

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 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. 25CW8 Gary L Kraai 38300 Hwy 92 Crawford Co 81415. Application for surface water rights. Garys Tail Water – NE1/4SW1/4 of Section 27, T15S, R92W, 6th, Gunnison River. Appropriation date: 1982. Amount claimed: .50 cfs for livestock water and irrigation of 5-6 acres. **DELTA COUNTY.**

CASE NO. 25CW3018 (ref 18CW3060, 12CW51, 05CW88) APPLICATION TO MAKE WATER RIGHTS ABSOLUTE. Larkspur Community Association, Inc., c/o Paul L. Noto, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621. First Claim: To Make Water Right Absolute. Name of structure: Lacy Spring No. 4, Larkspur Enlargement. Original Decree: May 23, 2006, Case No. 05CW88, Division 4 Water Court. Subsequent diligence decrees: November 5, 2012, Case No. 12CW51; May 6, 2019, Case No. 18CW3060, all Division 4 Water Court. Legal description: The Lacy Spring No. 4, Larkspur Enlargement is located in the NW ¼ NE ¼ NW ¼ of Section 7, Township 14 South, Range 85 West of the 6th P.M. at a point 306 feet from the North section line and 1,779 feet from the West section line of Section 7. The legal description was corrected in Case No. 12CW51, District Court, Water Division 4. UTM NAD83 Z13: Northing – 4302772, Easting – 331852. A map is on file with the Court as Exhibit A. Source: Spring tributary to the Slate River, tributary to the Gunnison River. E. Appropriation date: May 30, 2005. Amount: 0.069 c.f.s., conditional, cumulative with Vieh Spring No. 1, Larkspur Enlargement. Uses: Domestic, recreation, piscatorial, and irrigation of approximately 0.85 acres in the Larkspur Subdivision. The court previously made 0.069 c.f.s. absolute for domestic use inside 10 homes, recreation, piscatorial, and irrigation of 0.218 acres in Case No. 12CW51. The court previously made 0.069 c.f.s. absolute for domestic use inside 11 homes and irrigation of 9,000 square feet (0.207 acre) in Case No. 18CW3060. Claim to make absolute: Date water applied to beneficial use: May 1, 2025. Amount: 0.069 c.f.s., cumulative with Vieh Spring No. 1, Larkspur Enlargement. Uses: Domestic and irrigation. Term and condition: The Lacy Spring No. 4, Larkspur Enlargement is limited to use within the Larkspur Subdivision as described on the plat recorded on August 21, 2006 at Reception No. 568524, as amended June 2,

2009 at Reception No. 591518 and October 9, 2024 at Reception No. 700804, Gunnison County Records. Any additional use outside of the Larkspur Subdivision boundaries will be considered an expansion of use and not permitted under this water right. To the extent the Lacy Spring No. 4, Larkspur Enlargement is not confirmed as absolute in its entirety, Applicant requests a finding of reasonable diligence on the remaining conditional portion. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where water is put to beneficial use. Second Claim: To Make Water Right Absolute. Name of structure: Vieh Spring No. 1, Larkspur Enlargement. Description of conditional water right: Date of original decree: May 23, 2006, Case No. 05CW88, District Court, Water Division 4. Subsequent diligence decrees: November 5, 2012, Case No. 12CW51; May 6, 2019, Case No. 18CW3060, all District Court, Water Division 4. Legal description: The Vieh Spring No. 1, Larkspur Enlargement is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, Township 14 South, Range 85 West of the 6th P.M., at a point 97 feet from the North section line and 1,660 feet from the West section line of Section 7. The legal description was corrected in Case No. 12CW51, District Court, Water Division 4. UTM NAD83 Z13: Northing – 4302836, Easting – 331818. A map is on file with the Court as Exhibit A. Source: Spring tributary to the East River and/or Slate River (see 96CW298), tributary to the Gunnison River. Appropriation date: May 30, 2005. Amount: 0.069 c.f.s., conditional, cumulative with the Lacy Spring No. 4, Larkspur Enlargement. Uses: Domestic, recreation, piscatorial, and irrigation of approximately 0.85 acres in the Larkspur Subdivision. The court previously made 0.069 c.f.s. absolute for domestic use inside 10 homes, recreation, piscatorial, and irrigation of 0.218 acres in Case No. 12CW51. The court previously made 0.069 c.f.s. absolute for domestic use inside 11 homes and irrigation of 9,000 square feet (0.207 acre) in Case No. 18CW3060. Claim to make absolute: Date water applied to beneficial use: May 1, 2025. Amount: 0.069 c.f.s., cumulative with Lacy Spring No. 4, Larkspur Enlargement. Uses: Domestic and irrigation. Term and condition: The Vieh Spring No. 1, Larkspur Enlargement is limited to use within the Larkspur Subdivision as described on the plat recorded on August 21, 2006 at Reception No. 568524, as amended June 2, 2009 at Reception No. 591518 and October 9, 2024 at Reception No. 700804, Gunnison County Records. Any additional use outside of the Larkspur Subdivision boundaries will be considered an expansion of use and not permitted under this water right. To the extent the Vieh Spring No. 1, Larkspur Enlargement is not confirmed as absolute in its entirety, Applicant requests a finding of reasonable diligence on the remaining conditional portion. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where water is put to beneficial use. Third Claim: To Make Water Right Absolute. Name of structure: Larkspur Ponds. Description of conditional water right: Date of original decree: May 23, 2006, Case No. 05CW88, District Court, Water Division 4. Subsequent diligence decrees: November 5, 2012, Case No. 12CW51; May 6, 2019, Case No. 18CW3060, all District Court, Water Division 4. Legal description: The Larkspur Ponds are located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 14 South, Range 86 West of the 6th P.M., at a point 1,455 feet from the North section line and 377 feet from the East section line of Section 12. The legal description was corrected in Case No. 12CW51, District Court, Water Division 4. UTM NAD83 Z13:

Northing – 4302436, Easting – 331183. A map is on file with the Court as Exhibit A. Source: Springs tributary to the East River and/or Slate River, tributary to the Gunnison River. Appropriation date: May 30, 2005 for recreational and piscatorial uses; May 1, 2007 for irrigation and fire protection uses. Amount: 30 acre-feet. Uses: Recreational, piscatorial, fire protection, and irrigation of 0.85 acres of landscaping, cumulative with the Lacy Spring No. 4, Larkspur Enlargement and the Vieh Spring No. 1, Larkspur Enlargement, in the Larkspur Subdivision. The Court awarded absolute status for recreation, piscatorial, fire protection, and irrigation of 9,500 square feet (0.218 acres) in Case No. 12CW51. The irrigation use will not expand the irrigation use decreed in Case No. 05CW88. Combined irrigated acreage under Lacy Spring No. 4, Larkspur Enlargement and Vieh Spring No. 1, Larkspur Enlargement, and Larkspur Ponds water rights will be 0.85 acres. Claim to make absolute: Date water applied to beneficial use: May 1, 2025. Amount: 30 acre-feet. Use: Irrigation within the Larkspur Subdivision. Note: “A decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure.” C.R.S. § 37-92-301(4)(e). Applicant has previously demonstrated, and the court has approved, absolute status for the full 30 acre-feet volume of the Larkspur Ponds. Applicant therefore requests to make the water right fully absolute for all decreed uses. To the extent the Larkspur Ponds water right is not confirmed as absolute in its entirety, Applicant requests a finding of reasonable diligence on the remaining conditional portion. A detailed outline of the work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where water is put to beneficial use. **GUNNISON COUNTY.**

CASE NO. 2025CW3019 (REF. 2019CW003, 12CW107, 06CW1) Application to Make Water Right Absolute or For Finding of Reasonable Diligence. Applicant: Town of Norwood by and through the Norwood Water Commission, Attn: Finn Kjome, President, P.O. Box 528, Norwood, CO 81423. Please direct all pleadings and correspondence concerning this Application to Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Name and Description of Conditional Water Right: Forest Street Subdrain. Original Decree: Entered on Jan. 7, 2000 in Case No. 99CW013, District Court, Water Division No. 4. Subsequent decrees finding reasonable diligence were entered in Case Nos. 06CW001, 12CW107, and 19CW003. Legal Description: Located in the SW1/4 SE1/4 of Section 22, Township 45 North, Range 13 West of the N.M.P.M. at a point 1180 feet east and 316 feet north of the south ¼ corner said Section 22. A location map is filed with the Application. Source: Tributary to Maverick Draw, tributary to the San Miguel River. Date of appropriation: February 10, 1999. Amount: 0.25 c.f.s. Use: Municipal and irrigation. Integrated System: The Forest Street Subdrain water right is part of an integrated water supply system to provide municipal and irrigation water supplies within the Norwood Water Commission service area. Work on one feature of the municipal water supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system. C.R.S. § 37-92-301(4)(b). Claim to Make Absolute. Applicant requests the Court to determine and decree that the Forest Street Subdrain has been made absolute as set forth below. To the extent the Court determines that the Forest Street Subdrain

water right has not been made absolute, Applicant requests a decree finding reasonable diligence in the development of the subject conditional water right and continuing it in full force and effect. Date applied to beneficial use: August 22, 2011. Water was used to irrigate the Community Garden in the Town of Norwood. There was no senior downstream water right call when the Forest Street Subdrain was first applied to beneficial use. In subsequent years, Applicant also used the water right for irrigation of the open space/park adjacent to the Community Garden. Amount: 0.25 c.f.s. Uses: Municipal and irrigation. Description of place of use: Community Garden and adjacent park consisting of approximately ½ acre of land (total) located in the SW1/4 SE1/4 of Section 22, Township 45 North, Range 13 West of the N.M.P.M. Claim for Finding of Reasonable Diligence. The Application includes a detailed outline of what has been done toward completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures. Name and address of owner or reputed 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: JFS Revocable Trust Dated 8/21/24, P.O. Box 265, Norwood, CO 81423-0265. Applicant requests the Court to determine, adjudge, and decree that the Forest Street Subdrain water right has been made absolute and unconditional as set forth above. To the extent the Court determines that the Forest Street Subdrain water right has not been made absolute, Applicant requests a decree finding reasonable diligence in the development of the conditional water right and continuing it in full force and effect. The application on file with the Water Court contains an outline of the work performed during the diligence period. **SAN MIGUEL COUNTY.**

Case No. 25CW3020; San Miguel River; Morgan and Sarah Smith Family Trust of 2000 as amended; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR STORAGE RIGHT AND SURFACE WATER RIGHT; Name, address, and telephone number of Applicant: Morgan and Sarah Smith Family Trust of 2000 as amended; c/o Morgan C. Smith, Trustee; 3130 Last Dollar Road; Telluride, CO 81435; (510) 928-5454; Request for storage right: Name of structure: Smith Fire Pond No. 1; Location of pond: SE¼ of the SW¼ of Section 19, Township 43 North, Range 9 West of the New Mexico Principal Meridian. Coordinates for the approximate center of the pond are UTM Zone 13 NAD83, 244926m E, 4206112m N; Location of point of diversion of filling source: See paragraph below; Source: Surface water diverted from Sheep Creek under the Aldasoro Ditch, Smith Enlargement, with a requested diversion rate of 0.4984 c.f.s. See paragraph below for additional details; Information regarding appropriation: Date of appropriation: May 30, 2025; How appropriation was initiated: By filing the Application in this case; Amount: 0.9 a.f., with the right to fill and refill when in priority, conditional. The filling rate for the pond will be 0.4984 c.f.s. as described in more detail below; Uses: Fire protection, wildlife watering directly from pond; Surface area at high water line: 0.15 acres; Height and length of berm: The dam for the Smith Fire Pond No. 1 will be approximately 50 feet in length and less than 10 feet high; Total capacity: 0.9 a.f. conditional, all dead storage; Request for surface water right: Name of structure: Aldasoro Ditch, Smith Enlargement; Location: NW¼ of the SE¼ of Section 19, Township 43 North, Range 9 West of the New Mexico

Principal Meridian. Coordinates for the approximate location of the structure are UTM Zone 13 NAD83, 245327m E, 4206648m N; Source: Sheep Creek; Information regarding appropriation: Date of appropriation: May 30, 2025; How appropriation was initiated: By filing the Application in this case; Amount: 0.4984 c.f.s. conditional; Uses: Filling and refilling the Smith Fire Pond when in priority; Note: This enlargement will not result in an increase in total water diversions for the Aldasoro Ditch, nor will it require any physical modification of that structure. When Applicant makes diversions under this surface right, the rate of diversion under Applicant's interest in existing Aldasoro Ditch decreed rights will be reduced by an equivalent amount. (4 pages). **SAN MIGUEL COUNTY.**

CASE NO. 25CW3021 (REF. 17CW3037, 10CW93, 02CW297) SAN MIGUEL RIVER. Application for Findings of Reasonable Diligence. San Miguel County Board of County Commissioners, c/o Mark E. Hamilton, Esq. and William H. Caile, Esq., Holland & Hart, LLP, 600 East Main St., Ste. 104, Aspen, CO 81611, mehamilton@hollandhart.com, whcaile@hollandhart.com. Names of structures: Down Valley Park Well No. 1 & Down Valley Park River Diversion No. 1 ("Subject Water Rights"). Previous Decree Information: Original Decree: Case No. 02CW297, Water Div. 4, entered June 16, 2004. Subsequent decrees awarding findings of diligence: Case No. 10CW93, Water Div. 4, Entered June 17, 2011; Case No. 17 CW3037, Water Div. 4, entered May 6, 2019. Description of conditional water rights: (1) Name: Down Valley Park Well No. 1. Location: the following are ties from the Mineral Survey corners on the survey of the Down Valley Park (filed in Plat Book 1 at pages 2720 and 2721, San Miguel County): (1) from Comer #1 MS 6730 N 74° 47' 09" W, 1035.43'. (2) from Comer #2 MS 6730 N 00° 24' 51" W, 1265.04'; this location may also be plotted as Sec. 12, T. 43 N., R. 11 W., N.M.P.M., approx. 993 ft N. of the S. Sec. line and 923 ft E. of the W. Sec. line; San Miguel County, CO. Amount: 0.149 c.f.s. (67 g.p.m.), absolute (for municipal use, irrigation of 9.1 acres, fire protection and recreation); 0.073 c.f.s. (33.0 g.p.m.), conditional (for all decreed uses). Source: alluvial groundwater tributary to the San Miguel River. Approp. date: June 1, 2000. Uses: municipal, domestic, commercial, irrigation, fire protection and recreation. Depth: approx. 50 feet. (2) Name: Down Valley Park River Diversion No. 1. Legal Description: the following are ties from the Mineral Survey corners on the survey of the Down Valley Park (filed in Plat Book 1 at pages 2720 and 2721, San Miguel County): (1) from Comer #1 MS 6730 N 88° 36' 59" W, 1019.75'. (2) from Comer #2 MS 6730 N 01 ° 39' 26" W, 1018.33'; this location may also be plotted as Sec. 12, T. 43 N., R. 11 W., N.M.P.M., approx. 746 ft N. of the S. Sec. line and 903 ft E. of the W. Sec. Line, San Miguel County, CO. Amount: 0.145 c.f.s. (65 g.p.m.), absolute, 0.355 c.f.s. (160 g.p.m.) conditional (for irrigation of 9.1 acres); 0.50 c.f.s., conditional, for all other decreed uses. Source: San Miguel River. Approp. date: June 1, 2000. Decreed uses: municipal, irrigation, piscatorial, and recreation. A detailed outline of activities and expenditures during the last diligence period is included in the Application. Names and addresses of lands upon which the subject water rights are located: Applicant. (6 pages). The application on file with the Water Court contains an outline of the work performed during the diligence period. **SAN MIGUEL COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of July 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