

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 SPRING CREEK, A NATURAL STREAM (INCREASE); IN THE EAST-TAYLOR WATERSHED, IN GUNNISON COUNTY, COLORADO. **2. Name of water right:** Spring Creek Instream Flow ("ISF") Water Rights. **3. Summary 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 individu-

ally below. **A. Spring Creek (Upper) ISF Water Right** is located in the natural stream channel of Spring Creek from the confluence with Rocky Brook Creek to the confluence with Bear Creek, a distance of approximately 3.18 miles. A map depicting the approximate location of the Spring Creek (Upper) ISF Water Right reach is attached as **Exhibit 1**. **1. Upstream Terminus:** Confluence with Rocky Brook Creek at: a. UTM: Northing: 4301609.78; Easting: 351947.60 (NAD 1983 Zone 13 North) b. Lat/Long: Latitude 38° 51' 3.10"N; Longitude 106° 42' 22.12"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:** Confluence with Bear Creek at: a. UTM: Northing: 4298075.72; Easting: 349182.58 (NAD 1983 Zone 13 North) b. Lat/Long: Latitude 38° 49' 6.81"N; Longitude 106° 44' 13.99"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.

B. Spring Creek (Lower) ISF Water Right is located in the natural stream channel of Spring Creek from the confluence with Bear Creek to the confluence with Taylor River, a distance of approximately 8.17 miles. A map depicting the approximate location of the Spring Creek (Lower) ISF Water Right reach is attached as **Exhibit 2**. **1. Upstream Terminus:** Confluence with Bear Creek at: a. UTM: Northing: 4298075.72; Easting: 349182.58 (NAD 1983 Zone 13 North) b. Lat/Long: Latitude 38° 49' 6.81"N; Longitude 106° 44' 13.99"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:** Confluence with Taylor River at: a. UTM: Northing: 4287535.69 Easting: 345706.96 (NAD 1983 Zone 13 North) b. Lat/Long: Latitude 38° 43' 22.86"N; Longitude 106° 46' 29.57"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:** Spring Creek, tributary to Taylor River, tributary to Gunnison River, tributary to Colorado River. **6. A. Date of initiation of appropriation:** January 27, 2020. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 27, 2020, 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:** January 27, 2020. **7. Amount of water claimed:** **A. Spring Creek (Upper) ISF:** Instream flow of 6.5 cfs (04/01 - 09/30), absolute. **B. Spring Creek (Lower) ISF:** Instream flow of 13.5 cfs (04/01 - 07/31), 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, the CWCB determined, under section 37-92-102(3)(c), C.R.S. (2019), that the natural environment of Spring Creek 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 February, 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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—IN THE DISTRICT COURT IN AND FOR WATER DIVISION NO. 4— STATE OF COLORADO

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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. 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 CEMENT CREEK, A NATURAL STREAM (INCREASE); IN

THE EAST-TAYLOR WATERSHED, IN GUNNISON COUNTY, COLORADO. **2. Name of water right:** Cement Creek Instream Flow ("ISF") Water Right. **3. Legal Description:** The Cement Creek ISF Water Right is located in the natural stream channel of Cement Creek from its headwaters to the confluence with East River, a distance of approximately 17.35 miles. A map depicting the approximate location of the Cement Creek ISF Water Right reach is attached as **Exhibit 1**. **A. Upstream Terminus:** Cement Creek headwaters in the vicinity of: 1. UTM: Northing: 4314893.95; Easting: 346437.58 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 58' 10.45"N; Longitude 106° 46' 21.31"W 3. PLSS: Section 33, Township 12 South, Range 84 W 6th PM 1506' West of the East Section Line, 543' South of the North Section Line B. **Downstream Terminus:** Confluence with East River at: 1. UTM: Northing: 4296619.14; Easting: 336739.49 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 48' 11.59"N; Longitude 106° 52' 48.48"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:** Cement Creek, tributary to East River, tributary to Gunnison River, tributary to Colorado River. **5. A. Date of initiation of appropriation:** January 27, 2020. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 27, 2020, 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:** January 27, 2020. **6. Amount of water claimed:** Instream flow of 3 cfs (04/15 - 07/10), 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, the CWCB determined, under section 37-92-

102(3)(c), C.R.S. (2020), that the natural environment of Cement Creek 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 February, 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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—PUBLIC COMMENT PERIOD FOR A LAND USE CHANGE APPLICATION— CONCERNING THE EXPANSION OR CHANGE OF COMMERCIAL OR INDUSTRIAL USE TO TOTAL SIZE OF 5,000 SQ. FT. OR ONE ACRE OR LESS, FOR ANTELOPE CREEK STORAGE LOCATED AT 4.836 ACRES IN NE4SE4 SEC 34 50N1W #645413, 1353 COUNTY ROAD 17, ANTELOPE CREEK AREA, GUNNISON COLORADO.

APPLICANT: The applicant is Mark Scott of Antelope Creek Storage, LLC. **LUC-20-00060.** **PARCEL LOCATION:** The proposed improvement on the property is located at Township 50 North, Range 1 West, N.M.P.M. Section 34: A tract of land situated in the NE1/4SE1/4 of said section, more particularly described as follows: Beginning at the East quarter corner, of said Section 34, a brass cap in place; Thence West 57.57 feet to a point on the West Right of Way of Antelope Creek Road, the True Point of Beginning. Thence South 28°10'30" West 142.29 feet along said West Right of Way to a point; Thence South 32°15'10" West 176.25 feet along said West Right of Way to Thence West 668.50 feet to a point on the East line of a 0.5 acre tract; Thence North 336.56 feet along the East a point; Thence South 29°28'30" West 71.30 feet along said West Right of Way to a point; line of said

0.5 acre tract to a point on the East-West centerline of said Section 34; Thence East 864.83 feet along; the East-West centerline of said Section 34 to the True Point of Beginning. Area. 1353 COUNTY ROAD 17, Antelope Creek Area, Gunnison Colorado.

PROPOSAL: The applicant Mark Scott of Antelope Creek Storage, LLC is proposing to expand the current land use permit for the existing indoor storage by adding outdoor self-storage. The proposed (and already existing) project would create a parking area, approximately 100' x 100', for storage to the south of the existing indoor storage building. As well as an area, approximately 100' x 100', to the west side of the existing building also to be used for storage purposes. This existing area and the new proposed area would be maintained and accessible all year round with a truck and plow

as well as a skidsteer that is owned by the business. The truck and skidsteer will also be used as a separate business to remove snow from various properties around the Gunnison valley. This self-storage business is open to existing customers 24hrs a day 7 days a week. Whereas new customers have open hours from 8am to 5pm, Monday thru Friday. This is due to the fact that Antelope Creek Storage has existing customers from the previous owner. There will be no employees other than the owner and the storage area will not have exterior lighting. A 6 foot wooden picket fence will be constructed with an on-site portable sawmill that will surround the entire 4.86 acres as a visual buffer. This proposal shall not generate any disruptive smells, noises, traffic, people or any other unwanted issues. This property is accessed by an existing road coming directly west off County

Road 17. Total proposed area for the expansion is less than one acre and shall have minimal traffic impacts.

COMMENT PERIOD: Comments regarding the application will be accepted until 5 p.m. on January 28, 2021. Submit written comments by email (rsabbato@gunnisoncounty.org) or by letter (to the Community Development, 221 N. Wisconsin, Suite D, Gunnison, CO 81230). A copy of the application is available in the Gunnison County Community Development Department, 221 N. Wisconsin, Suite D, Gunnison, CO; additional information may be obtained by calling the Planning Department (970) 641-0360. /s/ Rachel Sabbato, Gunnison County Senior Planner

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