

PUR82WAT

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: WATER DECREE

NAME OF AGENCY OR CONTRACTOR: DISTRICT COURT, MESA
COUNTY

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: PURDY
MESA NO 2 RESERVOIR, CASE NO 82CW13

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1982 AND Amended in 1983

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE



State of Colorado
SEVENTH JUDICIAL DISTRICT

District Administrator
Montrose County
Courthouse
Montrose, CO 81402
Telephone 249-9676

Combined Courts:

Delta County
Fifth & Palmer
Delta, CO 81416
Telephone 874-4457

Gunnison County
Courthouse Bldg.
Gunnison, CO 81230
Telephone 641-3500

Hinsdale County
P. O. Box 245
Lake City, CO 81235
Telephone 944-2227

Montrose County
P. O. Box 368
Montrose, CO 81402
Telephone 249-9676

Montrose County
Associate Court
P. O. Box 78
Nucla, CO 81424
Telephone 864-7373

Ouray County
P. O. Box 643
Ouray, CO 81427
Telephone 325-4405

San Miguel County
P. O. Box 919
Telluride, CO 81435
Telephone 728-3891

Water Division Clerk
P. O. Box 368
Montrose, CO 81402
Telephone 249-9676

Probation Department:

Montrose Office
P. O. Box 1307
Montrose, CO 81402
Telephone 249-8622

Delta Office
Courthouse, Room 305
Fifth and Palmer
Delta, CO 81416
Telephone 874-4457

Gunnison Office
Gunnison County
Courthouse
200 East Virginia Ave.
Gunnison, CO 81230
Telephone 641-0695

RE: Ruling of Water Referee

Dear Sir:

Enclosed herein please find copy of Ruling of Water Referee.

The law allows twenty days after the date of mailing,

7/13/82, within which a party may file a protest.

If a legal protest is not filed within that time the Ruling is given to Judge Brown in order that he may enter a Judgment and Decree. As soon as this is entered, you will receive a copy of the Judgment and Decree also.

Thanking you,

Yours very truly,

Kay Phillips
Water Clerk
Division No. 4

IF DECREE IS CONDITIONAL, PLEASE
TRY TO KEEP A TICKLER FILE AS TO
WHEN IT IS DUE FOR A DILIGENCE
FINDING.

Thank you -

DATE OF MAILING

7-13-82

Filed in The District Court
Water Division Four

JUL 9 1982

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 4

STATE OF COLORADO

Kay Phillips, Clerk

Case No. 82CW13

IN THE MATTER OF THE APPLICATION)	
FOR WATER RIGHTS OF THE CITY OF)	
GRAND JUNCTION COLORADO: IN THE)	RULING OF WATER REFEREE
GUNNISON RIVER OR ITS TRIBUTARIES:)	
IN MESA COUNTY)	

The applicant, The City of Grand Junction, Colorado c/o their attorney, D. J. Dufford, P. O. Box 2188, Grand Junction, Colorado 81502, requests the right to use and store surface water for irrigation, stock watering, recreation, municipal and other beneficial purposes. Filed: January 28, 1982.

No opposition has been filed.

FINDING OF FACT

The name of the structures involved in this Application are the Purdy Mesa No. 2 Reservoir and Purdy Mesa Spring.

The source of water for the Reservoir and direct flow Application is a small spring located approximately North 780 feet and West 4 feet from the SE corner of Section 25, Township 2 South, Range 2 East of the 6th P.M.

The location of the dam and the reservoir for which Application is made, is located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 25, Township 2 South, Range 2 East of the 6th P.M.

The Reservoir has a capacity of 2.5 acre-feet of water and has been and/or will be used by the City for irrigation, stock watering, recreation, municipal and other beneficial purposes. The water emanating from the Purdy Mesa Spring when not used for filling the Reservoir is or will be used on a direct flow basis for the same purposes. The flow of the Spring is .2 c.f.s. The City and its predecessors in interest have used the water impounded in the Purdy Mesa No. 2 Reservoir and the supply from Purdy Mesa Spring for irrigation and stock watering purposes since on or prior to June 1, 1955.

The City has not, as of the date of this Application, used the water impounded in the Reservoir or produced by the Spring for purposes other than irrigation and livestock watering purposes. Therefore, a conditional decree is requested for other uses claimed in this Application.

R U L I N G

IT IS THE RULING OF THE REFEREE that water has been appropriated, stored and used beneficially and that the PURDY MESA NO. 2 RESERVOIR is APPROVED AND GRANTED AN ABSOLUTE DECREE, not to exceed 2.5 acre feet of water for irrigation and stock watering purposes, with an appropriation date of June 1, 1955 AND FURTHER, that the PURDY MESA SPRING is APPROVED AND GRANTED AN ABSOLUTE DECREE for the use and benefit of the parties lawfully entitled thereto, for an amount of water not to exceed .20 c.f.s. for irrigation and stock watering purposes, with an appropriation date of June 1, 1955 AND FURTHER, that both of the above, in the same amounts, are APPROVED AND GRANTED CONDITIONAL DECREES for the use and benefit of the parties lawfully entitled thereto, for additional uses as may be determined and quantified later; namely, recreation, municipal and other beneficial purposes by the City.

Conditioned upon the proof of quantified use for those purposes, within the amount as above described, or a portion thereof, in a manner prescribed by law.

During the month of July 1986, and every four years thereafter, until the right is decreed final, the owner or user thereof, if he desires to maintain the same, shall file an application for quadrennial finding of reasonable diligence with the Water Clerk of this Court.

DATED 7-9-82

E. L. WILSON


Water Referee, Division No. 4

DUFFORD, WALDECK, RULAND,
WISE & MILBURN

ATTORNEYS AT LAW
900 VALLEY FEDERAL PLAZA
P. O. BOX 2188

GRAND JUNCTION, COLORADO 81502-2188

GEORGE S. GRAHAM
RETIRED
AREA CODE 303
TELEPHONE 242-4614

D. J. DUFFORD
WILLIAM G. WALDECK
EDWIN G. RULAND
HUGH D. WISE
LAIRD T. MILBURN
JOSEPH C. COLEMAN
RICHARD H. KROHN
WILLIAM H. T. FREY
AMANDA D. BAILEY
BETTY C. BECHTEL
HARRY GRIFF
MARK T. PIFHER

April 4, 1983

Mr. Ralph Sterry
Grand Junction City Hall
250 North 5th Street
Grand Junction, CO 81501

RE: Our File No.

Dear Ralph:

Enclosed is a copy of the decree awarded for Purdy Mesa Reservoir No. 2 and Purdy Mesa Spring. Note that both the decrees are conditional and that an application for diligence must be filed during the month of July, 1986.

Warm regards.

Sincerely,


D. J. DUFFORD

DJD/sb
Enclosures

82 CW 13

APR 4 1983



State of Colorado
SEVENTH JUDICIAL DISTRICT

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200 East Virginia Ave.
Gunnison, CO 81230
Telephone 641-0695

RE: Ruling of Water Referee

Dear Sir:

Enclosed herein please find copy of Ruling of Water Referee.

The law allows twenty days after the date of mailing, 3/31/83, within which a party may file a protest.

If a legal protest is not filed within that time the Ruling is given to Judge Brown in order that he may enter a Judgment and Decree. As soon as this is entered, you will receive a copy of the Judgment and Decree also.

Thanking you,

Yours very truly,

Kay Phillips
Water Clerk
Division No. 4

IF DECREE IS CONDITIONAL, PLEASE TRY TO KEEP A TICKLER FILE AS TO WHEN IT IS DUE FOR A DILIGENCE FINDING.

Thank you -

DATE OF MATURING

3/31/83

Filed to The District Court
Water Division No. 4

MAR 31 1983

DISTRICT COURT, WATER DIVISION NO. 4, STATE OF COLORADO

Ray Phillips, Clerk

Case No. 82CW13

AMENDED RULING OF WATER REFEREE

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF THE CITY OF
GRAND JUNCTION COLORADO: IN THE GUNNISON RIVER OR ITS
TRIBUTARIES: IN MESA COUNTY

The applicant, The City of Grand Junction, Colorado c/o their attorney, D. J. Dufford, P.O. Box 2188, Grand Junction, Colorado 81502, requests the right to use and store surface water for irrigation, stock watering, recreation, municipal, and other beneficial purposes. Filed: January 28, 1982.

No opposition has been filed.

FINDING OF FACT

The name of the structures involved in this Application are the Purdy Mesa No. 2 Reservoir and Purdy Mesa Spring.

The source of water for the Reservoir and direct flow Application is a small spring located approximately North 780 feet and West 4 feet from the SE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 2 South, Range 2 East of the Ute Meridian.

The location of the dam and the reservoir for which Application is made is located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 25, Township 2 South, Range 2 East of the Ute Meridian.

The Reservoir has a capacity of 2.5 acre feet of water and has been and/or will be used by the City for irrigation, stock watering, recreation, municipal, and other beneficial purposes. The water emanating from the Purdy Mesa Spring when not used for filling the Reservoir is or will be used on a direct flow basis for the same purposes. The flow of the Spring is .2 c.f.s. The City and its predecessors in interest have used the water impounded in the Purdy Mesa No. 2 Reservoir and the supply from Purdy Mesa Spring for irrigation and stock watering purposes since on or prior to June 1, 1955.

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Conditioned upon the proof of quantified use for those purposes, within the amount as above described, or a portion thereof, in a manner prescribed by law.

During the month of July 1986, and every four years thereafter, until the right is decreed final, the owner or user thereof, if he desires to maintain the same, shall file an application for quadrennial finding of reasonable diligence with the Water Clerk of this Court.

DATED March 31, 1983.

Aaron R Clay
Water Referee, Division No. 4