; Non-irrigation: Domestic and commercial; Permit information: TAP Well No. 5: Monitoring Permit No. 226750; TAP Well No. 6: Monitoring Permit No. 22749; TAP Well Field: N/A; Outline of what has been done toward completion of appropriation and application of water to beneficial use: Integrated System. The decree in Case No. 09CW186 found and concluded that the subject conditional water rights are part of an integrated water supply system. Consequently, work on one feature of Applicant's supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of Applicant's water supply system. C.R.S. § 37-92-301(4)(b). During the diligence period of April 2018 through April 2025, Applicant negotiated with the owner of Genesee Properties to finalize the location and design of TAP Well Nos. 5 and 6, as well as related delivery and electrical infrastructure. The cost of those negotiations exceeded \$7,000. Applicant also retained SGM Engineering to design the wells and delivery system. The cost of that engineering work was approximately \$130,000. On April 17, 2025, Applicant began construction of production wells adjacent to the monitoring wells currently permitted as TAP Well Nos. 5 and 6. Applicant anticipates completion of the well construction in May 2025. The cost of that construction is expected to be approximately \$147,000. (5 pages) A detailed description of what has been done toward completion of the Appropriation and Application of water to its decreed beneficial uses is attached to the Application which is on file with the Water Clerk for Water Division No. 4. **SAN MIGUEL COUNTY.**

**Case No. 2025CW3017** 1. Applicant: **Tri County Water Conservancy District.**, c/o Jerry Young, General Manager, [jerry@tricountywater.org](mailto:jerry@tricountywater.org), 647 N. 7th St., Montrose, CO 81401, (970) 249-3369 by Camp & Skarka, LLC, 415 Palmer St., Delta, CO 81416. APPLICATION FOR CHANGE OF WATER RIGHT. 2. Name of Structures: **Dallas Divide Reservoir** and **Dallas Divide Reservoir Enlargement**. 3. Date of Original Decree and Relevant Subsequent Decrees: **Dallas Divide Reservoir** is April 14, 1961 in Civil Action No. 2440 in Ouray County; W-41, W-601, 83W9, 86CW201, 94CW52, 01CW96, 07CW182, and 14CW3015; **Dallas Divide Reservoir Enlargement** is September 13, 1971 in Civil Action 2710 in Ouray County, W-41, W-601, W-686, 83CW8, 86CW200, 94CW51, 01CW93, 09CW83, and 16CW3049. 4. Legal Description: **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. The point of diversion for the **Dallas Divide Reservoir Enlargement** is a single point on the east fork of Dallas Creek in the SW1/4 NW1/4 SW1/4 of Section 24, Township 45 North, Range 9 West, N.M.P.M., and more specifically described as U.T.M.; Zone 13; NAD 27 (CONUS) datum, Northing 4224367, Easting 253190, and also described as 1,702 feet from the south section line and 592 feet from the west section line of Section 24, Township 45 North, Range 9 West, N.M.P.M. 5. Source: **Dallas Divide Reservoir** is Pleasant Valley Creek, tributary to Dallas Creek, both tributary to the Uncompahgre River; **Dallas Divide Reservoir Enlargement** is the east fork of Dallas Creek, tributary to the Uncompahgre River. 6. Date of Appropriation: **Dallas Divide Reservoir** is November 16,



1956 as part of the Dallas Creek Project, priority 49, 5th adjudication; **Dallas Divide Reservoir Enlargement** is February 13, 1963, as part of the Dallas Creek Project, priority 71, 6th adjudication. 7. Amounts: **Dallas Divide Reservoir** is 14,089.16 acre-feet; **Dallas Divide Reservoir Enlargement** is 3,489.69 acre-feet. 8. Uses: **Dallas Divide Reservoir** is irrigation, domestic, municipal, industrial and flood control; **Dallas Divide Reservoir Enlargement** is irrigation, livestock, hydropower production, municipal, industrial, piscatorial, recreation, and flood control. 9. Amount of Water that Applicant Intends to Change: 17,578.85 acre-fee (the sum of **Dallas Divide Reservoir** and the **Dallas Divide Reservoir Enlargement**). 10. Detailed Description of Proposed Change: Applicant desires to move the **Dallas Divide Reservoir** and the **Dallas Divide Reservoir Enlargement** conditional water rights into Ridgway Reservoir, which is part of the Dallas Creek Project. The Dallas Creek Project is a U.S. Bureau of Reclamation Project under sponsorship by the Tri County Water Conservancy District. The Dallas Creek Project was authorized for construction by the Colorado River Basin Project Act of September 30, 1968 (Pub. L. 90-537), as a participating project under the Colorado River Storage Act of April 11, 1956 (Pub. L. 84-485). The "Dallas Divide Reservoir, and the Enlargement thereof, are integral parts and features of the Dallas Creek Project." CA 2710, Ouray County Sept. 13, 1971. Ridgway Reservoir was made absolute in 94CW52 to store 84,602 acre-feet of water for irrigation, livestock, power, municipal, industrial, fish culture, recreation, flood control, and supplemental stream flows for fish culture and recreation purposes. The center line of the crest of the Ridgway Reservoir Dam at the East abutment is located at a point whence the South quarter corner of Section 16, Township 46 North, Range 8 West, N. M. P. M. bears South 37° 11' 22.8" East 2,680.38 feet; and the center line of the crest of the Ridgway Dam at the West abutment is located at a point whence said South quarter corner of said Section 16 bears South 69° 52' 37.2" East 4,252.33 feet; and the centerline of the Dam between the East and West abutments bears South 74° 10' 42" West 2, 466.00 feet. The height of the Ridgway Reservoir Dam from the stream level is 206 feet, the surface area of the Reservoir at the high-water line is 1,063 acres with a capacity of 84,602 acre-feet. Pleasant Valley Creek and the east fork of Dallas Creek are both tributary to Dallas Creek, which flow into Ridgway Reservoir. Storage amounts from the **Dallas Divide Reservoir** and the **Dallas Divide Reservoir Enlargement** to be stored in Ridgway Reservoir are to be limited to what would be physically and legally available at the original points of diversion. If the change is approved, the original reservoir location for the **Dallas Divide Reservoir** and the **Dallas Divide Reservoir Enlargement**, and the existing points of diversion would be abandoned. Applicant contemplates that the **Dallas Divide Reservoir** and the **Dallas Divide Reservoir Enlargement** would be administered as another fill in Ridgway Reservoir. No change in use is desired. The **Dallas Divide Reservoir** and the **Dallas Divide Reservoir Enlargement** will continue to serve the purposes of the Dallas Creek Project.. 11. Names and addresses of owners 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: Denise Kay Adams, 329 County Road 7, Ridgway Co 81432; Telluray Ranch Corporation, P.O. Box 610, Littleton CO 80160; William Forest Stewart, C/O Jason Stewart, 62251 Dalia Road, Olathe, CO 81425; United

States of America, Bureau of Reclamation, 445 W. Gunnison Ave., Suite 221, Grand Junction, CO 81501. **OURAY COUNTY**.

YOU ARE FURTHER NOTIFIED THAT you have until the last day of June 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](#).) JODI HANSON, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401