

April 1, 2022

Board of Directors

Gunnison River Homeowners Association

Directors,

Here is a short summary of the water rights owned by the Gunnison River Homeowners Association.

Hyzer-Ketchum ditch also known as Clark Stream. A proportionate interest in the ditch, Ditch 24 with: 2.03 c.f.s. in Priority 18 and 3.17 c.f.s. in Priority 290.

Thornton No. 1 – Ditch 23, Priority 517. Adjudicated for 6 c.f.s. with an adjudication date of October 21, 1953. The beginning of this ditch is on the west bank of Clark Stream on Lots 6 and 7 (Orgill and Butts) Gunnison River Filing 2. It travels down the east side of Chinook Trail, the south side of Apache Road. There is a branch that goes to Lot 14, 15 and on into the Park west of those lots. The original ditch as described was 409 feet long, 2 feet deep and 4 feet wide. I think this was filled in to allow houses to be built and the current ditch was created as a replacement.

Castle Mountain Pond #1 is located at the intersection of Highway 135 and Chinook Trail. This is known in the water court records as Association Springs and Drainage Ditch No. 3. The ditch extends from the pond back into Clark Stream. Date of Appropriation June 1, 1971 for 1.0 c.f.s. Storage rights in Castle Mountain Pond No 1 are 3.7 acre feet.

Association Springs and Drainage Ditch No. 1. This arises as a spring north of the subdivision. It crosses Harris Ditch in a flume and continues south through Lots 14, 15 and 16 Gunnison River Filing No 2 (Parker, White, and Young). It feeds Park Pond and eventually Lively Pond. It also continues along the south and east boundary of Blackfoot Trail and eventually terminates in Lively pond. It is adjudicated for 0.5 cfs.

Harris Ditch has an absolute water right of 0.5 c.f.s. owned by GRHOA with an appropriation date of June 1, 1971. It is located along the western boundary of the subdivision and feeds Lively Pond

Park Pond has an adjudicated storage right of 4.5 acre feet

Lively Pond has an adjudicated storage right of 2.25 acre feet. Overflow goes back into Harris Ditch on the west side of the subdivision.

Association Springs and Drainage Ditch No. 2. This arises north of the subdivision and then used to enter an underground pipe that transported the water to the intersection of Clark Stream and Apache Road. It has since been diverted from the beginning of the underground pipe, now sealed, to the west where it terminates in Harris Ditch which then feeds Lively Pond. It has an absolute right for 0.75 c.f.s.

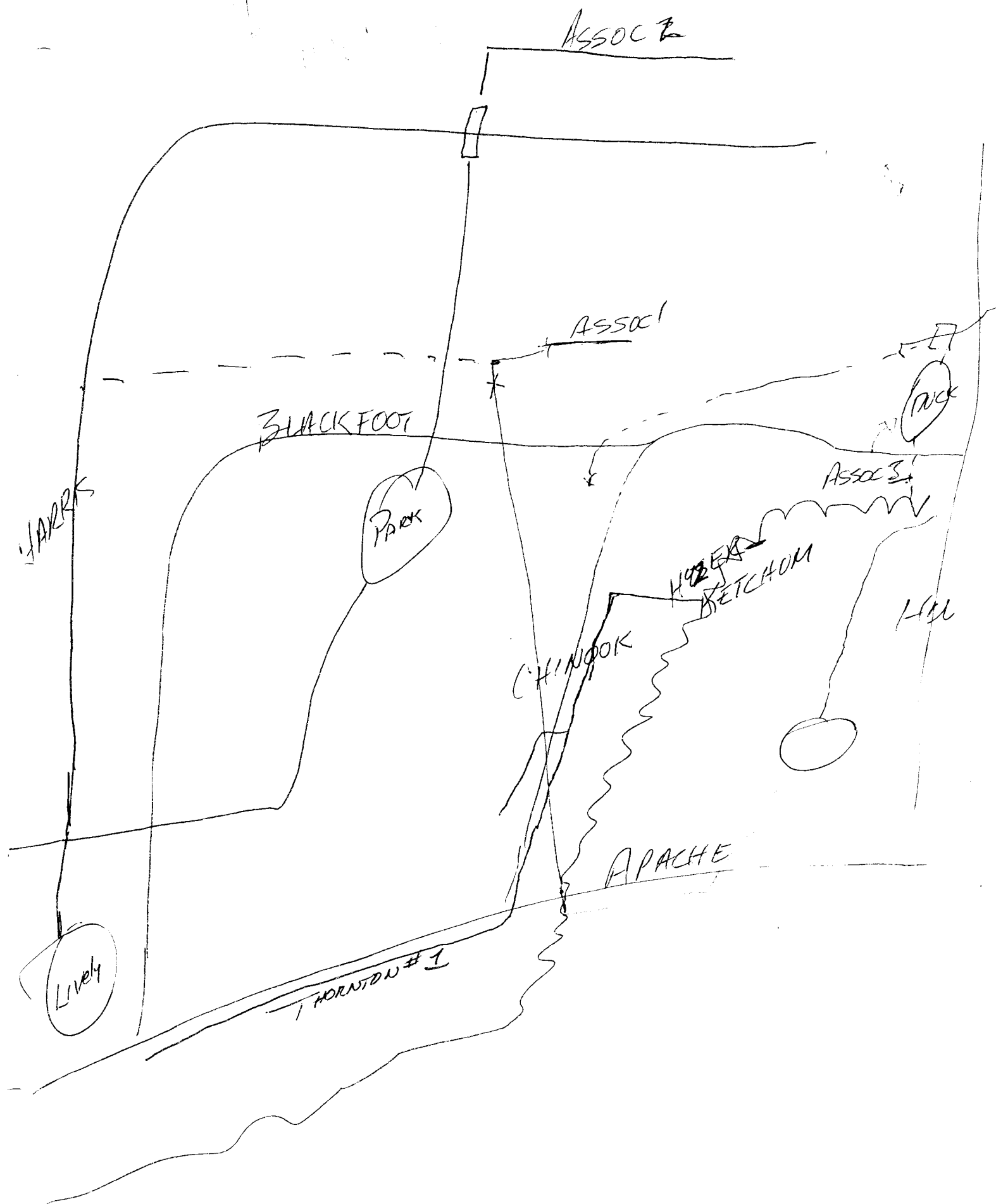
The ditches east of Clark Stream all appear to arise from Clark Stream and utilize the Hyzer-Ketchum water rights. I am not aware of any other named water rights east of Clark Stream.

With these named ditches and associated water rights, it is important to understand just how much water each ditch is allowed to carry under current water law. Many of these ditches have been carrying more than their adjudicated rights in the past. With these extremely dry years, the low snowpack, and the low reservoir levels it is entirely likely that strict administration of water rights is inevitable. Under strict administration, the ditch rider would be visiting all of these ditches to assure the State of Colorado they were not exceeding their adjudicated water rights. He has the authority to require the installation of Parshall Flumes and to curtail flow if the ditches are exceeding their adjudicated rights.

Water rights are usually measured utilizing a Parshall Flume. This is a specifically designed flume, set in the ditch, which allows water to pass through it at a given velocity depending upon the flume design.

A simple explanation, which is somewhat accurate, is a ditch 6 inches wide having water about 5 inches deep would be carrying 0.5 c.f.s. One c.f.s. would result in a water depth of approximately 7.5 inches deep.

A ditch 12 inches wide would be carrying 0.5 c.f.s. if the water was 3 inches deep and 1.0 c.f.s. would be about 3.6 inches deep.



water right info

DATE OF MAILING

8-17-88

Filed In The District Court
Water Division Four

AUG 17 1988

DISTRICT COURT, WATER DIVISION NO. 4, COLORADO Kay Phillips, Clerk _____

CASE NO. 87CW274

FINDINGS AND RULING OF REFEREE AND DECREE

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF:

CASTLE MOUNTAIN IRRIGATION, ROAD AND RECREATION
ASSOCIATION,

In the GUNNISON River, GUNNISON County, Colorado.

CERTIFIED TO BE A FULL
TRUE AND CORRECT COPY
ORIGINAL IN MY CUSTODY

DATE 9-26-88

Oliver Williams, Jr.
WATER CLERK DIVISION #

Applicant, CASTLE MOUNTAIN IRRIGATION, ROAD AND RECREATION ASSOCIATION, a Colorado not for profit corporation, c/o their attorney, David M. Barton, Ranous, Stern & Patrick, 304 W. Tomichi Avenue, Gunnison, Colorado 81230, requests a Application For Storage and Surface Water Rights by Application filed December 22, 1987.

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 an absolute water right and storage right for the ASSOCIATION SPRINGS AND DRAINAGE DITCH NO. 1, ASSOCIATION SPRINGS AND DRAINAGE DITCH NO. 2, LIVELY POND, and PARK LAKE, which is located as follows:

The Association Springs and Drainage Ditch No. 1 arises in the SE1/4 SE1/4 SW1/4 of Section 13, Township 50 North, Range 1 West, N.M.P.M. at a point 2,600 feet from the West line of said Section and 300 feet from the South line of said Section. Said ditch extends therefrom in a general southwesterly direction, crosses the Harris Ditch on a flume, and terminates at the Park Lake described below.

The Association Springs and Drainage Ditch No. 2 arises in the NW1/4NE1/4SW1/4 of Section 24, Township 50 North, Range 1 West, N.M.P.M. at a point 1,660 feet from the West line of said Section and 155 feet from the North line of said

Section. Said ditch extends therefrom in a general southerly direction until it enters an underground pipe system, from which it extends southerly until rejoining Clark Stream.

and is tributary to Gunnison River. Applicant desires to have flow rights for .50 c.f.s. for Association Springs and Drainage Ditch No. 1 and .75 c.f.s. for Association Springs and Drainage Ditch No. 2 c.f.s. for the use as follows:

For Association Springs and Drainage Ditch No. 1, year round livestock watering, fire protection, and seasonal irrigation of approximately 20 acres consisting of residential lots 14-24, 48 and 49, and Association Park, all of which are located in Gunnison River Filing No. 2, according to the recorded plat thereof; and for augmentation water for seasonal irrigation of approximately 15 acres consisting of residential lots 25-33, Gunnison River Filing No. 2, and lots 1 and 2, Gunnison River Filing No. 3, according to the recorded plats of those subdivisions.

For Association Springs and Drainage Ditch No. 2, year-round livestock watering, fire protection and seasonal irrigation of approximately 20 acres consisting of residential lots 34-47, Gunnison River Filing No. 2, and lots 7 and 8, Gunnison River Filing No. 1, according to the recorded plats of those subdivisions.

The Court finds that the ASSOCIATION SPRINGS AND DRAINAGE DITCH NO. 1 and 2 will carry those amounts, and that Applicant has put these amounts of water to the beneficial use as stated above.

Applicant also requests an absolute storage water right for the LIVELY POND AND PARK LAKE, which are located as follows:

Lively Pond is situated in the NW1/4 SW1/4 of Section 24, Township 50 North, Range 1 West, N.M.P.M., 60 feet from the West line of said Section and 2,005 feet from the South line of said Section.

Park Lake is situated in the SW1/4 NW1/4 of Section 24, Township 50 North, Range 1 West, N.M.P.M. 650 feet from the West line of said section and 1,930 feet from the North line of said section.

These reservoirs have as their source the Gunnison River, with a dam height of less than ten feet and a length of approximately 40 feet for Lively Pond and 90 feet for Park Lake. Applicant desires to have storage rights for 2.25 acre feet for Lively Pond and 4.5 acre feet for Park Lake for the recreation, irrigation, aesthetic values, fire prevention and fish culture for both storage structures. The Court finds that the LIVELY POND AND PARK LAKE have stored 2.25 acre feet for Lively Pond and 4.5 acre feet for Park Lake, of which 1.25 acre feet for Lively Pond and 2.25 acre feet for Park Lake are active storage, and that Applicant has put this amount of water to the beneficial use as above stated.

RULING

Applicant is hereby GRANTED an absolute water right for .50 c.f.s. for Association Springs and Drainage Ditch No. 1 and .75 c.f.s. for Association Springs and Drainage Ditch No. 2 for use as follows:

For Association Springs and Drainage Ditch No. 1, year round livestock watering, fire protection, and seasonal irrigation of approximately 20 acres consisting of residential lots 14-24, 48 and 49, and Association Park, all of which are located in Gunnison River Filing No. 2, according to the recorded plat thereof; and for augmentation water for seasonal irrigation of approximately 15 acres consisting of residential lots 25-33, Gunnison River Filing No. 2, and lots 1 and 2, Gunnison River Filing No. 3, according to the recorded plats of those subdivisions.

For Association Springs and Drainage Ditch No. 2, year-round livestock watering, fire protection and seasonal irrigation of approximately 20 acres consisting of residential lots 34-47, Gunnison River Filing No. 2, and lots 7 and 8, Gunnison River Filing No. 1, according to the recorded plats of those subdivisions.

from the ASSOCIATION SPRINGS AND DRAINAGE DITCH NO. 1 and 2, located as above described, with an appropriation date of June 1, 1971, and adjudication date of December 31, 1987, and ALSO GRANTED an absolute water right for the storage of 2.25 acre feet for LIVELY POND and 4.5 acre feet for PARK LAKE for recreation, irrigation, aesthetic values, fire prevention and fish culture for both storage structures located as above described, with an appropriation date of June 1, 1971, adjudication date of December 31, 1987.

DONE THIS 14th DAY OF August, 1988.

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:

9-14-88
Robert L. Blum
Water Judge

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

Mailed-A Copy of this Document
all parties in this case.

Dated 9-15-88
K.P.
Kay Phillips, Water Clerk

REC'D SEP 19 1988

DATE OF MAILING

8-17-88

Filed In The District Court
Water Division Four

AUG 17 1988

DISTRICT COURT, WATER DIVISION NO. 4, COLORADO
CASE NO. 87CW246

Kay Phillips, Clerk _____

FINDINGS AND RULING OF REFEREE AND DECREE

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF:

VERNON M. AND ELMA L. HARRIS, AND CASTLE
MOUNTAIN IRRIGATION, ROAD AND RECREATION
ASSOCIATION

In the GUNNISON River, GUNNISON County, Colorado.

Applicants, VERNON M. and ELMA L. HARRIS, c/o their attorney, Robert E. Wright, Jr. P.O. Box 179, Gunnison, Colorado 81230, and CASTLE MOUNTAIN IRRIGATION, ROAD AND RECREATION ASSOCIATION, a Colorado not for profit corporation, c/o their attorney, David M. Barton, 304 West Tomichi, Gunnison, Colorado 81230, request a Application For Surface Water Right by Application filed November 30, 1987.

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. Applicants request an absolute water right for the HARRIS DITCH, which is located at a point in the NE1/4NW1/4NW1/4 of Section 24, Township 50 North, Range 1 West, N.M.P.M., at a point 1280 feet from the West line of said Section and 275 feet from the North line of said Section. Said ditch extends therefrom in a general southwesterly direction first across vacant land, thence across Lot 1, Gunnison River Filing No. 3, according to the plat thereof bearing Reception No. 359824 of the Gunnison County records, thence southerly across the west half of Lots 33, 32, and 31 of Gunnison River Filing No. 2 according to the plat thereof bearing Reception No. 284268 of the Gunnison County records to a point on the west line of said Section 24 which is 700 feet north of the west quarter corner of said Section 24, and thence extends southerly through the E1/2SE1/4 of Section 23, Township 50 North, Range 1

West, N.M.P.M. and thence into the Gunnison River, and is tributary to Ohio Creek and the Gunnison River. Applicants desire to have flow rights for 10 c.f.s. for Vernon M. and Elma L. Harris, and 0.5 c.f.s. for Castle Mountain Irrigation, Road and Recreation Association for stockwatering, irrigation and fire protection purposes of Applicants. The Court finds that the HARRIS DITCH will carry five c.f.s.; and that Applicants have put this amount of water to the beneficial use of stockwatering, irrigation, and fire protection purposes.

RULING

Applicants are hereby GRANTED an absolute water right for 5 c.f.s absolute for irrigation of 45 acres and fire protection, of which .2 c.f.s. may be used for stockwatering. 4.5 c.f.s. belongs to Harris and .5 c.f.s. to Castle Mountain for the stated purposes from the HARRIS DITCH, located as above-described, with an appropriation date of June 1, 1954 for the Harris water right and appropriation date of June 1, 1971 for Castle Mountain Irrigation, Road and Recreation Association water right, with adjudication date of December 31, 1987, for both

DONE THIS 16th DAY OF August, 1988.

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

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

Dated: 9-14-88
Robert A. Brown
Water Judge

Mailed-A Copy of this Document to
all parties in this case.

Dated 9-15-88
K. P.
Kay Phillips, Water Clerk

"The Duck Pond"

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

Case No. 97-CW-_____

Water Right Info

APPLICATION FOR STORAGE AND SURFACE WATER RIGHTS

CONCERNING THE APPLICATION FOR WATER RIGHTS OF CASTLE MOUNTAIN IRRIGATION, ROAD AND RECREATION ASSOCIATION, A COLORADO NON PROFIT CORPORATION, IN GUNNISON COUNTY.

1. Name, Address and Telephone Number of Applicant:

Castle Mountain Irrigation, Road and Recreation Association, a Colorado non-profit corporation,
c/o David M. Barton
David M. Barton, P.C.
304 West Tomichi Avenue, Suite 26
Gunnison, CO 81230
(970) 641-2181

2. Name of Structures:

Association Springs and Drainage Ditch No. 3

Castle Mountain Pond No. 1

SURFACE RIGHTS

3. Legal Description of Points of Diversion:

The Association Springs and Drainage Ditch No. 3 arises in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 50 North, Range 1 West, N.M.P.M. at a point 2,600 feet east of the West Section line of said Section (13) and 200 feet north of the South line of said Section. Said Ditch extends therefrom in a general southeasterly direction, fills the Castle Mountain Pond No. 1 and continues in a westerly direction until joining the Hyzer Ketchum Ditch (Clark Stream).

4. Source:

The source of the Association Springs and Drainage Ditch No. 3 is a series of seeps and springs, tributary to the Gunnison River.

5. Amount Claimed:

1 c.f.s.

6. Appropriation and Use:

- A. Date of Initiation of Appropriation: June 1, 1971.
- B. Date Water Applied to Beneficial Use: June 1, 1971.
- C. How Appropriation was Initiated: By construction and improvement of diversion structures and application of water to the uses claimed.

7. Use or Proposed Use:

Year round livestock watering, fire protection, seasonal irrigation of approximately twenty (20) acres consisting of residential lots in Gunnison River Filing No. 1 and Gunnison River Filing No. 2 Subdivisions, according to the recorded Plats thereof.

WATER STORAGE RIGHTS

8. Legal Description of Pond Location:

The Castle Mountain Pond No. 1 is situated in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 50 North, Range 1 West, N.M.P.M., with the outlet being 700 feet south of the North line of said Section 13 and 2,550 feet east of the West line of said Section.

9. Source:

The source of Castle Mountain Pond No. 1 is water from the Association Springs and Ditch No. 3, and augmentation water from a lateral of the Hyzer Ketchum Ditch, both tributary to the Gunnison River.

10. Use or Proposed Use:

Recreation, irrigation, aesthetic values, fire prevention and fish culture.

11. Amount Claimed:

3.7 acre feet.

12. Maximum Height of Dam in Feet:

Not applicable. The Pond was constructed by digging out existing material without construction of a dam.

13. Length of Dam in Feet:

Not applicable.

14. Total Capacity of Reservoir in Acre Feet:

3.7 acre feet.

15. Active and Dead Storage Capacities in Acre Feet:

The Pond historically has utilized no active capacity as the Pond depth has been maintained at a constant level. There is a screw gate, however, which allows the Pond to be drained if necessary.

Respectfully submitted this ____ day of December, 1997.

David M. Barton, P.C.

By: _____
David M. Barton, #13139
Attorney for Applicant
304 West Tomichi Avenue, #26
Gunnison, CO 81230
Telephone: (970) 641-2181

STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

I, Michael R. Polich, as President of Castle Mountain Irrigation, Road and Recreational Association, a Colorado non-profit corporation, being first duly sworn upon oath, verify that the information in the foregoing Application is true to the best of my knowledge, information and belief.

MICHAEL R. POLICH