

GAR96WAT

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: WATER DECREE

NAME OF AGENCY OR CONTRACTOR: DISTRICT COURT, MESA COUNTY

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: GARDNER
DIVERSION NO. 1 - CASE NO. 96CW118 (90CW083)

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1996

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

Steph

GRIMSHAW & HARRING

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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Wayne B. Schroeder
(303) 839-3810

November 20, 1996

Gregory O. Trainor
Utilities Manager
City of Grand Junction
250 North Fifth Street
Grand Junction, Colorado 81501

Re: Concerning the Application for Water Rights of the City of Grand Junction, in Mesa County, Colorado, Case Nos. 96 CW 119 (90 CW 103) (Ridge Pond No. 4) and 96 CW 118 (90 CW 083) (Gardner Diversion No. 1)

Dear Greg:

I enclose a Judgment and Decree awarding diligence in each of these cases. The next diligence application is due August, 2001. These should be put into your decree book.

Sincerely,

GRIMSHAW & HARRING

Wayne

Wayne B. Schroeder

WBS/tls

Enclosure

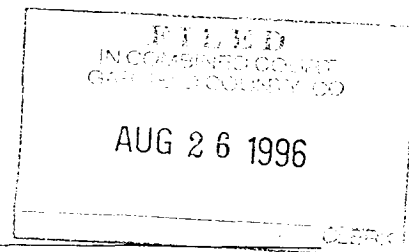
cc: Tom Zancanella (w/enc.)

Dan E. Wilson (w/o enc.)

7884.132

DISTRICT COURT, WATER DIVISION 5, COLORADO

CASE NO. 96CW118 (90CW083)



FINDINGS AND RULING OF REFEREE AND JUDGMENT AND DECREE

CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY OF GRAND JUNCTION, IN MESA COUNTY, COLORADO.

Applicant, City of Grand Junction, 250 North 5th Street, Grand Junction, Colorado 81501, by its attorney, Wayne B. Schroeder, 1700 Lincoln Street, Suite 3800, Denver, Colorado 80203, requests a finding of reasonable diligence by application filed April 26, 1996.

FINDINGS OF FACT

1. All notices required by law of the filing of this application have been given. The referee has jurisdiction of this case. The time for filing of statements of opposition has expired and no such statements have been filed.
2. Applicant requests a finding of reasonable diligence for Gardner Diversion No. 1.
3. Description of conditional water right:
 - A. Date of Original Decree: July 23, 1974
Case No.: W-2155
District Court for Water Division 5
 - B. Location: The point of diversion is located in the NE 1/4 SW 1/4 of Section 15, Township 1 S., Range 1 West of the Ute Meridian, at a point whence the Southwest Corner of said Section 15 bears South 53°20'03" West 2,468.72 feet.
 - C. Source: Colorado River
 - D. Appropriation Date: September 6, 1973
Amount: 10.0 c.f.s.
 - E. Use: municipal, industrial, residential, commercial, recreation, fire protection, watering of animals, the necessary lawn, shrub and garden irrigation and "the necessary storage," per the decree.

- F. Change decree: In Case No. W-3137, decreed by the District Court for Water Division 5, an alternate point of diversion was awarded for the 10 c.f.s. on the Redlands Power Canal, described as follows:
- a) The point of diversion of the Gardner Diversion No. 1, as decreed in Case No. W-2155, is located in the NE 1/4 SW 1/4 of Section 15, T 1 S, R 1 W, Ute Meridian, at a point whence the Southwest Corner of said Section 15 bears S 53°20'03" W 2,468.72 feet.
 - b) The new alternate point of diversion is located on the Southerly bank of the Redlands Power Canal in the NW 1/4 SE 1/4 of Section 16, T. 1 S., R. 1 W., Ute Meridian, at a point whence the Northwest Corner of the NW 1/4 SE 1/4 of said Section 16 bears N. / 47°12'13" W. 681.76 feet.
- G. Diligence findings: March 16, 1979, in Case No. W-2155-78; August 19, 1982, in Case No. 82CW86; August 26, 1986, in Case No. 86CW95; August 26, 1990, in Case No. 90CW083.
4. Ridges Metropolitan District, which appropriated the water right, has been annexed by the City of Grand Junction, which has integrated the District's system into its municipal system.
5. The Division Engineer has recommended that this application should be approved and issued as a ruling.

RULING

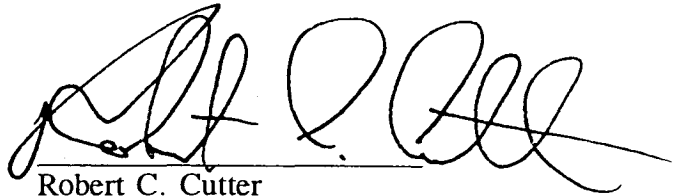
6. Applicant is hereby GRANTED a finding of reasonable diligence.
7. Prior to or during the month of August, 2001, and every six years thereafter until the conditional right is decreed absolutely, the owner or user thereof, if it is desired to maintain the same, shall file an application for finding of reasonable diligence with this Court. Applicant shall notify this Court of any change in mailing address. Upon the sale or other transfer of this conditional right, the transferee shall file with this Court a notice of transfer which shall state:
- (1) The title and case number of this case;
 - (2) The description of the water right transferred;

- (3) The name of the transferor;
- (4) The name and mailing address of the transferee.

Applicant shall notify any transferee of the requirements of this paragraph.

Dated this 26th day of August, 1996.

cert
Copy of the foregoing mailed to all
Counsel of record--Water
Referee,--Div. Engineer--and
State Engineer--Date 9-10-96
PCA
Deputy Clerk, Water Div. No. 5
Schroeder

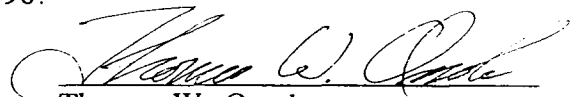


Robert C. Cutter
Water Referee
Water Division 5

JUDGMENT AND DECREE

No protest was filed in this matter. The foregoing ruling is confirmed and approved, and is made the Judgment and Decree of this court.

Dated this 11th day of September, 1996.



Thomas W. Ossola
Water Judge
Water Division 5

Copy of the foregoing mailed to all
Counsel of record--Water
Referee,--Div. Engineer--and
State Engineer--Date 10-29-96
AD
Deputy Clerk, Water Div. No. 5
Schroeder