

DISTRICT COURT, WATER DIVISION 3, STATE OF COLORADO
TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS FILED IN
WATER DIVISION 3.

Pursuant to C.R.S. 37-92-302(3), you are notified that the following is a resume in Water Division 3, containing notice of applications and certain amendments filed in the office of the Water Clerk during the month of November 2021 for each county affected.

2021CW20 CONCERNING THE AMENDED APPLICATION FOR CHANGE OF WATER RIGHT OF GEORGE W. WHITTEN JR, SAN JUAN RANCH IN SAGUACHE COUNTY.

1. Name of Applicant: George W. Whitten, Jr., 52501 C.R. U, Saguache, CO 81149; moovcows@gmail.com, (719) 655-2003. 2. Decreed water right for which change is sought: A. Name of structure: W-531 Well No. 1 (pump) WDID: 2705232. B. Date of original and all relevant subsequent decrees: 5/15/1975, Case No. W-531; 11/03/1999, Case No. 99CW44, Court: Division 3. C. Legal description of decreed structure: The SW1/4 of the NE1/4 of Section 9, Township 42 North, Range 7 East, NMPM. D. Decreed source of water: Unconfined Aquifer. E. Appropriation Date: 6/1/1951. F. Total amount decreed to structure: Absolute 1,500 gpm. G. Decreed use or uses: Irrigation. H. Amount of water that applicant intends to change: Absolute 1,500 gpm. 3. Detailed description of proposed change: A. The well will be moved to a new location in the center of the NE1/4 of Section 9, T42N, R7E, NMPM, approximately 1,400 feet from the current location. This is to increase efficiency both in consumptive use and energy. There will be no increase in current limitations or area of use. Depth will not exceed 170 feet. Wish to keep the old well as a Domestic and Stock well. B. Change or additional point of diversion: Center of the NE1/4 of Section 9, T42N, R7E, NMPM. **Location information:** 1. PLLS Legal Description: NW1/4 of the NE1/4, Section 9, Township 42N, Range 7E, NMPM in Saguache County. 2. Points of Diversion: a. Location information in UTM format: Easting 394040 Northing 4195990 Zone 13. Source of UTM: DWR-Map. Accuracy of location displayed on GPS Device: 50 Feet. b. Distance from Section Lines: 1,171 feet from North and 1,375 feet from East. Source of PLSS information: Geo Measure. Street address: 44010 C.R. M, Center, CO. 4. Name of landowner: San Juan Ranch, LLC, 52501 C.R. U, Saguache, CO 81149.

2021CW34 CONCERNING THE APPLICATION FOR CHANGE OF WATER RIGHT OF GERALD D. GUNTHER IN SAGUACHE COUNTY.

1. Name of Applicant: Gerald D. Gunther, 44925 County Road B., Center, CO 81125, 2gunthers@gmail.com, (719) 588-2540. **Addition of a Supplemental Well on Field: East Gunther.** 2. Decreed water right for which change is sought: A. Name of structure: Well No. 1, Case No. W-2424, Permit No. 10438-F, WDID 2012349 (Well No. 1). B. Date of original and all relevant subsequent decrees: May 16, 1974, Court: District Court, Water Division No. 3. C. Legal description of decreed structure: Center of the SW1/4 Sec. 26, Township 41 North, Range 7 East NMPM. D. Decreed source of water: Unconfined Aquifer. E. Appropriation date: January 25, 1966. F. Total amount decreed to structure: 1,400 gpm, being 3.12 cfs. G. Decreed use: Irrigation. H. Amount of water that applicant intends to change: 1,400 gpm, being 3.12 cfs. 3. Detailed description of proposed change: A. This filing seeks approval to construct a supplemental well to be used in combination with Well No. 1 to irrigate the historically irrigated land within the SW1/4 Section 26, Township

41 North, Range 7 East, NMPM. The supplemental well will be located within the SW1/4 Section 26, Township 41 North, Range 7 East, NMPM. There will be no increase to the current limitation on pumping or area of use for Well No. 1. The depth of the supplemental well will not exceed 102 feet (the current depth of Well No. 1) or the top of the confining clay series. B. Correction to location of well: Applying to obtain a supplemental well to Well No. 1, Case No. W-2424. C. Change or additional point of diversion: Yes, see above. 4. Name of landowner: Gerald D. Gunther, 44925 County Road B., Center, CO 81125, 2gunthers@gmail.com, (719) 588-2540.

2021CW35 CONCERNING THE APPLICATION FOR CHANGE OF WATER RIGHT OF SAND DUNE FARM LLC IN ALAMOSA COUNTY. 1. Name of Applicant: Sand Dune Farm LLC, 10539 North 104 Rd., Hooper, CO 81136, sales@zapataseedcompany.com, (719) 754-9048. 2. Decreed water right for which change is sought: A. Name of structure: WDID 2006292, Well No. 1, Case No. W-867, Permit No. 46815F. B. Date of original and all relevant subsequent decrees: Sept. 1975, W0867-1, Court: District Court Water Division 3. C. Legal description of decreed structure: SW1/4 of the NE1/4, Section 10, Township 40 North, Range 9 East, NMPM, at a point 2610 feet from the North Section line and 2630 feet from the East section line, in Alamosa County, Colorado. D. Decreed source of water: Unconfined Aquifer. E. Appropriation date: July 31, 1956. F. Total amount decreed to structure: Absolute 1200 gpm. G. Decreed use: Irrigation. H. Amount of water that applicant intends to change: Absolute 1200 gpm. 3. Detailed description of proposed change: A. This filing seeks approval to use well WDID2006292 Permit No. 46815-F as an additional supplemental well to be used with well permit 22291-F and 42381-F to irrigate the historically irrigated land within the NW1/4 Section 10, Township 40 North, Range 9 East, NMPM. The supplemental well requested is located within the SE1/4, Section 10, Township 40 North, Range 9 East, NMPM. There will be no increase to the current limitations on pumping or area of use for wells 22291-F and 42381-F. B. Change or additional point of diversion: See above. **Location Information:** PLLS Legal Description: SW1/4 NE1/4, Section 10, Township 40N, Range 9E, NMPM in Alamosa County. 2. Point of Diversion: a. UTM coordinates: (not provided). b. Distance from Section lines: 2,610 feet from North and 2,630 feet from East. 4. Name of landowner: Sand Dune Farm LLC., 10539 North 104 Rd., Hooper, CO 81136.

2021CW36 CONCERNING THE APPLICATION FOR CHANGE OF WATER RIGHT OF LYNN McCULLOUGH FARMS LLC IN RIO GRANDE COUNTY. 1. Name of Applicant: Lynn McCullough Farms LLC, 2455 East Road 4 North, Monte Vista, CO 81144. lynn@thespudseller.com, (719) 852-4737. 2. Decreed water right for which change is sought: A. Name of structure: Well No. 4, Case W343, Permit No. 12214-R-R, and No. 85245-F WDID 2005138. B. Date of original and all relevant subsequent decrees: July 29, 2004, Case No. 03CW17 Court: District Court, Water Division 3. C. Legal description of decreed structure: SW1/4 of the SW1/4, Section 10, Township 40 North, Range 8 East, N.M.P.M., at a point 487 feet from the South Section line and 13 feet from the West Section line, in Rio Grande County, Colorado. D. Decreed source of water: Unconfined Aquifer of Closed Basin. E. Appropriation date: August 15, 1974. F. Total amount decreed to structure: Absolute 2,000 gpm. G. Decreed

uses: Irrigation and 1 AF of commercial use with no more than 0.5 AF of commercial use being consumptive. H. Amount of water that applicant intends to change: Absolute 1 AF of Commercial Use (0.5 AF consumptive). 3. Detailed description of proposed change: A. Change the point of diversion of the decreed 1 acre-foot per year of commercial use (0.5 acre-feet consumptive use) from the structure stated above to the following structure: Well No. 2 case W0343 (permit # 12212-R-R and WDID 2008880). The proposed diversion structure is located within the same property approximately 488 feet south of currently decreed structure. **Additional Description of Proposed Change:** We are seeking to change to point of diversion of the allowed 1 acre-feet per year of commercial use from the originally decreed point of diversion (Well No. 4 Case W343 Permit No. 12214-R-R and No.85245-F WDID 2005138) to a structure located approximately 488 feet south yet still on the same property. The proposed structure is Well No. 2, Case W0343 (permit # 12212-R-R and WDID 2008880) and also diverts water from the Unconfined Aquifer. Well #2 data: WDID: 2008880, Permit #: 12212-R-R, GPS Data: Easting = 403623, Northing = 4175244. Distances from section lines: 34' North of section line, and 40' East of section line. We seek to keep current allowances and limitations as decreed per 03CW17 allowing for a total of 1 acre-ft to be pumped annually for commercial with no more than 1/2 acre-ft of the commercial use being used consumptively. Well No. 4 (Permit No. 12214-R-R would retain its current irrigation use rights and limitations as set forth in 03CW17. **Location Information:** 1. PLSS Legal Description: SW1/4 of the SW1/4, Section 10, Township 40N, Range 8E, NMPM, in Rio Grande County. 2. Point of Diversion: a. UTM coordinates: Easting 403623, Northing 4175244, Zone 13. Source of UTMs: DWR Site. Distance from Section lines: 34 feet from North and 40 feet from East. Source of PLSS information: Tape measure for distance and DWR site for gps coordinates. 4. Name of landowner: Lynn McCullough Farms LLC., 2455 East Road 4 North, Monte Vista, CO 81144.

2021CW37 CONCERNING THE APPLICATION FOR CHANGE OF WATER RIGHT OF KELLY SMITH AND DUNE VALLEY FARMS, LLC IN SAGUACHE COUNTY. 1. Name of Applicants: Dune Valley Farms, LLC., 56575 County Road AA, Moffat, CO 81143, john@dunevalleyfarms.com, (901) 351-7695; Kelly Smith, P.O. Box 460, Moffat, CO 81143, (719) 256-5866. 2. Decreed water right for which change is sought: A. Name of structure: Well No. 4; WDID: 2505082. B. Date of original and all relevant subsequent decrees: April 30, 1950, 1972, 09/20/1996, 2018, Case No: W-69, 18CW3011, Court: Water Court Div. III. C. Legal description of decreed structure: Well No. 4: NW1/4 NE1/4 of S32, T44N R10E, NMPM, at distances of 150 feet from the North line and 2,100 feet from the East line, in Saguache County, Colorado, UTM Easting: 421495m, Northing: 4209066m, Zone: 13. D. Decreed source of water: Confined Aquifer. E. Appropriation date: April 30, 1950. F. Total amount decreed to structure: Absolute 800 gpm. G. Decreed uses: Irrigation, industrial, commercial, domestic, associated with a cannabis cultivation facility. H. Amount of water that applicant intends to change: Absolute 5 a.f. of consumptive use. 3. Detailed description of proposed change: A. Dune Valley Farms, LLC has obtained a water lease from Kelly Smith to lease 5 acre-feet of fully consumable water from Well No. 4 (decreed in case nos. W-69 and 18CW3011). We request that the Court grant us the ability to drill a new confined aquifer well on our property to divert the leased water from a new point of diversion. We will use the water from the well for year-round irrigation, commercial, industrial, and domestic use on the property of Dune Valley Farms, LLC. This includes irrigation

of the plants, water for employee drinking/sanitary use, creation of infused products and drinks, etc. This new point of diversion will not expand the Well No. 4 water right as has been qualified in Case No. 18CW3011 for 83.267 acre-feet of consumptive use and the original 800 gpm granted in Case No. W-69. If this request is granted, Mr. Smith will limit the use of his Well No. 4 to 78.267 acre-feet annually and 750 gpm for the duration of the lease. Future use of the well shall not exceed 5 acre-feet of consumptive use. We would like to reserve the right to submeter the well by differing efficiencies in the future in order to obtain a higher diversion amount if needed and would propose to use RGDSS efficiencies if approved by the Division of Engineers. Additionally, we will work with the Colorado DWR to drill the new well to approximately the same depth as Well No. 4 and to produce from the confined aquifer as originally decreed. If this request is granted, we will seek to contract the well into Subdistrict #4 in order to comply with the Groundwater Rules. The new well will be metered in accordance with the Division 3 metering rules. B. Change or additional point of diversion: **Location Information:** 1. PLSS Location Information: NW1/4 of the NE1/4, Section 32, Township 44N, Range 10E, NMPM in Saguache County. 2. Point of diversion: a. UTM coordinates: (none provided), Street Address: 56575 County Road AA, Moffat, CO 81143.

2021CW38 CONCERNING THE **APPLICATION FOR CHANGE OF WATER RIGHT OF PHILIP SMARTT IN ALAMOSA COUNTY.** 1. Name of Applicant: Philip Smartt, 7983 North County Road 2 East, Monte Vista, CO 81144, blueskyfarms.slv@gmail.com, (719) 754-2578. **Part A- Addition of a Supplemental Well on Field: Field No. 2.** 2. Decreed water right for which change is sought: A. Name of structure: Well No. 1, Case No. W-82CW18, Permit No. 22261-F, WDID 2008193 (Well No. 1). B. Date of original and all relevant subsequent decrees: September 10, 1982. Court: District Court, Water Division No. 3. C. Legal description of decreed structure: Center of the NE1/4 Sec 20, Township 40 North, Range 9 East, NMPM. D. Decreed source of water: Unconfined Aquifer. E. Appropriation Date: August 13, 1982. F. Total amount decreed to structure: 1,000 gpm, being 2.23 cfs. G. Decreed use: Irrigation. H. Amount of water that applicant intends to change: 1,000 gpm, being 2.23 cfs. 3. Detailed description of proposed change: A. This filing seeks approval to construct a supplemental well to be used in combination with Well No. 1 to irrigate the historically irrigated land within the NE1/4 Section 20, Township 40 North, Range 9 East, NMPM. The supplemental well will be located within the northeastern portion of the NE1/4 Section 20, Township 40 North, Range 9 East, NMPM. There will be no increase to the current limitation on pumping or area of use for Well No. 1. Current limitations are 1,000 gpm for irrigation use on the NE1/4 Section 20, Township 40 North, Range 9 East, NMPM. The depth of the supplemental well will not exceed 110 feet or the top of the confining clay series. B. Correction to location of well: Applying to obtain a supplemental well to Well No. 1, Case No. 82CW18. C. Change or additional point of diversion: Yes, see above. **Part B- Addition of a Supplemental Sell on Field: Field No. 4.** 4. Decreed water right for which change is sought: I. Name of structure: Well No. 1, Case No. 85CW20, Permit No. 22253-F, WDID2008291 (Well No. 1). J. Date of original and all relevant subsequent decrees: September 27, 1985, Court: District Court, Water Division No. 3. K. Legal description of decreed structure: Center of the SE1/4 Sec 20, Township 40 North, Range 9 East, NMPM. L. Decreed source of water: Unconfined Aquifer. M. Appropriation date: March 11, 1977. N. Total amount decreed to structure: 1,000 gpm, being 2.23 cfs. O. Decreed use: Irrigation. P. Amount of water that

applicant intends to change: 1,000 gpm, being 2.23 cfs. 5. Detailed description of proposed change: D. This filing seeks approval to construct a supplemental well to be used in combination with Well No. 1 to irrigate the historically irrigated land within the SE1/4 Section 20, Township 40 North, Range 9 East, NMPM. The supplemental well will be located within the South portion of the SE1/4 Section 20, Township 40 North, Range 9 East, NMPM. There will be no increase to the current limitation on pumping or area of use for Well No. 1. Current limitations are 1,000 gpm for irrigation use on the SE1/4 Section 20, Township 40 North, Range 9 East, NMPM. The depth of the supplemental well will not exceed 110 feet or the top of the confining clay series. E. Correction to location of well: Applying to obtain a supplemental well to Well No. 1, Case No. 85CW20. F. Change or additional point of diversion: Yes, see above. 6. Name of landowner: Philip Smartt, 7983 North County Road 2 East, Monte Vista, CO 81144, blueskyfarms.slv@gmail.com, (719) 754-2578.

2021CW39 CONCERNING THE APPLICATION FOR CHANGE OF WATER RIGHT OF PHILIP E. SMARTT and NINA J. SMARTT IN ALAMOSA COUNTY. 1. Name of Applicants: Philip E. Smartt and Nina J. Smart, 7983 North County Road 2 East, Monte Vista, CO 81144. blueskyfarms.slv@gmail.com, (719) 754-2578. **Addition of a Supplemental Well on Field: Field No. 8.** 2. Decreed water right for which change is sought: A. Name of structure: Well No. 2, Case No. W-3298, Permit No. 17721-F, WDID 2013308 (Well No.2). B. Date of original and all relevant subsequent decrees: April 6, 1978, Court: District Court, Water Division No. 3. C. Legal description of decreed structure: Center of the NE1/4 Sec 5, Township 40 North, Range 9 East, NMPM. D. Decreed source of water: Unconfined Aquifer. E. Appropriation date: October 30, 1973. F. Total amount decreed to structure: 1,000 gpm, being 2.23 cfs. G. Decreed use: Irrigation. H. Amount of water that applicant intends to change: 1,000 gpm, being 2.23 cfs. 3. Detailed description of proposed change: A. This filing seeks approval to construct a supplemental well to be used in combination with Well No. 2 to irrigate the historically irrigated land within the NE1/4 Section 5, Township 40 North, Range 9 East, NMPM. The supplemental well will be located within the northwestern portion of the NE1/4 Section 5, Township 40 North, Range 9 East, NMPM. There will be no increase to the current limitation on pumping or area of use for Well No. 2. Current limitations are 1,000 gpm for irrigation use on the NE1/4 Section 5, Township 40 North, Range 9 East, NMPM. The depth of the supplemental well will not exceed 110 feet or the top of the confining clay series. B. Correction to well location: Applying to obtain a supplemental well to Well No. 2, Case No. W-3298. C. Change or additional point of diversion: Yes, see above. 4. Name of landowners: Philip E. Smartt and Nina J. Smartt, 7983 North County Road 2 East, Monte Vista, CO 81144, blueskyfarms.slv@gmail.com, (719) 754-2578.

CASE NUMBER: 2021CW3022 (15CW3003, 08CW12, 00CW41) APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN MINERAL, HINSDALE, AND RIO GRANDE COUNTIES 1. Applicant's name, address, telephone number, and email: Wolf Creek Ski Corporation ("Wolf Creek") c/o Jennifer M. DiLalla, John E. Peckler, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 300, Boulder, CO 80302. 2. Description of

conditional water rights: The water rights described in paragraphs 3 and 4 below are referred to collectively as the "Subject Water Rights."

2.1 Original decree: July 2, 2002, Case No. 00CW41, in the District Court for Water Division No. 3 ("00CW41 Decree").

2.2 Subsequent decrees awarding findings of diligence: February 12, 2009, Case No. 08CW12; November 5, 2015, Case No. 15CW3003; both in the District Court for Water Division No. 3.

2.3 Other relevant decrees: Snowmaking Diversion Point 3 described in paragraph 3.2 below and other water rights that are part of Wolf Creek's integrated water supply system were originally decreed on July 21, 2000, in Case No. 96CW44 in the District Court for Water Division No. 3 ("96CW44 Decree"). Findings of reasonable diligence for Snowmaking Diversion Point 3 and the other conditional water rights decreed in Case No. 96CW44 were entered on March 24, 2008, in Case No. 06CW15; and on August 2, 2015, in Case No. 14CW3008; both in the District Court for Water Division No. 3.

3. Name of structure: Snowmaking Water Tank 5.

3.1 Legal description: Commencing at the Northwest corner of Tract 37, T37N, R2E, as monumented by a 2-3/8" aluminum pipe with cap marked A.P. 4, and considering the West line of said Tract 37 to bear South to the Southwest corner of said Tract 37 as monumented by a 2-3/8" pipe with cap marked A.P. 5, with all bearings contained herein relative thereto; thence South 28°43' W, 4,300 feet more or less. The location of Snowmaking Water Tank 5 is shown on the map attached as Exhibit A.

3.2 Point of diversion: Commencing at the Northwest corner of Tract 37, T37N, R2E, N.M.P.M., as monumented by a 2-3/8" aluminum pipe with cap marked A.P. 4 and considering the West line of said Tract 37 to bear South to the Southwest corner of said Tract 37 as monumented by a 2-3/8" pipe with cap, marked A.P. 5, with all bearings contained herein relative thereto; thence South 03° 46' West, 3,060 feet more or less. This point is referred to as Snowmaking Diversion Point 3, and shown on the map attached as Exhibit A.

3.3 Source: Unnamed tributaries of Pass Creek, a tributary of the South Fork of the Rio Grande River.

3.4 Appropriation date: December 26, 2000.

3.5 Amount: 500,000 gallons (1.534 acre-feet), conditional.

3.6 Rate of diversion: 1.0 cfs.

3.7 Use: Snowmaking, commercial, domestic, and fire protection uses at the Wolf Creek Ski Area ("Ski Area").

3.8 Remarks: Under the terms of the Special Use Permit for Wolf Creek Ski Area accepted and approved on January 16, 1997, Wolf Creek acknowledges and agrees that the conditional water right for Snowmaking Water Tank 5 is jointly owned by Wolf Creek and the United States of America.

4. Appropriative rights of exchange:

4.1 First appropriative right of exchange:

4.1.1 Legal description: The location of the exchange reach is shown on the map attached as Exhibit B.

4.1.1.1 Exchange-from point: The confluence of the Rio Grande River and the South Fork in Section 34, T40N, R3E, N.M.P.M.

4.1.1.2 Exchange-to point: Snowmaking Diversion Point 3, as described in paragraph 3.2 above.

4.1.2 Source of substitute supply: Up to 1.534 acre-feet of water made available in the Rio Grande River by the San Luis Valley Water Conservancy District ("SLVWCD") in accordance with the following agreements: (a) Contract for Sale of Water between Wolf Creek and SLVWCD dated October 15, 1997, as amended on November 15, 1997; or (b) future agreements between Wolf Creek and SLVWCD, subject to the approval of both parties. Water made available by SLVWCD is subject to decrees in Case No. 94CW62, dated January 7, 1999, and Case No. 84CW16, dated September 6, 1985, both in the District Court for Water Division No. 3, as such decrees may be amended from time to time.

4.2 Second appropriative right of exchange:

4.2.1 Legal description: The location of the exchange reach is shown on the map attached as Exhibit B.

4.2.1.1 Exchange-from points: Locations of accrual of return flows from releases of water from Snowmaking Water Tank 5 for snowmaking, commercial, domestic, and fire protection uses at the Ski Area, in Sections 5, 8, and 9, T37N, R2E, N.M.P.M.

4.2.1.2 Exchange-to points: The points of diversion and places of storage described in the 96CW44

Decree and the 00CW41 Decree. 4.2.2 Source of substitute supply: Return flows from water released from Snowmaking Water Tank 5 for snowmaking, commercial, domestic, and fire protection uses at the Ski Area. 4.3 Third appropriative right of exchange: 4.3.1 Legal description: The location of the exchange reach is shown on the map attached as Exhibit B. 4.3.1.1 Exchange-from points: Locations of accrual of return flows from the use of water stored in and diverted at the facilities described in the 96CW44 Decree for snowmaking, commercial, domestic, and fire protection uses at the Ski Area, in Sections 5, 8, and 9, T37N, R2E, N.M.P.M. 4.3.1.2 Exchange-to points: Snowmaking Diversion Point 3, as described in paragraph 3.2 above. 4.3.2 Source of substitute supply: Return flows from the use of water stored in and diverted at the facilities described in the 96CW44 Decree for snowmaking, commercial, domestic, and fire protection uses at the Ski Area. 4.4 Use: As described in paragraph 3.7 above. 4.5 Combined exchange rate: The maximum combined flow rate for the 3 exchanges is 2.0 cfs. 4.6 Appropriation date: December 26, 2000. 5.0 Outline of work and expenditures during the diligence period toward completion of the appropriations and application of water to beneficial use: 5.1 The Subject Water Rights are components of Wolf Creek's integrated water supply system. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of the water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). 5.2 The diligence period for the Subject Water Rights is November 2015 through November 2021 ("Diligence Period"). During the Diligence Period, Wolf Creek has worked diligently to develop the Subject Water Rights, complete the appropriations, and place the water to beneficial use, as demonstrated by the following representative but non-exhaustive list of activities and expenditures: 5.2.1 Ski Area operations: The Ski Area is located on the Continental Divide in southwestern Colorado, at the headwaters of the South Fork of the Rio Grande. While the Ski Area receives a consistent and generally abundant snowfall (averaging 430" per year), there are nonetheless times when it is necessary to supplement the natural snowfall with artificial snow. The Subject Water Rights are critical components of both the snowmaking capabilities that Wolf Creek relies on each ski season and the domestic and commercial services that Wolf Creek provides its staff and guests. 5.2.2 Ski Area Master Development Plan: In 2015, the United States Forest Service ("USFS") accepted Wolf Creek's Master Development Plan ("MDP") for the San Juan National Forest, including all future proposed projects. (USFS accepted the MDP for the Rio Grande National Forest in 2012, before the beginning of the Diligence Period.) USFS requires all ski areas operating on federal land under a Special Use Permit to have an accepted MDP. Wolf Creek spent \$150,000 for planning, engineering, and legal work related to the MDP. 5.2.3 Snowmaking Water Tank 2: In the summer of 2021, Wolf Creek spent \$1,100,000 working on construction of Snowmaking Water Tank 2, along with associated pumps and water line connections. Wolf Creek also spent approximately \$700,000 during the Diligence Period to install the snowmaking pipelines and power lines necessary for use of Tank 2, which is part of Wolf Creek's integrated water supply system. 5.2.4 Snowmaking infrastructure: Wolf Creek spent roughly \$195,000 purchasing 6 fan guns for making snow, 2 high-pressure booster pumps, and various power lines and snowmaking hoses to operate the new snowmaking guns. Wolf Creek also spent approximately \$25,000 to purchase and install various filters and pumps related to its snowmaking and water treatment facilities. 5.2.5 Internal controls: In 2016, Wolf Creek adopted internal controls to ensure that Wolf Creek can deliver to the Water Commissioner and SLVWCD timely and accurate information regarding Wolf Creek's snowmaking operations. 5.2.6 GIS mapping program: To assist with its planning and operations, Wolf Creek spent \$35,000 on a sophisticated GIS mapping

program. Wolf Creek pays \$4,000 annually in licensing fees for the program. 5.2.7 Long-term water planning: Wolf Creek began working with its legal counsel on long-term water planning efforts. 6. Names and addresses of owners or reputed owners 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: U.S. Forest Service, Rio Grande National Forest, 1803 W. Highway 160, Monte Vista, Colorado, 81144. WHEREFORE, Wolf Creek requests that the Court enter a decree (i) granting this Application; (ii) finding that Wolf Creek has exercised reasonable diligence in developing and completing the appropriations of the Subject Water Rights during the Diligence Period; and (iii) continuing the Subject Water Rights in full force and effect for six years from the month in which a final decree is entered in this case.

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 notified that you have until the last day of January 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 or a protest to the requested correction. A copy of such a statement of opposition or protest must also be served upon the Applicant or the Applicant's attorney and an affidavit or certificate of such service must be filed with the Water Clerk. The filing fee for the Statement of Opposition is \$192.00. Forms may be obtained from the Water Clerk's Office or our website at www.courts.state.co.us. Jennifer Pacheco, Water Clerk, Water Division 3, 8955 Independence Way, Alamosa, CO 81101.