

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. 2020CW3041 (AMENDED) GUNNISON COUNTY – GUNNISON RIVER OR ITS TRIBUTARIES. DOS RIOS RANCH, LTD, a Texas limited partnership, c/o Paul L. Noto, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. AMENDED APPLICATION FOR SURFACE WATER RIGHTS, WATER STORAGE RIGHTS, APPROPRIATIVE EXCHANGE, AND APPROVAL OF PLAN FOR AUGMENTATION. **First Claim:** Name of structure: Smithers Spring Collection System. Type: Spring. Legal description: Located in the NW ¼, NW ¼ of Section 8, Township 14 South, Range 84 West of the 6th P.M. (Gunnison County). UTM 13, NAD 83 – Northing: 4302391, Easting: 343151. A map is on file with the court as **Exhibit A.** Source: Spring tributary to Cement Creek, tributary to the East River, tributary to the Gunnison River. Date of appropriation: October 15, 2019. How appropriation was initiated: Field inspection, formulation of intent to apply water to beneficial use, and development of plans for the spring collection system. Date water applied to beneficial use: N/A. Amount: 25 g.p.m. (0.056 c.f.s.), conditional. Uses: Filling of Smithers Pond Nos. 1 and 2, described below, and wildlife watering. See map on file with the court as **Exhibit A.** Applicant owns the land on which the Smithers Spring Collection System is located and where the water will be put to beneficial use. **Second Claim: For Surface Water Right** Name of structure: Smithers Pump. Type: Pump. Legal description: Located in the NE ¼ of the NW ¼ of Section 8, Township 14 South, Range 84 West of the 6th P.M. (Gunnison County). UTM 13, NAD 83 – Northing: 4302552, Easting: 343222. A map is on file with the court as **Exhibit A.** Source: Cement Creek, tributary to the East River, tributary to the Gunnison River. Date of appropriation: October 15, 2019. How appropriation was initiated: Field inspection, formulation of intent to apply water to beneficial use, and development of plans for the ponds. Date water applied to beneficial use: N/A. Amount: 100 g.p.m. (0.22 c.f.s.), conditional. Uses: Filling of Smithers Pond Nos. 1 and 2, described below. See map on file with the court as **Exhibit A.** Applicant owns the land on which the water right is located and where the water will be put to beneficial use.

Third Claim: For Water Storage Right Name of structure: Smithers Pond No. 1. Type: Pond. Legal description: Located in the NW ¼, NW ¼ of Section 8, Township 14 South, Range 84 West of the 6th P.M. (Gunnison County). UTM 13 NAD 83 – Northing: 4302424, Easting: 343100. A map is on file with the court as **Exhibit A.** Source: Smithers Spring and Smithers Pump, both tributary to Cement Creek, tributary to the East River, tributary to the Gunnison River. If filled from a ditch: Names of ditches used to fill reservoir and capacity in c.f.s.: Smithers Spring Collection System at 25 g.p.m. (0.056 c.f.s.) and Smithers Pump at 100 g.p.m. (0.22 c.f.s.) Legal description of each point of diversion: Smithers Spring Collection System as described in paragraph 3 and Smithers Pump as described in paragraph 10. Date of appropriation: October 15, 2019. How appropriation was initiated: Field inspection, formulation of intent to apply water to beneficial use, and development of plans for the pond. Date water applied to beneficial use: N/A. Amount: 0.057 acre-foot, conditional. If filled from a ditch, rate of diversion in c.f.s.: 25 g.p.m. (0.057 c.f.s.) from Smithers Spring Collection System and 100 g.p.m. (0.22 c.f.s.) from Smithers Pump. Uses: Fire protection, recreation, piscatorial, wildlife watering, and irrigation. If irrigation, complete the following: Number of acres historically irrigated: 0; proposed to be irrigated: 0.28 (12,300 sq. ft.). The irrigated acreage will be in the vicinity of the house and ponds, as shown on the map on file with the court as **Exhibit A.** Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water

right? No. Surface area of high water line: 0.03 acres. Vertical height of dam: Less than 10 feet. Length of dam: approximately 50 feet. Total capacity of reservoir in acre-feet: 0.057 acre-foot. Active capacity: 0.057 acre-foot. Dead storage: 0.00 acre-feet. Applicant owns the land on which the water right is located and where the water will be put to beneficial use. **Fourth Claim: For Water Storage Right** Name of structure: Smithers Pond No. 2. Type: Pond. Legal description: Located in the NW ¼, NW ¼ of Section 8, Township 14 South, Range 84 West of the 6th P.M. (Gunnison County). UTM 13 NAD 83 – Northing: 4302419, Easting: 343054. A map is on file with the court as **Exhibit A.** Source: Smithers Spring Collection System and Smithers Pump, both tributary to Cement Creek, tributary to the East River, tributary to the Gunnison River. If filled from a ditch: Names of ditches used to fill reservoir and capacity in c.f.s.: Smithers Spring Collection System at 25 g.p.m. (0.056 c.f.s.) and Smithers Pump at 100 g.p.m. (0.22 c.f.s.). Legal description of each point of diversion: Smithers Spring Collection System, as described in paragraph 3, and Smithers Pump as described in paragraph 10. Date of appropriation: October 15, 2019. How appropriation was initiated: Field inspection, formulation of intent to apply water to beneficial use, and development of plans for the pond. Date water applied to beneficial use: N/A. Amount: 2.654 acre-feet, conditional. If filled from a ditch, rate of diversion in c.f.s.: 25 g.p.m. (0.056 c.f.s.) from Smithers Spring Collection System and 100 g.p.m. (0.22 c.f.s.) from Smithers Pump. Uses: Fire protection, recreation, piscatorial, wildlife watering, and irrigation. If irrigation, complete the following: Number of acres historically irrigated: 0; proposed to be irrigated: 0.28 (12,300 sq. ft.). The irrigated acreage will be in the vicinity of the house and ponds, as shown on the map on file with the court as **Exhibit A.** Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right? No. Surface area of high water line: 0.47 acres. Vertical height of dam: Less than 10 feet. Length of dam: Approximately 150 feet. Total capacity of reservoir in acre-feet: 2.654 acre-feet. Active capacity: 2.206 acre-feet. Dead storage: 0.448 acre-foot Applicant owns the land on which the water right is located and where the water will be put to beneficial use.

Fifth Claim: For Approval of Plan for Augmentation Name of structures to be augmented: Smithers Spring Collection System, as applied for above. Smithers Pump, as applied for above. Smithers Pond No. 1, as applied for above. Smithers Pond No. 2, as applied for above. Legal descriptions: Smithers Spring Collection System: See paragraph 3. Smithers Pump: See paragraph 11. Smithers Pond No. 1: See paragraph 18. Smithers Pond No. 2: See paragraph 28. Water rights to be used for augmentation: Applicant has applied for a water allotment contract from the United States Bureau of Reclamation (“BuRec”) for 2.0 acre-feet, annually, under which BuRec will make the following water rights available for augmentation purposes: Blue Mesa Reservoir: Date of original decrees, subsequent decrees, and decreed amounts: Blue Mesa reservoir was originally decreed for 939,204 acre-feet, conditional, in CA 6981, with an adjudication date of March 3, 1960 and an appropriation date of November 13, 1957, under Priority No. 447. Thereafter, 1,551 acre-feet decreed to the Crystal Reservoir Priority 445 water rights was transferred to Blue Mesa and an additional 122,702 acre-feet decreed to the Crystal Reservoir under Priority No. 445, was transferred to Blue Mesa Reservoir in CA 10045, as a refill water right. The total now allowed to be stored in Blue Mesa reservoir is 1,063.057 acre feet. Type of water right: Storage right. Current decreed legal description: The current decreed legal description is described as an initial survey point located at a point on the right abutment of the dam being the intersection of the center line of the axis of the dam and the center line of the outlet water tunnel, whence the SW corner of Section 31, Township 49 North, Range 4 West, N.M.P.M. bears North 78°36’44” West a distance of 3,207.07 feet. Source: Gunnison River and its tributaries. Appropriation date: As described in paragraph 39.A.i, above. Amount: As described in paragraph 39.A.i, above. Uses: Domestic, municipal, industrial, power, flood control, piscatorial, wildlife protection and preservation, recreation, irrigation, and stock uses. Applicant has applied for a contract with the Bureau of Reclamation for the use of 2.0 acre-feet to be used in this Application. Remarks: The original appropriator of the water rights was the Colorado River Water

Conservation District, which assigned such water rights to the United States Bureau of Reclamation. Complete statement of plan for augmentation, covering all applicable matters under C.R.S. §§ 37-92-103(9), 302(1)(2), and 308(8). Background: Applicant is the owner of the Dos Rios Ranch located near Crested Butte, Colorado. Applicant intends to utilize water stored in the Smithers Pond Nos. 1 and 2 to irrigate a total of 0.28 acres (12,300 sq. ft.) on its property. Applicant also intends to utilize the Smithers Pond Nos. 1 and 2 for fire protection, recreation, piscatorial, and wildlife watering purposes. The plan for augmentation replaces out-of-priority depletions associated with the irrigation use and the evaporation losses from the Smithers Pond Nos. 1 and 2. Water requirements: The anticipated annual demands and depletions are on file with the court as **Table 1.** Irrigation water requirements were developed by Applicant’s engineer using the irrigation distribution as developed by the Upper Gunnison River Water Conservancy District. The annual irrigation depletions associated with 0.28 acres of irrigation are 0.36 acre-foot, as shown in Column 5 of Table 1. Applicant’s engineer calculated the annual gross evaporation from the Smithers Pond Nos. 1 and 2 using NOAA Technical Report NWS 33 along with the State Engineer’s Office SWSP Guidelines. Net evaporation is equal to gross evaporation adjusted to account for icing temperatures. The total combined surface area of the two ponds is 0.50 acres (0.03 acres on Smithers Pond No. 1 and 0.47 acres on Smithers Pond No. 2). The net evaporation rate is 40 inches and the total evaporative depletion is 1.46 acre-feet per year, as shown in Column 3 of Table 1. Therefore the total annual water requirements for the Smithers Pond Nos. 1 and 2 are 1.82 acre-feet. Downstream call: If the calling water right is downstream of Blue Mesa Reservoir, the out-of-priority depletions will be augmented using releases from Blue Mesa Reservoir. Applicant has applied for an augmentation contract with the United States Bureau of Reclamation for 2.0 acre-feet of water, annually, from Blue Mesa Reservoir. The augmentation will be administered through use of the Smithers Exchange, applied for below. Local call: In the event of a local call above Blue Mesa Reservoir, Applicant will curtail all diversion at the Smithers Spring Collection System and Smithers Pump and all filling of the Smithers Pond Nos. 1 and 2. The Smithers Pond Nos. 1 and 2 water levels will then be allowed to drop commensurate with evaporation. Applicant owns the land on which the augmented water rights are located and where the water will be put to beneficial use. **Sixth Claim: For Appropriative Right of Exchange** Name of structure: Smithers Exchange. Type: Appropriative Exchange. Description of water right: Location of downstream terminus: Blue Mesa Reservoir, as described in paragraph 39.A.iii, above. Location of upstream terminus: The Smithers Pump, as described in paragraph 11, above. See map on file with the court as **Exhibit B.** Source: The water being exchanged is water rights owned or controlled by BuRec released from Blue Mesa Reservoir, as described above in paragraph 39.A, pursuant to a contract with BuRec. Appropriation date: October 15, 2019. How appropriation was initiated: Field inspection, formulation of intent to apply water to beneficial use, and subsequent application to Bureau of Reclamation for Allotment Contract. Date water applied to beneficial use: N/A. Amount: 0.001 c.f.s., conditional. Use: Exchange to implement the plan for augmentation applied for above. **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. #010804

—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. 2020CW54 (REF NO. 14CW40, 08CW8). Applicant: Edward Walker, 13303 66.25 Road, Montrose, CO 81401. Application To Make Absolute: Lady T Spring – NW1/4SW1/4SW1/4 of Section 8, T47N, R3W, NMPM, Easting 303931,

Northing 4245407, Zone 13. Source: Lake Fork of the Gunnison River. Appropriation Date: 01/25/2008. Amount Claimed: 0.022 cfs absolute for irrigation of one half acre and stockwater (14CW40 domestic use decreed absolute for part of the 0.022 cfs). The Application on file with the Water Court contains an outline of the work performed during the diligence period. **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. #010803

—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. 2020CW3097. Gunnison County,

Gunnison River, Water District No. 4. Applicant: Synergistic Enterprises Pension Plan, dated 12/10/93, a Trust, c/o O’Hayre Dawson, PLLC, 120 North Taylor - P.O. Box 179, Gunnison, Colorado 81230, (970) 641-3326; **Type of Application:** Application for Conditional Water Right (Surface); **Name of Structure:** Western Star No. 5 Spring; **Type of Structure:** Spring; **Location:** Located in Section 29, Township 51 North, Range 4 East, N.M.P.N., Quartz Creek Mining District, County of Gunnison, State of Colorado; **Drainage Basin:** In Quartz Creek and its Tributaries, All Tributary to Tomichi Creek a Tributary to the Gunnison River; **Quantity:** 15 g.p.m. for each of the following four lode mining claims (a) Western

Star No. 5 Lode Mining Claim, Mineral Survey No. 8138, (b) Western Star No. 4 Lode Mining Claim, Mineral Survey No. 8138, (c) Western Star No. 3 Lode Mining Claim, Mineral Survey No. 8138, and (d) Montreal Lode Mining Claim, Mineral Survey No. 8050; **Appropriation date:** October 16, 2000; **Use:** Domestic use within residences to be constructed on each of the four referenced lode mining claims and for fire protection; **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. #010809