

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 August 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. 25CW15** Leo E Orme 2425 Lookout Mtn Rd Spearfish SD 57783; Application for Surface Water Rights. Orme No 1 – Easting 266403 Northing 4257372. Uncompahgre River. Appropriation date: July 1, 1929. Amount claimed 50 gpm for livestock water. Orme No 2 – Easting 267514 Northing 4253809 Uncompahgre River. Appropriation date: June 1, 1919. Amount claimed 15 gpm for livestock water.  
**MONTROSE COUNTY.**

**Case No. 25CW3039 (Ref 05CW207, 12CW56, 18CW57) DELTA COUNTY – IN THE GUNNISON RIVER.** APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Flying Spur LLC, c/o Paul L. Noto, Esq. and Lauren N. Hoover, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. Water Right: LCF Pond No. 1. Original decree: June 12, 2006, Case No. 05CW207, Division 4 Water Court. Legal Description: NW ¼ NE ¼ NW ¼ of Section 11, Township 11 South Range 91 West of the 6<sup>th</sup> P.M. at a point 313 feet from the North section line and 1720 feet from the West section line (UTM Zone 13 NAD 83 Easting: 0281673, Northing: 4333192). Source: West Muddy Creek, tributary to East Muddy Creek, Muddy Creek, the North Fork of the Gunnison River, and the Gunnison River. Appropriation date: August 15, 2005. Amount: 6.0 acre-feet, conditional. Uses: Stockwatering and fish culture. Applicant owns the land upon which the structure is located and where water will be placed to beneficial use. A map and a detailed outline of the work done towards completion of the appropriation are on file with the Court. **DELTA COUNTY.**

**Case No. 25CW3040 (Ref 04CW24, 12CW45, 18CW3044).** Application to Make Conditional Water Rights Absolute In Part and for a Finding of Reasonable Diligence. Applicants: Horse Meadows Subdivision Homeowners Association, a Colorado nonprofit corporation, 193 Sydney Ct, Gunnison, CO 81230, (970) 275-2573, [riepe@mountainflyer.com](mailto:riepe@mountainflyer.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](mailto: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. 04CW24, on April 18, 2006. In Case Nos. 12CW45 (October 9, 2012) and 18CW3044 (August 12, 2019), Water Division 4, District Court, portions of the conditional water right were made absolute, and the remaining portions were continued. Name of Structure: HORSE MEADOWS WELL NOS. 1-10. Legal Description: The exact location of each well will be established at the time of construction. One well will be located on each of the ten lots within the Horse Meadows subdivision, more particularly described as follows: Township 50 North, Range 1 West, N.M.P.M. Section 13: The W1/2 NW1/4 SW1/4; Section 14: That portion of NE1/4 SE1/4, more particularly described as follows: Beginning at the Quarter corner (5/8 rebar with a 1 1/2 inch aluminum surveyor's cap) between said Section 13 and 14; thence South 88°54'55" West along the North boundary of the above said NE1/4 SE1/4 a distance of 818.89 feet to a point on the South easterly boundary of Chekwa Trail, a dedicated roadway according to the Plat of Ohio Meadows Filing No. 4, a Gunnison County Subdivision filed under Reception No. 314888 and dated January 3, 1977, said point being South 8°44' West 142.17 feet from the most Southeasterly corner of Ohio Meadows Filing No. 3; thence South 8°44' West along the said Easterly boundary 1,351.54 feet to the South boundary of the said NE1/4 SE1/4; thence leaving the said Easterly roadway boundary North 89°00'31" East along the above said South boundary 1,032.05 feet to the section line between said Section 13 and 14; thence North 00°19'30" West along the above said section line 1,333.54 feet to the point of beginning, County of Gunnison, State of Colorado. The approximate location of the Horse Meadows Subdivision is attached as Exhibit A. Source: Groundwater tributary to Ohio Creek, tributary to the Gunnison River. Appropriation Date: February 5, 2003. Amount: 0.033 cfs (15 gallons per minute) / 0.4914 acre-feet per year per well, for a total of 4.194 acre-feet per year. The water right is absolute for use through Wells 4, 7, and 8, and remains conditional for Wells 1-3, 5, 6, 9, and 10. Use: Each well will be used for domestic use inside a single family residence (ten houses total), irrigation of 1,000 square feet of lawn and garden (10,000 square-feet total), watering of up to four horses (40 horses total), and fire protection. Detailed outline of what has been done toward completion of the appropriation. Since the last application for finding of reasonable diligence, the following activities occurred: The owners of Lots 1, 5, 6, and 10, constructed houses, constructed wells, and put water from the wells to beneficial use. Lot 1: Permit 260411, located at approximately 331612E, 4273540N, Zone 13, water first applied to beneficial use on or about March 6, 2020. Lot 5: Permit 84102-F, located at approximately 331844E, 4273415N, Zone 13, water first applied to beneficial use on or about September 27, 2020. Lot 6: Permit 87520-F, located at approximately 331878E, 4273335N, water first applied to beneficial use on or about November 5, 2024. Lot 10: Permit 84588-F, located at approximately 331580E, 4273397N, Zone 13, water first applied to beneficial use on or about April 18, 2022. Applicant kept Horse Meadows Pond full and maintained the pond. 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 and expenditures do not reflect each and every activity

undertaken by Applicant to place the conditional water rights 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 this Application is filed and the entry of any decree in this matter. Relief Requested. Applicant respectfully requests that the Court enter a Decree making HORSE MEADOWS WELL NOS. 1-10 absolute for an additional 60 gallons per minute (15 gpm each for the wells located on Lots 1, 5, 6, and 10), and a finding of reasonable diligence for the portion of the HORSE MEADOWS WELL NOS. 1-10 that is not already absolute or made absolute in this case. **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:** Members of the Homeowners Association that is the Applicant in this case. A map and a detailed outline of the work done towards completion of the appropriation are on file with the Court. **GUNNISON COUNTY.**

**Case No. 25CW3041 (Ref 11CW142, 18CW3029)** 1. Applicant: **Brooks Spring, LLC**, Matthew Miles, Manager, P.O. Box 239, Montrose, CO 81401, (970) 209-7333; by its attorney Camp & Skarka, LLC, 415 Palmer St., Delta CO 81416, 970-874-9777. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 2. Name of Structure: **Miles Ditch**, decreed July 18, 2012, in Montrose County case no. 2011CW142. 3. Source of water: tributary to Tumble Creek, Horsefly Creek and the San Miguel River. 4. Legal Description of decreed point of diversion: NW4, NW4 of Section 32, Township 47 North, Range 12 West, N.M.P.M. (Zone 13, NAD83 Easting 218292.0m; Northing 4242853.2m). 5. Date of Appropriation: June 30, 2008. 6. Amount: 1.0 c.f.s. 7. Use: conditional for stockwater, wildlife and the irrigation of 40 acres. 8. Statement of work done toward completion of the water right: **Miles Ditch** is fed by springs, runoff and overflow from an existing pond on the Applicant's property and will be used to irrigate 40 acres on Applicant's property. Since the last diligence period, Applicant has dug laterals from the **Miles Ditch** to help distribute the water for irrigation and hired a water engineer to map the irrigated acreage. Applicant requests a finding of reasonable diligence with respect to the **Miles Ditch**. 9. Name and address of owner of the land upon which the structure is located: Applicant. A map and a detailed outline of the work done towards completion of the appropriation are on file with the Court. **MONTROSE COUNTY**

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