

Legals

—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 November 2020.

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: There has been filed in this proceeding a claim or claims which 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 as provided in the Water Right Determination and Administration Act of 1969, or be forever barred.

CASE NO. 2020CW3078, Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Christopher R. Stork, Assistant Attorney General and Allison D. Robinette, Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6311 (Stork); (720) 508-6318 (Robinette). Email: christopher.stork@coag.gov; allison.robinette@coag.gov. APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE IN «WBNAME», A NATURAL STREAM (INCREASE); IN THE «Watersheds» WATERSHED, IN «Counties» COUNTY, COLORADO. **2. Name of water right:** «WBName» Instream Flow ("ISF") Water Rights. **3. Summa-**

ry of Application: By this Application, the CWCB requests adjudication of two ISF Water Rights to preserve the natural environment to a reasonable degree. The water rights are on two distinct segments of Spring Creek, a natural stream tributary to the Taylor River. **4. Legal Description:** Both Spring Creek ISF Water Rights are located in the natural stream channel of Spring Creek, and each segment is described individually below. **A. «WBName» (Upper) ISF Water Right** is located in the natural stream channel of «WBName» from the «UTDesc» to the «LTDesc», a distance of approximately «SegLen» miles. A map depicting the approximate location of the «WBName» (Upper) ISF Water Right reach is attached as **Exhibit 1**. **1. Upstream Terminus:** «UTDesc»: a. UTM: Northing: «UTNorth»; Easting: «UTEast» (NAD 1983 Zone 13 North) b. Lat/Long: Latitude «UTLat»N; Longitude «UTLong»W c. PLSS: Section 7, Township 14 South, Range 83 West 6th PM 2734' East of the West Section line, 1894' South of the North Section Line. **2. Downstream Terminus:** «LTDesc»: a. UTM: Northing: «LTNorth»; Easting: «LTEast» (NAD 1983 Zone 13 North) b. Lat/Long: Latitude «LTLat»N; Longitude «LTLong»W c. PLSS: Section 23, Township 12 South, Range 84 W 6th PM 1506' West of the East Section Line, 543' South of the North Section Line B. **«WBName» (Lower) ISF Water Right** is located in the natural stream channel of «WBName» from the «UTDesc» to the «LTDesc», a distance of approximately «SegLen» miles. A map depicting the approximate location of the «WBName» (Lower) ISF Water

Right reach is attached as **Exhibit 2**. **1. Upstream Terminus:** «UTDesc»: a. UTM: Northing: «UTNorth»; Easting: «UTEast» (NAD 1983 Zone 13 North) b. Lat/Long: Latitude «UTLat»N; Longitude «UTLong»W c. PLSS: Section 23, Township 14 South, Range 84 West 6th PM 202' West of the East Section Line, 1749' North of the South Section Line. **2. Downstream Terminus:** «LTDesc»: a. UTM: Northing: «LTNorth»; Easting: «LTEast» (NAD 1983 Zone 13 North) b. Lat/Long: Latitude «LTLat»N; Longitude «LTLong»W c. PLSS: Section 27, Township 15 South, Range 84 West 6th PM 198' East of the West Section Line, 1000' South of the North Section Line. C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long and PLSS coordinates are provided as cross-reference locations only. The UTM, Lat/Long, and PLSS locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). The PLSS locations in this application were derived from CWCB GIS using 2005 PLSS data from the U.S. Bureau of Land Management's Geographic Coordinate Database. **5. Source:** «source». **6. A. Date of initiation of appropriation:** «ApprDate». **B. How appropriation was initiated:** Appropriation and beneficial use occurred on «ApprDate», by the action of the CWCB under sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2019). **C. Date applied to beneficial use:** «ApprDate». **7. Amount of water claimed:** **A.**

Spring Creek (Upper) ISF: Instream flow of «FlowAmount», absolute. **B. Spring Creek (Lower) ISF:** Instream flow of «FlowAmount», absolute. **8. Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. **9. Increase to previously decreed ISF Water Right:** The CWCB has an existing ISF Water Right on Spring Creek from the confluence with Rocky Brook Creek to the confluence with the Taylor River, in the amount of 7.5 cfs (01/01 – 12/31), decreed in Case No. 84CW0368 with an appropriation date of 5/4/1980. The flow rates sought herein are in addition to the amount of the existing instream flow water right. **10. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S. (2019), to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. (2019). As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. See *Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. (2019). As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **11. Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is

made under sections 37-92-102(3) & (4) and 37-92-103(3), (4), & (10), C.R.S. (2019). The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 20, 2020«FinalDate», the CWCB determined, under section 37-92-102(3)(c), C.R.S. (2019), that the natural environment of «WBName» will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights. **GUNNISON COUNTY YOU ARE FURTHER NOTIFIED THAT** you have until the last day of January, 2021 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 www.courts.state.co.us). (This publication can be viewed in its entirety on the state court website at: www.courts.state.co.us). **FRED CASTLE**, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

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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: There has been filed in this proceeding a claim or claims which 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 as provided in the Water Right Determination and Administration Act of 1969, or be forever barred.

CASE NO. 2020CW3079, Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado, 80203. Please direct communications regarding this case to William D. Davidson, Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6280. Email: will.davidson@coag.gov. APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE IN «WBNAME», A NATURAL STREAM (INCREASE); IN THE «Watersheds» WATERSHED, IN «Counties» COUNTY, COLORADO. **2. Name of water right:** «WBName» Instream Flow ("ISF") Water Right. **3. Legal Description:** The «WBName» ISF Water Right is located in the natural stream channel of «WBName» from its «UTDesc» to

the «LTDesc», a distance of approximately «SegLen» miles. A map depicting the approximate location of the «WBName» ISF Water Right reach is attached as **Exhibit 1**. **A. Upstream Terminus:** Cement Creek «UTDesc»: 1. UTM: Northing: «UTNorth»; Easting: «UTEast» (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude «UTLat»N; Longitude «UTLong»W 3. PLSS: Section 33, Township 12 South, Range 84 W 6th PM 1506' West of the East Section Line B. **Downstream Terminus:** «LTDesc»: 1. UTM: Northing: «LTNorth»; Easting: «LTEast» (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude «LTLat»N; Longitude «LTLong»W 3. PLSS: Section 27, Township 14 South, Range 85 West 6th PM 2089' East of the West Section Line, 1163 North of the South Section Line C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long and PLSS coordinates are provided as cross-reference locations only. The UTM, Lat/Long and PLSS locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). The PLSS locations in this application were derived from CWCB GIS using 2005 PLSS data from the U.S. Bureau of Land Management's Geographic Coordinate Database. **4. Source:** «source». **5. A. Date of initiation of appropriation:** «ApprDate». **B. How appropriation was initiated:** Appropriation and beneficial use occurred on «ApprDate», by the action of the CWCB under sections 37-92-102(3) and (4) and 37-92-

103(3), (4) and (10), C.R.S. (2020). **C. Date applied to beneficial use:** «ApprDate». **6. Amount of water claimed:** Instream flow of «FlowAmount», absolute. **7. Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. **8. Increase to previously decreed ISF Water Right:** The CWCB has an existing instream flow water right on Cement Creek from its headwaters to the confluence with the East River, in the amount of 10.0 cfs (01/01 – 12/31), decreed in Case No. 80CW0103 with an appropriation date of 3/17/1980. The flow rate sought herein is in addition to the amount of the existing instream flow water right. **9. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S. (2020), to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. (2020). As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. See *Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. (2020). As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **10. Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made under

sections 37-92-102(3) & (4) and 37-92-103(3), (4) & (10), C.R.S. (2020). The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 20, 2020«FinalDate», the CWCB determined, under section 37-92-102(3)(c), C.R.S. (2020), that the natural environment of «WBName» will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights. **GUNNISON COUNTY YOU ARE FURTHER NOTIFIED THAT** you have until the last day of January, 2021 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 www.courts.state.co.us). (This publication can be viewed in its entirety on the state court website at: www.courts.state.co.us). **FRED CASTLE**, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

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Classifieds

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FOR RENT

CB SOUTH: Beautiful two bedroom/two bath furnished apartment in a duplex available immediately. Pets are allowed. \$2500/mo. includes utilities. Liskorinternational@gmail.com or 847-769-7800. (12/4/25).

LET US HELP YOU TAKE CARE OF YOUR PROPERTY: Crested Butte Lodging offers hassle free, full services for long term and short term rentals. Inquire with our office for more information. Call 970-349-2449 or email reservations@crestedbuttelodging.com. (12/4/37).

FOR RENT

4 BEDROOM HOUSE FOR RENT: 4 bed/2 bath, 2 car garage. Large lot on stream near CBS, Pets Welcome. Available December, 2020. Red Oak Properties 970-641-2219. (12/4/27).

FOR RENT

FOR RENT IN GUNNISON: Very nice, quiet & secluded location. No pets. Call to apply 970-641-5174. (12/4/15).

FOR RENT

N COLORADO STREET in Gunnison, next to Western. Super nice basement apartment in owner's home. Available August 2020. No pets or smoking. Rent \$795 utilities paid. 512-657-3159. (12/4/27).

FOR RENT: Work remotely in our high end luxury studio, one and two bedroom fully furnished condos located in Mt. Crested Butte, terms of 30 days or more for winter or summer. Please inquire via e-mail: wmacfarlane@vailresorts.com. (12/4/38).

VACATION RENTALS

SUNNY SUMMER TOWN RENTAL: Newer 4BD/2.5BA completely furnished home bordering quiet town park. Reasonably priced below VRBO rates! Ideal location for a memorable CB summer! Available June through August. 970-682-3699. (12/4/31).

ClassifiedsWORK

classifieds@crestedbuttenews.com

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DUE TO THE LAYOUT OF OUR CLASSIFIEDS, SOME EMAILS MAY APPEAR WITH A HYPHEN.