

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 OCTOBER 2004.

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:

1) Case No 04CW155. Applicant: Jerry Knight, PO Box 3, Lazear, CO 81420. **Type of Application:** Application for Surface Water Rights. **Name of Structure:** Knight Spring #2. **Location:** SW ¼ of the NW ¼ of Section 15, Township 13 South, Range 93 West, N.M.P.M **Distance from Section Lines:** 2300 feet from North and 1800 feet from East. **Source:** Leroux Creek. **Appropriation Date:** October 5, 2004. **Amount claimed:** 10 gallons per minute conditional. **Use:** Domestic and Stock water **DELTA COUNTY**

2) Case No 04CW156. Applicant: L.D. Gold, PO Box 1956, Telluride, CO 81435. **Type of Application:** Application for Finding of Diligence. **Name of Structure:** Silverbell Flume and Pipeline No.1 (Gold Enlargement No. 2) Formerly East Spring No. 1 Enlargement. **Location:** SW ¼ of the SW ¼ of Section 28, Township 42 North, Range 9 West N.M.P.M. **Distance from Section Lines:** unknown. **Source:** Howard's Fork to San Miguel River. **Appropriation Date:** September 1, 1996. **Amount Claimed:** .033 cfs. **Use:** Additional Residence Usage. **SAN MIGUEL COUNTY**

3) Case No 04CW157. 1. Name of applicant: Colorado Water Conservation Board, 1313 Sherman Street, Suite 721, Denver, Colorado 80203, (303) 866-3441 c/o Susan Schneider, Assistant Attorney General, 1525 Sherman Street, 5th Floor, Denver, CO 80203, (303) 866-5046. 2. Application for Water Rights to Preserve the Natural Environment to a Reasonable Degree. Name of natural stream: **Dyke Creek**. 3. Location: a. legal description of the stream segment through which an in stream flow is claimed: The natural stream channel at an unnamed Lake at latitude 39° 06' 10"N and longitude 107° 39' 59"W as the upstream terminus and extending to the Bell Ranch Diversion #1 Headgate at latitude 39° 06' 46"N and longitude 107° 35' 05"W as the downstream terminus, being a distance of approximately 5.2 miles. This segment can be located on the Chalk Mountain, Electric Mountain, and Spruce Mountain U.S.G.S. quadrangles. b. For administrative purposes only: Upper Terminus = UTM 43 31 359N 13 2 69 399E, Lower Terminus = UTM 43 32 254N 13 2 76 506E. 4.a. Date of initiation of appropriation: January 28, 2004 b. Date water applied to beneficial use: Water was first applied to beneficial use on January 28, 2004. c. How appropriation was

initiated: At its regular meeting on January 28, 2004, the Colorado Water Conservation Board appropriated this water right pursuant to the Rules Concerning the Colorado In stream Flow and Natural Lake Level Program, 2 CCR 408-2. 5. Amount of water claimed (ABSOLUTE): In stream flow of 3.20 cfs (May 1 – August 15), 1.5 cfs (August 16 - October 31), and 1.0 cfs (November 1-April 30). 6. Remarks: This appropriation is made pursuant to the provisions of §§ 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2003). The purpose of this appropriation by the State of Colorado is to preserve the natural environment to a reasonable degree. At its regular meeting on May 25, 2004, the Board determined that the natural environment will be preserved to a reasonable degree by the water available for the appropriation to be made; that there is a natural environment that can be preserved to a reasonable degree with the Board's water right herein, if granted; and that such environment can exist without material injury to water rights.

DELTA COUNTY.

4) Case No 04CW158. 1. Name of applicant: Colorado Water Conservation Board, 1313 Sherman Street, Suite 721, Denver, Colorado 80203, (303) 866-3441 c/o Susan Schneider, Assistant Attorney General, 1525 Sherman Street, 5th Floor, Denver, CO 80203, (303) 866-5046. 2. Application for Water Rights to Preserve the Natural Environment to a Reasonable Degree. Name of natural stream: **Little Dolores River.** 3. Location: a. Legal description of the stream segment through which an in stream flow is claimed: The natural stream channel at the confluence of Bieser Creek at latitude 38° 59' 13"N and longitude 108° 54' 48"W as the upstream terminus and extending to the Upper Saxbury Ditch at latitude 39° 00' 28"N and longitude 108° 56' 12"W as the downstream terminus, being a distance of approximately 2.5 miles. This segment can be located on the Bieser Creek and the Sieber Canyon U.S.G.S. quadrangles. b. For administrative purposes only: Upper Terminus = SW NW S28 T12S R103W 6PM, UTM 43 17 190N 12 6 80 744, 1230' East of West Section Line, 2000' South of North Section Line, Lower Terminus = SE SE S18 T12S R103W 6PM, UTM 43 19 472N 12 6 78 657E, 360' West of East Section Line, 450' North of South Section Line. 4.a. Date of initiation of appropriation: January 28, 2004. b. Date water applied to beneficial use: Water was first applied to beneficial use on January 28, 2004. c. How appropriation was initiated: At its regular meeting on January 28, 2004, the Colorado Water Conservation Board appropriated this water right pursuant to the Rules Concerning the Colorado In stream Flow and Natural Lake Level Program, 2 CCR 408-2. 5. Amount of water claimed (ABSOLUTE): In stream flow of 2.4 cfs (April 1 – July 31), 1.6 cfs (August 1 - October 31), and 1.0 cfs (November 1-March 31). 6. Remarks: This appropriation is made pursuant to the provisions of §§ 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2003). The purpose of this appropriation by the State of Colorado is to preserve the natural environment to a reasonable degree. At its regular meeting on May 25, 2004, the Board determined that the natural environment will be preserved to a reasonable degree by the water available for the appropriation to be made; that there is a natural environment that can be preserved to a reasonable degree with the Board's water right herein, if

granted; and that such environment can exist without material injury to water rights. **MESA COUNTY.**

5) Case No 04CW159. 1. Name of applicant: Colorado Water Conservation Board, 1313 Sherman Street, Suite 721, Denver, Colorado 80203, (303) 866-3441, c/o Susan Schneider, Assistant Attorney General, 1525 Sherman Street, 5th Floor, Denver, CO 80203, (303) 866-5046. 2. Application for Water Rights to Preserve the Natural Environment to a Reasonable Degree. Name of natural stream: **North East Creek**. 3. Location: a. Legal description of the stream segment through which an in stream flow is claimed: The natural stream channel at the first unnamed tributary downstream of King Reservoir at latitude 38° 52' 58"N and longitude 108° 40' 19"W as the upstream terminus and extending to the confluence with East Creek at latitude 38° 55' 06"N and longitude 108° 29' 55"W as the downstream terminus, being a distance of approximately 11.5 miles. This segment can be located on the Glade Park, Snyder Flats, Jacks Canyon, Island Mesa and Whitewater U.S.G.S. quadrangles. b. For administrative purposes only: Upper Terminus = SW NW S34 T13S R101W 6PM, UTM 43 06 140N 12 7 01 944E, 1300' East of West Section Line, 1990' South of North Section Line, Lower Terminus = SW SE S18 T13S R99W 6PM, UTM 43 10 491N 12 7 16 874E, 2600' West of East Section Line, 780' North of South Section Line. 4. a. Date of initiation of appropriation: January 28, 2004. b. Date water applied to beneficial use: Water was first applied to beneficial use on January 28, 2004. c. How appropriation was initiated: At its regular meeting on January 28, 2004, the Colorado Water Conservation Board appropriated this water right pursuant to the Rules Concerning the Colorado In stream Flow and Natural Lake Level Program, 2 CCR 408-2. 5. Amount of water claimed (ABSOLUTE): In stream flow of 5.0 cfs (April 1 – June 30), 1.0 cfs (July 1 - August 31), 0.7 cfs (September 1 - January 31), and 1.0 cfs (February 1- March 31). 6. Remarks: This appropriation is made pursuant to the provisions of §§ 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2003). The purpose of this appropriation by the State of Colorado is to preserve the natural environment to a reasonable degree. At its regular meeting on May 25, 2004, the Board determined that the natural environment will be preserved to a reasonable degree by the water available for the appropriation to be made; that there is a natural environment that can be preserved to a reasonable degree with the Board's water right herein, if granted; and that such environment can exist without material injury to water rights. **MESA COUNTY.**

6) Case No 04CW160. 1. Name of applicant: Colorado Water Conservation Board, 1313 Sherman Street, Suite 721, Denver, Colorado 80203, (303) 866-3441, c/o Susan Schneider, Assistant Attorney General, 1525 Sherman Street, 5th Floor, Denver, CO 80203, (303) 866-5046. 2. Application for Water Rights to Preserve the Natural Environment to a Reasonable Degree Name of natural stream: **North Fork West Creek**. 3. Location: a. Legal description of the stream segment through which an in stream flow is claimed: The natural stream channel at Two V Gulch at latitude 38° 49' 32"N and longitude 108° 54' 20"W as the upstream terminus and extending to the confluence of West Creek at latitude 38° 45' 32"N and longitude

108° 54' 01"W as the downstream terminus, being a distance of approximately 6.0 miles. This segment can be located on the Two V Basin U.S.G.S. quadrangle. b. For administrative purposes only: Upper Terminus = SW NE S21 T14S R103W 6PM, UTM 42 99 288N 12 6 81 823E, 1500' West of East Section Line, 1860' South of North Section Line, Lower Terminus = SW SW S10 T15S R103W 6PM, UTM 42 91 904N 12 6 82 447E, 100' East of West Section Line, 905' North of South Section Line. 4.a. Date of initiation of appropriation: January 28, 2004. b. Date water applied to beneficial use: Water was first applied to beneficial use on January 28, 2004. c. How appropriation was initiated: At its regular meeting on January 28, 2004, the Colorado Water Conservation Board appropriated this water right pursuant to the Rules Concerning the Colorado In stream Flow and Natural Lake Level Program, 2 CCR 408-2. 5. Amount of water claimed (ABSOLUTE): In stream flow of 3.7 cfs (April 1 – June 30), 0.80 cfs (July 1 - July 31), 0.40 cfs (August 1 - February 14), and 0.80 cfs (February 15- March 31). 6. Remarks: This appropriation is made pursuant to the provisions of §§ 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2003). The purpose of this appropriation by the State of Colorado is to preserve the natural environment to a reasonable degree. At its regular meeting on May 25, 2004, the Board determined that the natural environment will be preserved to a reasonable degree by the water available for the appropriation to be made; that there is a natural environment that can be preserved to a reasonable degree with the Board's water right herein, if granted; and that such environment can exist without material injury to water rights.

MESA COUNTY.

7) Case No 04CW161. 1. Name of applicant: Colorado Water Conservation Board, 1313 Sherman Street, Suite 721, Denver, Colorado 80203, (303) 866-3441, c/o Susan Schneider, Assistant Attorney General, 1525 Sherman Street, 5th Floor, Denver, CO 80203, (303) 866-5046. 2. Application for Water Rights to Preserve the Natural Environment to a Reasonable Degree Name of natural stream: **Potter Creek**. 3. Location: a. Legal description of the stream segment through which an in stream flow is claimed: The natural stream channel at the BLM-USFS Boundary at latitude 38° 31' 58"N and longitude 108° 15' 23"W as the upstream terminus and extending to the confluence with Roubideau Creek at latitude 38° 38' 18"N and longitude 108° 11' 40"W as the downstream terminus, being a distance of approximately 9.0 miles. This segment can be located on the Cottonwood Basin, Camel Back and the Roubideau U.S.G.S. quadrangles. b. For administrative purposes only: Upper Terminus = SW SW S6 T49N R12W NMPM, UTM 42 69 766N 13 2 16 133E, 1010' East of West Section Line, 0' South of North Section Line, Lower Terminus = SW SE S34 T51N R12W NMPM, UTM 42 81 279N 13 2 21 957E, 2300' West of East Section Line, 1160' North of South Section Line. 4.a. Date of initiation of appropriation: January 28, 2004. b. Date water applied to beneficial use: Water was first applied to beneficial use on January 28, 2004. c. How appropriation was initiated: At its regular meeting on January 28, 2004, the Colorado Water Conservation Board appropriated this water right pursuant to the Rules Concerning the Colorado In stream Flow and Natural Lake Level Program, 2 CCR 408-2. 5. Amount of water claimed (ABSOLUTE): In stream flow of 4.0 cfs

(April 1 – July 31), 1.80 cfs (August 1 - September 14), 1.40 cfs (September 15 - January 31), and 1.80 cfs (February 1- March 31). 6. Remarks: This appropriation is made pursuant to the provisions of §§ 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2003). The purpose of this appropriation by the State of Colorado is to preserve the natural environment to a reasonable degree. At its regular meeting on May 25, 2004, the Board determined that the natural environment will be preserved to a reasonable degree by the water available for the appropriation to be made; that there is a natural environment that can be preserved to a reasonable degree with the Board's water right herein, if granted; and that such environment can exist without material injury to water rights. **MONTROSE AND DELTA COUNTIES.**

8) Case No 04CW162. 1. Name of applicant: Colorado Water Conservation Board, 1313 Sherman Street, Suite 721, Denver, Colorado 80203, (303) 866-3441, c/o Susan Schneider, Assistant Attorney General, 1525 Sherman Street, 5th Floor, Denver, CO 80203, (303) 866-5046. 2. Application for Water Rights to Preserve the Natural Environment to a Reasonable Degree. Name of natural stream: **Roubideau Creek.** 3. Location: a. Legal description of the stream segment through which an in stream flow is claimed: The natural stream channel at Moore Creek at latitude 38° 31' 22"N and longitude 108° 12' 12"W as the upstream terminus and extending to the BLM Land Boundary at latitude 38° 40' 18"N and longitude 108° 09' 09"W as the downstream terminus, being a distance of approximately 14.4 miles. This segment can be located on the Camel Back and the Roubideau U.S.G.S. quadrangles. b. For administrative purposes only: Upper Terminus = NW SW S10 T49N R12W NMPM, UTM 42 68 472N 13 2 20 714E, 410 East of West Section Line, 1610' North of South Section Line, Lower Terminus = NE SE S24 T51N R12W NMPM, UTM 42 84 846N 13 2 25 726E, 860' West of East Section Line, 2600' North of South Section Line. 4. a. Date of initiation of appropriation: January 28, 2004. b. Date water applied to beneficial use: Water was first applied to beneficial use on January 28, 2004. c. How appropriation was initiated: At its regular meeting on January 28, 2004, the Colorado Water Conservation Board appropriated this water right pursuant to the Rules Concerning the Colorado In stream Flow and Natural Lake Level Program, 2 CCR 408-2. 5. Amount of water claimed (ABSOLUTE): In stream flow of 21.0 cfs (April 1 – June 30), 5.0 cfs (July 1 - July 31), 1.90 cfs (August 1 - February 29), and 5.0 cfs (March 1- March 31). 6. Remarks: This appropriation is made pursuant to the provisions of §§ 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2003). The purpose of this appropriation by the State of Colorado is to preserve the natural environment to a reasonable degree. At its regular meeting on May 25, 2004, the Board determined that the natural environment will be preserved to a reasonable degree by the water available for the appropriation to be made; that there is a natural environment that can be preserved to a reasonable degree with the Board's water right herein, if granted; and that such environment can exist without material injury to water rights. **MONTROSE AND DELTA COUNTIES.**

9) Case No 04CW163. 1. Name of applicant: Colorado Water Conservation Board, 1313 Sherman Street, Suite 721, Denver, Colorado 80203, (303) 866-3441, c/o Susan Schneider, Assistant Attorney General, 1525 Sherman Street, 5th Floor, Denver, CO 80203, (303) 866-5046. 2. Application for Water Rights to Preserve the Natural Environment to a Reasonable Degree. Name of natural stream: **Spring Creek**. 3. Location: a. Legal description of the stream segment through which an in stream flow is claimed: The natural stream channel at the confluence of East and Middle Forks Spring Creek at latitude 38° 19' 49"N and longitude 107° 59' 53"W as the upstream terminus and extending to Kenton Ditch at latitude 38° 23' 23"N and longitude 107° 56' 47"W as the downstream terminus, being a distance of approximately 5.5 miles. This segment can be located on the Government Springs and the Montrose West U.S.G.S. quadrangles. b. For administrative purposes only: Upper Terminus = SW NW S17 T47N R10W NMPM, UTM 42 46 514N 13 2 37 926E, 630 East of West Section Line, 1930' South of North Section Line, Lower Terminus = NE NE S27 T48N R10W NMPM, UTM 42 52 946N 13 2 42 658E, 140' West of East Section Line, 1160' South of North Section Line. 4.a. Date of initiation of appropriation: January 28, 2004. b. Date water applied to beneficial use: Water was first applied to beneficial use on January 28, 2004. c. How appropriation was initiated: At its regular meeting on January 28, 2004, the Colorado Water Conservation Board appropriated this water right pursuant to the Rules Concerning the Colorado In stream Flow and Natural Lake Level Program, 2 CCR 408-2. 5. Amount of water claimed (ABSOLUTE): In stream flow of 5.3 cfs (April 1 – June 30), 2.6 cfs (July 1 - July 31), and .90 cfs (August 1- March 31). 6. Remarks: This appropriation is made pursuant to the provisions of §§ 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2003). The purpose of this appropriation by the State of Colorado is to preserve the natural environment to a reasonable degree. At its regular meeting on May 25, 2004, the Board determined that the natural environment will be preserved to a reasonable degree by the water available for the appropriation to be made; that there is a natural environment that can be preserved to a reasonable degree with the Board's water right herein, if granted; and that such environment can exist without material injury to water rights.

MONTROSE AND OURAY COUNTIES.

10) Case No 04CW164. 1. Name of applicant: Colorado Water Conservation Board, 1313 Sherman Street, Suite 721, Denver, Colorado 80203, (303) 866-3441, c/o Susan Schneider, Assistant Attorney General, 1525 Sherman Street, 5th Floor, Denver, CO 80203, (303) 866-5046. 2. Application for Water Rights to Preserve the Natural Environment to a Reasonable Degree. Name of natural stream: **West Antelope Creek**. 3. Location: a. Legal description of the stream segment through which an in stream flow is claimed: The natural stream channel at the headwaters of the Gunnison River at latitude 38° 39' 45"N and longitude 107° 03' 23"W as the upstream terminus and extending to the Dooley Antelope Irrigation Ditch at latitude 38° 34' 48"N and longitude 106° 58' 51"W as the downstream terminus, being a distance of approximately 7.8 miles. This segment can be located on the Squirrel Creek, McIntosh Mountain, and Gunnison U.S.G.S. quadrangles. b. For administrative purposes only: Upper Terminus = UTM 42 81

126N 13 3 21 071E, Lower Terminus = NE SW S21 T50N R1W NMPM, UTM 42 71 818N 13 2 27 443E, 1475' East of West Section Line, 2300' North of South Section Line. 4.a. Date of initiation of appropriation: January 28, 2004. b. Date water applied to beneficial use: Water was first applied to beneficial use on January 28, 2004. c. How appropriation was initiated: At its regular meeting on January 28, 2004, the Colorado Water Conservation Board appropriated this water right pursuant to the Rules Concerning the Colorado In stream Flow and Natural Lake Level Program, 2 CCR 408-2. 5. Amount of water claimed (ABSOLUTE): In stream flow of 1.65 cfs (April 1 – August 31), 1.20 cfs (September 1 - January 14), and 1.10 cfs (January 15- March 31). 6. Remarks: This appropriation is made pursuant to the provisions of §§ 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2003). The purpose of this appropriation by the State of Colorado is to preserve the natural environment to a reasonable degree. At its regular meeting on May 25, 2004, the Board determined that the natural environment will be preserved to a reasonable degree by the water available for the appropriation to be made; that there is a natural environment that can be preserved to a reasonable degree with the Board's water right herein, if granted; and that such environment can exist without material injury to water rights. **GUNNISON COUNTY.**

11) Case No 04CW165. Applicant: Betty J. Barkman and Gerald E. Heal, 1020 County Road 317, Crested Butte, CO 81224. **Type of Application:** Application to Make Absolute. **Name of Structure:** Coyote Spring. **Location:** SE ¼ of the SE ¼ NW ¼ of Section 35, Township 13 South, Range 86 West , 6th Principal Meridian. **Distance from Section Lines:** 2165 feet from North and 2265 feet from West. **Source:** Slate River. **Appropriation Date:** September 1, 1993. **Amount Claimed:** .022 cfs. **Use:** Fish culture, fire protection and irrigation. **GUNNISON COUNTY.**

12) Case No 04CW166. Applicant: Mark Miller, 49510 Hwy 141, Gateway, CO 81522. **Type of Application:** Application for Finding of Due Diligence. **Name of Structures:** Dual M Pump Plant 1-5. **Location:** #1 Section 1, Township 50 North, Range 19 West N.M.P.M. #2 Section 1, Township 50 North, Range 19 West N.M.P.M. #3 Section 2, Township 50 North, Range 19 West N.M.P.M. #4 Section 35, Township 51 North, Range 19 West N.M.P.M. #5 Section 35, Township 51 North, Range 19 West N.M.P.M. **Distance from Section lines:** #1 250 feet east of the west line and 3150 feet south of the north line. #2 500 feet east of the west line and 3150 feet south of the north line. #3 1500 feet west of the east line and 1700 feet south of the north line. #4 875 feet west of the east line and 1500 feet north of the south line. #5 875 feet west of the east line and 1750 feet north of the south line. **Source:** Dolores River. **Appropriation Date:** May 8, 1991. **Amount Claimed:** 7.05 cfs. **Use:** Irrigation and stockwater. **MESA COUNTY**

13) Case No 04CW167. Applicant: Shawn LaBounty PO Box 1043, Paonia, CO 81428 and Mose Oppenheimer 7191 Koolan Road, Kilauea, HI 96754. **Type of Application:** To Make Absolute. **Name of Structure:** Toltec Spring.

Location: NW ¼ of the SE ¼ of Section 21, Township 13 South, Range 91 West, 6th PM. **Distance from Section Lines:** 2333 feet from North and 2033 feet from West. **Source:** North Fork of the Gunnison River. **Appropriation Date:** July 7, 1982. **Amount Claimed:** .06 cfs for irrigation and .03 cfs for domestic. **Use:** Irrigation and livestock water. **DELTA COUNTY.**

14) Case No. 04CW168. Applicant: Ron and Linda Connell, Majestic View Estates, 32337 J Road, Hotchkiss, CO 81419. **Type of Application:** For Approval of Plan for Augmentation. **Name of Structure:** Connell Well #1 and Connell Well #2. **Location:** Connell Well #1: SE ¼ of the NW ¼ of the NW ¼ of Section 36, Township 14 South, Range 93 West 6th PM. Connell Well #2 SE ¼ of the NW ¼ of the NS ¼ of Section 36, Township 14 South, Range 93 West, 6th PM. **Distance from Section Lines:** Connell Well #1 904 feet from West line and 966 feet from North line. Connell Well #2 680 feet from West line and 1014 from North line. **Source:** North Fork of the Gunnison. **Appropriation Date:** Connell Well #1 June 19, 2002 Connell Well #2 March 15, 2004. **Amount Claimed:** 13 gpm absolute. **Use:** Domestic water for six single family homes, two acres of lawn and garden irrigation and twelve head of livestock. **DELTA COUNTY.**

15) Case No 04CW169. Applicant: Wayne R. and Gloria J. Simpson, 18801 Sims Mesa Road, Montrose, CO 81401. **Type of application:** Application for Surface Water Rights. **Name of Structure:** Blake Spring. **Location:** SW ¼ of the SW ¼ of Section 17, Township 48 North, Range 9 West NMPM. **Distance from Section Lines:** 863 feet from South and 767 feet from West. **Source:** Happy Canyon Creek. **Appropriation Date:** December 1992. **Amount Claimed:** .03 cfs absolute. **Use:** Irrigation and stock water. **MONTROSE COUNTY.**

16) Case No 04CW170. Applicant: Janice Zadra Scharf, 3737 6100 Road, Montrose, CO 81401. **Type of Application:** Application for Surface Water Rights. **Name of Structure:** Zadra Scharf Spring #1, #2, and #3. **Location:** Zadra Scharf Spring #1 NW ¼ of the SE ¼ of Section 23, Township 49 North, Range 10 West, NMPM. Zadra Scharf Spring #2 NW ¼ of the SE ¼ of Section 23, Township 49 North, Range 10 West NMPM. Zadra Scharf Spring #3 NW ¼ of the SE ¼ of Section 23, Township 49 North, Range 10 West NMPM. **Distance from Section Lines:** Zadra Scharf Spring #1 2256 feet from East and 1885 feet from South. Zadra Scharf Spring #2 2163 feet from East and 1716 from South. Zadra Scharf Spring #3 2093 feet from East and 1667 feet from South. **Source:** Spring Creek. **Appropriation Date:** Zadra Scharf Spring #1 April 1, 2000, Zadra Scharf Spring #2 October 15, 2004. Zadra Scharf Spring #3 October 15, 2004. **Amount Claimed:** .50 cfs for 3 springs. **Use:** Irrigation and Stock water. **MONTROSE COUNTY.**

17) Case No 04CW171. Applicant: Michael W. Fahrlander, PO Box 1137, Crested Butte, CO 81224. **Type of Application:** Application for Surface Water

Rights and Application for Water Storage Right. **Name of Structures:** Norman Ditch and Fahrlander Reservoir. **Location:** Norman Ditch: NW ¼ of the SW ¼ of Section 21, Township 48 North, Range 2 East NMPM Fahrlander Reservoir: SE ¼ of the NE ¼ of Section 20, Township 48 North, Range 2 East NMPM. **Distance from Section Lines:** Norman Ditch: 2500 feet from South and 10 feet from West. Fahrlander Reservoir: 1982 feet from North and 54 feet from East. **Source:** Cochetopa Creek. **Appropriation Date:** August 2003. **Amount Claimed:** 1 acre foot conditional. **Use:** Stock Water, Fish Culture, Recreation.
SAGUACHE COUNTY

18) Case No 04CW172. Applicant: Bud and Cindy Hawkins, 1606 Peach Valley Road, Delta, CO 81416. **Type of Application:** Application for Finding of Diligence. **Name of Structure:** Tamerack Ditch. **Location:** NW ¼ of the SW ¼ of the NW ¼ of Section 17, Township 51 North, Range 9 West NMPM. **Distance from Section Lines.** 1350 feet from North and 1350 feet from West. **Source:** Gunnison River. **Appropriation Date:** February 8, 1998. **Amount Claimed:** 6.0 cfs. **Use:** Stockwater and Irrigation. **DELTA COUNTY.**

19) Case No 04CW173. Applicant: Marilyn I. Huseby, 59393 Spring Creek Road, Montrose, CO 81401. **Type of Application:** Application for Surface Water Rights. **Name of Structure:** Golden Pond. **Location:** SE ¼ of the SW ¼ of Section 27, Township 49 North, Range 10 West NMPM. **Distance from Section Lines:** 488 feet from South and 2342 feet from West. **Source:** Spring Creek. **Appropriation Date:** June 1, 1996. **Amount Claimed:** .10 cfs Absolute. **Use:** Irrigation and Stockwater. **MONTROSE COUNTY**

20) Case No 04CW174. Applicant: David Stiller, PO Box 429, Hotchkiss, CO 81419. **Type of Application:** Application for Underground Water Right and Approval of Plan for Augmentation. **Name of Structure:** Stiller Irrigation Well. **Location:** SE ¼ of the SE ¼ of section 35, Township 14 South, Range 93 West, 6th PM. **Distance from Section Lines:** 1200 feet from West and 1200 feet from North. **Source:** North Fork of the Gunnison River. **Appropriation Date:** July 13, 2004. **Amount Claimed:** 2.71 acre feet conditional. **Use:** Irrigation.
DELTA COUNTY.

21) Case No. 04CW175. Telecam Partnership II, Ltd., c/o Scott C. Miller, Esq., Patrick, Miller & Kropf, P.C., 730 East Durant Ave., Suite 200, Aspen, CO 81611, (970) 920-1028. APPLICATION FOR WATER STORAGE RIGHTS AND SUPPLEMENTAL PLAN FOR AUGMENTATION INCLUDING APPROPRIATIVE EXCHANGE. First Claim: Claim For Water Storage Right. Name of Reservoir: Illium Pond. Legal description of location of dam: From the center of the dam, it is S 56°10'10" W, 4,836.72 feet to the northwest corner of Section 6, Township 42 North, Range 9 West, N.M.P.M. If off-channel reservoir, name and capacity of ditch used to fill reservoir, and legal description of point of diversion: Illium Pond Pipeline; Capacity of pipeline is 5 c.f.s.; The point of diversion of the Pipeline is on the left bank of the San Miguel River as more particularly described

as follows: From the diversion point, it is S 57°34'24" W, 5321.15 feet to the northwest corner of Section 6, Township 42 North, Range 9 West, N.M.P.M. Source: San Miguel River. Date of Appropriation: February 27, 2004. Amount claimed for storage: 15 acre feet, conditional. Uses: Irrigation, commercial, industrial, piscatorial, domestic, augmentation and exchange. If irrigation, total number of acres proposed to be irrigated: 3.56. Legal description of acreage to be irrigated: Within the land area described on Exhibit "A" on file with the Court. Name and address of owner or reputed owner of lands upon which any structures are located, upon which water will be stored and upon which water will be placed to beneficial use: Applicant. Second Claim: Claim For Water Storage Right. Name of Reservoir: Trout Lake Reservoir, Illium Enlargement. Legal description of location of dam: an on-stream reservoir located in the upper reach of the Lake Fork of the San Miguel River. The initial point of survey is at a point whence the NW corner of the SW¼ of Section 8, Township 41 North, Range 9 West, N.M.P.M., bears North 89°15' West 976 feet, in San Miguel County, Colorado. Source: Lake Fork of the San Miguel River, tributary to the South Fork of the San Miguel River, tributary to the San Miguel River. Date of Appropriation: February 27, 2004. Amount claimed for storage: 10 acre feet, conditional. Uses: Augmentation and hydroelectric power generation. Name and address of owner or reputed owner of lands upon which any structures are located, upon which water will be stored and upon which water will be placed to beneficial use: Public Service Company of Colorado (d/b/a Xcel Energy), 4653 Table Mountain Drive, Coors Technology Center, Golden, CO 80383. Alternative or supplemental claim for water storage right: In the event water cannot be stored in or released from Trout Lake Reservoir for the Illium Enlargement, Applicant claims the same enlargement water right, as described above, to Lake Hope Reservoir, located on the Lake Fork of the San Miguel River, and originally decreed by the Montrose County District Court on November 1, 1939 in Civil Action No. 4641. Third Claim: Claim For Water Storage Right. Name of Reservoir: Alexander Pond No. 2, First Enlargement. Legal description of location of dam: A pond located in the NW¼ of the NE¼ of Section 14, Township 42 North, Range 10 West, N.M.P.M., at a point from whence the Northeast corner of said Section bears North 67 degrees 15 minutes East a distance of 2,150 feet. (San Miguel County). If off-channel reservoir, name and capacity of ditch used to fill reservoir, and legal description of point of diversion: Alexander Ditch; Capacity of Ditch is 20 c.f.s.; The headgate point of diversion of the Alexander Ditch is located on the left or west bank of the West Prong of Bilk Creek in Section 11, Township 42 North, Range 10 West, N.M.P.M., at a point from whence the East Quarter corner of said Section bears North 27 degrees 20 minutes East a distance of 14,786 feet. (San Miguel County). Source: Bilk Creek, tributary to San Miguel River. Date of Appropriation: February 27, 2004. Amount claimed for storage: 10 acre feet, conditional. If off channel reservoir, rate of diversion in cfs for filling the reservoir: 5 cfs, conditional. Uses: Irrigation, commercial, industrial, piscatorial, domestic, augmentation and exchange. If irrigation, total number of acres proposed to be irrigated: 3.56. Legal description of acreage to be irrigated: Within the land area described on Exhibit "A" on file

with the Court. Name and address of owner or reputed owner of lands upon which any structures are located, upon which water will be stored and upon which water will be placed to beneficial use: Applicant, Kirk Alexander and/or U.S. Forest Service. Fourth Claim: Claim For Approval of Plan For Augmentation. On November 1, 1994, the Water Court Judge for Water Division No. 4 approved Applicant's plan for augmentation including appropriative exchange in Case No. 93CW163 to, among other purposes, cover depletions associated with the "Illium Valley" development project. Applicant also decreed a plan for augmentation in Case No. 01CW165, Water Division No. 4. Applicant herein seeks to supplement the previous plan for augmentation in Case No. 93CW163 to cover depletions associated with planned increased density on the Illium Valley tract of land. Applicant also seeks hereby to add sources of augmentation and exchange to the previously approved augmentation plans in Case Nos. 93CW163 and 01CW165. Name of structures to be augmented in supplemental plan: Illium Well No. 1, Illium Well No. 2, Illium Well No. 3, Illium Pond. Information from previous decree on structures to be augmented: Date entered: September 14, 1994, relating back to August 31, 1993; Case No. 93CW161, Water Division No. 4. (In Case No. 00CW147, entered May 31, 2001, diligence maintained and water rights continued conditional for Illium Well Nos. 1 & 2; and absolute status awarded to Illium Well No. 3). Points of diversion: Illium Well No. 1: A well located in Section 31, Township 43 North, Range 9 West, N.M.P.M., at a point from whence corner one of the San Miguel Placer M.S. 2068 bears South 40 degrees 30 minutes East a distance of 880 feet. Location is approximately 1,970' from the West Section line and 2,540' from the North Section line of said Section 31 (SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, San Miguel County). Illium Well No. 2: A well located in Section 31, Township 43 North, Range 9 West, N.M.P.M., at a point from whence corner one of the San Miguel Placer M.S. 2068 bears South 51 degrees 30 minutes East a distance of 1,100 feet. Location is approximately 1,680' from the West Section line and 2,520' from the North Section line of said Section 31 (SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, San Miguel County). Illium Well No. 3: A well located in Section 31, Township 43 North, Range 9 West, N.M.P.M., at a point from whence corner one of the San Miguel Placer M.S. 2068 bears South 59 degrees 15 minutes East a distance of 1,640 feet. Location is approximately 1,140' from the West Section line and 2,340' from the North Section line of said Section 31 (SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, San Miguel County). Source for all wells: San Miguel River alluvium. Date of appropriation: May 27, 1993, as to all wells. Amount: 0.223 c.f.s. (100 gpm) for each well. Uses: Irrigation, domestic, commercial, industrial, stockwatering and fire protection. Change of water rights: Applicant seeks to change the underground water rights described above to allow for diversions to be cumulative from such wells so that the wells, in combination, can divert up to a maximum of 300 g.p.m. Description of water rights to be used for augmentation: Alexander Pond No. 2, First Enlargement, as described above; Trout Lake Reservoir, Illium Enlargement, as described above; Lake Hope Reservoir, Illium Enlargement, as described above; Illium Pond, as described above. Statement of Plan for Augmentation pursuant to C.R.S. 37-92-103(9), 302(1)(2) and 305(8): In Case No. 93CW163, among

other things, augmentation water was provided from Alexander Pond No. 2 to cover out-of-priority depletions associated with the Illium Valley Industrial Development Project, as detailed in that decree. This plan for augmentation is intended to supplement the previous plan and cover out-of-priority depletions associated with development on the Illium Valley land, above and beyond those depletions covered in 93CW163. The previous plan covered 85 equivalent residential units (“EQR’s”). This supplemental plan for augmentation is intended to provide replacement water to cover out-of-priority depletions for an additional 70 EQR’s, and pond evaporation, associated with further development on Applicant’s property. The diversion requirements for this increased density are summarized on a monthly basis in Table 2, on file with the Court as Exhibit “B.” The potable water supply will come from one or a combination of the Illium Wells. The total average annual water demand is anticipated to be 31.3 acre feet. Wastewater will be treated at the existing on-site central package wastewater treatment plant. Consumptive use utilizing such a wastewater treatment system is considered to be 5% of water demand. Therefore, the consumptive use, including consumption of water from pond evaporation, will be 4.76 acre feet. The consumptive use associated with the expanded development is summarized on a monthly basis in Table 2, on file with the Court as Exhibit “B.” The Illium Wells are sited within 100 feet from the ordinary high water line of the San Miguel River; depletions will be instantaneous with no delayed pumping effects to the stream system. Applicant owns or controls Alexander Pond No. 2. Applicant also owns and controls Illium Pond, as applied for herein. Finally, Applicant has or will enter into a Water Storage Lease with Public Service Company of Colorado (d/b/a XCEL Energy) for use of water stored in Trout Lake (and/or Lake Hope). Applicant’s engineers have opined that water is available to divert in priority for storage in sufficient amounts in one or a combination of these reservoirs during the non-irrigation season and parts of April, May and June each year. Applicant will replace all out-of-priority depletions associated with the above-described expanded development with one or a combination of the three sources of augmentation water. Applicant also hereby seeks to include each of the three sources as additional sources of augmentation to cover the structures and depletions identified in Case Nos. 93CW163 and 01CW165. Applicant will develop an annual accounting acceptable to the Division Engineer describing the number of EQR served under this supplemental plan, the required maximum annual and monthly augmentation releases and accounting of total well diversions for the Illium Well Nos. 1-3. Releases will be made in monthly amounts commensurate with the consumptive depletions during these months, together with additional releases to account for reasonable and demonstrable transit losses between the respective tributaries and the San Miguel River. The existing plan for augmentation decreed in 93CW163 is not hereby amended or changed, except as specifically provided for herein or to the extent it is inconsistent with this supplemental plan. Request for appropriative exchange: The Illium Wells divert from the alluvium of the San Miguel River downstream of Society Turn, with no delayed impact. To the extent Alexander Pond No. 2 is utilized for augmentation and exchange in this supplemental plan, the exchange

reach for the Wells will be from the wells on the San Miguel River to the confluence of Bilk Creek and the San Miguel River. Applicant claims a date of appropriative exchange of February 27, 2003. The Applicant's exchange amount shall not exceed 0.33 c.f.s. **SAN MIGUEL COUNTY.**

22) Case No 04CW176. Application for Finding of Reasonable Diligence and to Make Water Right Absolute in Part. Lazear Domestic Water Corporation, c/o Lori J.M. Satterfield, LORI J. M. SATTERFIELD, P.C., 1735 19th Street No. 3A, Denver, CO 80202. (303)292-3282. Girling Domestic and Irrigation Well No. 1 – 1995 Right (hereinafter "Subject Water Right"). Information from Previous Decree for Subject Water Right: Date: October 7, 1998; Case No. 95CW209, District Court, Water Division 4. Location: North 520 feet and West 404 feet from the Southeast corner of NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 14 South, Range 93 West 6th P.M. Appropriation Date: September 10, 1995. Amount: 50 gpm, conditional, peak day, with contemplated average continuous diversion of 16 gpm. Use during the non-irrigation season for domestic water service for 67 residential and business units/taps and watering of 62 head of livestock. The Subject Water Right is part of an integrated water project and system for Lazear. See § 37-92-301, 10 C.R.S. (2003). The Application contains a detailed description of the work performed during the diligence period to develop the Subject Water Right. Lazear has put to beneficial use 44 gpm (88% of the conditional domestic right decreed to the Subject Water Right (59 units/taps divided by 67 units/taps decreed to be served by the Subject Water Right). Lazear has fully utilized the stock water right decreed to the Subject Water Right. Lazear respectfully requests that the Court enter a decree (i) finding reasonable diligence in the development of the Subject Water Right; (ii) confirming that the Subject Water Right has been made absolute for stock watering and domestic uses, as herein described; (iii) and continuing the remaining conditional 6 gpm of the domestic water right in full force and effect. **DELTA COUNTY.**

23) Case No 04CW178. Fairway Pines Golf Partners, Ltd. c/o Scott C. Miller, Esq. and Paul L. Noto, Esq. Patrick, Miller & Kropf, P.C., 730 E. Durant, Suite 200, Aspen, CO 81611, (970) 920-1028. APPLICATION FOR FINDING OF DILIGENCE. Name of structure: Fairway Pines Reservoir. Description of conditional water right: Date of original Decree: October 26, 1998. Case No. 97CW240. Court: Division 4 Water Court. Legal description (include county, quarter/quarter, section, township, range, principal meridian, distances from the section lines, street address or subdivision, lot and block.): The axis of the longitudinal centerline of the dam is described as a point bearing South 69°03'03" East, 44.65 feet from the northeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 46 North, Range 8 West, New Mexico Principal Meridian (Station 0+00 to Station 6+00), and is located within a tract of land in Tract 11, Loghill Crest, Ouray County, Colorado, also being situated in U. S. Government Lot 11, Section 30, Township 46 North, Range 8 West, New Mexico Principal Meridian, and being more particularly described as follows: Considering the bearing between

the southwest corner of Section 31, said Township 46 North, Range 8 West, New Mexico Principal Meridian (a marked stone), and the northwest corner of said Section 31 (a #6 rebar) to be North 00°59'56" East with all bearings herein relative thereto. Beginning at the northwest corner of said Tract 11 from whence the southwest corner of said Section 30 bears South 45°20'05" West, 1811.53 feet; thence South 88°49'03" East along the north line of said Tract 11, a distance of 600.00 feet; thence South 01°10'57" West, 250.00 feet; thence South 60°43'27" West, 608.86 feet; thence North 88°06'57" West, 82.00 feet to a point on the west line of said Tract 11; thence North 01°53'03" East, 557.67 feet to the point of beginning, containing 5.878 acres. A map of the reservoir location is on file with the Court as Exhibit "A". Source: The Reservoir will be filled by water associated with the following water rights diverting from Dallas Creek, a tributary of the Uncompahgre River: Mike Cuddigan Ditch, Priority No. 39, in the amount of 0.625 c.f.s. changed to an alternate point of diversion through the Loghill Pumping Plant and a change of use from irrigation only to irrigation and municipal, including: industrial, residential, commercial, recreation, fish culture, and storage purposes, pursuant to a decree entered by the Water Court in Case No. W-1358 on May 23, 1974, with an appropriation date of June 1, 1879. Hyde-Sneva Ditch, Priority No. 42, in the amount of 0.125 cfs, changed to an alternate point of diversion through the Loghill Pumping Plant and a change of use from irrigation only to irrigation and municipal, including: industrial, residential, commercial, recreation, fish culture, and storage, pursuant to a decree entered by the Water Court in Case No. W-1357 on May 23, 1974, with an appropriation date of October 10, 1880. Hyde-Sneva Ditch, Priority No. 100, in the amount of 0.625 c.f.s., changed to an alternate point of diversion through the Loghill Pumping Plant and a change of use from irrigation only to irrigation and municipal, including: industrial, residential, commercial, recreation, fish culture, and storage pursuant to a decree entered by the Water Court in Case No. W-1357 on May 23, 1974, with an appropriation date of May 1, 1886. The Reservoir will also be filled from the following decreed surface diversions: The Loghill Pumping Plant, which diverts water from Dallas Creek and is decreed for municipal, industrial, residential, commercial, recreational and fish culture purposes in the amount of 0.66 c.f.s. absolute and 1.21 c.f.s. conditional in Case No. 93CW66 with an appropriation date of March 17, 1971. Golf Course Ditch, which diverts water from Fisher Creek and was decreed conditional pursuant to Case No. 85CW188 on March 30, 1987, in the amount of 3.5 c.f.s. for irrigation and storage purposes with an appropriation date of July 23, 1985. The Water Court, Water Division No. 4, entered a Finding of Reasonable Diligence for the entire 3.5 c.f.s. for storage and irrigation purposes, pursuant to Case No. 93CW65, on October 10, 1996. Appropriation date: December 27, 1997. Amount: 74.48 acre feet, conditional, with the right to fill and refill when in priority. Use: Irrigation of golf course and associated greenbelt amenities, recreation, piscatorial, fire protection, augmentation and exchange. Maximum height of dam: Approximately 15.0 feet. Length of dam: 600 feet. Total capacity of reservoir: 74.48 acre feet. Active capacity of reservoir: 66.64 acre feet. Dead storage: 7.84 acre feet. Detailed outline of work performed toward

completion of the appropriation and application of water to the conditional uses decreed during the relevant diligence period, including expenditures: During the intervening diligence period, Applicant has initiated excavation and construction of the Fairway Pines Reservoir, at a cost of thousands of dollars. Such construction has involved drilling, blasting and excavation and removal of aggregate. Applicant has also undertaken extensive engineering analysis regarding design of the reservoir. Applicant has continued to employ Patrick, Miller & Kropf, P.C. to, among other things, monitor new water right applications that could cause injury to the subject water right and Applicant's other water rights. Name and address of owner of land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use. Applicant. Remarks: The Fairway Pines Reservoir is a component part of an integrated water supply plan for Applicant's property.
OURAY COUNTY.

Amended

24) Case No. 02CW124. Applicant: Maurice M. Richard, PO Box 808, Norwood, CO 81423. **Type of Application:** Application for Surface Water Rights. **Name of Structure:** Richard Springs #1 and #2 and Red Tail Hawk Spring. **Location:** Richard Spring #1 NW ¼ SE ¼ SE ¼ of Section 19, Township 45 North, Range 13 West NMPM. Richard Spring #2 NW ¼ SE ¼ SE ¼ of Section 19, Township 45 North, Range 13 West NMPM Red Tail Hawk Spring NW ¼ NE ¼ NW ¼ of Section 25, Township 44 North, Range 14 West NMPM. **Distance from Section Lines:** Richard Spring #1 1000 feet East and 1250 feet North. Richard Spring #2 42 feet East and 1250 feet South. Red Tail Hawk Spring 2070 feet West and 250 feet south. **Source:** Naturita Creek. **Appropriation Date:** August 8, 1988. **Amount Claimed:** .03 cfs absolute. **Use:** Domestic, farm, livestock and wildlife. **SAN MIGUEL COUNTY.**

Amended

25) Case No. 03CW 166. Applicant: Thomas Chapman, PO Box 220, Cory, CO 81414. **Type of Application:** Application for Water Rights and Alternate Point of Diversion. **Name of Structure:** Chapman Spring No 1. **Location:** NE ¼ of the NW ¼ of Section 6, Township 13 South, Range 88 W 6th PM. **Distance from Section Lines:** 750 feet from North and 2850 feet from West. **Source:** North Fork of Gunnison River. **Appropriation Date:** July 19, 2003. **Amount Claimed:** .033 cfs conditional. **Use:** Domestic, Irrigation and incidental fire suppression. **DELTA COUNTY**

You are further notified that you have until the last day of December **2004**, to file with the Water Clerk, in quadruplicate, 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 - \$70.00
(Statement of Opposition form may be obtained from the Water Clerk's Office).

November 5, 2004

Sara R. Towsley, Water Clerk Division No. 4

1200 North Grand Avenue, Bin A

Montrose, CO 81401

sara.towsley@judicial.state.co.us