

WTR98BDS

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: WATER DECREE

NAME OF AGENCY OR CONTRACTOR: WATER DIVISION NO. 4, COLORADO, DISTRICT COURT

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: BRANDON DITCH SECOND
ENLARGEMENT, WATER RIGHTS IN THE GUNNISON RIVER, CASE NO. 97CW17, REF.
90CW50, 85CW199

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1998

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

DATE OF MAILING

2-24-98

Steph
Filed in The District Court
Water Division Four

FEB 24 1998

DISTRICT COURT, WATER DIVISION NO. 4, COLORADO

CASE NO. 97CW17 Ref. 90CW50, 85CW199

Kay Phillips, Clerk

FINDINGS AND RULING OF REFEREE

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF:

THE CITY OF GRAND JUNCTION

In the Gunnison River, Mesa County, Colorado.

Applicant, The City of Grand Junction, by its attorney, Wayne B. Schroeder, 1700 Lincoln St. Suite 3800, Denver CO 80203, requests a finding of reasonable diligence by Amended Application filed November 20, 1997.

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 in the completion of the conditional water right for the BRANDON DITCH SECOND ENLARGEMENT, which is located from whence the 1/4 corner between Sections 8 and 5, Township 12 South, Range 97 West, 6th p.m., bears North 62°30' West 500 feet, and which is tributary to the Gunnison River, as decreed in case No. 85CW199 on June 4, 1986. In support of this request, Applicant states that continued development of the municipal water system has been done. The Court finds that the statements are true, and that this activity constitutes reasonable diligence in the completion of the diversion.

RULING

The conditional water rights decreed for 15 c.f.s. to the BRANDON DITCH SECOND ENLARGEMENT, identified above, for reservoir storage, municipal, power generation, and augmentation, are HEREBY CONTINUED, in full force and effect.

Prior to or during the month of March, 2004, 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 24th day of February, 1998.

Aaron R. Clay
Aaron R. Clay
Water Referee
Division 4

No protest was filed in this matter. The foregoing ruling is confirmed and approved, and is made the judgment and decree of this Court.

DONE this 26th day of March, 1998.

Robert A. Brown
Robert A. Brown
Water Judge
Water Division 4