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Concerning the Application for Water Rights of W.A. Moncrief, Jr.

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reasonable diligence or, alternatively, make the Water Right absolute on or before June, 2001. Because Vaca's predecessor in interest failed to timely file or make the Water Right absolute, the conditional use of Well No. 26 as an alternate point of diversion was canceled.

Due to the cancellation, Vaca seeks a decree to again use Well No. 26 as an alternate point of diversion. Vaca intends to exercise the Water Right pursuant to the terms and conditions of the previous decree in Case No. W-2997, including municipal uses. Additionally, Vaca grants use of the Water Right to the Baca Grande Water and Sanitation District ("District") pursuant to the water service agreement executed by the District and Vaca's predecessor in interest. That memorandum is dated August 28, 1997 and recorded in Sagauche County under Reception No. 321547. Vaca makes clear that the District's rights shall be exercised in accordance with the water service agreement and any decree issued in this or any subsequent case.

Therefore, Vaca requests Water Division 3 to enter a decree for a Change of Water Right allowing Well No. 26 as an alternate point of diversion for the Baca Grant Water Right.

2. Opposition

No statements of opposition have been filed.

Kiowa K. Engwis

WATER COURT DIVISION 4

CONCERNING THE APPLICATION FOR WATER RIGHTS OF W.A.

MONCRIEF, JR., Case No. 2002CW199 (Water Division 4, Oct. 31, 2002). Applicant: W.A. Moncrief, Jr. (Atty. Rufus O. Wilderson, Wilderson, O'Hayre, Daswon, McGinty & Frazier, P.C.).

1. Application

W.A. Moncrief, Jr. ("Moncrief") owns partial interest in numerous surface decrees located on South Beaver Creek (tributary to the Gunnison River) and on the Gunnison River. These interests include: George Andrew No. 1 Ditch, Ditch No. 14; Alder Ditch, Ditch No. 20; Cottonwood Ditch, Ditch No. 23; South Beaver Ditch, Ditch No. 29; Frank Adams Ditch No. 2, Ditch No. 33; Browning Ditch, Ditch No. 39; Beaver Creek West Ditch, Ditch No. 41; Passtime No. 1 and No. 2 Ditches, Ditch Nos. 59 and 58; Cooper Ditch No. 2, Ditch No. 60; and Moore No. 1 and No. 2 Ditches, Ditch Nos. 75 and 77.

Moncrief requests the Division 4 Water Court to allow a change in water right for alternate points of diversion on the aforementioned water rights thereby allowing him the ability to divert his interests in said water rights through some or all of the aforementioned ditches. Additionally, Moncrief requests the ability to divert any or all the aforementioned interests through C.B. Moncrief's ditches and Tom O.

Moncrief's ditches pursuant to a Ranch Management Agreement. C.B. and Tom Moncrief's ditches utilized include: Kelmel-Owens No. 1 and No. 2 Irrigating Ditches, Ditch Nos. 18 and 58; Frank Adams Ditch No. 1, Ditch No. 59; April Ditch, Ditch No. 106; and Goodwin Knox Ditch, Ditch No. 320 located along the Gunnison.

Moncrief desires said alternate points of diversion to account for historic irrigation practices on his lands and to more efficiently irrigate his properties adjoining said water rights. Additionally, Moncrief requests said changes be allowed without limitation on his decreed or owned amounts of water because he claims that none of the changes will cause the historic return flows to bypass any vested water right or decreed conditional water right and, therefore, will not cause material injury to vested water rights or decreed surface water rights.

2. Opposition

Kenneth L. Spann of Virgil and Lee Spann Ranches, Inc. ("Spann Ranches") filed a Statement of Opposition. This statement indicated that Spann Ranches co-owned water rights in the same ditches as Moncrief and was filed to protect said interests.

William H. Fronczak

CONCERNING THE APPLICATION FOR WATER RIGHTS OF C.B.

MONCRIEF, Case No. 2002CW200 (Water Division 4, Oct. 31, 2002).

Applicant: C.B. Moncrief, (Atty. Rufus O. Wilderson, Wilderson, O'Hayre, Daswon, McGinty & Frazier, P.C.).

1. Application

C.B. Moncrief owns partial interest in the Kelmel-Owens No. 1 and No. 2 Irrigating Ditches, Ditch Nos. 18 and 58; and the Frank Adams Ditch No. 1, Ditch No. 59 located on the Gunnison River.

C.B. Moncrief requests the Division 4 Water Court allow a change in water right for alternate points of diversion on the aforementioned water rights thereby allowing him the ability to divert his interests in said water rights through some or all of the aforementioned ditches. Additionally, C.B. Moncrief is requesting the ability to divert any or all the aforementioned interests through W.A. Moncrief, Jr.'s ditches and Tom O. Moncrief's ditches pursuant to a Ranch Management Agreement. W.A. Moncrief Jr.'s and Tom Moncrief's ditches utilized include: George Andrew No. 1 Ditch, Ditch No. 14; Frank Adams Ditch No. 2, Ditch No. 33; Browning Ditch, Ditch No. 39; Cooper Ditch No. 2, Ditch No. 60; April Ditch, Ditch No. 106; and Goodwin Knox Ditch, Ditch No. 320 located on the Gunnison River.

C.B. Moncrief desires said alternate points of diversion to account for historic irrigation practices on his property and to more efficiently irrigate his properties adjoining said water right interests. Additionally, C.B. Moncrief requests that said changes be allowed on his decreed or owned amounts of water because he claims that none of