



Application. The Court has jurisdiction over the Application and over all entities or persons who had standing to appear but did not do so.

3. No party filed a statement of opposition or motion to intervene. The time for filing such pleadings has expired.
4. The Division Engineer filed a Summary of Consultation Report on July 9, 2018. Applicants filed their Response to Summary of Consultation on September 5, 2018. The Court gave due consideration to the Division Engineer's Report and Applicants' Response.
5. **First Claim: To Make Water Right Absolute and For Finding of Reasonable Diligence**

A. Name of structure: L-75 Wastewater Spring                      Type: Spring

B. Description of conditional water rights:

- i. Date of original decree: March 6, 2012, Case No. 11CW104, District Court, Water Division 4.
- ii. Subsequent diligence decrees: N/A.
- iii. Legal description: Located within the SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  of Section 9, Township 14 South, Range 91 West of the 6<sup>th</sup> P.M., at a point 2465 feet from the North section line and 14 feet from the West section line of Section 9 (Delta County).

UTM Zone 13S, NAD 93: Easting 0273211, Northing 4300199.

Supplemental legal description: Further analysis has determined that a more accurate location of the L-75 Wastewater Spring is SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 24, Township 14 South, Range 92 West, 6<sup>th</sup> P.M., at a point 2480 feet from the north section line and 2 feet from the east section line (Zone 13, NAD83, Easting 0273206m, Northing 4300194m).

A map of the location is attached as **Exhibit A**.

- iv. Source: Water tributary to Bell Creek, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River.
- v. Appropriation date: August 1, 2011.
- vi. Amount: 0.10 cfs, conditional.

vii. Uses: Irrigation of 5 acres, commercial, and stockwatering.

C. Claim to make absolute:

i. Date water applied to beneficial use: April 1, 2012.

Amount: 0.033 cfs.

Use: Irrigation of 5 acres and stockwatering.

Description of place of use: The 5 acres for irrigation is within Applicants' property, located in the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  of Section 9, Township 14 South, Range 91 West of the 6<sup>th</sup> P.M. See map attached as **Exhibit A**.

D. Applicants provided a detailed outline of the work done towards completion of the appropriation for the conditional water rights in the Application. The Referee finds that the work and expenditures described in the Application constitute reasonable diligence in the development of the amounts and uses in the conditional L-75 Wastewater Spring water right under C.R.S. § 37-92-301(4).

E. Applicants own the land on which the water right is located and where the water is or will be put to beneficial use.

F. This Ruling confirms a finding that the water right listed above is absolute for 0.033 cfs for irrigation of 5 acres and stockwatering; and that all remaining conditional portions of the water right be continued as conditional through the next diligence period.

**Conclusions of Law**

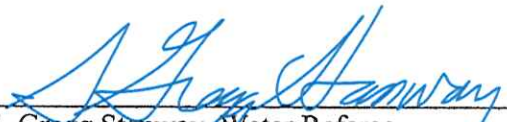
Based upon and fully incorporating the Findings of Fact as set forth above, the Court concludes as a matter of law that:

6. The Application is complete and is one contemplated by law, covering all applicable matters required pursuant to the Water Right Determination Act of 1969. C.R.S. §§ 37-92-101 – 602.
7. Applicants have fulfilled all legal requirements for a decree for the requested water rights.
8. The Court has authority to grant the findings of reasonable diligence and to make absolute requested in the Application. C.R.S. §§ 37-92-301(2), -302, and -303(1).

**Ruling of the Referee**

9. The Findings of Fact and Conclusions of Law as set forth above are incorporated by reference and are modified as necessary to constitute part of the Ruling and Final Judgment and Decree.
10. The Application to make water rights absolute is granted for the following amounts and uses:
  - A. L-75 Wastewater Spring for 0.033 cfs for irrigation of 5 acres and stockwatering uses with an appropriation date of August 1, 2011.
11. The Court confirms that the Applicants have shown reasonable diligence towards completing the appropriation for the following conditional water right, which shall be continued through the next diligence period with an appropriation date of August 1, 2011:
  - A. L-75 Wastewater Spring for 0.10 cfs for commercial use.
  - B. L-75 Wastewater Spring for 0.067 cfs for irrigation of 5 acres and stockwatering uses.
12. If Applicants desire to maintain the conditional water right confirmed in this Ruling, Applicants must file an Application for Finding of Reasonable Diligence in the same month of the sixth calendar year following entry of the Final Decree in this case, unless the Court determines the conditional rights have been made absolute by completing the appropriation.
13. Under Rule 9 of the Uniform Local Rules for All State Water Court Divisions, upon the sale and transfer of the conditional water right confirmed in this Ruling, the transferee must file with the Division 4 Water Court a notice of transfer containing the following information:
  - A. The title and case number of this Case No. 18CW3014;
  - B. The description of the conditional water right transferred;
  - C. The name of the transferor;
  - D. The name and mailing address of the transferee;
  - E. A copy of the recorded deed.
14. The new owner of the conditional water right must also notify the Clerk of the Division 4 Water Court of any changes in the owner's mailing address. The Clerk must place any notice of transfer or change of address in the case file of Case No. 18CW3014 and in the case file (if any) of subsequent diligence proceedings.
15. A copy of this Ruling shall be filed with the Division Engineer for Water Division 4 and with the State Engineer.
16. This Ruling shall be filed with the Water Clerk subject to judicial review.


Dated this 13<sup>th</sup> day of September, 2018.

  
S. Gregg Stanway, Water Referee  
Water Division 4, State of Colorado

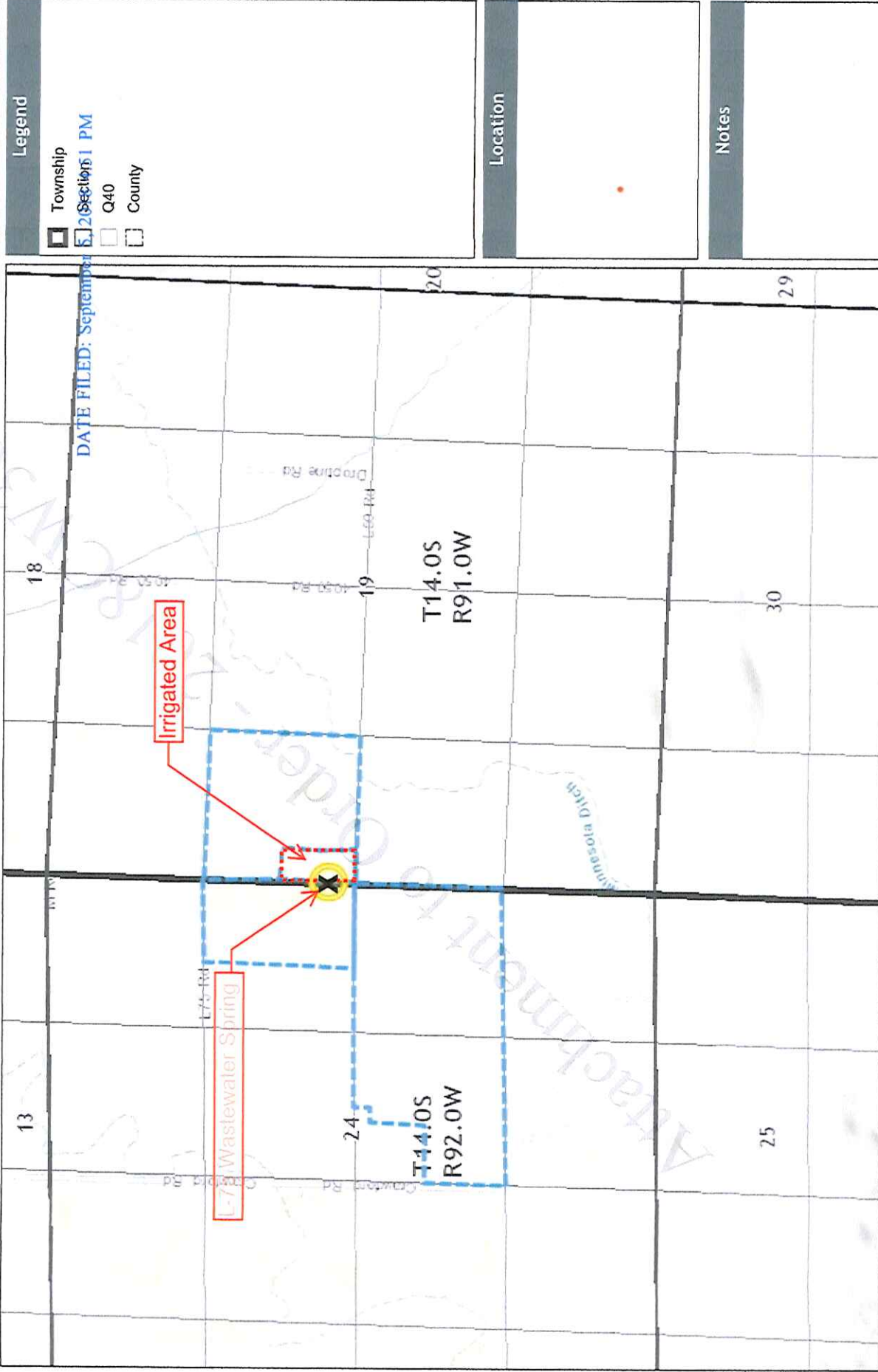
**Decree of the Water Court**

No protest was filed in this matter. Therefore, the Ruling in this Case is confirmed and approved and is made the Judgment and Decree of this Court.

DATED October 10, 2018

  
J. Steven Patrick, Water Judge  
Water Division 4, State of Colorado

# Map Viewer



## Legend

- ☒ Township
- ☒ Section 5 1 PM
- ☐ Q40
- ☐ County

## Location

## Notes

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

