

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 December 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. 2020CW3099. Applicant Quartz Creek Land Company, c/o David H. Tippit, PO Box 24024, Denver, CO 80224, (303) 324-1862. Please address all correspondence to: Peter D. Nichols, Esq., Megan Gutwein, Esq., Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302, (303) 402-1600. **APPLICATION FOR CONDITIONAL WATER RIGHTS, CHANGE OF WATER RIGHTS, AND PLAN FOR AUGMENTATION ON GOLD CREEK, TRIBUTARY TO QUARTZ CREEK, TRIBUTARY TO TOMICHI CREEK, TRIBUTARY TO THE GUNNISON RIVER, IN GUNNISON COUNTY. FIRST CLAIM: DIRECT FLOW WATER RIGHT.** 2. Name of structure: East-West Channel. 3. Legal description of point of diversion: The point of diversion is located at approximately 1500 feet south of the north section line and 2450 feet east of the west section line (also described as whence the SE corner of Tract 49, T. 50 N., R. 3 E., N.M.P.M. bears North 29° West 225 feet) as described in Case No. 97CW157 as the alternate point of diversion for the Tarkington Ditch. See map, Exhibit 1. 4. Source: Gold Creek, tributary to Quartz Creek, tributary to Tomichi Creek, tributary to Gunnison River. 5. Appropriation: A. Date of initial appropriation: December 30, 2020. B. How appropriation was initiated: field investigation, formulation of intent to apply water to beneficial use and filing of this Application. 6. Amount claimed: 3.00 cfs, conditional. 7. Uses or proposed uses: to fill and refill the Quartz Creek Ranch East Pond Nos. 1-3 decreed herein and for

piscatorial, wildlife habitat, recreation, irrigation, and aesthetic purposes after storage. 8. Total number of acres proposed to be irrigated: 74. 9. The landowner upon which this structure is located: Applicant. **SECOND CLAIM: WATER STORAGE RIGHTS** 10. Name of structures: Quartz Creek Ranch East Pond Nos. 1-3. 11. Legal description of location of dam centerlines: A. Quartz Creek Ranch East Pond No. 1: The centroid of Pond No. 1 is located at 359181 E, 4269877 N, UTM Zone 13 NAD83; in the SW1/4 of the NW1/4 of Section 26, T50N, R3E, N.M.P.M. 1,691 feet from the north section line and 1,277 feet from the west section line. B. Quartz Creek Ranch East Pond No. 2: The centroid of Pond No. 2 is located at 359274 E, 4269859 N, UTM Zone 13 NAD83; in the SE1/4 of the NW1/4 of Section 26, T50N, R3E, N.M.P.M. 1,745 feet from the north section line and 1,583 feet from the west section line. C. Quartz Creek Ranch East Pond No. 3: The centroid of Pond No. 3 is located at 359390 E, 4269847 N, UTM Zone 13 NAD83; in the SE1/4 of the NW1/4 of Section 26, T50N, R3E, N.M.P.M. 1,778 feet from the north section line and 1,964 feet from the west section line. See map, Exhibit 1. 12. Source: Gold Creek, tributary to Quartz Creek, tributary to Tomichi Creek, tributary to Gunnison River. 13. Appropriation: A. Date of initial appropriation: December 30, 2020. B. How appropriation was initiated: formulation of intent to apply water to beneficial use and filing of this Application. 14. Amount claimed: The total storage capacity of any number and combination of the subject ponds will not exceed 35 acre-feet. 15. How ponds are filled: The Quartz Creek Ranch East Ponds are off-channel structures, and will be filled by the 3.00 cfs delivered from the East-West Channel claimed herein when available. The Ponds will be filled and refilled when in priority or pursuant to the augmentation plan decreed herein. The Ponds may also be filled and refilled by the Tarkington Ditch, Carter Mine, and Raymond Mine water rights as described below and as changed herein when such changed water rights are in priority. 16. Uses or proposed uses: storage for subsequent piscatorial, wildlife habitat, recreation, irrigation, augmentation, and aesthetic purposes. 17. Description of Ponds:

A. The surface area at the high water line for any combination of the subject ponds will not exceed 6 surface acres. B. The maximum height of the dam for any of the subject ponds will not exceed 10 feet. 18. Total number of acres proposed to be irrigated: 74. 19. The landowner upon which these structures are located: Applicant. **THIRD CLAIM: CHANGE OF WATER RIGHTS** 20. Names and descriptions of structures: A. Tarkington Ditch 1. Date of original decree: April 19, 1943 in Case No. CA2079. 2. Legal description of decreed points of diversion: The point of diversion is located on the West bank of Ohio Creek, also known as Gold Creek, a tributary of Tomichi Creek, at a point from which the Northwest corner of Section 26, Township 50 North, Range 3 East, N.M.P.M., bears North 74° 30' West 3926 feet, and the quarter corner stone between Sections 26 and 27 bears South 65° 30' West, 4095 feet. The alternate point of diversion is located at approximately 1500 feet south of the north section line and 2450 feet east of the west section line (also described as whence the SE corner of Tract 49, T. 50 N., R. 3 E., N.M.P.M. bears North 29° West 225 feet) as described in Case No. 97CW157. See map, Exhibit 1. 3. Source: Gold Creek, tributary to Quartz Creek, tributary to Tomichi Creek, tributary to Gunnison River. 4. Appropriation Date: May 10, 1891. 5. Amount: 18.00 cfs, absolute. 6. Decreed Uses: Irrigation. B. Carter Mine 1. Date of original decree: July 7, 2020 in Case No. 19CW3011, Water Division 4. 2. Legal description of decreed point of diversion: The point of diversion is located at 361082 E, 4274905 N, UTM Zone 13 NAD83; NE1/4 NW1/4 Sec. 12, T50N, R 3E, 935 feet from the North section line and 1960 feet from the East section line. 3. Source: Gold Creek (formerly known as Ohio Creek), tributary to the Gunnison River. 4. Appropriation Date: February 27, 2019. 5. Amount: 3.0 cfs, conditional. 6. Decreed Uses: industrial including uses related to mining, milling, and ore processing. C. Raymond Mine 1. Date of original decree: July 7, 2020 in Case No. 19CW3011, Water Division 4. 2. Legal description of decreed point of diversion: The point of diversion is located at 376347.7 E,

4275639 N, UTM Zone 13 NAD83; NE1/4 NW1/4 Sec. 12, T50N, R 3E, 2296 feet from the North section line and 55 feet from the East section line. 3. Source: Gold Creek (formerly known as Ohio Creek), tributary to the Gunnison River. 4. Appropriation Date: February 27, 2019. 5. Amount: 3.0 cfs, conditional. 6. Decreed Uses: industrial including uses related to mining, milling, and ore processing. 21. Complete description of proposed change: A. Changes in use: Applicant proposes to change the water rights described in paragraph 20 to add storage in the Quartz Creek Ranch East Ponds, all decreed uses after storage under such rights, and augmentation as decreed beneficial uses. B. Alternate point of diversion: Applicant proposes to change the water rights described in paragraph 20 to add an alternate point of diversion at the Tarkington Ditch alternate point of diversion shown above. Currently, only 2.5 cfs of the Tarkington Ditch water right is decreed for diversion at the alternate point. Applicant proposes to change its remaining portion of the Tarkington Ditch water right (13.5 cfs) to allow diversions at the alternate point, along with the entire decreed amounts of the Carter Mine and Raymond Mine water rights. C. Place of use: Applicant proposes to change the Carter Mine and Raymond Mine water rights to include the Quartz Creek Ranch as a decreed place of use, as depicted on Exhibit 1. **FOURTH CLAIM: PLAN FOR AUGMENTATION** 22. Names of structures to be augmented: Quartz Creek Ranch East Pond Nos. 1-3 as described above. 23. Water rights to be used for augmentation: Tarkington Ditch, Carter Mine, and Raymond Mine as described above. 24. Statement of plan for augmentation: The plan for augmentation is designed to provide a continuous water supply to the Quartz Creek Ranch East Pond Nos. 1-3 and replace out of priority depletions during times when there is a valid senior call on Gold Creek or Quartz Creek downstream of Gold Creek by foregoing diversions of the augmentation supplies at their decreed points of diversion and allowing the water to remain in Gold Creek. **FIFTH CLAIM: INTEGRATED SYSTEM** 25. Integrated System: The Applicant filed this Application to adjudicate additional

water rights as components of an integrated water supply system, which includes existing decreed water rights, to supply water for the Quartz Creek Ranch including irrigation, piscatorial, wildlife habitat, recreation, and aesthetic uses. The system entails adjudicating the water rights claimed in this case, as well as other water rights on or tributary to Gold Creek and Quartz Creek, tributary to the Gunnison River. Such water rights include those originally adjudicated in Case No. 12CW156 for the Quartz Creek Ranch Habitat Enhancement Project. These structures and water rights constitute an integrated water supply system as defined by Denver v. Northern Colo. Water Conservancy Dist., 276 P.2d 992 (Colo. 1955), because each structure and water right in the system has a direct bearing on the functioning of the entire system. Therefore, work accomplished on one portion of this integrated system may be considered evidence of reasonable diligence on the part of Applicant as to the other portions of the system. C.R.S. § 37-92-301(4)(b). **WHEREFORE**, the Applicant prays this Court enter a decree: a) Granting the subject water rights and changes of water rights as applied for herein; and b) Granting such other and further relief as the Court deems proper. (9 pages, including 1 exhibit) **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

Published in the Crested Butte News. Issue of January 8, 2021. #010810

—TAX LIEN SALE NUMBER 20170136—

NOTICE OF PURCHASE OF PROPERTY AT TAX LIEN SALE AND OF APPLICATION FOR ISSUANCE OF TREASURER'S DEED

To Every Person in Actual Possession or Occupancy of the hereinafter Described Land, Lot or Premises, and to the Person in Whose Name the same was Taxed or Specially Assessed, and to all Persons having Interest of Title of Record in or to the said Premises and To Whom It May Concern, and more especially to: **Elizabeth D Hopkins and Kent S Taylor**

You and each of you are hereby notified that on the 2nd day of November 2017, the then County Treasurer of Gunnison County, in the State of Colorado, sold at public tax lien sale to Kent S Taylor the following described property situate in the County of Gunnison, State of Colorado, to-wit:

Schedule Number: 405300000033 R012209
Legal Description: POWER #20124 GOOSE CREEK MD SEC 7 47N2 & SEC 12 47N3W B699 P261 B757 P701,P703

and said County Treasurer issued a certificate of purchase therefore to Kent S Taylor.

That said tax lien sale was made to satisfy the delinquent property (and special assessment) taxes assessed against

said property for the year 2016; That said property was taxed or specially assessed in the name(s) of Elizabeth D Hopkins for said year 2016; That said Kent S Taylor on the 31st day of August 2020, the present holder of said certificate (who) has made request upon the Treasurer of said County for a deed to said property;

That a Treasurer's Deed will be issued for said property to Kent S Taylor at 2:00 o'clock p.m., on the 28th day of April 2021 unless the same has been redeemed; Said property may be redeemed from said sale at any time prior to the actual execution of said Treasurer's Deed. This Notice of Purchase will be published in *Crested Butte News* on January 8, 2021, January 15, 2021 and January 22, 2021.

Witness my hand this 8th day of January 2021

Debbie Dunbar
Gunnison County Treasurer

Published in the *Crested Butte News*. Issues of January 8, 15 and 22, 2021. #010814

—TAX LIEN SALE NUMBER 20150143—

NOTICE OF PURCHASE OF PROPERTY AT TAX LIEN SALE AND OF APPLICATION FOR ISSUANCE OF TREASURER'S DEED

To Every Person in Actual Possession or Occupancy of the hereinafter Described Land, Lot or Premises, and to the Person in Whose Name the same was Taxed or Specially Assessed, and to all Persons having Interest of Title of Record in or to the said Premises and To Whom It May Concern, and more especially to: **Leonard R Passantino and Tami Webb**

You and each of you are hereby notified that on the 29th day of October 2015, the then County Treasurer of Gunnison County, in the State of Colorado, sold at public tax lien sale to Tami Webb the following described property situate in the County of Gunnison, State of Colorado, to-wit:

Schedule Number: 291500000112 R040310

Legal Description: UND 1/2 INT IN: EXTENSION NO 1 #13293 ROCK CREEK MD 11S87W

and said County Treasurer issued a certificate of purchase therefore to Tami Webb.

That said tax lien sale was made to satisfy the delinquent property (and special assessment) taxes assessed against said property for the year 2014; That said property was taxed or specially assessed in the name(s) of Leonard R Passantino for said year 2014; That said Tami Webb on the 23rd day of June 2020, the present holder of said certificate (who) has made request upon the Treasurer of said County for a deed to said property;

That a Treasurer's Deed will be issued

for said property to Tami Webb at 2:00 o'clock p.m., on the 28th day of April 2021 unless the same has been redeemed;

Said property may be redeemed from said sale at any time prior to the actual execution of said Treasurer's Deed. This Notice of Purchase will be published in *Crested Butte News* on January 8, 2021, January 15, 2021 and January 22, 2021.

Witness my hand this 8th day of January 2021

Debbie Dunbar
Gunnison County Treasurer

Published in the *Crested Butte News*. Issues of January 8, 15 and 22, 2021. #010815

—TAX LIEN SALE NUMBER 20170214—

NOTICE OF PURCHASE OF PROPERTY AT TAX LIEN SALE AND OF APPLICATION FOR ISSUANCE OF TREASURER'S DEED

To Every Person in Actual Possession or Occupancy of the hereinafter Described Land, Lot or Premises, and to the Person in Whose Name the same was Taxed or Specially Assessed, and to all Persons having Interest of Title of Record in or to the said Premises and To Whom It May Concern, and more especially to: **Joan Wingate and John M Rutland**

You and each of you are hereby notified that on the 2nd day of November 2017, the then County Treasurer of Gunnison County, in the State of Colorado, sold at public tax lien sale to John M Rutland the following described property situate in the County of Gunnison, State of Colorado, to-wit:

Schedule Number: 291723402021 R013851
Legal Description: LOT 41 BLK 2 MARBLE SKI AREA 5 B654 P11

and said County Treasurer issued a certificate of purchase therefore to John M Rutland.

That said tax lien sale was made to satisfy the delinquent property (and special assessment) taxes assessed against said property for the year 2016; That said property was taxed or specially assessed in the name(s) of Joan Wingate for said year 2016;

That said John M Rutland on the 16th day of November 2020, the present holder of said certificate (who) has made request upon the Treasurer of said County for a deed to said property;

That a Treasurer's Deed will be issued for said property to John M Rutland at 2:00 o'clock p.m., on the 28th day of April 2021 unless the same has been redeemed;

Said property may be redeemed from said sale at any time prior to the actual execution of said Treasurer's Deed.

This Notice of Purchase will be published in *Crested Butte News* on January 8, 2021, January 15, 2021 and January 22, 2021.

Witness my hand this 8th day of January 2021

Debbie Dunbar
Gunnison County Treasurer

Published in the *Crested Butte News*. Issues of January 8, 15 and 22, 2021. #010816

deadline tuesday at noon

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