

JUN02WAT

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: **WATER** (DECREE)

PURPOSE: APPLICATION FOR FINDING OF REASONABLE
DILIGENCE TO MAKE ABSOLUTE CONDITIONAL WATER RIGHTS

SOURCE: KANNAH CREEK, NORTH FORK KANNAH CREEK

LOCATION: JUNIATA RESERVOIR SECOND ENLARGEMENT
AND JUNIATA RESERVOIR - NORTHEAST END OF THE DAM

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 2002

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

<input type="checkbox"/> District Court Water Division 4, Colorado Court Address: 1200 Grand Avenue, Bin A Montrose, Colorado 81401 (970)252-4304	
CONCERNING THE APPLICATION FOR WATER RIGHTS OF: The City of Grand Junction IN Mesa COUNTY.	▲ COURT USE ONLY ▲
Attorney (Name and Address): John P. Shaver Assistant City Attorney 250 North 5 th Street Grand Junction, Colorado 81501 Phone Number: (970) 244-1501 E-mail:johns@ci.grandjct.co.us FAX Number: (970) 244-1456 Atty. Reg.#: 16594	Case Number: 02CW Division Courtroom
APPLICATION: FOR FINDING OF REASONABLE DILIGENCE X TO MAKE ABSOLUTE CONDITIONAL WATER RIGHTS	

1. Name, address, telephone number(s) (residence and business) of applicant(s)

City of Grand Junction
 Attn: Gregory O. Trainor, Utilities Manager
 John P. Shaver, Assistant City Attorney
 250 North 5th Street
 Grand Junction, Colorado 81501
 Telephone: (970) 244-1564
 (970) 244-1501

2. Name of structures: Juniata Reservoir Second Enlargement and Juniata Reservoir

3. Describe conditional water to be made absolute right giving the following from the Referee's Ruling and Judgment and Decree: (Juniata Reservoir Second Enlargement)

- A. Date of Original Decree: November 30, 1995 Case No. Civil Action No. 93CW263 Court Water Division: 4
- B. Location: Northeast end of the dam is located at a point whence the Northwest corner of section 31, Township 12 South Range 97 West of the 6th P.M. bears North 79 00' west 815 feet.
- C. Source: Kannah Creek, North Fork Kannah Creek
- D. Appropriation Date: December 15, 1993
 Use: Municipal, irrigation and domestic 919 acre feet
- E. Depth: (if well) N/A

4. Describe conditional water to be made absolute right giving the following from the Referee's Ruling and Judgment and Decree: (Juniata Reservoir)

- A. Date of Original Decree: March 25, 1996 Case No. Civil Action No. 94CW227 Court Water Division: 4
- B. Location: Northeast end of the dam is located at a point whence the Northwest corner of section 31, Township 12 South Range 97 West of the 6th P.M. bears North 79 00' west 815 feet.
- C. Source: The Juniata Reservoir derives its supply of water from the North Fork of Kannah Creek via the City Ditch and from Kannah Creek via the Juniata Ditch Enlarged and the Grand Junction flowline.
- D. Appropriation Date: December 21, 1994

Submit original plus three copies

Use: Municipal, irrigation and domestic 5950.6 acre feet

E. Depth: (if well) N/A

5. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:
- A. These water rights are part of and integral to an integrated municipal water supply for the City of Grand Junction and its service area, as it may be expanded from time to time.
 - B. The City's long term projections for consumptive water use show that the water represented by these rights will be required for use within the City limits and its service area, as it may be expanded over time. These rights are part of the City's water delivery plan and system.
 - C. The City has diverted and beneficially used and consumed 2713.40 acre feet between November 1999 and June of 2000. Diversions and beneficial consumptive uses are continuing.
 - D. Diversion logs evidencing the same are attached here to and incorporated by this reference as if fully set forth. The logs are authenticated by the verification of this application by Dan Vanover, the City's Water Supply Supervisor.
 - E. The City has had a conditional decree for 919.00 acre feet in 93CW263 and 5950.60 acre feet in 94CW227. Both rights (cases) pertain to the same storage reservoir. This application is to make the 919.00 acre feet absolute. In addition, because 5950.60 acre feet is conditionally decreed and the Applicant could not in good faith file diligence on that right, it carefully assessed and determined how much of the right it could legitimately file on. The applicant determined that of the 5950.60, 1794.40 is to be made absolute. 500 is to remain conditional and 3656.20 will be abandoned, all in this application.
 - F. The water rights referred to and represented by this application are very complicated. So complicated in fact that the court records show different diligence dates. Because the Applicant has been diligent in beneficially using and converting water to beneficial uses the Applicant respectfully requests that the court find and determine that this filing satisfy and duly demonstrates requisite diligence for the conditional rights and that the application for absolute rights be granted.
 - G. The Applicant requests that the Court grant this application in the interest of judicial efficiency, the economy and efficiency of the Division Engineer and his efforts to administer the water of the rights in the Kannah Creek basin. Because these are storage rights granting the application, including the proposed abandonment of a portion of the conditional right (3656.20 acre feet) will further the efficiency and economy of the Court and the Division Engineer.

6. If claim to make absolute water applied to beneficial use:

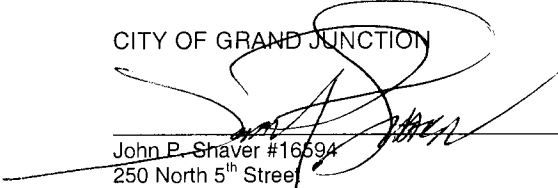
Date: November 1999 to June 2000.

Amount: **2713.40 acre feet.** [919.00 acre feet (93CW263) + 1794.40 acre feet (94CW227) = 2713.40 acre feet.]

Use: All Municipal uses including but not limited to domestic, mechanical, manufacturing, industrial, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreation, piscatorial, maintenance and preservation of wildlife, lake and reservoir evaporation directly or by adjustment or regulation of the City's water system. The water was diverted at the Kannah Creek flowline intake, Juniata Enlarged diversion and the City Ditch and stored in the Juniata Reservoir. The water was then diverted to the City water treatment plant through the Purdy Mesa flowline and was distributed for these municipal purposes.

THEREFORE, the Applicant, City of Grand Junction respectfully requests that this Court make absolute the conditional water rights that are the subject of this application.

CITY OF GRAND JUNCTION



John P. Shaver #16594
250 North 5th Street
Grand Junction, Colorado 81501
Telephone No. (970) 244-1501

Application Resume for 01CW258

Case No. 01CW258; CITY OF GRAND JUNCTION, c/o John P. Shaver, Assistant City Attorney, 250 North 5th Street, Grand Junction, Colorado 81501; APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE CONDITIONAL WATER RIGHTS: Juniata Reservoir Second Enlargement and Juniata Reservoir. Conditional water to be made absolute right giving the following from the Referee's Ruling and Judgment and Decree: (Juniata Reservoir Second Enlargement) Date of Original Decree: November 30, 1995. Case No. Civil Action No. 93CW263. Court Water Division: 4. Location: Northeast end of the dam is located at a point whence the Northwest corner of section 31, Township 12 South Range 97 West of the 6th P.M. bears North 79 00' west 815 feet. Source: Kannah Creek, North Fork Kannah Creek. Appropriation Date: December 15, 1993. Use: Municipal, irrigation and domestic 919 acre feet. Conditional water to be made absolute right giving the following from the Referee's Ruling and Judgment and Decree: (Juniata Reservoir) Date of Original Decree: March 25, 1996. Case No. Civil Action No. 94CW227. Court Water Division: 4. Location: Northeast end of the dam is located at a point whence the Northwest Corner of section 31, Township 12 South Range 97 West of the 6th P.M. bears North 79 00" west 815 feet. Source: The Juniata Reservoir derives its supply of water from the North Fork of Kannah Creek via the City Ditch and from Kannah Creek via the Juniata Ditch Enlarged and the Grand Junction flowline. Appropriation Date: December 21, 1994.

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STATE OF COLORADO }
COUNTY OF Mesa } ss.

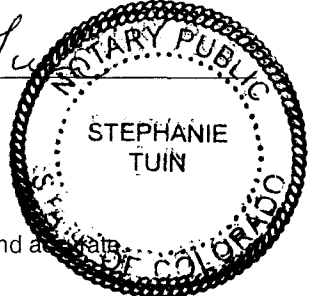
I, Gregory O. Trainor, state under oath that I have read this application and verify its contents to be true and accurate.

Gregory O. Trainor
Applicant

Subscribed under oath before me on (date) 8-29-02

My commission expires (date) 10-10-02

Stephanie Tuin
Notary Public



STATE OF COLORADO }
COUNTY OF Mesa } ss.

I, Danny Vanover, state under oath that I have read this application and verify its contents to be true and accurate.

Danny Vanover
Applicant

Subscribed under oath before me on (date) 8-29-02

My commission expires (date) 10-10-02

Stephanie Tuin
Notary Public

