

<b>DISTRICT COURT, WATER DIVISION NO. 4, STATE OF COLORADO</b> 1200 N. Grand Avenue Bin A Montrose, CO 81401 (970) 252-4335	<b>EFILED Document</b> <b>CO Montrose County District Court 7th JD</b> <b>Filing Date: Dec 20 2010 10:45AM MST</b> <b>Filing ID: 34946572</b> <b>Review Clerk: Darleen Cappannokeep</b>
<b>CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE BOARD OF COUNTY COMMISSIONERS OF MONTROSE COUNTY</b>  in Montrose County, Colorado	Δ COURT USE ONLY Δ
Charles B. White, No. 9241 Petros & White, LLC 1999 Broadway, Suite 3200 Denver, CO 80202 Phone: (303) 825-1980 Fax: (303) 825-1983 E-Mail: <a href="mailto:cwhite@petros-white.com">cwhite@petros-white.com</a>	<b>Case No. 10CW__</b>
<p style="text-align: center;"><b>APPLICATION FOR CONDITIONAL WATER STORAGE RIGHTS</b></p>	

1. Name, address, telephone number of Applicant:

Board of County Commissioners of Montrose County (“Montrose County”)  
c/o Mr. Brian W. Wilson, P.E.  
Director of Public Works  
Montrose County, Colorado  
161 South Townsend Ave.  
Montrose, CO 81401  
970-252-7000

Please direct all correspondence and pleadings to:

Charles B. White, Esq.  
Petros & White, LLC  
1999 Broadway, Suite 3200  
Denver, CO 80202  
Telephone: (303) 825-1980

2. Introduction. This Application is one of a series of related applications by Montrose County to meet the water demands of present and future water users in the west end of the County. The conditional water storage rights claimed in this Application, together with other direct-flow and storage rights, changes of water rights, and rights of exchange that are the subject of the related applications, will supply a total reliable yield of approximately 6,400

acre-feet per year of fully consumable and reusable water, in addition to existing supplies, to help meet those future water demands. In order to provide that yield in a sustained drought, the County requires approximately 25,600 acre-feet of additional storage capacity. The conditional storage rights claimed in this Application and the conditional storage rights claimed in the related applications will be used to meet that requirement and, in addition, to store water that will be available for release for non-consumptive uses to maintain and enhance water quality, recreation, piscatorial values, and for in-reservoir recreational and piscatorial uses.

3. Name of structures:

- A. Maverick Draw Reservoir No. 1, First Enlargement
- B. Maverick Draw Reservoir No. 2, First Enlargement
- C. Marie Scott Reservoir

4. A. Legal description:

Structure (approximate point of center of dam)	Township N.M.P.M.	Range	Section	1/4	1/4	Feet from section lines	
						North/South	East/West
Maverick Draw Reservoir No. 1, First Enlargement	46 N	15 W	23	SW	NW	1383 N	1243 W
Maverick Draw Reservoir No. 2, First Enlargement	45 N	14 W	1	SE	NE	1859 N	1056 E
Marie Scott Reservoir	43 N	11 W	31	NW	NW	201 N	1021 W

B. Name and capacity of ditch or ditches used to fill reservoirs, and legal description of each point of diversion:

(1) Each of the Reservoirs will be filled from the J. & M. Hughes Ditch, diverting at the following locations at a cumulative rate of flow of 100 c.f.s. These locations are approximate. On information and belief, the J. & M. Hughes Ditch Company has filed or will file an application in the District Court, Water Division No. 4 in December, 2010, Case No. 10CW\_\_\_, to conform the decreed locations of these structures to the actual surveyed locations. Montrose County incorporates the actual surveyed locations of these points of diversion, as described in the Company's application, into this Application by reference.

Source of diversions	Township N.M.P.M.	Range	Section	1/4	1/4	Feet from section lines	
						North/South	East/West
Fall Creek	42 N	11 W	27	NW	NW	1151 N	887 W
Trail Creek	42 N	11 W	22	SW	NE	2092 N	1918 E
Williams Creek	42 N	11 W	15	SW	SW	1011 S	591 W
Willow Creek	42 N	11 W	16	SE	NE	2356 N	306 E
Little Cone Creek	42 N	11 W	10	NE	SW	1946 S	1868 W
Hunt Creek	42 N	11 W	10	SE	NE	1581 N	856 E
East Fork Painter Creek	43 N	11 W	27	NW	SE	2081 S	2387 E
Painter Creek	43 N	11 W	27	NE	SW	2681 S	1775 W
East Specia (Specie) Creek	43 N	11 W	28	NW	SE	1998 S	2095 E
West Branch Specia (Specie) Creek	43 N	11 W	28	NW	SW	1646 S	241 W
Spring Branch Creek	43 N	11 W	31	NE	NE	1376 N	1081 E
East Saltado Creek	43 N	11 W	31	SE	SW	399 S	1613 W
Rock Creek	42 N	12 W	1	NE	SE	1562 S	319 E
Saltado Creek	42 N	12 W	1	SE	SE	1114 S	252 E

(2) The Beaver Park Ditch will deliver water from the all of the foregoing sources to the Maverick Draw Reservoir No. 1, First Enlargement and Maverick Draw Reservoir No. 2, First Enlargement at a cumulative rate of flow of 100 c.f.s. The Ditch will be constructed as an extension of the J. & M. Hughes Ditch. Water carried in the Beaver Park Ditch will be discharged into the Gurley Ditch system and conveyed to Maverick Draw.

5. Source:

A. All Reservoirs: Fall Creek, Trail Creek, Williams Creek, Willow Creek, Little Cone Creek, Hunt Creek, East Fork Painter Creek, Painter Creek, East Specia (Specie) Creek, West Branch Specia (Specie) Creek, Spring Branch Creek, East Saltado Creek, Rock Creek, and Saltado Creek.

B. Marie Scott Reservoir: Marie Scott Reservoir will be constructed on the channel of Saltado Creek and will also store inflows to the Reservoir from that source.



Maverick Draw Reservoir No. 1, First Enlargement	349	270	3,828	21,700	15,000	21,700	0
Maverick Draw Reservoir No. 2, First Enlargement	364	215	1,287	20,600	15,000	20,600	0

10. Remarks: The development of the conditional water rights claimed herein will require an enlargement and/or modification of the J. & M. Hughes Ditch. The use of the Ditch pursuant to this Application will be subordinate to, and will not interfere with, the use of the Ditch and the existing capacity thereof by the J. & M. Hughes Ditch Company and its shareholders pursuant to existing water rights.

11. Map: A map showing the locations of the Reservoirs, the J. & M. Hughes Ditch, and the Beaver Park Ditch is attached hereto as Exhibit A and incorporated herein by this reference.

12. Owner of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:

A. Maverick Draw Reservoir No. 1, First Enlargement:

Bureau of Land Management  
 Southwest District Office  
 2465 S. Townsend Ave  
 Montrose, CO 81401

Lyman D. Campbell Trust & Norma Lee Campbell Trust  
 P.O. Box 100  
 Redvale, CO 81431-0100

William D. Taylor & Marla K. Taylor  
 P.O. Box 575  
 Naturita, CO 81422

Gary & Evelyn Thomas  
 55080 Johnny Martin Rd.  
 Franklinton, LA 70438

Scott P. & Deborah L. Dillon  
 P.O. Box 65

Naturita, CO 81422-0065

John B. Driver  
P.O. Box 143  
Devine, TX 78072

JS Gordon & CO  
P.O. Box 3525  
Grand Junction, CO 81502-3525

B. Maverick Draw Reservoir No. 2, Fist Enlargement:

Bureau of Land Management  
Southwest District Office  
2465 S. Townsend Ave  
Montrose, CO 81401

Calvin J. & Holdine Ragsdale  
505 Gerard Court  
Pleasanton, CA 94566

Gale A. Ragsdale & Betty L. Ragsdale  
P.O. Box 181  
Redvale, CO 81431-0181

Wayne & Patrick & Diane Williams  
P.O. Box 51  
Norwood, CO 81423-0051

Jacobs Ranches LTD  
P.O. Box 473  
Norwood, CO 81423-0473

Richard P. & Carol A. Cook  
P.O. Box 354  
Redvale, CO 81431-0354

Keith L. & Susan E. Williams  
P.O. Box 857  
Norwood, CO 81423-0857

WX-1 Partnership LLLP  
P.O. Box 521  
Norwood, CO 81423

Mildred H. Bennett Life Estate  
c/o Don Bennett  
P.O. Box 52  
Naturita, CO 81422

C. Marie Scott Reservoir:

TL Bar Ranch Partnership LLLP  
P.O. Box 535  
Montrose, CO 81402

Wolf Land Company LP  
700 Louisiana Ste. 1100  
Houston, TX 77002

Beaver Mesa Livestock LP  
P.O. Box 249  
Norwood, CO 81423-0249

Beaver Mesa LLLP  
1267 East Jesse Court  
Highlands Ranch, CO 80126

D. Modification to J. & M. Hughes Ditch:

United States Forest Service  
Grand Mesa, Uncompahgre and Gunnison National Forest  
2250 Highway 550  
Delta, Colorado 81416

Wolf Land Company LP  
700 Louisiana Ste. 1100  
Houston, TX 77002

Ronold Von Hagen Trust  
P.O. Box 1907  
Sun Valley, ID 83353-1907

Susan H. Magee  
2517 Oleaster Court  
Grand Junction, CO 81505

Paul M. & Monica Al. Rose  
c/o Metropolitan Capital Bank  
9 East Ontario

Chicago, IL 60611

Steven C. Dressler  
1355 Sutton Road  
Shavertown, PA 18708

Nancy & Petri Vernon Branyas  
11735 East 500 South  
Zionsville, IN 46077

Duncan G. Coker  
216 Florida Hill Road  
Ridgefield, CT 06877

Peter A. & Donna H. Johnson  
P.O. Box 1692  
Telluride, CO 81435-1692

Edward F. and Pamela W. McKelvey  
11 Blackburn Place  
Summit, NJ 07901

Elliot H. Cole  
Attn: Centennial  
9400 Key West Ave.  
Rockville, MD 20850-3322

William L. & Barbara H. Dickson  
2715 County Road 23  
Ridgeway, CO 81432

SBB LLC  
11845 Olympic Blvd. Ste. 845  
Los Angeles, CA 90064

Specie Wilderness LLC  
280 Wigmore Dr.  
Pasadena, CA 91105

JC Mesa LLC  
P.O. Box 646  
Ouray, CO 81427-0646

John G. & Victoria A. Irwin Joint Trust  
P.O. Box 2193



Telluride, CO 81435-2193

Teacher Inc. Money Purchase  
Pension Plan and Trust  
280 Wigmore Dr.  
Pasadena, CA 91105

Catherine R. Register  
Register Family Trust  
230 Crossroad Trail  
Fredericksburg, TX 78624-5870

TL Bar Ranch Partnership LLLP  
P.O. Box 535  
Montrose, CO 81402

Beaver Mesa Livestock LP  
P.O. Box 249  
Norwood, CO 81423-0249

J. & M. Hughes Ditch Company  
c/o Andrew Mueller, Esq.  
Tisdell Law Firm, P.C.  
645 Second Street  
PO Box 646  
Ouray, CO, 81427

E. Beaver Park Ditch:

TL Bar Ranch Partnership LLLP  
P.O. Box 535  
Montrose, CO 81402

Howard M. Hughes  
P.O. Box 249  
Norwood, CO 81423-0249

Beaver Mesa Livestock LP  
P.O. Box 249  
Norwood, CO 81423-0249

Beaver Mesa LLLP  
1267 East Jesse Court  
Highlands Ranch, CO 80126

AS Ranches LLLP  
16082 57.90 TRL  
Montrose, CO 81403

Sandra E. Brasier  
P.O. Box 49  
Montrose, CO 81401

Brasier Family LP  
P.O. Box 49  
Montrose, CO 81402

Bureau of Land Management  
Southwest District Office  
2465 S. Townsend Ave  
Montrose, CO 81401

United States Forest Service  
Grand Mesa, Uncompahgre and Gunnison National Forest  
2250 Highway 550  
Delta, Colorado 81416

**WHEREFORE**, Montrose County respectfully requests that the Court enter a decree granting this Application, awarding the water rights claimed herein, and granting to the Applicant such other relief as the Court deems just and proper.

Dated this 20<sup>th</sup> day of December, 2010.

PETROS & WHITE, LLC

/s/ Charles B. White  
Charles B. White, No. 9241  
ATTORNEYS FOR MONTROSE COUNTY

***PURSUANT TO C.R.C.P. 121, THE SIGNED ORIGINAL IS ON FILE IN THE OFFICE OF PETROS & WHITE, LLC***

**VERIFICATION**

STATE OF COLORADO    )  
  ) s.s.  
COUNTY OF BOULDER    )

I, Daniel V. Ault, water rights consultant for the Board of County Commissioners of Montrose County, Colorado, state under oath that I have read the foregoing **APPLICATION FOR CONDITIONAL WATER STORAGE RIGHTS** and that the same is true and correct to the best of my knowledge.

*Dan Ault*

Subscribed and sworn to before me this 16 day of December, 2010 by Daniel V. Ault.

My commission expires: 1/18/2012



[SEAL]

My Commission Expires 01/18/2012

*Vicki O'Hagan*  
Notary Public