

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 January 2024, for each county affected.

2024CW3000 **La Plata County, Water District No. 33:** **1) Applicant:** GCC Energy, LLC, c/o Chris Dorenkamp, Mine Manager, 6473 County Road 120, Hesperus, CO 81326; **2) Attorney:** Geoffrey M. Craig, The Craig Law Firm LLC, 128 Riverview Dr., Durango, CO 81301; **3) Name of Structures:** GCC Well Field, GCC Reservoir, Huntington Hay Gulch Reservoir, and GCC Hay Gulch Ditch Diversion; **4) Type of Application:** Application to Make Absolute and for a Finding of Reasonable Diligence; **5) Drainage Basin:** La Plata River Basin; **6) Locations:** Well Field: SW¼ of Section 36, T35N, R12W, NMPM; Reservoirs: SE¼ and NE¼ of Section 31, T35N, R11W, NMPM; Ditch: whence the quarter corner on the north line of said Section 23, T35N, R11W, NMPM, bears South 35°55' East a distance of 1102.7 ft.; **7) Decreed Uses:** Well Field and Reservoirs: industrial, commercial, domestic, and augmentation; GCC Hay Gulch Ditch Diversion: filling Huntington Hay Gulch Reservoir; **8) Quantities:** GCC Well Field: 30 gpm, conditional; GCC Reservoir: 20 acre-feet absolute; Huntington Hay Gulch Reservoir: 7 acre-feet absolute and 43 acre feet conditional, with the right to fill and one refill; GCC Hay Gulch Ditch Diversion: 1.7 cfs absolute; **9) Appropriation Dates:** GCC Well Field and GCC Reservoir: December 31, 2007; Huntington Hay Gulch Reservoir and GCC Hay Gulch Ditch Diversion: September 30, 2015; **10) Summary of Activities to Develop Conditional Water Rights:** In April and May of 2023, Applicant diverted in priority through the GCC Hay Gulch Ditch Diversion and stored a total of 112 acre-feet in the Huntington Hay Gulch Reservoir, including 50 acre-feet under the first fill and 50 acre-feet under the second fill for the Huntington Hay Gulch Reservoir water right. This water has been stored and/or released for use for industrial, commercial, domestic, and augmentation purposes, such that the remaining 43 acre-feet conditional water right for the initial fill and the 50 acre-feet conditional refill water right for the Huntington Hay Gulch Ditch Reservoir can be made absolute. Applicant has determined not to construct the GCC Well Field, and abandons that water right. Applicant moved the GCC Reservoir water right to the location of the Huntington Hay Gulch Reservoir in Case No. 2015CW3029 and will not construct the GCC Reservoir at the original location decreed in Case No. 07CW100, which is in the NW¼ of Section 36, T35N, R12W, NMPM. Accordingly, Applicant abandons the original location located in the NW¼ of Section 36, and retains the location for this water right at the location of the Huntington Hay Gulch Reservoir; **11) Landowners:** Huntington Ranches, LLC, a Colorado Partnership, c/o Dan Huntington, 8796 CR 120, Hesperus, CO 81326; **12) Additional Information:** Applicant requests that the Court enter a decree making the Huntington Hay Gulch Reservoir water rights absolute in the amounts and for the uses described above. Applicant further requests that any conditional rights which are not made absolute be retained for an additional six year due diligence period. *See* application for more details. (8 pages including exhibit)

2024CW3001 **MONTEZUMA COUNTY:** **(1) Application to Make Absolute and for Findings of Reasonable Diligence** by Applicant Dolores Water Conservancy District (DWCD), c/o attorneys Maynes, Bradford, Shipp & Sheftel, LLP, 835 E. 2nd Ave., Ste. 123, Durango, CO 81301; **(2) Structures:** Main Canal Nos. 1 and 2, decreed in Case No. 967 (Diligence: 15CW3035, 08CW92, 01CW88, 94CW45, 88CW38, 84CW79, 80CW79, W-597, W-27, CA 967) (Water Division 7) (Some of these decrees include diligence for another 87.3 cfs of the Main Canal rights, owned by Montezuma Valley Irrigation Company (MVIC), still remaining conditional). **(3) Location:** The Main Canal No. 1 and Main Canal No. 2 water rights are diverted from the Dolores River using the Great Cut Dike and Dolores Tunnel (collectively the

“Dolores Project Facilities”); (i) The Great Cut Dike is a structure located about 5 miles upstream from McPhee Dam, on the Dolores River. The axis of the Great Cut Dike is described as follows: The Northwest corner of Section 35, Township 38 North, Range 16 West, N.M.P.M., bears North 40° 26’ West a distance of 2,280 feet from a point on the North end of the axis of the dike from whence the axis bears South 18° 26’ West. UTM location: Zone 12: 713302 Easting, 4154258 Northing; Zone 13: 182966 Easting, 4157568 Northing; (ii) The Dolores Tunnel is located in the NE ¼ of the SE ¼ of Section 7, Township 37 North, Range 15 West, N.M.P.M., being 1868 feet from the South section line and 922 feet from the East section line of said Section 7. UTM Location, NAD83: Zone 12: Northing 4150641, Easting 717394; **(4) Source:** Dolores River; **(5) Use:** Irrigation and incidental domestic and stock water; **(6) Amount:** 381 cfs Absolute; 124 cfs Conditional; **(7) Appropriation Date:** November 25, 1885; **(8) Diligence Activities:** The District expended considerable time and expenditures on maintaining and operating the Dolores Project facilities with an annual operating budget in excess of one million dollars; the remaining conditional portion of the water rights will be developed as part of a project, integrated with the Dolores Project and the District’s other projects, to deliver water for use by the District’s constituents; **(9) Remarks:** The U.S. Bureau of Reclamation is the owner of the land, now under McPhee Reservoir, upon which the original structures for the subject water rights were located. (5 pages)

2024CW3002 Application for Finding of Reasonable Diligence. **1.** Applicant: Bobby Fredrickson 1999 Trust, c/o Jeffrey M. Kane, Southwest Water and Property Law LLC, , 10 Town Plaza, No. 422, Durango, CO 81301; (970) 422-5510; jkane@swpropertylaw.com. **2.** Water rights originally decreed in Case No. 2010CW63 (Aug. 29, 2011) with diligence entered in Case No. 2017CW14 (Dec. 21, 2017): **A. JEM Springs No. 1** (Pitch), a. Location: NE¼ NW¼, Sec 25, T35N, R2W, NMPM, being 913 feet from the North Sec line and 1544 feet from the West Sec line of said Sec 25, UTM N 4123948, E 321394 Zone 13 NAD 83; b. Source: Spring tributary to the San Juan River; c. App. date: July 14, 2010; d. Amount: 0.033 cfs (15 gpm), Conditional; e. Use: Irrigation of 0.30 acres and livestock watering; **B. JEM Springs No. 2** (Chanty), a. Location: NE¼ NW¼, Sec 25, T35N, R2W, NMPM, being 838 feet from the North Sec line and 1497 feet from the West Sec line of said Sec 25, GPS Location: N 4123971, E 321380, Zone 13 UTM NAD 83; b. Source: Spring tributary to the San Juan River; c. App date: July 14, 2010; d. Amount: 0.033 cfs (15 gpm), Conditional; e. Use: Irrigation of 0.30 acres and livestock watering; **C. JEM Springs No. 3** (Shamrock): a. Location: NE¼ NW¼, Sec 25, T35N, R2W, NMPM, being 796 feet from the North Sec line and 1408 feet from the West Sec line of said Sec 25, GPS Location: N 4123984, E 321353 Zone 13 NAD 83; b. Source: Spring tributary to the San Juan River. c. App date: July 14, 2010; d. Amount: 0.033 cfs (15 gpm), Conditional; e. Use: Irrigation of 0.30 acres and livestock watering; **D. JEM Springs No. 4** (Magic), a. Location: NW¼ NW¼, Sec 25, T35N, R2W, NMPM, being 647 feet from the North Sec line and 543 feet from the West Sec line of said Sec 25 UTM N 4124031, E 321090 Zone 13 NAD 83; b. Source: Spring tributary to the San Juan River. c. App date: July 14, 2010; d. Amount and Use: 0.05 cfs, Absolute for livestock watering and Conditional for irrigation of 0.5 acres; **E. JEM Pump No. 1**, a. Location: SE¼ SW¼, Sec 24, T35N, R2W, NMPM, being 420 feet from the South Sec line and 1660 feet from the West Sec line of said Sec 24 UTM N 4124354, E 321436 Zone 13 NAD 83; b. Source: San Juan River; c. App date: July 14, 2010; d. Amount and use: i. 0.25 cfs, Absolute for irrigation of 12 acres; ii. 0.64 cfs, Conditional for irrigation of additional 19.1 acres; **F. JEM Pump No. 2**, a. Location: NE¼ NW¼, Sec 25, T35N, R2W, NMPM, being 948 feet from the North Sec line and 2302 feet from the West Sec line of said Sec 25 UTM N 4123936, E 321625 Zone 13 NAD 83; b. Source: San Juan River; c. App date: July 14, 2010; d. Amount and use: i. 0.22 cfs, Absolute for irrigation of 6.7 acres; ii. 0.75 cfs, Conditional for irrigation of additional 23 acres; **G. JEM Pump No. 3**, a. Location: SE¼ SW¼, Sec 24, T35N, R2W, NMPM, being 844 feet from the South Sec line and 1822 feet from the West Sec line of said Sec 24 UTM N 4124483, E 321488 Zone 13 NAD 83; b. Source: San Juan River; c. App date: July 14, 2010; d. Amount and Use: i. 1.60 cfs, Conditional for irrigation of 48.8 acres; ii. 4.00 cfs Conditional for power generation; **H. JEM Pump No. 4**, a. Location: NE¼ NW¼, Sec 25, T35N, R2W, NMPM, being 647 feet from the North Sec line and 543 feet from the West Sec line of said Sec 25 UTM N 4124031, E 321090 Zone 13 NAD 83; b. Source: Spring tributary to the San Juan River (JEM Spring No. 4); c. App date: July 14, 2010;

d. Amount: 0.50 cfs, Conditional; e. Use: Irrigation of 20 acres. **3.** Outline of activities and expenditures to complete appropriation: **A.** From 2017 to 2023, up to 9 acre-feet per year was diverted using the JEM Pump No. 2 for irrigation, up to 5 acre-feet per year was diverted using JEM Pump No. 3 for irrigation of 10 to 15 acres, an unquantified amount was diverted from Pump No. 2 for irrigation, and JEM Spring Nos. 1, 2, 3, and 4 were used for livestock watering; **B.** Since acquiring the property on which these structures are located in 2022, Applicant has expended \$10,218.86 on equipment, materials, and labor to improve and divert to beneficial use water from JEM Pump Nos. 1, 2, and 3 and JEM Spring Nos. 1, 2, 3, and 4. **4.** Applicant is the owner of the land upon which each of the above structures is located. **5.** Each structure is a feature of an integrated system to irrigate, restore, and use Applicant's 105 acre ranch as contemplated by C.R.S. § 37-92-301(4)(b). **6.** Applicant requests entry of a decree (a) confirming that Applicant has been reasonably diligent and continuing each of these conditional water rights and (b) awarding as absolute any portions of the conditional water rights that are shown to have been put to beneficial use during the pendency of this case. (7 pages)

2024CW3003 **LA PLATA COUNTY, WATER DISTRICT NO. 30:** **1) Applicant:** Southern Ute Indian Tribe, Attn: Peter Nylander, Division of Water Resources, P.O. Box 737, Ignacio, CO 81137 (970)563-0125; **2) Attorneys:** Adam T. Reeves, Lindsey A. Ratcliff, Maynes, Bradford, Shipp & Sheftel, LLP, 835 East Second Avenue, Suite 123, Durango, CO 81301; **3) Type of Application:** Finding of Reasonable Diligence; **4) Name of Structure or Plan:** Little War Ditch; **5) Water Rights:** originally decreed in Case No. 96CW119, Water Division 7; diligence finding entered in Case Nos. 17CW3022, 03CW86 and 10CW52; **6) Drainage Basin:** Animas River; **7) Location:** NE4 SE4 NE4, Sec. 24, T34N, R10W, N.M.P.M., 200 feet West of the East section line and 1,800 feet South of the North section line; **8) Appropriation Date:** Nov. 18, 1996; **9) Use:** Irrigation of 15 acres on the west side of the Animas River; **10) Outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed:** Applicant expended time to obtain competitive quotes to install pumps and K-lines at the Little War Ditch in an effort to budget and plan for perfection of this right; Applicant expended time and \$4,430 to install electricity at the property for use at the Little War Ditch pump; Applicant has instituted an inter-disciplinary water use options team to evaluate the totality of Applicant's water rights portfolio which operates as an integrated project to serve the Southern Ute Indian Tribe and its membership. Among the rights subject to evaluation is that applied for here; **11) Remarks:** Applicant is the owner of the land upon which any new diversion or storage structure is or will be constructed. (4 pages)

2024CW3004 (07CW103) DISTRICT COURT, WATER DIVISION NO. 7, STATE OF COLORADO, 1060 2nd Avenue, P.O. Box 3340, Durango, CO 81301, **CONCERNING THE APPLICATION FOR WATER RIGHTS OF SQUARE TOP RANCH LLC, IN ARCHULETA COUNTY, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND REQUEST TO MAKE ABSOLUTE IN PART.** 1. Name, Address, Telephone Number, and Email Address of Applicants: Square Top Ranch LLC, c/o Matt Cook, 3 Oak Court, Oak Brook, IL 60521, mcook@wmcookmgmt.com (773) 972-1762, Direct All Pleadings to: Steven J. Bushong, Kate A. Bosh, Bushong & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, Colorado 80302, sbushong@bh-lawyers.com; kbosh@bh-lawyers.com 2. Summary of Application: Applicant owns and operates the Square Top Ranch on approximately 1700 acres located in Archuleta County, Colorado (referred to herein as the "Ranch"). The Ranch is located in parts of Sections 28, 29, 32, 33 and 34 in Township 35 North, Range 1 East, N.M.P.M., and parts of Sections 3, 4 and 5 Township 34 North, Range 1 East, N.M.P.M., as generally depicted in **Exhibit A** attached hereto. In addition to receiving approval for a Plan for Augmentation and Change of Water Rights, Applicant was granted conditional water rights in Case No. 07CW103, decreed January 5, 2018, in Water Division 7. The Applicant requests a finding that it has exercised reasonable diligence in the development of these conditional water rights for all conditional uses and amounts, and to make a portion of those water right absolute. 3. Date of Original Decree: January 5, 2018, Case No. 07CW103, District Court Water Division 7 ("07CW103 Decree"). 4.

Subsequent Decrees: N/A. 5. Description of Conditional Ground Water Rights. 5.1. Names of Structures: 5.1.1. Square Top Well Field No. 1. 5.1.2. Square Top Well Field No. 2. 5.1.3. Square Top Well Field No. 3. 5.1.4. Square Top Well Field No. 4. 5.2. Legal Description of Structures. Square Top Well Field Nos. 1 – 4 (referred to herein as the “Well Fields”) shall be located entirely on the Ranch. Wells may be drilled anywhere within the Well Fields as deemed necessary by Applicant to provide for the needed water supply. The Well Fields are located as follows: 5.2.1. Square Top Well Field No. 1. This Well Field is approximately 13.70 acres with the center of the Well Field located in the NW ¼ NE ¼ of Section 34, T35N, R1E, at a point approximately 1,030 feet from the North section line and 2,480 feet from the West section line of said Section, as generally depicted on Exhibit A, 5.2.2. Square Top Well Field No. 2. This Well Field is approximately 23.8 acres, the center of which is located in the NE ¼ NE ¼ of Section 5, T34N, R1E, at a point approximately 789 feet from the North section line and 256 feet from the East section line of said section, as generally depicted on Exhibit A, 5.2.3. Square Top Well Field No. 3. This Well Field is approximately 9.0 acres with the center of the Well Field located in the SW ¼ NW ¼ of Section 34, T35N, R1E, at a point approximately 2,384 feet from the North section line and 581 feet from the West section line of said Section, as generally depicted on Exhibit A. An existing well within this Well Field is located at a point 2,462 feet from the North line and 690 feet from the West line of said Section 34, under well permit no. 267015, 5.2.4. Square Top Well Field No. 4. This well field is approximately 32.1 acres, the center of which is located in the NW ¼ SE ¼ of Section 28, T35N, R1E, at a point approximately 1,358 feet from the South section line and 1,825 feet from the East section line of said section, as generally depicted on Exhibit A, 5.2.5. Remarks: Pursuant to the 07CW103 Decree the location of the above-described Well Fields may be modified without changing the water rights or amending the 07CW103 Decree as long as the Well Fields are located entirely on the Ranch. The specific points of diversion for additional individual wells that will make up the Well Fields shall be identified when the water rights are made absolute. The lagged depletions from the Well Fields will be confirmed or recalculated after wells are drilled to avoid injury to other water rights from well pumping, 5.3. Source: The source for the Well Fields is groundwater tributary to Sheep Cabin Creek, tributary to the Rito Blanco, tributary to the Rio Blanco, tributary to the San Juan River, 5.4. Depth: The depth of individual wells that will constitute the Well Fields may be based upon conditions encountered in drilling, but the specific depth for each well must be identified when the wells are made absolute, 5.5. Priority and Date of Appropriation for Well Fields: The water rights for the Well Fields described in this Section were decreed with a priority of 2007 and an appropriation date of December 31, 2007, 5.6. Decreed Diversion Rate and Amount: Total combined diversion rate up to 250 gpm (conditional) for the Well Fields and all wells therein, including the existing permitted well (well permit no. 267015). The precise flow rate for each well will depend upon information collected when the wells are drilled. The total capacity of all wells may exceed 250 gpm. The total combined annual diversions will not exceed 135.36 acre-feet per year, 5.7. Decreed Beneficial Uses: Domestic, commercial, irrigation of lawn, garden and landscaping around dwellings, supplemental agricultural irrigation, stock watering and equestrian use, fire protection, construction, augmentation and exchange, replacement of evaporation losses, decorative water features, and incidental aesthetic and wildlife uses associated with maintaining water levels in storage. The Well Fields are part of an interconnected potable and raw water system that will supply the Ranch directly and/or may be used to fill or refill the Lakes described in paragraph 7.2, below, for the beneficial uses described in paragraph 7.6. Irrigation under the Well Fields is limited to the Ranch property shown in Exhibit A hereto and will not be used to increase the necessary duty of water for agricultural irrigation. Agricultural lands irrigated by the Well Fields have been historically irrigated under prior existing decrees as described in paragraph 28 of the 07CW103 Decree, 5.8. Names and Address of the Owner of Land on Which the Structures are Located. Square Top Ranch LLC, a Colorado Limited Liability Company, see Paragraph 1 above. 6. Description of Conditional Surface Water Rights. 6.1. Names of Structures: 6.1.1. Square Top Diversion No. 1, 6.1.2. Square Top Diversion No. 2, 6.1.3. Square Top Diversion No. 3, 6.1.4. Square Top Diversion No. 4, 6.1.5. Square Top Diversion No. 5, 6.1.6. Sig Brown Ditch Enlargement, 6.1.7. Sheep Cabin Ditch Second Enlargement, 6.2. Legal Descriptions of Surface Diversions. The above-listed structures are collectively referred to herein as the “Surface Diversions” and

are located as follows: 6.2.1. Square Top Diversion No. 1. Located on a tributary of Sheep Cabin Creek (referred to as the Middle Fork of Sheep Cabin Creek) in the NE ¼ NW ¼ of Section 34, T35N, R1E, at a point approximately 605 feet from the North line and 2,081 feet from the West line of said Section, 6.2.2. Square Top Diversion No. 2. Located on a tributary of Sheep Cabin Creek (referred to as the Middle Fork of Sheep Cabin Creek) in the SE ¼ NE ¼ of Section 5, T34N, R1E, at a point approximately 1,551 feet from the North line and 673 feet from the East line of said Section, 6.2.3. Square Top Diversion No. 3. Located on a tributary of Sheep Cabin Creek (referred to as the South Fork of Sheep Cabin Creek) in the SE ¼ NW ¼ of Section 4, T34N, R1E, at a point approximately 1,618 feet from the North line and 1,408 feet from the West line of said Section, 6.2.4. Square Top Diversion No. 4. Located on a tributary of Sheep Cabin Creek (referred to as the Middle Fork of Sheep Cabin Creek) in the NW ¼ NW ¼ of Section 4, T34N, R1E, at a point approximately 364 feet from the North line and 500 feet from the West line of said Section, 6.2.5. Square Top Diversion No. 5. Located on a tributary of Sheep Cabin Creek (referred to as Middle Fork of Sheep Cabin Creek) in the SE ¼ NE ¼ of Section 33, T35N, R1E at a point approximately 2,254 feet from the North section line and 429 feet from the West section line of said Section, 6.2.6. Sig Brown Ditch Enlargement. The Sig Brown Ditch Enlargement diverts at the original Sig Brown Ditch headgate in the NE ¼ NW ¼ of Section 34, T35N, R1E, 1,142 feet from the North line and 1,928 feet from the West line of said section, 6.2.7. Sheep Cabin Ditch Second Enlargement. The Sheep Cabin Ditch Second Enlargement diverts at the original headgate for the Sheep Cabin Ditch and Enlargement, located on the West bank of Sheep Cabin Creek at a point which bears North 51 degrees 35 minutes East 489 feet from the 1/16 corner, one-quarter (1/4) of a mile West of the Southeast corner of Section 34 in Township 35 North of Range 1 East, N.M.P.M. That point is also described as being located in the SE ¼ SE ¼ of Section 34, T35N, R1E, at a point approximately 924 feet from the East line and 309 feet from the South line of said Section, 6.3. Decreed Source. Each Surface Diversion structure will divert surface flow from the following sources: 6.3.1. Square Top Diversion No. 1. Middle Fork of Sheep Cabin Creek, 6.3.2. Square Top Diversion No. 2. Middle Fork of Sheep Cabin Creek, 6.3.3. Square Top Diversion No. 3. South Fork of Sheep Cabin Creek, 6.3.4. Square Top Diversion No. 4. Middle Fork of Sheep Cabin Creek, 6.3.5. Square Top Diversion No. 5. Middle Fork of Sheep Cabin Creek, 6.3.6. Sig Brown Ditch Enlargement. Middle Fork of Sheep Cabin Creek, 6.3.7. Sheep Cabin Ditch Second Enlargement. South Fork of Sheep Cabin Creek. The above sources are all tributaries of Sheep Cabin Creek, tributary to the Rito Blanco, tributary to the Rio Blanco, tributary to the San Juan River, 6.4. Priority. The water rights for the Surface Diversions described in this Section were decreed with a priority of 2010 and an appropriation date of December 31, 2007, 6.5. Decreed Diversion Rate, 6.5.1. Square Top Diversion No. 1. 0.5 cfs (conditional), 6.5.2. Square Top Diversion No. 2. 0.5 cfs (conditional), 6.5.3. Square Top Diversion No. 3. 0.75 cfs (conditional), 6.5.4. Square Top Diversion No. 4. 1.0 cfs (conditional), 6.5.5. Square Top Diversion No. 5. 1.0 cfs (conditional), 6.5.6. Sig Brown Ditch Enlargement. 3.0 cfs (conditional), in addition to the senior water rights decreed to the Sig Brown Ditch, described at paragraph 28.B of the 07CW103 Decree, 6.5.7. Sheep Cabin Ditch Second Enlargement. 3.0 cfs (conditional), in addition to the senior water rights decreed to the Sheep Cabin Ditch and Enlargement, described at paragraph 28.A of the 07CW103 Decree, 6.6. Decreed Beneficial Uses. The Surface Diversions will be used to fill, refill and provide flow-through water to the Lakes described in paragraph 7.2, below, for the subsequent beneficial uses identified in paragraph 7.6, 6.7. Name and Address of the Owner of Land on Which the Surface Diversion Structures are Located. The existing headgate and a portion of the ditch for the Sheep Cabin Ditch Second Enlargement is located on land owned by Charles L. Regester, P.O. Box 44331, Phoenix, Arizona 85064, and the rest of the ditch is on the Ranch. The remaining Surface Diversion structures and/or the portion thereof that is affected by this decree are on Ranch property owned by the Applicant. 7. Description of Conditional Storage Rights, 7.1. Names of Structures, 7.1.1. Square Top Lake No. 1, 7.1.2. Square Top Lake No. 2, 7.1.3. Square Top Lake No. 3, 7.1.4. Square Top Lake No. 4, 7.1.5. Square Top Lake No. 5, 7.1.6. Square Top Lake No. 6, 7.1.7. Square Top Lake No. 7, 7.1.8. Square Top Lake No. 8, 7.2. Legal Description of Structures: Square Top Lake Nos. 1 – 8 (collectively the “Lakes”) will be located as follows: 7.2.1. Square Top Lake No. 1. The Pond will be constructed in the NE ¼ NW ¼ of Section 34, T35N, R1E, at a point approximately 1,285 feet

from the North section line and 2,181 feet from the West section line of said section, 7.2.2. Square Top Lake No. 2. The Pond will be constructed in the SE ¼ NE ¼ of Section 5, T34N, R1E, at a point approximately 1,621 feet from the North section line and 781 feet from the East section line of said section, 7.2.3. Square Top Lake No. 3. The Lake will be constructed in the NE ¼ NE ¼ of Section 5, T34N, R1E, at a point approximately 943 feet from the North section line and 155 feet from the East section line of said section, 7.2.4. Square Top Lake No. 4. The Lake will be constructed in the NW ¼ NW ¼ of Section 4, T34N, R1E, at a point approximately 442 feet from the North section line and 95 feet from the West section line of said section, 7.2.5. Square Top Lake No. 5. The Lake will be constructed in the NW ¼ NW ¼ of Section 4, T34N, R1E, at a point approximately 1,105 feet from the North section line and 997 feet from the West section line of said section, 7.2.6. Square Top Lake No. 6. The Lake will be constructed in the SW ¼ NE ¼ of Section 33, T35N, R1E, at a point approximately 2,081 feet from the North section line and 2,247 feet from the East section line of said section, 7.2.7. Square Top Lake No. 7. The Lake will be constructed in the SW ¼ NE ¼ of Section 33, T35N, R1E, at a point approximately 2,570 feet from the North section line and 1,761 feet from the East section line of said section, 7.2.8. Square Top Lake No. 8. The Lake is a natural lake, although it may be enlarged. The enlarged Lake will be constructed in the NE ¼ NW ¼ of Section 33, T35N, R1E, at a point approximately 65 feet from the North section line and 1,754 feet from the West section line of said section, 7.2.9. Remarks: Pursuant to the 07CW103 Decree the location of the Lakes given in this paragraph 7.2 may be altered during construction without changing the water rights or amending the 07CW103 Decree, so long as the Lakes are located on the Ranch. The legal description of each Lake shall be identified at the time the structures are made absolute. If Square Top Lake No. 8 is not enlarged, then it remains a natural water body for which a water right is not required, 7.3. Decreed Source, 7.3.1. Square Top Lake Nos. 1 – 7. Surface water and ground water supplied by wells tributary to the Middle Fork and South Fork of Sheep Cabin Creek. The Surface Diversion structures described above in paragraph 6.2 and the Well Fields described above in paragraph 5.2 may be used as a source, 7.3.2. Square Top Lake No. 8. This lake is a natural on-channel lake which may be enlarged, with the source derived from natural flows and/or from runoff at the rate thereof tributary to Sheep Cabin Creek. The Well Fields described above in paragraph 5.2 may also be used as a source, 7.4. Priority and Date of Appropriation. The storage rights for the Lakes described in this Section were decreed with a priority of 2010, with an appropriation date of December 31, 2007, 7.5. Decreed Storage Volumes, 7.5.1. Square Top Lake No. 1. 7.8 acre-feet, conditional, 7.5.2. Square Top Lake No. 2. 10.6 acre-feet, conditional, 7.5.3. Square Top Lake No. 3. 5.2 acre-feet, conditional, 7.5.4. Square Top Lake No. 4. 27.9 acre-feet, conditional, 7.5.5. Square Top Lake No. 5. 17.3 acre-feet, conditional, 7.5.6. Square Top Lake No. 6. 16.4 acre-feet, conditional, 7.5.7. Square Top Lake No. 7. 9.0 acre-feet, conditional, 7.5.8. Square Top Lake No. 8. 10.3 acre-feet, conditional, 7.5.9. Remarks: Pursuant to the 07CW103 Decree, the storage volume for the Lakes may be altered during construction without changing the water rights or amending the 07CW103 Decree, so long as the total collective volume of all the Lakes that are constructed do not exceed 104.6 acre-feet. The storage volume of each of the Lakes shall be identified at the time the structures are made absolute. The Lakes may be filled and refilled and, when water is available, water will be allowed to flow through the Lakes to both replace evaporation losses and maintain water quality, 7.6. Decreed Beneficial Use for Lakes: Beneficial use of water stored in the Lakes shall include the following: Storage for domestic, commercial, supplemental irrigation, stock watering and equestrian use, piscatorial, recreation, fire protection, construction, augmentation and exchange, replacement of evaporation losses, decorative water features, and incidental aesthetic uses and wildlife uses associated with maintaining water levels in the Lakes. Irrigation is limited to the Ranch and cannot be used to increase the necessary duty of water for agricultural irrigation. All agricultural lands irrigated by the Lakes have been historically irrigated under prior existing decrees as described in paragraph 28 of the 07CW103 Decree. Water stored may be beneficially used in the Lakes or outside of the Lakes. In addition to these beneficial uses associated with the water rights decreed to the Lakes herein, nothing shall preclude Applicant from using the Lakes for temporary storage of water for 72 hours under the Senior Rights described in paragraph 29 of the 07CW103 Decree for subsequent irrigation, 7.7. Surface Area for Lakes. The specifications of the Lakes will be verified at the time they are made

absolute. Constructed surface area of Lakes shall be addressed in the augmentation plan accounting per the 07CW103 Decree. In no event shall the total surface of the Lakes exceed 13.1 surface acres without amendment of the 07CW103 Decree, 7.8. Names and Address of the Owner of Land on Which the Structures are Located. Square Top Ranch LLC, a Colorado Limited Liability Company, *see* Paragraph 1 above. 8. Request to Make Absolute in Part: Applicant constructed the following storage structures on the Ranch and stored water in the amounts described below for all decreed uses described in paragraph 7.6 above: 8.1. Square Top Lake No. 1: 8.1.1. Volume: 19.66 acre-feet. A Storage Capacity Chart for the Lake is attached hereto as **Exhibit B1**, 8.1.2. Location: SE1/4, NW1/4 of Section 34, Township 35 North, Range 1 East of the N.M.P.M. in Archuleta County, CO. UTM Coordinates for Dam: 337434 E, 4121772 N, in NAD 83 UTM Zone 13N, 8.1.3. Surface Area: 2.42 surface acres, 8.1.4. Date of Filling: July 2022, 8.1.5. Remarks: The Lake was filled during free river conditions with decreed sources, 8.2. Square Top Lake No. 3: 8.2.1. Volume: 2.3 acre-feet. A Storage Capacity Chart for the Lake is attached hereto as **Exhibit B2**, 8.2.2. Location: NE1/4, NE1/4 of Section 5, Township 34 North, Range 1 West of the N.M.P.M. in Archuleta County, CO. UTM Coordinates for Dam: 335127 E, 4120586 N, in NAD 83 UTM Zone 13N, 8.2.3. Surface Area: 0.48 surface acres, 8.2.4. Date of Filling: July 2021, 8.2.5. Remarks: The Lake was filled during free river conditions with decreed sources, 8.3. Square Top Lake No. 4: 8.3.1. Volume: 12.68 acre-feet. A Storage Capacity Chart for the Lake is attached hereto as **Exhibit B3**, 8.3.2. Location: NW1/4, NW1/4 of Section 4, and the NE1/4, NE1/4 of Section 5, Township 34 North, Range 1 West of the N.M.P.M. in Archuleta County, CO. UTM Coordinates for Dam: 335187 E, 4120663 N, in NAD 83 UTM Zone 13N, 8.3.3. Surface Area: 1.59 surface acres, 8.3.4. Date of Filling: June 2021, 8.3.5. Remarks: The Lake was filled during free river conditions with decreed sources, 8.4. Remarks: 8.4.1. As described in paragraph 7.2.9 above, pursuant to the 07CW03 Decree, the location of the Lakes described in paragraph 7 may be altered during construction without changing the water rights or amending the 07CW103 Decree, so long as the Lakes are located on the Ranch. The 07CW103 Decree also requires the legal description of each Lake to be identified at the time such structures are made absolute. This application therefore seeks to identify the as-built location of the Lakes on the Ranch as described in this paragraph 8, 8.4.2. As described in paragraph 7.5.9 above, pursuant to the 07CW103 Decree, the storage volume for the Lakes described in paragraph 7 may be altered during construction without changing the water rights or amending the 07CW103 Decree, so long as the total collective volume of all the Lakes that are constructed do not exceed 104.6 acre-feet. The cumulative volume claimed absolute in this paragraph 8 is 34.64 acre-feet. This application therefore seeks to claim a cumulative total of 34.66 acre-feet for the Lakes described in this paragraph 8, leaving any portion of the total 104.6 acre-feet not made absolute herein available for construction of the other Lakes, 8.4.3. As described in paragraph 7.7 above, pursuant to the 07CW103 Decree, in no event shall the total surface of Lakes exceed 13.1 surface acres without amendment of the 07CW103 Decree. The cumulative surface area of the structures claimed absolute in this paragraph 8 is 4.49 surface acres. This application therefore seeks to claim a cumulative total of 4.49 surface acres for the Lakes described in this paragraph 8, leaving any portion of the total 13.1 surface acres not made absolute herein available for construction of the other Lakes. 9. Request for Findings of Reasonable Diligence: Applicant seeks a finding that it has exercised reasonable diligence in the development of the conditional water rights as described in Paragraphs 5, 6, and 7 above, for all conditional amounts and uses not decreed absolute herein. 10. Diligence Activities: During the subject diligence period, Applicants' efforts toward development of the subject water rights include, but are not limited to, the following: 10.1. The subject water rights are part of an integrated water supply system that will, among other things, be used to provide domestic, irrigation, stock watering, and other uses to the Ranch. Applicant has engaged in numerous activities during the relevant diligence period that demonstrate diligence toward the application of the subject water rights to the decreed beneficial uses and has incurred significant expense in investigations and capital improvements related to its water supply facilities in order to provide a dependable legal and physical supply of water to the Ranch. All such expenditures are necessary steps in the development of the Ranch's integrated water supply system and the subject water rights, 10.2. Applicant made substantial expenditures to construct and fill Square Top Lake Nos. 1, 3, and 4, as described in paragraph 8 above. The Lakes function within

the Ranch's larger integrated water supply system. Such storage of water is evidence of reasonable diligence in the development of the remaining subject water rights, 10.3. Applicant made improvements to utilize certain of the surface water rights described above in Paragraph 6 to fill the constructed Lakes and will be installing measuring equipment required to make those surface water rights absolute, 10.4. Applicant consulted professional engineers at SGM for engineering and water rights matters and continues to do so to plan for future projects. The cost for these services during the subject diligence period was more than \$39,000, 10.5. Applicant completed a major project on its Porcupine Ditch located on the Ranch including three drop structures to address elevation changes and to prevent erosion and water loss. Applicant also installed piping in the Porcupine Ditch and removable steel grates for inspection and maintenance, 10.6. Applicant conducted several efficiency projects on the Sheep Cabin Ditch and Porcupine Ditch, including the construction of silt traps and the hiring of excavators to clear obstructions, 10.7. Applicant engaged a full-time ranch hand to conduct ongoing maintenance and repair of irrigation ditches such as regularly clearing obstructions in the ditch, ensuring inbound waterways are clear, and fixing historical blow outs, 10.8. Applicant made substantial expenditures to clean and retrench the lateral complex used for irrigation of the Ranch, 10.9. Applicant is in the process of designing a fourth pond, to be built on the Ranch and interconnected with Square Top Lake Nos. 1, 3, and 4, 10.10. Applicant constructed a home on the Ranch during the diligence period. Applicant also engaged an architect for the construction of a lodge on the Ranch and will be initiating construction of a barn on the Ranch in the near future, 10.11. Applicant continues to rely upon the subject water rights and fully intends to develop and utilize the subject water rights for the full decreed amounts and has no intention to abandon them. WHEREFORE, Applicant respectfully requests that the Court enter a decree finding that (1) Applicant has made the subject water rights absolute in the amounts and for the uses claimed in paragraph 8 above; (2) Applicant has proceeded with reasonable diligence toward the completion of the appropriation of the subject water rights; (3) continuing the remaining conditional portions of the subject water rights not made absolute herein in full force and effect; and (4) granting such other and further relief as deemed appropriate. (17 pages including exhibits)

2024CW3005 Application to Make Absolute in Whole or in Part or in the Alternative for a Finding of Reasonable Diligence; 1. Applicant: Eric Romero, c/o Kimberly C. Perdue, Southwest Water and Property Law LLC, 10 Town Plaza, No. 422, Durango, CO 81301; (970) 422-5510; kperdue@swpropertylaw.com. 2. Structure: Jividen Diversion; i. Location: 1600 feet North and 1100 feet West of the SE Corner of Section 36 Township 33 North, Range 10 West, N.M.P.M., La Plata County, Colorado; ii. Source of water: Animas River; iii. Appropriation date: February 1, 2003; iv. Amount: 0.525 c.f.s., conditional; v. Use: Irrigation of 21 acres in the E/2 SE/4 Section 36, Township 33, Range 10 West, N.M.P.M., and fire protection; 3. Applicant is the owner of the land upon which these structures are located. See map filed with application. (20 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 March 2024, 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; Jason Poyer, Water Court Specialist, 1060 E. 2nd Ave., Room 106, Durango, CO 81301; 970-247-2304)

Published: before February 29, 2024

/s/ Jason Poyer
Water Court Specialist