

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 July 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.

2024CW3055 GPS LAND, LLC, DELTA COUNTY, COLORADO. Applicant: GPS Land, LLC c/o Anthony Ho, Manager, 5142 Hollister Avenue # 506, Santa Barbara, CA 93111, Telephone: (970) 921-3454. Please direct all correspondence concerning this Application to: David L. Kueter, Esq., and Kent Holsinger, Esq., Holsinger Law, LLC, 1800 Glenarm Place, Suite 500, Denver, CO 80202, (303)722-2828, dkueter@holsingerlaw.com, kholsinger@holsingerlaw.com. **AMENDED APPLICATION FOR WATER RIGHTS OF GPS LAND, LLC IN THE GUNNISON RIVER, DELTA COUNTY, COLORADO.** Name of exchange: Supplemental Crawford Reservoir Exchange. Location of structures and description of exchange reach: Applicant seeks the right to exchange reservoir releases from Crawford Reservoir, made at the location described as the downstream terminus, below, into the Smith Fork, upstream to the confluence with Second Creek, then upstream on Second Creek to the point of diversion at the upstream terminus described below. A map of the Crawford Reservoir Exchange is attached as **Exhibit A**. The upstream terminus for the Crawford Reservoir Exchange is the point of diversion from Second Creek located in the NE/4 SW/4 of Section 24, T15S, R91W, 6th P.M. at a point which is 1,952 feet from the west section line and 1,358 feet from the south section line. UTM coordinates: Northing 4289869.96 meters – Easting 281556.52 meters, Zone 13. The downstream terminus for the Crawford Reservoir Exchange is the Crawford Reservoir Dam, located in the NW/4 NW/4 of Section 13, T51N, R7W, N.M.P.M., 895 feet from the west section line and 1070 feet from the north section line. Source of Substitute Supply: Reservoir releases from Crawford Reservoir pursuant to Applicant's allotment from the Crawford Water Conservancy District. Rate of Exchange Flow: 0.22 c.f.s. absolute. Operations of the Supplemental Crawford Reservoir Exchange combined with the Crawford Reservoir Exchange decreed in Case No. 09CW178 shall not exceed 10 a.f. annually. Appropriation Date: Pursuant to C.R.S. § 37-92-305(10), Applicant claims a priority date of September 14, 2012, based on the operation of the exchange. How appropriation as initiated: By operation of the exchange. Date water was applied to

beneficial use: September 14, 2012. Use: Irrigation. Place of Use: 16.5 acres in Sections 23 and 24, Township 15 South, Range 91 West of the 6th P.M., as shown on **Exhibit B** hereto. Name and address of owner of land on which point of diversion and place of use are located: Applicant. Comments: Applicant acknowledges that the Colorado Water Conservation Board holds an instream flow right in the Smith Fork and that such instream flow right is senior to the Crawford Reservoir Exchange requested in this Application. 4 pages and 2 pages of exhibits. **DELTA COUNTY.**

CASE NO. 25CW11 (Ref. 21CW3078) Paul Moore, 819 Eaton Way, Hesperus CO 81326; Stacey Willing 1866 J Road No B Fruita CO 81521; Aspen Leaf Ranch Inc. Application for surface water right, to make conditional underground right absolute, and revision of plan for augmentation. Aspen Leaf Ranch Spring – NW1/4NE1/4 of Section 27, T11S, R90W, 6th PM. Easting 289523 northing 4327869. Gunnison River. Appropriation date: July 1, 1928 for domestic use, July 1, 1970 for commercial use. Amount claimed: 0.033 cfs, 15 gpm absolute for commercial and domestic use; Aspen Leaf Ranch Well – NW1/4NE1/4 of Section 27, T11S, R90W, 6th PM. Easting 289469 northing 4327868. Gunnison River. Appropriation date: July 25, 2012. Amount claimed: 0.013 cfs, 6gpm, 1.33 af annually for domestic and commercial use. Original permit No 288791. On April 24, 2024 new well permit No. 89075-F for ordinary household purposes inside not more than 3 single family dwellings and drinking and sanitary facilities for commercial use. Revision to augmentation plan decreed in 21CW3078 is the addition of Aspen Leaf Ranch Spring as a source of water. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.**

CASE NO. 25CW12 (Ref. 18CW60, 12CW12, 05CW125, 98CW139) Midas Mining Co Inc. PO Box 772 Philomath OR 97370; Application for Finding of Reasonable Diligence. PG Ditch No.1 – NW1/4NW1/4 of Section 20, T43S, R6W, NMPM. Easting 275468 northing 4206160. Gunnison River. Appropriation date: 08/30/2018. Amount claimed: 3200 gallons for mine operation and fire prevention. The application on file with the Water Court contains an outline of the work performed during the diligence period. **HINSDALE COUNTY.**

CASE NO. 25CW13 (Ref. 18CW61, 04CW197) Hill and Bettie Hastings PO Box 2946 Telluride CO 81435; Application for Finding of Reasonable Diligence– Preservation Spring SW1/4SW1/4NE1/4 of Section 5, T43N, R10W, NMPM. San Miguel River. Appropriation date: 09/27/2000. Amount claimed: 0.022 cfs for livestock and wildlife. The application on file with the Water Court contains an outline of the work performed during the diligence period. **SAN MIGUEL COUNTY.**

CASE NO. 25CW14 Erika C Vohman PO Box 352 Gunnison Co 81230; Application for Surface Water Rights – Hello Kitty Spring SE1/4SE1/4 Section 13 T15S R85W 6thPM East River. Appropriation date: 04/20/2025. Amount claimed 5 gpm for livestock watering. **GUNNISON COUNTY.**

CASE NO. 25CW3031 (Ref. CA-939, CA-1286) APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO SECTION 37-92-305(3.5), C.R.S. 1. Name, mailing address, telephone number of Applicant: Town Manager, Town of Ridgway, P.O. Box 10, Ridgway, CO 81432. Please direct all correspondence and pleadings to: Peter J. Ampe, 3401 Quebec St., Suite 3400, Denver, CO 80207. 2. Decreed Water Rights for Which Simple Change in Point of Division is Sought: 2.1 Name of Structure: Ridgeway Ditch. 2.1.2 Date of Original and All Subsequent Decrees: 2.1.2.1 CA0939: In the Matter of the Adjudication of Water Rights of Water District No. 68, District Court, in and for Ouray County, Appropriation Date June 1, 1890 (May 15, 1897). 2.1.2.2 CA1286: In the Matter of the Adjudication of Water Rights in Water District No. 68. On the Petition of A.E. Walther, for an Adjudication of his Rights to the use of the Waters of Beaver Creek, Coal Creek, Cottonwood Creek and of Certain Springs in the Valley of Cottonwood Creek, for Fire, Domestic, Power and Irrigation Purposes, the Denver & Rio Grande Railroad Company, a Corporation, one of the Respondents, District Court, in and for Ouray County (August 2, 1905). 2.1.2.3 CA1496: In the Matter of the Petition of the Town of Ridgway, a municipal corporation existing under and by virtue of the laws of the State of Colorado, to Change the Point of Diversion of Two (2) Second Feet of Water, Heretofore Adjudicated to the "Sibert Ditch" #66, Priority #72, in Water District #68, Ouray County, Colorado, to the Headgate of the "Ridgway" Ditch, Situated in said Water District, in Said County and State, District Court, in and for Ouray County (December 16, 1912). 2.1.3 Legal Description of Structure as Described in Most Recent Decree that Adjudicated the Location: The Ridgway Ditch has its initial point in the SE1/4 of Sec. 17, T44N, R08W, N.M.P.M on what is known as the east fork of Beaver Creek at a point about 50 rods north of east from the quarter stake on the south line of said section 17. 2.1.4 Decreed Source of Water: East Fork of Beaver Creek. 2.1.5 Appropriation Date:

Name	Amount (cfs)	Appropriation Date	Adjudication Date	Case No.
Ridgway Ditch – Structure 710	2	06/01/1882	05/15/1897	CA0939
Ridgway Ditch – Structure 710	25	06/01/1890	05/15/1897	CA0939
Ridgway Ditch – Structure 710	5	06/01/1890	08/02/1905	CA1286

2.1.6 Total Amount Decreed to Structure: 32 cfs. 2.1. Decreed Uses: Irrigation and Domestic. 2.1.8 Amount of Water Applicant Intends to Change: 32 cfs. 3. Detailed Description of Proposed Change in a Surface Point of Diversion: 3.1 Statement of Change: Applicant is applying for a simple change of point of diversion for one of the decreed points of diversion for the Ridgway Ditch on the East Fork of Beaver Creek. During the weekend of August 10th and 11th, 2024, a severe rainstorm rerouted Beaver Creek away from the Town's Ridgway Ditch diversion, as well as deposited significant mud and debris around the diversion that prevents it from conveying water should access to the Creek be regained. The Town has been working to restore the Beaver Creek point of diversion, but the decreed point of diversion is no longer able to be used due to the flood event and shifting of the Beaver Creek channel. The new point of diversion will be constructed and tie the new portion of the ditch into the existing ditch.

No change of use, location of use, change of other decreed points of diversion, or any other change is requested herein. See, General Location Map attached as Exhibit A. 3.2 Location of New Surface Point of Diversion: NW1/4NE1/4 of Section 20, T44N, R08W, N.M.P.M., more particularly described as UTM: 13S, E257461.08m, N4215621.38m. 4. The owner of the land upon which the new diversion structure is or will be constructed is: Wolf Land Company L P, 711 Louisiana Street, Suite 1660, Houston, TX 77002. **OURAY COUNTY.**

2025CW3032 (Ref. CA-1325, CA-3025) APPLICATION FOR CHANGE OF WATER RIGHT. **1. Applicants.** CRAIG RAISIG and DALE RAISIG, P.O. Box 442, West Sand Lake, NY 12196-0442, (518) 674-3637. **Attorneys:** Karoline M. Henning, HOSKIN FARINA & KAMPF, P.C., 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502, (970) 986-3400. **2. Change of Water Right.** **a. Name of structure for which change is sought:** Hider Ditch. **b. Date of original and all relevant subsequent decrees:** Decree entered September 14, 1906, in Case No. CA-1325, Water District 59, Water Division 4, Gunnison County, Colorado; Decree entered September 21, 1938, in Case No. CA-3025, Water District 59, Water Division 4, Gunnison County, Colorado. **c. Legal description of structure as described in most recent decree that adjudicated the location:** A point on the West bank of the Gunnison River whence the Northwest corner of Section 10 bears North 15°52'01" West 3,298.8 feet. **d. Decreed source of water:** Gunnison River. **e. Appropriation date:** May 1, 1897. **f. Total amount decreed to structure:** 1.25 c.f.s., absolute. **g. Decreed use:** Irrigation of 50 Acres of land in the SE1/4SE1/4 Section 9 and the SW1/4SW1/4 Section 10, Township 49 North, Range 1 West, N.M.P.M.. **h. Amount of water that Applicants intend to change:** 0.153 c.f.s., absolute. **i. Detailed description of proposed change:** i. *Description of Change:* Applicants intend to change the decreed point of diversion for the Hider Ditch to a location which is on property owned by Applicants, and which is closer to the place of use. Applicants further intend to change the decreed use to add stockwatering. Finally, Applicants intend to change the decreed place of use to 6.1 acres which Applicants and their predecessors have historically irrigated, with a corresponding reduction of the decreed amount of the Hider Ditch water right based on the duty of water of 1 c.f.s per 40 acres, as set forth in the original September 14, 1906 decree in Case No. CA-1325. ii. *Change in point of diversion:* Applicants propose to change the point of diversion of the Hider Ditch to the following location, as shown on Exhibit 1 to the Application: PLSS: A point in the SW1/4SW1/4 of Section 10, Township 49 North, Range 1 West, N.M.P.M.. UTM coordinates: UTM Zone 13, NAD83, Easting 328511 meters and Northing 4265150 meters. iii. *Change of use:* Applicants propose to change the decreed use of the Hider Ditch to include stockwatering. iv. *Change in place of use:* Applicants propose to change the decreed place of use of the Hider Ditch to include 1.8 acres of land owned by the Applicant in the NW1/4SW1/4 of Section 10, Township 49 North, Range 1 West, N.M.P.M. This 1.8 acres is a part of the total 6.1 acres of irrigated land. The remaining 4.3 acres of contiguously irrigated land owned by Applicants are in the originally decreed place of use, being the SE1/4SE1/4 of Section 9, and the SW1/4SW1/4 of Section 10, Township 49 North, Range 1 West, N.M.P.M., as shown on Exhibit 1 to the Application. **j. 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 exiting pool: Applicants. Application is 4 pages in length.
GUNNISON COUNTY.

CASE NO. 25CW3033 (REF. 18CW3055; 11CW65). APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. Name, mailing address, and telephone number of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic ("RMBL" or "Applicant"), P.O. Box 519, Crested Butte, CO 81224; telephone: (970) 349-7231; email: director@rmbl.org. Please send all correspondence to: Marcus J. Lock, Law of the Rockies, LLC, 525 North Main Street, Gunnison, Colorado 81230; telephone: 970-641-1903; email: mlock@lawoftherockies.com. Name of Structure. RMBL Well. Description of Conditional Water Right for RMBL Well. Original Decree: Case No. 11CW65, October 9, 2012, Water Division 4 (the "Original Decree"). Subsequent Decree: Case No. 18CW3055, July 29, 2019, Water Division 4 (the "First Diligence Decree"). Legal Description: The RMBL Well is located within the SW/4 NW/4 NE/4 of irregular Section 3, Township 13 South, Range 86 West, 6th P.M., at a point 1678 feet from the north section line and 2516 feet from the east section line. The UTM coordinates for the location of the RMBL Well are Zone 13, NAD83, Easting 327587.09m, Northing 4314081.61m. Source of Water: Ground water tributary to the East River. Appropriation Date and Amount: May 31, 2011 for .11 c.f.s. (50 g.p.m.) conditional with an annual appropriation of 2.56 acre-feet per year. In the First Diligence Decree, the Water Court for Water Division 4 made the RMBL Well absolute in the amount of 0.033 c.f.s. (15 g.p.m.) and 0.94 acre-feet annually for domestic and commercial (scientific) uses, with an adjudication date of 2011, and an appropriation date of May 31, 2011 (the "Absolute Water Right"). In addition, in the First Diligence Decree, the Water Court for Water Division 4 continued in full force and effect the balance of the conditional water right decreed to the RMBL Well in the amount of 0.077 c.f.s. (35 g.p.m.) and 1.62 acre-feet annually for domestic and commercial (scientific) uses, with an adjudication date of 2011, and an appropriation date of May 31, 2011 (the "Conditional Water Right"). This Application seeks to continue the Conditional Water Right in full force and effect. Use: Domestic and commercial (scientific). Depth: 200 feet. Well Permit No. 77018-F. Detailed outline of what has been done toward completion of the appropriation: A detailed outline of the Applicant's diligence activities is included in the Application. Accordingly, please refer to the Application for additional information. Under C.R.S. § 37-92-301(4)(b), "[w]hen 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." The activities and expenditures described in the Application do not reflect each and every activity undertaken by Applicant to place the conditional water right described herein to beneficial use, but are illustrative of Applicant's reasonable diligence in applying such water rights to a beneficial use in accordance with the standards set forth in C.R.S. § 37-92-301(4). Additional work may be performed and additional expenses may be incurred between the date the Application is filed and the entry of any decree in this matter. Ownership Information: The point of diversion for the RMBL Well is located on land owned by Applicant.

WHEREFORE, Applicant respectfully requests that the Court enter a finding of reasonable diligence and continue the Conditional Water Right for the RMBL Well in full force and effect. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.**

CASE NO. 25CW3034 (Ref. 19CW3000 and 12CW101). Application for a Finding of Reasonable Diligence and to Make Conditional Water Rights Absolute in Part.

Applicants: Scott Alan Campbell and Sean Wayne Campbell PO Box 880, Lake City, CO 81235 Telephone: (970) 944-2878 Email: highlanderrvcampground@gmail.com Please direct all correspondence to: Law of the Rockies, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street Gunnison, CO 81230, (970) 641-1903 kburgemeister@lawoftherockies.com

Description of Conditional Water Right. The following conditional water right was originally decreed by the District Court, Water Division 4, in Case No. 12CW101, on January 11, 2013. Name of Structure: Contention Ditch, Emerald Isle Pipeline Extension. Legal Description: The point of diversion is located in the SW1/4 SW1/4 NW1/4 of Section 15, Township 43 North, Range 4 West, N.M.P.M., at a point 2613 feet from the north section line and 402 feet from the west section line (Zone 13, NAD83, Easting 0298131m, and Northing 4206714m). Source: Emerald Isle Creek, tributary to the Lake Fork of the Gunnison River, tributary to the Gunnison River. Appropriation Date: August 31, 2012. Amount: 20 gallons per minute (gpm). Use: Domestic and commercial use at the expansion of the Highlander RV Campground, including domestic use inside one single-family residence, commercial use inside a laundry and shower facility, 18 RV hookups, and irrigation of approximately 10,000 square-feet of law and landscaping. In Case No. 19CW3000 (Decree entered July 29, 2019), the conditional water right was made partially absolute for the following use: 9 RV hookups, and irrigation of 10,000 square-feet of lawn and landscaping. The condition water right was continued for the remaining uses: domestic use in one single-family dwelling, commercial use in a laundry and shower facility, and nine additional RV hookups. **Application to Make Absolute in Part.** During the last diligence period: Applicants connected a single-family residence to the water system served by the subject water right. Applicants constructed 5 more of the proposed RV sites, including installation of water hookups, bringing the total number of sites at the campground to 40, and the total number in the expansion to 14. On information and belief, the Contention Ditch, Emerald Isle Pipeline Extension was in-priority for the duration of the diligence period. **Application for Finding of Reasonable Diligence.** During the diligence period, in addition to the activities described in the preceding paragraph: Applicants spent substantial sums operating and maintaining the water system served by the subject water right. Applicants acquired adjacent land to facilitate completion of the proposed campground expansion that will be served by the subject water right. Under C.R.S. § 37-92-301(4)(b), “[w]hen 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.” The foregoing activities do not reflect each and every activity undertaken by Applicants to place the conditional water rights described herein to beneficial use, but are illustrative of Applicants’ reasonable diligence in applying such water rights to a beneficial use in accordance with the standards set

forth in C.R.S. § 37-92-301(4). **Names(s) and address(es) of owner(s) 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:** Applicants. WHEREFORE, Applicants respectfully request that the Court enter a Ruling and Decree making the Contention Ditch, Emerald Isle Pipeline Extension absolute in the amount of 20 gallons per minute for domestic and commercial use at the expansion of the Highlander RV Campground, including one single-family residence and 5 RV hookups, with an appropriation date of August 31, 2012, in addition to the existing absolute amount and uses, and for a finding of reasonable diligence with respect to any portion of the subject conditional water right that is not made absolute in this case. The application on file with the Water Court contains an outline of the work performed during the diligence period. **HINSDALE COUNTY.**

Case No. 25CW3035 (Ref. W-1475, W-1476, 89CW99, 80CW16, 80CW17, 84CW169, 84CW170, 88CW60, 88CW61, 95CW153, 95CW154, 04CW104, 12CW112, 19W3030) Gunnison County – Quartz Creek and Gunnison River. Applicant: Quartz Creek Property Owners Association, a Colorado nonprofit corporation, c/o Bradley N. Switzer, P.O. Box 816, Montrose, CO 81402, (970) 249-8749; **APPLICATION TO MAKE ABSOLUTE A CONDITIONAL WATER RIGHT AND FOR FINDINGS OF REASONABLE DILIGENCE. Description of conditional water rights: (I) Chicago Park-Armstrong Spring Water System Location:** A point in the NE1/4SE1/4NW1/4, Section 4, Township 50 North, Range 4 East, N.M.P.M., which is 1,300 feet South of the North Section line and 2,319 feet East of the West Section line of said Section 4. **Source:** Groundwater tributary to Quartz Creek, tributary to the Gunnison River. **Quantity:** 0.831 c.f.s. **Type of Use:** Domestic purposes. **Appropriation Date:** September 10, 1988. **(II) Chicago Park Mine Shaft No. 2. Location:** A point in the Southeast Quarter Northeast Quarter Northeast Quarter, Section 5, Township 50 North, Range 4 East, N.M.P.M., which is 41 feet west of the east section line and 925 feet south of the north section line of said Section 5. **Source:** Ground water tributary to Quartz Creek, tributary to the Gunnison River. **Quantity:** 0.495 c.f.s. **Type of use:** Domestic, municipal, fire protection and recreational. **Appropriation date:** October 1, 1972. **(III) Chicago Park Mine Shaft No. 3. Location:** A point in the Southwest Quarter Northeast Quarter, Section 5, Township 50 North, Range 4 East, N.M.P.M., which point is 1,305 feet south of the north section line and 2,567 feet west of the east section line of said Section 5. **Source:** Ground water tributary to Quartz Creek, tributary to the Gunnison River. **Quantity:** 0.22 c.f.s. **Type of use:** Domestic, municipal, fire protection and recreational. **Appropriation date:** October 1, 1972. **Description of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** The Application contains a detailed description of work undertaken by the Applicant and the expenditures associated therewith during the diligence period. Said Application is on file with the Water Clerk for Water Division No. 4. **Remarks:** The water rights described in the Application constitute a single system for the delivery of water for beneficial use by the Applicant and individual lot owners who are members of the Quartz Creek Property Owners Association. The application on file with

the Water Court contains an outline of the work performed during the diligence period.
GUNNISON COUNTY.

Case No. 25CW3036 (Ref 07CW203 and 18CW3042) Gunnison County, East River, Gunnison River APPLICATION FOR FINDING OF REASONABLE DILIGENCE Skyland Metropolitan District ("Skyland District") Mike Billingsley, 350 Country Club Drive, Suite 112A, Crested Butte, CO 81224, (970) 349-7411 c/o Kirsten M. Kurath, McDONOUGH LAW GROUP, 300 Main St., Suite 102 Grand Junction, CO 81501, (970) 776-3311, kirsten@mcdonoughlawgroup.com. The Skyland District is a Colorado special district located approximately two miles southeast of the Town of Crested Butte in Gunnison County. A planned unit development encompassing approximately 600 acres, originally called the Skyland Resort but now known as The Crested Butte Country Club (referred to herein as the "Skyland development"), exists within the boundaries of the Skyland District. The Skyland District provides domestic and irrigation water service to the Skyland development. In addition, there currently exists an 18-hole golf course within the Skyland development. The Skyland development is located within the Slate River drainage. The current boundaries of the Skyland District are illustrated on Figure 1, attached to the Application. Structures: Skyland East River Wells No. 1, No. 2, No. 3, No. 4, and No. 5, collectively referred to herein as the "Skyland East River Wells." Decree: October 9, 2012, Case No.: 07CW203(A), District Court, Water Division 4. Subsequent Decrees: July 1, 2019, Case No. 2018CW30024, District Court, Water Div. No. 4. Locations: The Skyland East River Wells are located in Section 8, Township 14 South, Range 85 West, 6th P.M., as follows: Skyland East River Well No. 1 is located at a point approximately 1,892 feet east of the west section line and 900 north of the south section line of said Section 8 (UTM Zone 13 NAD 83 coordinates: E333445, N4301520). Skyland East River Well No. 2 is located at a point approximately 1,851 feet east of the west section line and 1,067 north of the south section line of said Section 8 (UTM Zone 13 NAD 83 coordinates: E333433, N4301571). Skyland East River Well No. 3 is located at a point approximately 1,862 feet east of the west section line and 1,166 north of the south section line of said Section 8 (UTM Zone 13 NAD 83 coordinates: E333437, N4301601). Skyland East River Well No. 4 will be located at a point approximately 1,832 feet east of the west section line and 1,224 north of the south section line of said Section 8 (UTM Zone 13 NAD 83 coordinates: E333428, N4301619). Skyland East River Well No. 5 is located at a point approximately 1,640 feet east of the west section line and 1,342 north of the south section line of said Section 8 (UTM Zone 13 NAD 83 coordinates: E333370, N4301656). The locations of the Skyland East River Wells are shown on Figure 1, attached hereto. Skyland East River Wells Nos. 1, 2, 3 and 4 are located in the SE1/4 SW1/4 of said Section 8. Skyland East River Well No. 5 is located in the NE1/4 SW1/4 of said Section 8. The UTM coordinates given above are in meters; Zone: 13N; NAD83. Source: The Skyland East River Wells will divert groundwater from the alluvium of the East River, tributary to the Gunnison River. Skyland East River Wells Nos. 1, 2, 3 and 4 will all be located in the alluvium within 100 feet of the East River, so the effect on the East River of pumping these four wells shall be deemed to be instantaneous. Skyland East River Well No. 5 is located on a terrace deposit approximately 200 feet from the East River. Accordingly, the effect on the East River of pumping this well will not be instantaneous. However, a Glover analysis shows that 95%

of the impact of pumping Skyland East River Well No. 5 on the East River will be felt within three months after the pumping occurs. Depths: The maximum depths of the Skyland East River Wells will be as follows: Skyland East River Well No. 1: 88 feet; Skyland East River Well No. 2: 82 feet; Skyland East River Well No. 3: 300 feet; Skyland East River Well No. 4: 300 feet; Skyland East River Well No. 5: 165 feet. App. Date. March 31, 2005. Amounts, Pumping Rates and Withdrawals: Skyland East River Well No. 1: 375 g.p.m. (0.84 c.f.s.), conditional; Skyland East River Well No. 2: 375 g.p.m. (0.84 c.f.s.), conditional; Skyland East River Well No. 3: 375 g.p.m. (0.84 c.f.s.), conditional; Skyland East River Well No. 4: 375 g.p.m. (0.84 c.f.s.), conditional; Skyland East River Well No. 5: 100 g.p.m. (0.22 c.f.s.), conditional. The maximum combined pumping rate from the Skyland East River Wells Nos. 1, 2, 3 and 4 shall be 375 g.p.m. (0.84 c.f.s.). The maximum total combined withdrawals from the Skyland East River Wells shall be 460.56 acre feet per year. Uses: The water from the Skyland East River Wells will be used for the following purposes: The water diverted from the Skyland East River Wells will be used for all municipal purposes, including without limitation domestic, household, mechanical, commercial, manufacturing, industrial, generation of power, fire protection, street sprinkling, watering of parks, lawns, trees, gardens, golf courses and other grounds, the maintaining of adequate municipal reserves, and the adjustment and regulation of water in and between the various units and features of the Skyland District's water system. The water will be used for these purposes within the boundaries of the Skyland District, as such boundaries may be expanded in the future, in Gunnison County, Colorado. The Skyland District's boundaries currently include lands located in portions of Sections 1 and 12, T. 14 S., R. 86 W. of the 6th P.M., and Sections 6 and 7, T. 14 S., R. 85 W. of the 6th P.M. See Figure 2, attached to the Application. The water diverted from the Skyland East River Wells will also be used for augmentation, replacement and exchange purposes in connection with the delivery of water to the Skyland District's users within the boundaries of the Skyland District, as such boundaries may be expanded in the future, in Gunnison County, Colorado. The water diverted from the Skyland East River Wells may be used directly for any of the above purposes, or it may be stored in the following storage facilities for subsequent use for any of the above purposes: (1) Lake Grant and Lake Grant Enlargement, described in decrees previously entered in Civil Action No. 5782, Gunnison County District Court; Case No. W-2100, Water Division No. 4; and Case No. 93CW185, Water Division No. 4; (2) Skyland Resort and Country Club No. 5 Pond, No. 7 Pond, No. 11 Pond and No. 16 Pond, all as described in the decree previously entered in Case No. 87CW241, Water Div. No. 4; (3) Storage tanks now existing or hereafter constructed to adjust and regulate the supply of water in and between the various units and features of the Skyland District's water system and to supply water to residents of the Skyland District; (4) Any future storage facilities constructed or operated by the Skyland District. Pipeline: Water diverted from the Skyland East River Wells will be transported to the place of use in a pipeline and used for the uses described above. The anticipated route of such pipeline is illustrated on Figure 3, attached to the Application, although such route may change depending on the final design of the pipeline. Plan for Augmentation: Out of priority depletions from the Skyland East River Wells will be augmented pursuant to the decreed plan for augmentation in Case No. 07CW203(A).

Integrated Project: The Skyland East River Wells are, and have been decreed, components of the Skyland District's decreed integrated system to provide a supply of water to the Skyland development. The components of this system include, in addition to the Skyland East River Wells, the water rights and structures described in Case Nos. 14CW3084, 95CW193, 87CW241 and W-2100. For purposes of future findings regarding reasonable diligence, work on one feature of the system shall be considered in finding that diligence has been shown in the development of the water rights for all features of the entire system, pursuant to C.R.S. 37-92-301(4)(b). A Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures is included in the Application. Name and Address of Landowners: The Skyland East River Wells will be located on land owned by the East River Regional Sanitation District, 350 Country Club Drive, Suite 112A, Crested Butte, Colorado 81224. Applicant requests that the Court adjudge and decree that the Applicant has been reasonably diligent in the development of the Skyland East River Wells conditional water rights, and that the Skyland East River Wells conditional water rights be continued in full force and effect. (11 pages) The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.**

Case No. 25CW3037 (Ref. 10CW170, 18CW3066) San Miguel County – San Miguel 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 structure: ARHOC Remine Pipeline; Description of conditional water right: Original Decree: Case No. 2010CW170; December 17, 2012; Water Division 4; Subsequent decrees awarding findings of diligence: 2018CW3066; Legal description: ARHOC Remine Pipeline POD: SW1/4 of the NW1/4, Section 28, Township 43 North, Range 9 West of the New Mexico Principal Meridian (N.M.P.M.), at a point 2,037 feet from the north section line and 444 feet from the west section line of said Section 28; ARHOC Remine Pipeline Alternate POD: NE1/4 of the SE1/4, Section 29, Township 43 North, Range 9 West of the N.M.P.M., at a point 1,782 feet from the south section line and 206 feet from the east section line of said Section 29; Source: Remine Creek, tributary to the San Miguel River; Appropriation date: November 15, 2009; Amount: 0.7 c.f.s. conditional. Total annual diversions, together with diversions by the structures augmented in Case No. 90CW069 and in Case No. 09CW186, shall not exceed 177 acre-feet; Uses: Irrigation, domestic, and commercial. Irrigation of up to 25 acres of lawn and garden within the Aldasoro Ranch Subdivision, which is located in Sections 28, 29 and 30, Township 43 North, Range 9 West of the N.M.P.M.; Remarks: The ARHOC Remine Pipeline is used to supplement irrigation, domestic, and commercial uses within the Aldasoro Ranch Subdivision that occur under the decree entered in Case No. 90CW069; Outline of what has been done toward completion of appropriation and application of water to beneficial use: Integrated System. The Court decreed the subject water right as a component of Applicant's integrated water supply system in Case No. 10CW170, paragraphs 11 and 23. "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 ARHOC Remine Pipeline is part of Applicant’s phased development plan. Applicant currently relies on groundwater wells for its water supply but plans to develop the subject water right to supplement those existing water supplies and to provide additional resilience if the production of those groundwater wells should decline. Applicant has incurred expenses of approximately \$844,000 over the diligence period related to planning, design, and construction of its water system, including the next phase of the development of that system. Additionally, in June 2025 Applicant began construction of the TAP Well Nos. 5 and 6, which constitute the next phase of the development of Applicant’s integrated water system. All of the above-described work is a prerequisite to the development of the ARHOC Remine Pipeline. (4 pages) The application on file with the Water Court contains an outline of the work performed during the diligence period. **SAN MIGUEL COUNTY.**

CASE NO. 25CW3038 – Jason T. Ullmann, State Engineer and Director of the Colorado Division of Water Resources, 1313 Sherman Street, 8th Floor, Denver, Colorado 80203; Bob Hurford, Division Engineer for Water Division 4, 1541 Oxbow Drive, Suite 1625, Montrose, CO 81401 {Andrew Nicewicz, Senior Attorney General, Preston V. Hartman, Senior Assistant Attorney General, Emilie B. Polley, Assistant Attorney General, Attorneys for Colorado State and Division Engineers, 1300 Broadway, 10th Floor, Denver, Colorado 80203: (720) 508-6259 (Mr. Nicewicz), (720) 508-6257 (Mr. Hartman), (720) 508-6314 (Ms. Polley)}. The State and Division Engineers respectfully request that the Water Judge include the Rules in the resume of applications filed with the Water Clerk for Water Division 4 during the month of August 2025 and publish the portion of the resume including the Rules in each county in Water Division 4. In addition the State and Division Engineers respectfully request that the Water Judge approve the adoption of the Rules if no protests are filed within 60 days of the publication of the Rules in the counties in which the Rules apply or, in the alternative, if any protests are timely filed, hear and dispose of such protests as promptly as possible: Text of the Rules: **RULES AND REGULATIONS GOVERNING THE MEASUREMENT OF SURFACE WATER AND GROUNDWATER DIVERSIONS AND STORAGE, RELEASE, AND DELIVERY OF WATER LOCATED IN WATER DIVISION 4: ORDER OF THE STATE ENGINEER: IT IS ORDERED** that the following rules governing the measurement of surface water and Groundwater diversions and storage, release, and delivery of water located in Water Division 4 are adopted by the State Engineer. **Rule 1. Title.** The title of these rules and regulations is “Rules and Regulations Governing the Measurement of Surface Water and Groundwater Diversions and Storage, Release, and Delivery of Water Located in Water Division 4.” In this document these rules and regulations may be referred to as “Rules.” **Rule 2. Authority.** In order for the State Engineer and Division Engineer for Water Division 4 to obtain information needed for the administration, distribution, and regulation of the waters in Water Division 4, it is necessary to adopt rules governing the measurement of surface water and groundwater diversions and storage, release, and delivery of water located in Water Division 4. The State Engineer’s authority to adopt these Rules is based on section 37-80-102(1)(g), C.R.S., which vests rulemaking authority for the Division of Water Resources in the State Engineer; section 37-92-501, C.R.S., which authorizes the State

Engineer to adopt rules and regulations to assist in the performance of the administration, distribution, and regulation of the waters of the state in accordance with the constitution of the State of Colorado, the provisions of article 92 of title 37, C.R.S., (The Water Right Determination and Administration Act of 1969), and other applicable laws; section 37-92-502(5)(a), C.R.S., which authorizes the State Engineer to order any owner or user of a water right to install and maintain, at such owner's or user's expense, necessary meters, gages, or other measuring devices and to report at reasonable times to the appropriate Division Engineer the readings of such meters, gages, or other measuring devices; and section 37-92-502(5)(b), C.R.S., which authorizes the State Engineer to order any person or company supplying energy used to pump groundwater to provide, at reasonable times to the Division Engineer, records of energy used to pump groundwater. **Rule 3. Scope and Purpose of the Rules.** **Scope.** These Rules apply to all surface water Diversions, Groundwater Diversions, and the storage, release, and delivery of surface water and Groundwater located within Water Division 4, as defined in section 37-92-201(1)(d), C.R.S., with the following exceptions: **3.1.1** Permitted or unregistered wells that operate pursuant to the provisions of section 37-92-602(1), C.R.S.; **3.1.2** Ponds used for the limited purposes of livestock watering, wildlife watering, fire protection, or any combination thereof that are not filled by a Diversion from a natural stream; **3.1.3** Head stabilization ponds that are part of the conveyance and application of water and do not Divert water independently of the Diversion under the Water Right, and do not store water for more than 72 hours; **3.1.4** Surface water Diversions, including springs, that are Diverted at a rate not exceeding 15 gallons per minute and are used for the limited purposes of domestic use in no more than three single-family dwellings, fire protection, watering of domestic animals, the irrigation of not over one acre of home gardens and lawns, livestock watering on farms and ranches, wildlife watering, or any combination thereof; **3.1.5** Erosion control dams, as described in section 37-87-122, C.R.S.; **3.1.6** A Diversion Structure that is declared to be an Inactive Diversion Structure in accordance with Rule 9. These Rules do not require the measurement of the delivery of water through ditch laterals, domestic water taps, or other similar distribution structures after the water has already been Diverted or released from a Reservoir and measured. **3.2 Purpose:** The purpose of these Rules is to establish consistent and reliable standards to assist the State Engineer and Division Engineer in the administration, distribution, and regulation of water in Water Division 4. These Rules shall be liberally construed to carry out the purposes described in this Rule 00. Specifically, these Rules are intended to: **3.2.1** Establish standards for the selection and installation of Measurement Methods and Diversion Structures or Other Structures for the purpose of controlling and measuring Diversions or measuring storage, releases, or deliveries of water. **3.2.2** Establish consistent and reliable minimum standards for the recording and reporting of data for water Diversions, the storage, release, and delivery of water, and the means by which the Division Engineer will receive such data. **3.2.3** Establish consistent and reliable standards for assessing compliance with the State Engineer's and Division Engineer's authority to implement and enforce the statutory requirement for installation of Measurement Methods and Headgates. **3.3** Nothing in these Rules is intended to or shall be interpreted to interfere with, constrain, or otherwise limit the right to appropriate water for beneficial use in accordance with Colorado law. These Rules do not relieve any Owner or Water User of any obligation to comply with the terms and conditions of any applicable water court

decree, rule, permit, or order. **Rule 4. Definitions. 4.1** Definitions: Any term used in these Rules that is defined in articles 82, 87, 90, and 92 of title 37 of the Colorado Revised Statutes has the same meaning given therein unless otherwise stated in these Rules.

4.1.1 “Alternative Measurement Method” means a Measurement Method that does not meet the definition of a Measuring Device and is used to determine the Flow Rate, Total Volume, or the volume of water diverted, stored in a Reservoir, released from a Reservoir, or otherwise delivered for any purpose within the standards of accuracy identified in these Rules.

4.1.2 “Control Structure” means a structure consisting of durable synthetic or natural materials that has been placed with the intent to divert, capture, possess and control water in its natural course for an appropriator’s intended and specified recreational in-channel diversion.

4.1.3 “Diversion” or “Divert” means removing water from its natural course or location, or controlling water in its natural course or location, by means of a Control Structure, ditch, canal, flume, reservoir, bypass, pipeline, conduit, well, pump, or other structure or device, as more fully defined in section 37-92-103(7), C.R.S.

4.1.4 “Diversion Structure” means a Control Structure, ditch, canal, flume, reservoir, bypass, pipeline, conduit, well, pump, or other structure or device designed to Divert water from its natural water course or location or control water in its natural course or location.

4.1.5 “Flow Rate” means instantaneous flow, usually expressed in gallons per minute (“gpm”) or cubic feet per second (“cfs”).

4.1.6 “Groundwater” means any water not visible on the surface of the ground under natural conditions, as defined in section 37-90-103(19), C.R.S.

4.1.7 “Headgate” means a structure sufficient to control the rate of Diversion of water at all ordinary stages, as more fully described in section 37-84-112(1), C.R.S.

4.1.8 “Inactive Diversion Structure” means a Diversion Structure for which a Water User files an affidavit, on a form prescribed by the State Engineer, with the Division Engineer declaring the Water User’s intent to not use the Diversion Structure for any Diversion or water application purpose, as more fully described in Rule 9.

4.1.9 “Measuring Device” means a Measurement Method that is a permanently-installed device, such as a flume, weir, staff gage associated with a stage-storage curve, or totalizing flow meter, including a totalizing flow meter that may be removed in the winter when the structure is not in use, used to directly determine the Flow Rate, Total Volume, or volume of water diverted, stored in a Reservoir, released from a Reservoir, or delivered for any purpose within the standards of accuracy identified in these Rules.

4.1.10 “Measurement Method” means a method used to determine the Flow Rate, Total Volume, or volume of water diverted, stored in a Reservoir, released from a Reservoir, or otherwise delivered for any purpose within the standards of accuracy identified in these Rules, and includes Measuring Devices and Alternative Measurement Methods.

4.1.11 “Notice,” “Notify,” or “Notification” to the Division Engineer means submission of a written message to the Division Engineer by mail or email, or the submission of a completed form or other format prescribed by the State Engineer where specifically required by these Rules.

4.1.12 “On-Stream Reservoir” means a Reservoir that is located on a natural stream.

4.1.13 “Off-Stream Reservoir” means a Reservoir that is located such that a natural stream does not flow through the Reservoir and the Reservoir fills by diverting water from a natural stream by means of a ditch, canal, flume, bypass, pipeline, conduit, well, pump, or other structure or device, or is filled by spring water, stormwater runoff, precipitation, or return flows, including effluent.

4.1.14 “Other Structure” means a structure operated to release water from a Reservoir or operated either to return water to the natural stream or to deliver a measured amount of

water for any purpose subject to administration, distribution, and regulation by the State Engineer or Division Engineer, including but not limited to a waste ditch or wasteway.

4.1.15 "Person" means an individual, a partnership, a corporation, a municipality, the State of Colorado, the United States, or any other legal entity, public or private, as defined in section 37-92-103(8), C.R.S.

4.1.16 "Qualified Tester" means a Person who is qualified to determine the accuracy of an installed Measuring Device or Alternative Measurement Method based upon their competence in the use of hydrographic measurement equipment, such as current meters and acoustic doppler velocity meters.

4.1.17 "Recording Device" means any device acceptable to the Water Commissioner or Division Engineer that is capable of recording the flow data or water level for a Diversion Structure or Other Structure.

4.1.18 "Reservoir" means a structure designed to impound and store water, or store and subsequently release water, for one or more beneficial uses.

4.1.19 "Total Volume" means the volume of water, usually expressed in acre-feet ("AF"), that is Diverted or that is stored in or released from a Reservoir over a specific period of time or is in storage in a Reservoir at a given point in time.

4.1.20 "Verification" or "Verified" means the testing performed by a Qualified Tester to verify the accuracy of a Measuring Device or an Alternative Measurement Method.

4.1.21 "Water Right" means a right to use in accordance with its priority a certain portion of the waters of the state by reason of the appropriation of the same, as defined in section 37-92-103(12), C.R.S.

4.1.22 "Water User," "User," or "Owner" means a Person who owns or uses a Diversion Structure, any Water Right decreed to a Diversion Structure, or any Other Structure. For the purposes of these Rules, "Water User," "User," and "Owner" may be used interchangeably.

4.2 Other Definitions. All other terms used in these Rules that are not defined in articles 82, 87, 90, and 92 of title 37 of the Colorado Revised Statutes shall be given their usual, customary, and accepted meanings. All words of a technical or legal nature specific to the administration, distribution, and regulation of Water Rights in the State of Colorado shall be given the meaning that is generally accepted within that field.

Rule 5. Headgate Requirements. All Diversions of surface water within the scope of these Rules shall have a Headgate, if necessary, to control the rate of Diversion. Headgates must allow the Water Commissioner, or Owner at the direction of the Water Commissioner, to accurately adjust the Diversion of water with reasonable effort and within a reasonable amount of time and to secure the Diversion Structure at the adjusted condition so as to prevent any unauthorized Diversion or adjustment.

Rule 6. Measurement Methods and Recording Requirements. All Diversion Structures within the scope of these Rules shall either: (1) be equipped with a Measuring Device or an Alternative Measurement Method that meets the requirements of Rule 0 and is approved by the Division Engineer as described in Rule 7; or (2) be declared an Inactive Diversion Structure as described in Rule 9. For any Other Structure, a Measuring Device or Alternative Measurement Method that meets the requirements of Rule 0 may be required by the Division Engineer and approved by the Division Engineer as described in Rule 7. All Measurement Methods must be resistant to tampering or other physical interference.

6.1 Measurement Method Functional Standards: **6.1.1** A Measuring Device or Alternative Measurement Method must measure Flow Rate, Total Volume, or other volume of water passing through a Diversion Structure or Other Structure, depending on the defining elements of a Diversion Structure's Water Right(s), the purposes for other Diversions by a Diversion Structure, or the purposes of any Other Structure. **6.1.2** For Diversion Structures or Other Structures

that have or propose Flow Rates greater than 1.0 cfs, a Measuring Device or Alternative Measurement Method shall be designed to accurately measure flows to within plus or minus five percent throughout the normal operating range. **6.1.3** For Diversion Structures or Other Structures that have or propose Flow Rates greater than 0.25 cfs and less than or equal to 1.0 cfs, a Measuring Device or Alternative Measurement Method shall be designed to accurately measuring flows to within plus or minus 0.05 cfs throughout the normal operating range. **6.1.4** For Diversion Structures or Other Structures that have or propose Flow Rates less than or equal to 0.25 cfs, a Measuring Device or Alternative Measurement Method shall be designed to meet an accuracy standard approved by the Division Engineer throughout the normal operating range. **6.1.5** A Measuring Device or Alternative Measurement Method shall be located within reasonable proximity of the Diversion Structure or Other Structure, as determined by the Water Commissioner, to enable the Water Commissioner to observe the effect of any Headgate adjustments or other operational adjustments. **6.1.6** A Measuring Device or Alternative Measurement Method shall be properly installed, and, if applicable, calibrated to engineering specifications appropriate for that particular Measuring Device or Alternative Measurement Method. **6.1.7** A Measuring Device or Alternative Measurement Method shall be maintained by the User in a condition that provides accurate measurement throughout the normal operating range of Flow Rate or volume of water diverted, stored in a Reservoir, released from a Reservoir, or otherwise delivered for any purpose. **6.1.8** A Measuring Device or Alternative Measurement Method shall not be deemed complete and acceptable until such time that the proper rating table for the Measuring Device or Alternative Measurement Method, or stage-capacity table, as applicable, has been made available to the Water Commissioner, unless such rating table is for a standard flume, weir, or meter and is otherwise available to the Water Commissioner. Rating tables are not required for totalizing flow meters. **6.1.9** Off-Stream Reservoirs require two of the following, as approved by the Water Commissioner or Division Engineer: **6.1.9.1** A Measuring Device or Alternative Measurement Method for the point of Diversion of the structure used to deliver water to the Reservoir; **6.1.9.2** A Measuring Device or Alternative Measurement Method used to measure the volume of water in storage; or **6.1.9.3** A Measuring Device or Alternative Measurement Method used to measure releases. Calculating the change of storage is a sufficient Alternative Measurement Method for purposes of Rules 0 and 0 as long as deliveries to and releases from the Reservoir are not being made at the same time. **6.1.10** On-Stream Reservoirs require: **6.1.10.1** The installation of an outlet or other structure capable of releasing all out-of-priority inflows; **6.1.10.2** A Measuring Device or Alternative Measurement Method used to measure the volume of water in storage; and **6.1.10.3** A Measuring Device or Alternative Measurement Method used to measure releases from storage. The combination of 0 and 0, above, shall be considered sufficient by the Division Engineer to determine or calculate evaporation, inflows, and outflows. **6.2 Recording Device Functional Standard:** **6.2.1** A Recording Device may be required for any Measuring Device or Alternative Measurement Methods pursuant to the terms and conditions of a water court decree, the terms and conditions of a well permit, or as may be reasonably required by the Division Engineer. **6.2.2** If a Recording Device is required, the Recording Device shall be a device acceptable to the Water Commissioner or Division Engineer that is capable of the accurate and continuous recording of Flow Rates in accordance with the standards set forth in Rule 0, 0, or 0

depending on the Flow Rate, at no greater than 15-minute intervals. **6.2.3** If a Recording Device is required, the Recording Device must include a means to verify that the Recording Device is properly calibrated. **6.2.4** If a Recording Device is required, the Recording Device shall not be deemed complete and acceptable until the User provides access to the Water Commissioner and/or the Division Engineer to all data from such Recording Device. **6.3 Temporary Measurement Method:** If an accepted Measuring Device or Alternative Measurement Method is incapable of accurately measuring flows, the Division Engineer may allow another temporary Measurement Method until the Measuring Device or Alternative Measurement Method is repaired, replaced, or restored. **6.4 Measurement Method Verification:** **6.4.1** If a Measuring Device is properly installed and maintained and has a standard rating table, an adjusted standard rating table or custom rating table accepted by the Division Engineer, or a stage-capacity table, as applicable, the Division Engineer shall presume that the Measuring Device is accurate, and no Verification will be required. **6.4.2** Notwithstanding Rule 0, the Division Engineer may rate or Verify any Measuring Device or Alternative Measurement Method at any time. **6.4.3** Alternative Measurement Methods shall be rated or Verified every four years beginning on the date the Alternative Measurement Method is approved by the Division Engineer. **6.4.4** All flow measuring equipment used by a Qualified Tester to Verify Measuring Devices or Alternative Measurement Methods must be calibrated according to the following standards: **6.4.4.1** All flow measuring equipment used by a Qualified Tester to Verify pressurized pipe flow meters must be calibrated every two years to be accurate within plus or minus two percent (2%) by a facility using National Institute of Standards (NIST) traceable standards. **6.4.4.2** Calibration of accuracy and maintenance of open channel flow measuring equipment, such as current meters and acoustic velocity meters, must be accomplished by a Qualified Tester or facility using USGS or appropriate manufacturer standards. **6.4.5** A report of the Verification testing shall be provided to the Division Engineer on a form developed by the State Engineer. **Rule 7. Approval of Measurement Method.** To comply with these Rules, each Measurement Method must be approved by the Water Commissioner or Division Engineer. **7.1** It is the responsibility of the Water User to confirm the Water Commissioner's or Division Engineer's approval of the use of a pre-existing Measurement Method that was installed prior to the effective date of these Rules. When contacted by a Water User to confirm approval of a pre-existing Measurement Method, the Water Commissioner or Division Engineer will confirm with notice in writing, including via email, whether the pre-existing Measurement Method is approved or denied. **7.2** For the purpose of obtaining approval of the use of a Measurement Method, and in compliance with the timelines described in the phase in provisions of Rule 16, the Water User seeking to use a newly installed, reinstalled, or changed Measurement Method shall provide Notice to the Division Engineer or the Division Engineer's delegate that includes the following information: (1) Person's name, (2) Diversion Structure or Other Structure name, (3) decree case number (if applicable), (4) legal description (PLSS quarter-quarter, section, township and range or UTM coordinates) of the Diversion or Other Structure, (5) Measuring Device installed, (6) rating table for Measuring Device (if non-standard), and/or a stage-capacity table in the case of a Reservoir, and (7) the date of installation. **7.3** To obtain approval of a Measuring Device, the Water User must provide evidence that the Measuring Device is properly rated and properly installed, as described in Rule 0. **7.4** To obtain approval of an Alternative

Measurement Method, the Water User must provide the basis for the use of an Alternative Measurement Method, including, but not limited to, any and all assumptions, field conditions, and calculations, to the satisfaction of the Division Engineer, as described in Rule 0, to ensure that the Division Engineer can accurately determine that the Alternative Measurement Method will operate according to the accuracy standards identified in these Rules. **Rule 8. Data Recording and Data Submission.** The Division Engineer has the authority to require the Water User to record and report at reasonable times the data for Diversions by any Diversion Structure or for measurement for Other Structures subject to these Rules. Diversion data will be recorded by the Water Commissioner, Water User, or both as determined by the Division Engineer, in cooperation with the Water User. **Rule 9. Inactive Diversion Structures.** Inactive Diversion Structures are excluded from these Rules provided that the Water User files an affidavit, on a form prescribed by the State Engineer, with the Division Engineer declaring the Water User's intent to not use the Diversion Structure for any Diversion or water application purpose. Once an Inactive Diversion Structure affidavit is filed with the Division Engineer, no further filings are required under these Rules unless the Water User wishes to change the Diversion Structure from inactive status to active status. When a Water User desires to change an Inactive Diversion Structure to active status, written Notification from the Water User to the Division Engineer is required prior to activation. A Diversion Structure listed as inactive under this Rule 9 shall not be used until such Notification is given and the Diversion Structure and associated Measurement Method are determined by the Division Engineer to be in compliance with these Rules. **Rule 10. Noncompliance.** Failure to comply with any of these Rules or a valid order of the Division Engineer to comply with these Rules may subject an Owner and/or User to court proceedings and payment of the state's costs, including reasonable attorney's fees, associated with enforcement of these Rules or a valid order of the Division Engineer to comply with these Rules pursuant to sections 37-92-502 and -503, C.R.S. Prior to filing any court action, the Division Engineer shall notify the Owner and, if a different Person, the User, if both are known by records maintained by the Division Engineer, of the violation in writing in the form of an order to comply, by certified mail and shall advise the Owner and/or User of the date by which the violation must be corrected to avoid court proceedings, which date shall be at least ten (10) calendar days following the date of receipt of the notice by the Owner and/or User or personal service of the notice on the Owner and/or User. The Division Engineer may also order the Water User to curtail all Diversions by a Diversion Structure until the Water User is in compliance with these Rules. **Rule 11. Variance.** When the strict application of any provision of these Rules presents practical difficulties or may cause undue hardship, the Division Engineer may grant a variance for a specific instance or method of application under these Rules, and the Division Engineer may impose any additional terms and conditions to such variance as are necessary to ensure compliance under these Rules. Any request for a variance shall be made to the Division Engineer, in a format prescribed by the State Engineer, and shall state the basis for the requested variance and provide supporting documentation. If the Division Engineer finds the request justifiable, the Division Engineer may issue a written decision granting the variance and setting forth the terms and conditions on which the variance is granted. Variance requests are granted at the sole discretion of the Division Engineer. **Rule 12. Effect of Rules.** Nothing in these Rules exempts Water Users from the requirements of any other laws, rules, permits, or

water court decrees governing the use, Diversion, and administration, distribution, and regulation of surface water and Groundwater in Water Division 4, whether now existing or hereafter adopted or decreed. **Rule 13. Process to Appeal a Decision under these Rules.** Any Person adversely affected or aggrieved by the State Engineer's or Division Engineer's application of the Rules to a particular Diversion Structure or Other Structure or approval or disapproval of a Measurement Method under these Rules may request administrative review of such determinations. Administrative review will be conducted in accordance with the adjudicatory and reconsideration procedures of the State Engineer's Procedural Rules (2 CCR 402-5), subject to judicial review of the final agency action under section 24-4-106 of the State Administrative Procedure Act, §§ 24-4-101 to 24-4-204, C.R.S. **Rule 14. Severability.** If any Rule or part thereof is found to be invalid, the remaining Rules will remain in full force and effect, including any part thereof not found to be invalid. **Rule 15. Revisions.** These Rules may be revised in accordance with applicable laws. **Rule 16. Phase In.** **16.1** In order to allow Water Users the time necessary to come into compliance with these Rules, Water Users shall meet the following deadlines for installation of Measuring Devices and Headgates, approval and implementation of Alternative Measurement Methods, or declaring an Inactive Diversion Structure under Rule 9. **16.1.1** For Diversion Structures with a capacity or total Water Rights greater than or equal to 5.0 cfs, the deadline shall be 12 months after the effective date of the Rules. **16.1.2** For Diversion Structures with a capacity or total Water Rights greater than or equal to 2.0 cfs and less than 5.0 cfs, the deadline shall be 18 months after the effective date of the Rules. **16.1.3** For Diversion Structures with a capacity or total Water Rights less than 2.0 cfs, the deadline shall be 24 months after the effective date of the Rules. **16.1.4** For Reservoirs with a capacity or total Water Rights greater than or equal to 5.0 AF, the deadline shall be 36 months after the effective date of the Rules. **16.1.5** For Reservoirs with a capacity or total Water Rights less than 5.0 AF, the deadline shall be 48 months after the effective date of the Rules. **16.2** Water Users are not in violation of Rules 5 or 6 during the applicable Phase In period if they meet the deadlines set forth in Rule 0, above. **16.3** Upon a showing of good cause by the Water User, the Division Engineer may extend the compliance deadlines of Rule 0 for one or more periods of time not exceeding one year each and may impose such terms and conditions as part of such extension as the Division Engineer deems reasonably necessary to ensure compliance with the requirements of the Rules. Good cause requires that the Water User demonstrate that it has been diligent in its efforts to comply with the requirements of these Rules, has made substantial progress in complying with the requirements of these Rules, and despite its diligent and good faith efforts has been unable to fully comply with the requirements of these Rules. The Water User must also provide an estimate of the amount of additional time required for it to fully comply with the Rules and such other information as the Division Engineer may reasonably require in order to evaluate a request for an extension of time. **Rule 17. Effective Date.** These Rules shall become effective on January 1, 2026, in accordance with section 37-92-501, C.R.S., and will thereafter remain in effect until amended as provided by law. IT IS FURTHER ORDERED that any persons wishing to protest these Rules may do so in the manner provided in section 37-92-501, C.R.S. In the event that protests are filed with respect to these Rules, the Effective Date is the date on which all protests have been resolved, or January 1, 2026, whichever date is later. These rules and the State Engineer's Statement of Basis and Purpose are available at

the office of the Water Clerk of Water Division 4, and at the office of the Division Engineer, Water Division No. 4, 1541 Oxbow Drive, Suite 1625, Montrose, CO 81401; (970) 249-6622. Any protests to the Rules must be filed by the end of the month following the month in which the Rules are published. **DELTA, MONTROSE, GUNNISON AND SAGUACHE, HINSDALE, MESA, OURAY, SAN MIGUEL COUNTIES.**

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

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