

DISTRICT COURT, WATER DIVISION 7, COLORADO

WATER RESUME

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER DIVISION NO. 7

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications filed in the Office of the Water Clerk during the month of August 2022, for each county affected.

22CW12 M Kay Alvis & Marc A Ouellette 25311 Rd L, Cortez, CO 81321: **John David Pumpsite**; Montezuma County; In the NW1/4SW1/4, Section 14, T36N, R16W, NMPM; UTM Coordinates Easting 182229, Northing 4142635; Unnamed tributary to Hartman Draw tributary to McElmo Creek; Appropriation date, 8/5/22; 0.50 cfs; Irrigation of 35 acres and livestock; Previously decreed in case 00CW6 since expired; See application for further details; Application for Conditional Water Rights (Surface) (6 pages including exhibits)

22CW13 Judith E Campbell 26822 Hwy 160, Durango, CO 81303: **Clancy's Pump Station**: La Plata County; Date of Decree, 12/31/08; Case no., 08CW07; Subsequent decree, 9/9/16, 16CW3; In the SW1/4SE1/4, Section 9, T34N, R9W, NMPM being 621 feet from the South section line and 1330 feet from the East section line of said section 9; Easting 246655, Northing 4122710, Zone 13; Animas River; Appropriation date, 2/7/08; 0.125 cfs; Irrigation of 5 acres on tract 2 of Loma Vista Homes, piscatorial and recreation; Purchased pump and tested size and feasibility for irrigation and piscatorial use; See application for further details; Application for Finding of Reasonable Diligence (5 pages including exhibits)

22CW3033 Archuleta County, San Juan River. Application to Make Absolute. Applicant, Marilyn Mundy, 412 Sycamore Ave 5421 Brea, California 92821. Please direct all correspondence to Amy N. Huff, Colorado Water & Land Law, LLC, 679 E. 2nd Ave, Ste 11B, Durango, CO 81301 (970) 403-1770, amy@waterland-law.com. **Structure**: MUNDY DITCH. **Prior Decree**: 13CW06, District Court Water Div. 7. **Legal description**: SW ¼ NW ¼ NW ¼, §36, T35N, R2.5W, NMPM, being 1,007' from the North section line and 1,253' from the West Section line of § 36. **Source**: Stollsteimer Creek and local surface runoff, tributary to the Piedra River. **App Date**: 12/30/14. **Amt**: 0.6 cfs conditional made absolute (0.4 cfs was previously decreed absolute). **Uses**: Irrigation and stock watering; **Description of what has been done to complete of the appropriation**: Applicant applied the water conditionally decreed to the Mundy Ditch to beneficial use in 2019 and thereafter. **Landowner**: Applicant owns the land affected. **Applicant Remarks**: See Application for additional information (6 pages including exhibits)

22CW3034 (Prior Case Nos. 2015CW3021, 2004CW0097) APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN ARCHULETA AND MINERAL COUNTIES. **1. Name, Mailing Address, and Telephone Number of Applicant**. Bootjack Ranch, LLC 12500 East Highway 160 Pagosa Springs, CO 81147 (970) 264-7280. Please forward all pleadings and correspondence to: Wayne F. Forman, #14082 and Courtney M. Shephard, #47668 at BROWNSTEIN HYATT FARBER SCHRECK, LLP 410 17th Street, Suite 2200 Denver, CO 80202 Phone: (303) 223-1100 E-mail: wforman@bhfs.com; cshephard@bhfs.com. **2. Claim for Reasonable Diligence**. a. **Wolf Creek Village Well No. 1, Permit No. 79946-F**. i. **Depth**: 165 feet. ii. **Date of Original Decree**: June 16, 2009, Case No. 04CW97. iii. **Date of Subsequent Decree Finding Reasonable Diligence**: August 18, 2016, Case No. 15CW3021. iv. **Decreed Location**: NE¼NE¼NE¼, Section 20, Township 37 North, Range 1 East, N.M.P.M., 319 feet from the North Section line and 132 feet from the East Section line. See Figure 1. v. **Source**: Groundwater tributary to Wolf Creek, a tributary to the West Fork of the San Juan River (hereinafter the "West Fork"). vi. **Appropriation Date**: December 30,

2004. vii. Amount: 0.445 c.f.s. (200 g.p.m.), not to exceed 320 acre-feet conditional, including the existing right decreed in Case No. 80CW220 for 0.066 c.f.s. (30 g.p.m.), up to 6.45 acre feet per year. This appropriation is for 170 g.p.m. until the more senior right reaches its volumetric limit of 6.45 acre feet per year, at which time withdrawals under this right will equal 200 g.p.m. The decree entered in Case No. 15CW3021 made 200 g.p.m. of Wolf Creek Village Well No. 1 absolute for supplemental irrigation of 11 acres around Bootjack Lodge and Chipper's Lake. viii. Uses: Stock watering and supplemental irrigation of 60 acres generally in the SE $\frac{1}{4}$ of Section 17, Township 37 North, Range 1 East, N.M.P.M., and 11 acres around Bootjack Lodge and Chipper's Lake, as shown in Figure 1, in combination with the Dermody Pump.

b. Well WS-5, Permit No. 61415-F. i. Depth: 67.5 feet. ii. Date of Original Decree: June 16, 2009, Case No. 04CW97. iii. Date of Subsequent Decree Finding Reasonable Diligence: August 18, 2016, Case No. 15CW3021. iv. Decreed Location: NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 37 North, Range 1 East, N.M.P.M., 2,135 feet from the South Section line and 1,760 feet from the West Section line of Section 32. *See* Figure 1. v. Source: Groundwater tributary to the West Fork. vi. Appropriation Date: December 30, 2004. vii. Amount: 0.89 c.f.s. (400 g.p.m.), not to exceed 237.5 acre feet, conditional. viii. Use: Supplemental irrigation of 100 acres located in the W $\frac{1}{2}$ of Section 32, Township 37 North, Range 1 East, N.M.P.M., lying east of the West Fork. Applicant may not demand use of water under this right if sufficient water is available from ditches supplying the tracts of land shown as irrigated on Figure 1. *See* Figure 1. c. Front Gate Well, Permit No. 79945-F. i. Depth: 140 feet. ii. Date of Original Decree: June 16, 2009, Case No. 04CW97. iii. Date of Subsequent Decree Finding Reasonable Diligence: August 18, 2016, Case No. 15CW3021. iv. Decreed Location: SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 37 North, Range 1 East, N.M.P.M., 1,700 feet from the South section line and 2,100 feet from the West section line. *See* Figure 1. v. Source: Groundwater tributary to the West Fork. vi. Appropriation Date: December 30, 2004. vii. Amount: 0.89 c.f.s. (400 g.p.m.), not to exceed 220 acre feet, conditional. viii. Uses: Domestic, livestock watering, and supplemental irrigation of 47 acres of lawns and gardens and pasture located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 37 North, Range 1 East, N.M.P.M. by the 1998 priority of the Chapson-Howe Ditch water right. Applicant may not demand use of water under this right if sufficient water is available from ditches supplying the tracts of land shown as irrigated on Figure 1. *See* Figure 1. d. Dermody Pump Use Enlargement, Permit No. 64625-F. i. Depth: 14 feet (gallery-type well). ii. Date of Original Decree: June 16, 2009, Case No. 04CW97. iii. Date of Subsequent Decree Finding Reasonable Diligence: August 18, 2016, Case No. 15CW3021. iv. Decreed Location: NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 37 North, Range 1 East, N.M.P.M., 1,809 feet from the North section line and 980 feet from the East section line. *See* Figure 1. v. Source: Groundwater tributary to Wolf Creek, tributary to the West Fork. vi. Appropriation Date: November 30, 2005. vii. Amount: 0.4 c.f.s. (180 g.p.m.), not to exceed 205 acre feet, conditional. viii. Uses: Supplemental irrigation of 60 acres in the SE $\frac{1}{4}$ of Section 17, Township 37 North, Range 1 East, N.M.P.M., and 11 acres around Bootjack Lodge and Chipper's Pond, as shown on Figure 1, in combination with the Wolf Creek Village Well No. 1. e. Brown Spring. i. Date of Original Decree: June 16, 2009, Case No. 04CW97. ii. Date of Subsequent Decree Finding Reasonable Diligence: August 18, 2016, Case No. 15CW3021. iii. Decreed Location: NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 37 North, Range 1 East, N.M.P.M. *See* Figure 1. iv. Source: Unnamed draw tributary to the West Fork, located 275 feet from the North section line and 595 feet from the West section line of Section 29. v. Appropriation Date: July 29, 1998. vi. Amount Claimed: 0.99 c.f.s. (446 g.p.m.), conditional. vii. Use Enlargement: Natural irrigation of 5 acres together with uses previously decreed to this structure in connection with the use of Michael's Lake decreed in Case No. 98CW88. *See* Figure 1. f. Phillipps Ditch – Brown Enlargement. i. Date of Original Decree: June 16, 2009, Case No. 04CW97. ii. Date of Subsequent Decree Finding Reasonable Diligence: August 18, 2016, Case No. 15CW3021. iii. Decreed Location: 1. The decree entered in Case No. 17CW3009 corrected the decreed location of Phillipps Ditch headgate to: the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 29, Township 37 North, Range 1 East, N.M.P.M.; 2,537 feet from the South section line and 2,285 feet from the West Section line of Section 29, Mineral County, Colorado. The UTM format of the legal description is: UTM 13 North; NAD83; Northing (Y): 4,142,583; Easting (X): 331,914. 2. The water for the Brown Enlargement is diverted from an unnamed tributary that crosses the Phillipps Ditch where and which is located on the west bank of the Phillipps Ditch where the unnamed draw, tributary to the West

Fork of the San Juan River, crosses the ditch in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 37 North, Range 1 East, N.M.P.M., being 2,400 feet from the South section line and 1,900 feet from the West section line of said Section 29. *See* Figure 1. iv. Source: Unnamed draw tributary to the West Fork. v. Appropriation Date: December 30, 2004. vi. Amount: 1.0 c.f.s. (450 g.p.m.) conditional. The decree entered in Case No. 15CW3021 made 0.34 c.f.s. (151 g.p.m.) of the Phillipps Ditch-Brown Enlargement absolute for year-round firefighting and irrigation of an additional 41 acres above the Phillipps Ditch. Irrigation is supplemental to the Allen Ditch. vii. Uses: Year-round firefighting and irrigation of an additional 41 acres above the Phillipps Ditch, in conjunction with Brown South Well, in the W $\frac{1}{2}$ of Section 29, NE $\frac{1}{4}$ of Section 31 and the NW $\frac{1}{4}$ of Section 32, Township 37 North, Range 1 East, N.M.P.M. *See* Figure 1. g. DJ's Lake (f/k/a/Village Lake Reservoir). i. Date of Original Decree: June 16, 2009, Case No. 04CW97. ii. Date of Subsequent Decree Finding Reasonable Diligence: August 18, 2016, Case No. 15CW3021. iii. Decreed Location: Section 20, Township 37 North, Range 1 East, N.M.P.M.; 400-1,000 feet south of the North section line and 50-350 feet west of the East section line. The outlet of the reservoir is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 37 North, Range 1 East, N.M.P.M., being 945 feet from the North section line and 865 feet from the East section line of said Section 20. *See* Figure 1. iv. Source: Filling flows provided by Wolf Creek, a tributary to the West Fork, via Village Lake Feeder Ditch. Freshening flows provided by ground water tributary to Wolf Creek via Wolf Creek Village Well No. 1. v. Appropriation Date: December 30, 2004. vi. Amount: 20 acre feet, with right to successively refill in priority, conditional. The decree entered in Case No. 15CW3021 made absolute 20 acre feet for augmentation use pursuant to C.R.S. § 37-92-103(4)(a), and continued in full force and effect the conditional refill right for 20 acre feet for augmentation use. vii. New Use Added to Previous Decree: Augmentation, as further discussed in the plan for augmentation discussed in 04CW97. h. Chipper's Lake. i. Date of Original Decree: June 16, 2009, Case No. 04CW97. ii. Date of Subsequent Decree Finding Reasonable Diligence: August 18, 2016, Case No. 15CW3021. iii. Decreed Location: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 37 North, Range 1 East, N.M.P.M., 545 feet from North Section line and 235 feet from East Section line. *See* Figure 1. iv. Sources: Groundwater tributary to Wolf Creek, tributary to the West Fork via Wolf Creek Village Well No. 1 and surface water pumped from Wolf Creek via Chipper's Lake Pumping Station, which is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 37 North, Range 1 East, N.M.P.M., 270 feet from North Section line and 290 feet from East Section line. v. Appropriation Date: December 29, 2006. vi. Amount: 8.0 acre feet, conditional. 1. Fill Rate: 0.445 c.f.s. (200 g.p.m.) via Wolf Creek Village Well No. 1, and/or 1.0 c.f.s. (450 g.p.m.) via Chipper's Lake Pumping Station, with the right to fill and refill in priority. 2. The decree entered in Case No. 15CW3021 made absolute Chipper's Lake for 8.0 acre feet, diverted at a fill rate of 0.445 c.f.s. (200 g.p.m.) by Wolf Creek Village Well No. 1 and/or 1.0 c.f.s. (450 g.p.m.) via Chipper's Lake Pumping Station, for augmentation and piscatorial uses pursuant to C.R.S. § 37-92-103(4)(a). 3. The decree entered in Case No. 15CW3021 continued with full force and effect the conditional right for Chipper's Lake refill for 8.0 acre feet for augmentation and piscatorial uses diverted at a fill rate of 0.445 c.f.s. (200 g.p.m.) via Wolf Creek Village Well No. 1 and/or 1.0 c.f.s. (450 g.p.m.) via Chipper's Lake Pumping Station. vii. Uses: Augmentation, piscatorial. **3. Activities During the Diligence Period**: Pursuant to C.R.S. § 37-92-301(4)(b), "[t]he measure of reasonable diligence is the steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts circumstances. When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." The above-described rights originally decreed in Case No. 04CW97 are part of the Bootjack Ranch water system that now and in the future provides water for Bootjack Ranch. These rights comprise an integrated system of water rights and structures under C.R.S. § 37-92-301(4)(b). Since August 2016, Bootjack Ranch has diligently prosecuted the subject water rights, including the activities and expenditures described below. a. Construction & Water System Development Activities: Bootjack Ranch spent more than \$1,000,000 on improvements to its water system including certain of the subject conditional water rights; these activities included but were not limited to: i. Installing pumping equipment, associated plumbing, flow meter, and electrical connections for Front Gate Well, including installing a variable

frequency drive (VFD). ii. Redrilling Wolf Creek Village Well and installing pumping equipment, flow meter, associated plumbing, electrical connections, and VFD. iii. Upgrading and installing a VFD to operate Well WS-5. iv. Completing a spring collection system and other construction activities related to improving the Brown Spring. v. Upgrading the power supply at Oxbow Lake and installing pumping equipment, pipelines, risers and a large capacity sprinkler heads to irrigate the Phillipps Ditch irrigated area and Phillipps Ditch Brown Enlargement irrigated area. vi. Constructing Well WS-1 and installing pumping equipment, flow meter, and associated plumbing, electrical connections, and VFD. vii. Completing construction activities related to the repair work to Oxbow Pond and Oxbow Augmentation Pond. viii. Installing pumping equipment and associated plumbing and electrical connections for WB Turner Pump Nos. 1 and 2, including installing VFDs. ix. Installing a pipeline from WB Turner Pump No. 1 to irrigated pasture field. x. Installing a pipeline from WB Turner Pump No. 2 to the Langworthy Ditch to fill and refresh the BFR Pond and irrigate the pasture. xi. Installing irrigation pipelines and electrical pumps to irrigate around the BFR Pond. xii. Maintenance work on the Upper Twin Lakes. xiii. Constructing Warren Lake, Amy's Lake, and the Bootjack North Augmentation Pond, including installing irrigation systems and associated plumbing and electrical connections.

b. Engineering & Water Consulting Activities: Bootjack Ranch spent more than \$300,000 in engineering and consulting work to defend and perfect the decreed conditional water rights that are the subject of this Application as well as other rights in the system, and to appropriate new water rights for its integrated system of water rights. This work included, but was not limited to: i. Technical support for adjudicating water rights for the Oxbow Pond and Oxbow Augmentation Pond, a new surface water right for Phillipps Ditch – Oxbow Enlargement, and a plan for augmentation for the Oxbow Pond in Case No. 13CW3032. ii. Permitting and redrilling the Wolf Creek Village Well, including construction oversight, geologic logging and sampling, well construction design, and pump specification. iii. Permitting and redrilling Well WS-1 including preparing a variance request, construction oversight, geologic logging and sampling, well construction design, and pump specification. iv. Preparing numerous mapping documents to improve and install new sprinkler irrigation system throughout Bootjack Ranch. v. Multiple site visits to Bootjack Ranch to document flow rates, irrigated area, and beneficial use of the Wolf Creek Village Well, Well WS-1, Well WS-5, Front Gate Well, Phillipps Ditch – Brown Enlargement, Dermody Pump, WB Turner Pumpsites Nos. 1 and 2, and the Brown Spring. vi. Technical support for new water storage rights for BFR Pond, WGA Pond, and the Bootjack South Augmentation Pond; new surface water rights for the W.B. Turner Alternative Pumpsite No. 1 Enlargement; W.B. Turner Alternative Pumpsite No. 2 Enlargement; and a plan for augmentation for the WGA Pond and BFR Pond in Case No. 16CW3034. vii. Technical support and research to correct the point of diversion for the Phillipps Ditch headgate in Case No. 17CW3009. viii. Technical support for a decree making Bootjack Ranch's water rights in the Kelly's Lake Ditch, Queen's Lake, Melinda's Lake, Kelly's Lake, and Michelle's Lake, as well as a portion of the water right decreed to the Brown South Well absolute and continuing in full force and effect a portion of the Brown South Well and Well WS-1 conditional rights in Case No. 17CW3043. ix. Technical support and as-built surveys for a decree for absolute water storage rights for Marie Lake, Elizabeth Lake, Upper Twin Lake 1, Upper Twin Lake 2, Upper Twin Lake 3, an absolute groundwater right for the Brown South Well First Enlargement, and an absolute surface water right for the Elizabeth Lake Ditch in Case No. 17CW3050. x. Technical support for a decree for an augmentation plan, conditional surface water rights for the Warren Ditch, Canon Creek Ditch First Enlargement, Reach 2 Ditch, Amy's Ditch, Bootjack North Diversion, conditional underground water rights for Reach 2 Ponds A through E, and Warren Pond, and conditional storage rights for Warren Lake, Bootjack North Augmentation Pond, and Amy's Lake in Case No. 18CW3051. xi. Technical support in protecting Bootjack Ranch's integrated system of water rights by filing statements of opposition in Case Nos. 17CW3014, 17CW3030, 17CW3041, 21CW3029, and 21CW3014. xii. Compiling Bootjack Ranch's well diversion records and annual submittal to the Division 7 Office of the Colorado Division of Water Resources.

c. Water Counsel Actions: Bootjack Ranch spent more than \$287,000 in legal fees to defend its decreed water rights and to appropriate new water rights for its integrated system of water rights. This work included, but was not limited to: i. Obtaining a decree for new water storage rights for the BFR Pond, WGA Pond, and the Bootjack South Augmentation Pond, new surface water rights for the W.B. Turner

Alternative Pumpsite No. 1 Enlargement, W.B. Turner Alternative Pumpsite No. 2 Enlargement, and a plan for augmentation for the WGA Pond and BFR Pond in Case No. 16CW3034. ii. Correcting the point of diversion for the Phillipps Ditch headgate in Case No. 17CW3009. iii. Obtaining a decree making Bootjack Ranch's water rights in the Kelly's Lake Ditch, Queen's Lake, Melinda's Lake, Kelly's Lake, and Michelle's Lake, as well as a portion of the water right decreed to the Brown South Well absolute and continuing in full force and effect a portion of the Brown South Well and Well WS-1 conditional rights in Case No. 17CW3043. iv. Obtaining a decree for absolute water storage rights for Marie Lake, Elizabeth Lake, Upper Twin Lake 1, Upper Twin Lake 2, Upper Twin Lake 3, an absolute groundwater right for the Brown South Well First Enlargement, and an absolute surface water right for the Elizabeth Lake Ditch in Case No. 17CW3050. v. Obtaining a decree for an augmentation plan, conditional surface water rights for the Warren Ditch, Canon Creek Ditch First Enlargement, Reach 2 Ditch, Amy's Ditch, Bootjack North Diversion, conditional underground water rights for Reach 2 Ponds A through E, and Warren Pond, and conditional storage rights for Warren Lake, Bootjack North Augmentation Pond, and Amy's Lake in Case No. 18CW3051. vi. Protecting Bootjack Ranch's integrated system of water rights by filing statements of opposition in Case Nos. 17CW3014, 17CW3030, 17CW3041, 21CW3029, and 21CW3014. **4. Claim to Make Absolute:** a. Well WS-5, Permit No. 61415-F. i. Date Water Was Applied to Beneficial Use: Bootjack Ranch has applied this water to the decreed beneficial use since 2019 and measured the instantaneous pumping rate for this Application on May 18, 2022. ii. Amount: 0.72 c.f.s. (325 g.p.m.) on May 18, 2022; during the 2020 water year, Bootjack Ranch pumped a total of 32.3 acre feet. iii. Use: Supplemental irrigation. iv. Place of Use: 11 acres within the 100-acre parcel located in the W½ of Section 32, Township 37 North, Range 1 East, N.M.P.M. b. Front Gate Well, Permit No. 79945-F. i. Date Water Was Applied to Beneficial Use: Bootjack Ranch has applied this water to the decreed beneficial use since 2017 and measured the instantaneous pumping rate for this Application on May 9, 2022. ii. Amount: 0.90 c.f.s. (403 g.p.m.) on May 9, 2022; during the 2017 water year, Bootjack Ranch pumped 201 acre feet. iii. Use: Supplemental irrigation. iv. Place of Use: 47 acres of lawns and gardens and pasture located in the SE¼SW¼ of Section 29, Township 37 North, Range 1 East, N.M.P.M. c. Dermody Pump Use Enlargement, Permit No. 64625-F. i. Date Water Was Applied to Beneficial Use: Bootjack Ranch has applied this water to the decreed beneficial use since 2017 and measured the instantaneous pumping rate for this Application on May 9, 2022. ii. Amount: 0.56 c.f.s. (250 g.p.m.); during the 2017 water year, Bootjack Ranch pumped 43.8 acre-feet. iii. Use: Irrigation. iv. Place of Use: 11 acres around Bootjack Lodge and Chipper's Pond, as shown on Figure 1. d. Brown Spring. i. Date Water Was Applied to Beneficial Use: Bootjack Ranch completed the spring collection system in August of 2022, and began using it for the decreed beneficial uses. The instantaneous discharge rate was measured on August 29, 2022. ii. Amount: 0.44 c.f.s. (200 g.p.m.). iii. Use: Irrigation and freshening flows for Michael's Lake decreed in Case No. 98CW88. iv. Place of Use: 5 acres in connection with the use of Michael's Lake and Michael's Lake as shown on Figure 1. e. Phillipps Ditch – Brown Enlargement. i. Date Water Was Applied to Beneficial Use: May 18, 2022. ii. Amount: 0.36 c.f.s. (162 g.p.m.) total, of which Bootjack Ranch claims 0.02 c.f.s. (9 g.p.m.) as absolute in this Application because the decree entered in Case No. 15CW3021 made 0.34 c.f.s. (151 g.p.m.) absolute. iii. Use: Irrigation and year-round firefighting. iv. Place of Use: 41 acres W½ of Section 29, NE¼ of Section 31 and the NW¼ of Section 32, Township 37 North, Range 1 East, N.M.P.M. See Figure 1. f. Chipper's Lake. i. Date Water Was Applied to Beneficial Use: August 29, 2022. ii. Amount: 2.7 acre feet refilled at a rate of 0.64 c.f.s. (287 g.p.m.) from the Wolf Creek Village Well No. 1. iii. Use: Augmentation, piscatorial. iv. Place of Use: NE¼NE¼NE¼, Section 20, Township 37 North, Range 1 East, N.M.P.M., 545 feet from North Section line and 235 feet from East Section line. See Figure 1. WHEREFORE, Applicant requests that the Court enter a decree: A. Making the following portions of the above-listed conditional water rights absolute pursuant to C.R.S. § 37-92-103(4)(a): i. Well WS-5: 0.724 c.f.s. (325 g.p.m.) for supplemental irrigation use of 100 acres located in the W½ of Section 32, Township 37 North, Range 1 East, N.M.P.M., lying east of the West Fork. ii. Front Gate Well: 0.89 c.f.s. (400 g.p.m.) for supplemental irrigation use of 47 acres of lawns and gardens and pasture located in the SE¼SW¼ of Section 29, Township 37 North, Range 1 East, N.M.P.M. iii. Dermody Pump Use Enlargement: 0.4 c.f.s. (180 g.p.m.) for supplemental irrigation use of 11 acres around Bootjack Lodge and

Chipper's Lake. iv. Brown Spring: 0.44 c.f.s. (200 g.p.m.) for natural irrigation of 5 acres together with uses previously decreed to this structure in connection with the use of Michael's Lake decreed in Case No. 98CW88. v. Phillipps Ditch – Brown Enlargement: 0.02 c.f.s. (9 g.p.m) for irrigation use and year-round firefighting of an additional 41 acres above the Phillipps Ditch in addition to the 0.34 c.f.s. (151 g.p.m.) made absolute in Case No. 15CW3021. vi. Chipper's Lake: 2.7 acre feet refilled at a rate of 0.445 c.f.s. (200 g.p.m.) from the Wolf Creek Village Well No. 1 for augmentation and piscatorial uses. B. Finding that the Applicant has been reasonably diligent in finalizing the appropriation of the following portions of the above-listed conditional water rights and continuing these rights in full force and effect: i. Wolf Creek Village Well No. 1: 0.445 c.f.s. (200 g.p.m.) for stock watering and supplemental irrigation of 60 acres generally in the SE¼ of Section 17, Township 37 North, Range 1 East, N.M.P.M. ii. Well WS-5: 0.167 c.f.s. (75 g.p.m.) for supplemental irrigation use of 100 acres located in the W½ of Section 32, Township 37 North, Range 1 East, N.M.P.M., lying east of the West Fork. iii. Front Gate Well: 0.89 c.f.s. (400 g.p.m.) for domestic and livestock watering uses. iv. Dermody Pump Use Enlargement: 0.4 c.f.s. (180 g.p.m.) for supplemental irrigation use of 60 acres in the SE¼ of Section 17, Township 37 North, Range 1 East, N.M.P.M. v. Brown Spring: 0.55 c.f.s. (246 g.p.m.) for natural irrigation of 5 acres together with uses previously decreed to this structure in connection with the use of Michael's Lake decreed in Case No. 98CW88. vi. Phillipps Ditch – Brown Enlargement: 0.64 c.f.s. (287 g.p.m) for irrigation use and year-round firefighting of an additional 41 acres above the Phillipps Ditch. vii. DJ's Lake: 20 acre feet refill right for augmentation use. viii. Chipper's Lake: 5.3 acre feet refill right for augmentation and piscatorial uses. Applicant requests that the Court also make absolute any portions of these conditional rights that are applied to beneficial use during the pendency of this case. C. Granting such other relief as the Court deems just and proper (15 pages including exhibits)

THE WATER RIGHTS CLAIMED BY THE FOREGOING APPLICATION(S) MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT AND PROTEST WITHIN THE TIME PROVIDED BY STATUTE, OR BE FOREVER BARRED.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of October 2022, to file with the Water Clerk, a verified Statement of Opposition, setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing fee: \$192.00; Forms are available through the Office of the Water Clerk or on the Judicial web site at www.courts.state.co.us; Stephanie Dinnocenzo, Water Court Specialist, 1060 E. 2nd Ave., Room 106, Durango, CO 81301; 970-247-2304)

Published: before September 30, 2022

/s/Stephanie Dinnocenzo
Water Court Specialist