

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 July 2023, for each county affected.

23CW9 **Josh Gardner and Megan Gardner**, 42037 Rd. J. 75 Mancos, CO 81328; **Gardner Spring**: Montezuma County; SW1/4NW1/4, Section 27, T36N, R13W, NMPM; 2,192.6 feet from North section line, 103.2 feet from West section line; UTM coordinates, 37.35053 Easting, 108.27938 Northing; Source, Mancos River, 24 (gpm) Use, Irrigation, storage right for fire mitigation, livestock, and gardening; Irrigated 3.45 acres, Build 0.5 acre pond for storage. See application for further details; Application to Make Absolute (5 pages including exhibits)

23CW10 **Eric Lindgren**, 14567 Road G Cortez, CO 81321; **Lindgren Pump**: Montezuma County; NE1/4NW1/4NW1/4, Section 35, T36N, R18W, NMPM; 423 feet from North section line, 1,035 feet from West section line; UTM coordinates, Zone 13, 162857.09 Easting, 4139438.75 Northing; Source: McElmo Creek, Appropriation Date: July 30, 2010. Amount: 0.4 (cfs) Use: Irrigation of 6 acres. Previous Decrees: 10CW50, 16CW29. See application for further details; Application for finding of reasonable diligence (13 pages including exhibits)

23CW3020 **La Plata County, Water District 30: 1) Applicant:** Barn House Properties LLC (“BHP”), 27630 N. 144th St., Scottsdale, AZ 85262; Coon Creek Ranch, LLC, 10862 CR 250, Durango, CO 81301; **2) Attorney:** Geoffrey M. Craig, The Craig Law Firm LLC, 128 Riverview Dr., CO 81301; **3) Name of Structures:** Goodman Well (“the Well”), originally decreed in Case No: 05CW94, made partially absolute and diligence entered in Case Nos. 2013CW3025 and 2020CW3029; **4) Type of Application:** Application to Make Absolute and for a Finding of Reasonable Diligence; **5) Drainage Basin:** Groundwater tributary to Animas River; **6) Location:** NW1/4NW1/4 Section 31, T37N, R8W, NMPM; **7) Quantities and Uses:** Conditional amounts which this application concerns are: 0.779 cfs (350 gpm) conditional for commercial use and domestic use inside up to 5 homes, and filling and refilling of ponds for these uses; **8) Appropriation Date:** August 9, 1996; **9) Summary of Activities to Develop Water:** Applicant BHP has used the Well for domestic use inside 2 homes and a related outbuilding. Applicants have maintained the Well and have continued to divert 350 gpm from the well for decreed uses. Applicants’ properties are suitable for certain commercial uses, which may be developed in the future. Applicants water attorney has performed legal work on Applicant’s water rights, and Applicants have spent considerable funds on water development; **10) Owners of Land Upon Which New Structures Will Be Located:** The Well and any new structures to be watered from the Well are located on Applicants’ properties; **11) Requested Ruling:** Applicants request that the Court enter a decree making the Well absolute in the amount of 0.779 (350 gpm) for domestic use inside 2 homes, and a finding of diligence extending the remaining conditional water rights for the Well; **12) Additional Information:** See Application for more details. (5 pages including exhibits)

23CW3021 (16CW3033) DISTRICT COURT, WATER DIVISION NO. 7, STATE OF COLORADO, La Plata Combined Courts, 1060 E. 2nd Avenue, Room 106, Durango, CO 81301, (970) 385-6189. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF CIMARRONA RANCH PROPERTY OWNERS ASSOCIATION, INC., IN ARCHULETA COUNTY, COLORADO. APPLICATION TO MAKE ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE. 1. Name, Address, Telephone Number, and Email Address of Applicant: Cimarrona Ranch Property Owners Association, Inc., c/o Ron Ault, 4414 E. Blanche Dr., Phoenix, AZ 85032, (602) 469-5505,

ron@aultcompanies.com Direct All Pleadings to: Steven J. Bushong Cassidy L. Woodard Bushong & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, CO 80302, sbushong@BH-Lawyers.com; cwoodard@BH-Lawyers.com

2. Names of Structures: 2.1. Cimarrona Well Pond; 2.2. Cimarrona Pond No. 1; and 2.3. Cimarrona Pond No. 2. The Cimarrona Well Pond, Cimarrona Pond No. 1, and Cimarrona Pond No. 2 will be referred to collectively as the “Structures.”

3. Overview: The water rights associated with the Structures were originally decreed in the District Court in and for Water Division No. 7, State of Colorado (“Water Court”), in Case No. 16CW3033 on July 21, 2017 (the “16CW3033 Decree”). This application requests to make the Cimarrona Well Pond absolute for both its volumetric limit and a portion of its withdrawal rate. This application further requests findings of reasonable diligence for all remaining conditional water rights associated with the Structures not made absolute as requested herein.

4. Description of Conditional Water Rights: 4.1. Cimarrona Well Pond: 4.1.1. Legal Description: Cimarrona Well Pond is an unlined groundwater pond located in the NE1/4 NW1/4 of Section 1, Township 35 North, Range 1 West of the N.M.P.M. at a point approximately 1,980 feet from the West section line and 170 feet from the North section line of said Section 1. See Exhibit A., 4.1.2. Source: Groundwater, tributary to Fawn Gulch, tributary to the San Juan River. Cimarrona Well Pond intercepts surface water runoff tributary to Fawn Gulch, tributary to the San Juan River, 4.1.3. Date of Appropriation: August 1, 2003, based upon the construction and enlargement of the well pond, 4.1.4. Uses: The consumptive uses of domestic and fire protection occur outside Cimarrona Well Pond. The nonconsumptive uses of piscatorial and recreation occur within Cimarrona Well Pond. Uses also include incidental aesthetic and pond evaporation within Cimarrona Well Pond. No outdoor irrigation use with the Cimarrona Well Pond water right was sought, 4.1.5. Volume: 22.5 acre-feet, conditional. Limited to 12 acre-feet for domestic use withdrawals. Evaporation is 10.5 acre-feet per year, 4.1.6. Withdrawal (Pumping) Rate: The rate of withdrawal for domestic use is limited to 100 gallons per minute (“gpm”), conditional, 4.1.7. Well Pond Dimensions: The surface area of the high-water mark of Cimarrona Well Pond, not including the island, is limited to 3.75 acres, 4.1.8. Well Permit No.: 80373-F, 4.1.9. Administration: The decreed amount set forth in Paragraph 4.1.5 above is limited to the combined evaporation and withdrawals from the Cimarrona Well Pond. Evaporation is estimated to occur at a rate of 15 gpm and is in addition to the 100 gpm withdrawal rate for domestic use. The State Engineer shall curtail all out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights. Notwithstanding, the volume of Cimarrona Well Pond as constructed is 30 acre-feet, and that volume is allowed to be maintained in the accomplishment of the beneficial uses described above, 4.2. Cimarrona Pond No. 1: This is the same structure as Cimarrona Well Pond. When Cimarrona Well Pond is lined so that it fills only from sources described in Paragraph 4.2.2 below, Applicant will request that the Court grant Cimarrona Pond No. 1 absolute status and the Cimarrona Well Pond be abandoned, 4.2.1. Legal Description: See Paragraph 4.1.1., 4.2.2. Source: Surface water runoff, tributary to Fawn Gulch, and irrigation return flows associated with the Roesler Ditch water right, decreed in Civil Action No. 0308, which imports water from Little Coal Creek, all tributary to the San Juan River, 4.2.3. Date of Appropriation: August 31, 2016, 4.2.4. Uses: Piscatorial, recreation, aesthetics, and pond evaporation uses will occur within Cimarrona Pond No. 1, and domestic and fire protection uses will occur outside Cimarrona Pond No. 1. Water will be used outside of the pond by connecting it to a central domestic water system for domestic uses. No outdoor irrigation use with the Cimarrona Pond No. 1 was sought, 4.2.5. Amount: 30 acre-feet, conditional, based upon the capacity of Cimarrona Pond No. 1, with a right to fill and refill in priority at the rate of inflow as needed to replace evaporation and withdrawals. Domestic and fire protection uses from the pond are limited to 12 acre-feet of annual withdrawals at a rate not to exceed 100 gpm. Evaporative losses are 10.51 acre-feet, 4.2.6. Height of Dam: less than 10 feet, 4.2.7. Pond Dimensions: The surface area of the high water mark of Cimarrona Pond No. 1, not including the island, is limited to 3.75 acres, with an average depth of 8 feet and a total capacity of 30 acre-feet, 4.3. Cimarrona Pond No. 2: 4.3.1. Legal Description: Cimarrona Pond No. 2 will be located in the NE1/4NE1/4 of Section 1, Township 35 North, Range 1 West of the N.M.P.M. at a point approximately 940 feet from the East section line and 740 feet from the North section line of said Section 1. See Exhibit A. The location of Cimarrona Pond No. 2 may change during construction so long as it stays within Cimarrona Ranch, in which case the as-built location will be described in the decree making the

water right absolute, 4.3.2. Source: Surface water runoff, tributary to Fawn Gulch, and irrigation return flows associated with the Roesler Ditch water right, decreed in Civil Action No. 0308, which imports water from Little Coal Creek, all tributary to the San Juan River, 4.3.3. Date of Appropriation: August 31, 2016, 4.3.4. Uses: Piscatorial, recreation, aesthetics, and pond evaporation will occur within Cimarrona Pond No. 2, and domestic, fire protection, and augmentation and replacement will occur outside Cimarrona Pond No. 2. No outdoor irrigation use with Cimarrona Pond No. 2 is being sought. Before any water can be used for augmentation, Applicant will apply for and receive approval of a Court decreed augmentation plan or administrative approval of a substitute water supply plan, 4.3.5. Amount: 15 acre-feet, conditional, with a right to fill and refill in priority at the rate of inflow as many times as needed to replace withdrawals and evaporation, subject to a limitation on withdrawals from Cimarrona Pond No. 2 for domestic, augmentation, and replacement use of 22 acre-feet. Evaporative losses are estimated at 4.25 acre-feet, but will depend upon the size of the pond as constructed, 4.3.6. Height of Dam: less than 10 feet, 4.3.7. Pond Dimensions: The surface area of the high water mark of Cimarrona Pond No. 2 is estimated to be 1.5 acres, and the average depth will be approximately 10 feet, 4.3.8. Remarks: Cimarrona Pond No. 2 will be a lined facility and will be used in a subsequent augmentation plan to be adjudicated for structures located on Cimarrona Ranch and/or will be pumped directly into the central domestic water system for Cimarrona Ranch. 5. Request to Make Absolute: Cimarrona Well Pond was constructed and has been placed to beneficial use for all decreed consumptive uses of domestic and fire protection, nonconsumptive uses of piscatorial and recreation, and other uses of incidental aesthetic and pond evaporation. Pursuant to the limitations in Paragraph 4.1.5 above, domestic use has not exceeded 12 acre-feet and evaporation has not exceeded 10.5 acre-feet per year. The Applicant herein requests that the Cimarrona Well Pond volumetric water right be made absolute for all decreed uses and amounts. Additionally, the Applicant has withdrawn water from the Cimarrona Well Pond for domestic use at a rate of 15 gpm and herein requests that the rate of withdrawal for domestic use be made absolute for 15 gpm. 6. Request for Findings of Reasonable Diligence: Applicant requests findings that it has exercised reasonable diligence in the development of any and all remaining conditional water rights associated with the Structures as described in Paragraph 4 above, to the extent not made absolute in these proceedings, and that said conditional rights continue in full force and effect. 7. Diligence Activities: The Applicant is a private ranch community consisting of sixteen lots in Archuleta County known as the Cimarrona Ranch Estates. On the sixteen lots, five homes are already built and connected to the Applicant's water system. An additional three homes are under construction and anticipated to be connected to the water system in Fall 2023. During the diligence period, the Applicant performed the following work and expenditures demonstrating that it has exercised reasonable diligence in the development of the conditional water rights associated with the Structures: 7.1. The Applicant cleaned and maintained the network of irrigation ditches located within and adjacent to Cimarrona Ranch Estates as a cost of approximately \$17,500., 7.2. Applicant extended its underground water lines to serve five homes in Cimarrona Ranch Estates. This extension required the laying of approximately four miles of underground water lines and cost approximately \$40,000., 7.3. To serve the increased demand for water, Applicant added an additional 2,500-gallon water storage tank to its water treatment facility, which brings the total storage capacity at the water treatment facility to 7,500 gallons. The cost and installation of the additional water storage tank totaled approximately \$8,000, 7.4. Cimarrona Well Pond (aka Cimarrona Pond No. 1) was fenced off from livestock access to prevent erosion along the banks of the pond. This fencing cost approximately \$14,000., 7.5. The Applicant has obtained quotes for the costs of installing a new aeration system on the Cimarrona Well Pond and for the costs of upgrading the filtration system at the water treatment facility, which are estimated at approximately \$44,000 and \$350,000, respectively. The Applicant anticipates that final approvals by its members will occur in Fall 2023 with a plan to implement both projects in 2024, 7.6. To meet the increased demand for water, the Applicant doubled the physical size of the water treatment facility in 2019 at an expense of approximately \$29,000., 7.7. The Applicant installed cameras and wireless accessibility to allow for constant remote monitoring and security at the water treatment facility. The cameras and subsequent installation cost \$4,500., 7.8. Applicant installed a hook-up at Cimarrona Well Pond (aka Cimarrona Pond No. 1) for fire trucks to withdraw emergency water for firefighting purposes at an expense of approximately \$2,500. 8. Land Ownership: 8.1. The Cimarrona Well

Pond, which is also Cimarrona Pond No. 1, is located on land owned by Mark Meadows, 7751 S. Cedar Street, Littleton, CO 80120., 8.2. Cimarrona Pond No. 2 is located on land owned by Eric J. Lewis, 135-F Country Center Drive, #99, Pagosa Springs, CO 81147. WHEREFORE, Applicant respectfully requests that the Court enter an order (1) granting its request to make absolute a portion of the subject conditional water rights as described in Paragraph 5, above; (2) making findings of reasonable diligence and continuing in full force and effect the subject conditional water rights not made absolute herein as described in Paragraph 6, above, and (3) granting such other and further relief as deemed appropriate. (8 pages including exhibits)

23CW3022 Montezuma County - Dolores River; Mountain Investments, Inc.; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE AND REQUEST FOR A FINDING OF REASONABLE DILIGENCE; Name, address, and telephone number of Applicant: Mountain Investments, Inc., P.O. Box 938, Dolores, CO 81323; 970-565-0793; Request to make conditional water rights absolute and for finding of reasonable diligence: Name of structure: Burch and Longwill Ditch, Koenig Pit Enlargement; Description of conditional water right: Original decree: 2012CW36, July 21, 2017, Division 7; Legal description: The point of diversion of the Burch and Longwill Ditch was decreed in Case No. CA0473 as “at a point in Montezuma County, Colorado, on the East bank of the Dolores River, 991 feet South 81° 35’ East from the North quarter corner Section 27 Tp 37 N. R. 14 W. N.M.P.M.” In Case No. 96CW5 the point of diversion for the Burch and Longwill Ditch was described as “in the NW1/4 of Section 27, Township 37 North, Range 14 West, N.M.P.M. at a point on the East bank of the Dolores River which bears 81° 35’ East 991 Feet from the North Quarter Corner of said Section 27.” The location of the headgate can also be described as at a point in the NW/4 NE/4 of Section 27, Township 38 North, Range 14 West, N.M.P.M., 330 feet from the north section line and 1,601 feet from the east section line (UTM Z13, NAD83, 201423 E, 4159088 N). Source: Dolores River; Appropriation date: November 30, 2012; Amount: 1 c.f.s. conditional; Use: Filling and continuously refilling the Koenig Pits to maintain water levels for recreational and piscatorial uses in the pits, wildlife watering and fire control; Outline of what has been done toward completion of the appropriation and application of water to beneficial use: During the diligence period, Applicant has placed the full decreed flow rate of the Burch and Longwill Ditch, Koenig Pit Enlargement to beneficial use; If claim to make absolute in whole or in part: Date water applied to beneficial use: July 22, 2017; Amount: 1 c.f.s.; Use: Filling and continuously refilling the Koenig Pits to maintain water levels for recreational and piscatorial uses in the pits, wildlife watering and fire control. WHEREFORE, Applicant respectfully requests that the 1 c.f.s. conditional water right in the Burch and Longwill Ditch, Koenig Pit Enlargement, described above be made absolute. In the event that some or all of the conditional water right requested above is not made absolute in this case, Applicant requests a finding of diligence with regard to any portion of such water right that remains conditional. (5 pages including exhibits)

23CW3023 Application to make Absolute in Part and for Finding of Reasonable Diligence in part, Applicant, Mark S. Carnes and Martha Z. Carnes, 5460 Briar Drive, Houston, TX 77056, by and through attorney: Nancy Agro, 128 Riverview Drive, Durango, CO 81301, 970-749-8621, nancy@nancyagro.com; Name of structure: Helen Ranch Well No. 2, Original Decree: July 21, 2017, Case Number 16 CW 3017 Water Division 7, Legal description: In the SE/4 N//4 Section 30, Township 36 North, Range 7 West, NMPM, more specifically described as UTM coordinates Y: 263576 and X: 4138382 (NAD 83, UTM Zone 13), 1,897 feet from the North line and 89 feet from the East line of Section 30; Source: Groundwater tributary to the Florida River, Appropriation Date: May 31, 2016, Amount: 15 gpm (0.0333 c.f.s.) conditional, not to exceed 1.835 acre feet (598,027 gallons) per year, Use: Indoor household use for two single family residences on Applicants’ property , irrigation of up to 16,550 feet of lawn and garden, and livestock watering of up to four animals; Steps taken towards putting water to beneficial use: Applicant entered into a long-term water service contract with FWCD, obtained well Permit No. 81281-F, installed a water meter and has been submitting records to the Colorado Division of Water Resources and FWCD,

constructed a second house on the property which has been using the well; improved the irrigation system, and hired an engineer for consulting. Date water applied to beneficial use: September 2, 2011; Place of beneficial use: Applicants' property described as La Plata County Parcel No. 559301000038, consisting of 4.45 acres designated as Tract 2, Helen's Ranch Minor Exemption Subdivision, Project 90-92 and located in the SE/4 NE/4 Section 30, Township 36 North, Range 7 West, NMPM, also described as 70 CR 243, Durango, CO 81301; Relief sought: 12 gpm (0.02666667 c.f.s.) absolute for domestic and irrigation, and 3 gpm (0.00666667 c.f.s.) conditional for domestic and irrigation, Stockwater shall remain conditional as a use. (3 pages)

23CW3024 (16CW3057, 10CW29, 03CW27, 94CW24, 88CW20, 84CW44, 80CW60, W-655) - LA PLATA COUNTY – APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. **Name, address and telephone number of Applicant:** Debra Parmenter, 550 Dreamcatcher Lane, Hesperus, Colorado 81326, Phone: (970) 247-2943. Copies of all pleadings to: Stephen C. Larson, Cameron C. Frazier, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, CO 80027. 2. **Name of structure:** Ball Spring Canyon Ditch. 3. **Description of conditional water rights:** A. **Previous decrees.** Rulings and decrees of the Water Court in and for Water Division No. 7, State of Colorado ("Water Court") in Case Nos. W-655, 80CW60, 84CW44, 88CW20, 94CW24, 03CW27, 10CW29 and 16CW3057. B. **Decreed Point of Diversion.** As decreed in Case No. W-655, a point from the West Bank of Spring Canyon whence the NW corner of Section 17, T. 33 N., R. 9 W., N.M.P.M., bears North 42°43' West 1,684 feet; and as decreed in Case No. 10CW29, in the SE1/4, of the NW1/4, of Section 17, T33N, R9W, NMPM, being 1363 from the Norther and the 1462 from the West section lines from said Section 17. UTM: Northing 4110595 Easting 246475 Zone 13, Nad 83. C. **Source.** The source of water for Ball Spring Canyon Ditch is Spring Canyon (a/k/a Sanchez Draw), tributary to the Florida River, tributary to the Animas River. D. **Appropriation Date.** December 31, 1945, as adjudicated September 25, 1972, in Case No. W-655. E. **Amount and uses.** The decreed amount is 2.0 c.f.s., conditional, for domestic, irrigation and stock watering uses. Applicant owns an undivided 1/6 interest in this water right, or 0.33 c.f.s. 4. **Claim for Finding of Reasonable Diligence.** Applicant seeks a finding of reasonable diligence in the application of its 0.33 c.f.s. condition water right in the Ball Spring Canyon Ditch to beneficial use. The following activities were undertaken during the subject diligence period in order to apply the subject conditional water rights to their decreed beneficial uses: Applicant cut an access road to the lot to be irrigated by the water right; and incurred engineering and legal costs to perform a site visit to evaluate and document the available flow in Spring Canyon and Ball Spring Canyon Ditch, confirm the location of the diversion into the ditch from Spring Canyon; and confirm the continued viability of the water source and its conveyance structures for development of the water right for irrigation and stock watering uses. 5. **Abandonment of Domestic Use.** In the course of evaluating the subject conditional water rights for development, Applicant has determined it no longer intends to use the subject water right for domestic purposes. Accordingly, Applicant hereby notifies the Water Court and the Division Engineer that it is abandoning the domestic use for its subject 0.33 c.f.s. interest in and to the Ball Spring Canyon Ditch water right. 6. **Name and Address of Landowner upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool.** All of the subject structures are located on land owned by Applicant. WHEREFORE, Applicant requests that the Court find that the matters stated above constitute a sufficient demonstration of reasonable diligence by Applicant in placing such water to a beneficial use, and for all such further and other relief as the Court may deem appropriate in the premises. (4 pages)

23CW3025 (16CW3031, 98CW86, 09CW81)- LA PLATA COUNTY - APPLICATION TO MAKE WATER RIGHTS ABSOLUTE AND FOR A FINDING OF REASONABLE DILIGENCE - 1. **Name and Address of Applicant.** Betsy Rockett, 377 C.R. 217, Durango, Colorado 81303. Copies of all pleadings to: Stephen C. Larson, Cameron C. Frazier, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027. 2. **Overview.** Applicant seeks an absolute water right for a portion of the Mallard Pond water right, and for the irrigation use of (a) Old Willow Pond Ditch (which is the final conditional portion of said water right) and (b) the Ball Ditch Rockett Enlargement (alternate point

of diversion for Old Willow Pond Ditch); as well as a finding of reasonable diligence for the remainder of the Mallard Pond water right, as described further below. Applicant is abandoning the Rockett Pond Ditch water right, the remaining conditional uses for the Ball Ditch Rockett Enlargement (other than the conditional use of irrigation sought to be made absolute herein); and is abandoning the conditional domestic use of all the other surface water rights originally decreed in 86CW98. Applicant is also abandoning the remaining conditional portions of all storage rights except for Mallard Pond, all as further set forth below. The locations of the subject water rights are shown on attached Exhibit A. 3. **Name and Description of Conditional and Absolute Water Rights from Prior Decrees.** All water rights that are described in this application were the subject of Division 7 Water Court Case No. 98CW86, decreed on December 30, 2003. By decree entered on August 27, 2010 in Case No. 08CW181, one of the water storage rights that was the subject of the original decree (Rockett Pond) was made absolute in part. By decree entered on July 3, 2017, two additional ponds and four of the surface water rights that were the subject of the original decree were made absolute in part and continued as conditional in part (Cabin Pond, Old Willow Pond, Ball Spring and Seep No. 1 Wastewater, Cabin Pond Ditch, Ball Ditch Rockett Enlargement and Old Willow Pond Ditch), as reflected below. 4. **Description of Conditional and Absolute Storage Rights.** A. **Names of the Structures.** (i) Rockett Pond. (ii) Cabin Pond. (iii) Mallard Pond. (iv) Old Willow Pond. B. **Legal Descriptions of the Structures.** (i) Rockett Pond. Rockett Pond is located at a point whence the SW corner of Section 17, T. 33 N., R. 9 W., N.M.P.M. bears S34°W, 1800 feet, and is more particularly described as being in the SE ¼ of the, NW ¼ of the, SW ¼, Section 17, T. 33 N., R. 9 W., N.M.P.M., being 1,582 feet from the South section line and 1166 feet from the West section line of said Section 17. Northing 4109879 Easting 246358, Zone 13 NAD 83 UTM. (ii) Cabin Pond. Cabin Pond is located approximately at a point whence the NW corner of Section 17, T. 33 N., R. 9 W., N.M.P.M. bears N50°W, 2650 feet. (iii) Mallard Pond. Mallard Pond is located approximately at a point whence the NW corner of Section 17, T. 33 N., R. 9 W., N.M.P.M. bears N60°W, 2240 feet. (iv) Old Willow Pond. Old Willow Pond is located approximately at a point whence the NW corner of Section 17, T. 33 N., R. 9 W., N.M.P.M. bears N62°W, 2700 feet. C. **Sources.** The decreed sources for filling, refilling and running freshening flows to Rockett Pond, Cabin Pond, Mallard Pond and Old Willow Pond are the Florida River; and springs, seeps, and wastewater tributary to the Florida River, tributary to the Animas River. D. **Legal Description of Diversion Structures for the Ponds.** (i) Rockett Pond. The following diversion points may be utilized to fill, refill and run freshening flows through Rockett Pond. (a) Ball Spring and Seep No. 1 Wastewater. This ditch was decreed a surface water right in Case No. 98CW86 and is located approximately whence the SW corner of Section 17, T. 33 N., R. 9 W., N.M.P.M. bears S18°W, 1930 feet. (b) Rockett Pond Ditch No. 1. This ditch was decreed a surface water right in Case No. 98CW86 and is located on the west bank of the Florida River approximately at a point whence the SW corner of Section 17, T. 33 N., R. 9 W., N.M.P.M. bears S33°W, 2070 feet. (ii) Cabin Pond. Cabin Pond Ditch may be utilized to fill, refill and run freshening flows through Cabin Pond. This ditch was decreed a surface water right in Case No. 98CW86 and is located on the east bank of the Florida River approximately at a point whence the NW corner of Section 17, T. 33 N., R. 9 W., N.M.P.M. bears N53°W, 2675 feet. (iii) Mallard Pond. The following diversion points may be utilized to fill, refill and run freshening flows through Mallard Pond. (a) Ball Spring Canyon Ditch. Applicant owns 0.4967 c.f.s. interest in this water right, which was decreed (0.1667 c.f.s. absolute and 0.33 c.f.s. conditional) in Case Nos. W-655 and 98CW86 for fish propagation, stock watering, irrigation, wildlife habitat, recreation, and the right to fill, refill and run freshening flows to Mallard Pond. Applicant's conditional portion of this water right comes up for diligence in November 2023. The point of diversion for this filling structure was changed by decree in Case No. 98CW86 to the East bank of Spring Canyon, a/k/a Sanchez Draw, at a point whence the NW corner of Section 17, T. 33 N., R. 9 W. of the N.M.P.M. bears N47°W, 2000 feet. (b) Ball Spring and Seep No. 2. Applicant owns a 0.50 c.f.s. interest this water right, which was decreed absolute in Case Nos. B-1751, W-179 and 98CW86, for stock watering, wildlife habitat, piscatorial, recreation, and the right to fill, refill and run freshening flows to Mallard Pond. The point of diversion is located in the SE1/4NE1/4NW1/4 of Section 17, T. 33 N., R. 9 W. of the N.M.P.M. (iv) Old Willow Pond. The following diversion points are decreed to fill, refill and run freshening flows through Old Willow Pond. (a) Ball Ditch Rockett Enlargement. This ditch was decreed a surface water right in Case No.

98CW86 and is located at the historical decreed point of diversion for the Ball Ditch, at a point whence the NW corner of Section 17, T. 33 N., R. 9 W., N.M.P.M. bears N76°W, 3036 feet. (b) *Old Willow Pond Ditch*. This ditch was decreed a surface water right in Case No. 98CW86 and is located at point whence the NW corner of Section 17, T. 33 N., R. 9 W., N.M.P.M. bears N65°W, 2730 feet. E. Appropriation Dates. As decreed in Case No. 98CW86: (i) the appropriation date for Rockett Pond, Cabin Pond and Old Willow Pond is September 18, 1998; and (ii) the appropriation date for Mallard Pond, when filling via Ball Spring Canyon Ditch is December 31, 1945, and when filling via Ball Spring and Seep No. 2, is April 15, 1965. F. Rates of Fill. (i) *Rockett Pond*. A maximum diversion rate of (a) 1.0 c.f.s. via Ball Spring and Seep No. 1 Wastewater; and (b) 2.0 c.f.s. via Rockett Pond Ditch No. 1. (ii) *Cabin Pond*. A maximum diversion rate of 0.5 c.f.s., via Cabin Pond Ditch. (iii) *Mallard Pond*. A maximum diversion rate of (a) 0.4967 c.f.s. via Ball Spring Canyon Ditch; and (b) 0.50 c.f.s. via Ball Spring and Seep No. 2. (iv) *Old Willow Pond*. A maximum diversion rate of (a) 0.5 c.f.s. via the Old Willow Pond Ditch and (b) 0.5 c.f.s., via Ball Ditch Rockett Enlargement as an alternate point. G. Capacity and surface acreage. (i) *Rockett Pond*. Rockett Pond is decreed for 1.08 acre-feet, absolute, and 9.22 acre-feet, conditional, of which 100% is active storage. The decreed surface area is 1.7 acres. (ii) *Cabin Pond*. Cabin Pond is decreed for 0.4 acre-feet, absolute and 1.0 acre-feet, conditional, of which 100% is active storage. The decreed surface area is 0.3 acres. (iii) *Mallard Pond*. Mallard Pond is decreed for 2.7 acre-feet, conditional, of which 100% is active storage. The decreed surface area is 0.7 acres. (iv) *Old Willow Pond*. Old Willow Pond is decreed for 0.4 acre-feet, absolute and 0.9 acre-feet, conditional, of which 100% is active storage. The decreed surface area is 0.4 acres. H. Use. The water rights for Rockett Pond, Cabin Pond, Mallard Pond and Old Willow Pond are decreed for wildlife habitat, piscatorial and recreational uses. 5. **Description of Conditional and Absolute Surface Water Rights**. A. Name of Structures. (i) Ball Spring and Seep No. 1 Wastewater. (ii) Rockett Pond Ditch No. 1. (iii) Cabin Pond Ditch. (iv) Old Willow Pond Ditch. (v) Ball Ditch Rockett Enlargement. B. Legal Descriptions of the Points of Diversion. (i) *Ball Spring and Seep No. 1 Wastewater*. Located approximately whence the SW corner of Section 17, T. 33 N., R. 9 W., N.M.P.M. bears S18°W, 1930 feet. (ii) *Rockett Pond Ditch No. 1*. Located on the west bank of the Florida River approximately at a point whence the SW corner of Section 17, T. 33 N., R. 9 W., N.M.P.M. bears S33°W, 2070 feet. (iii) *Cabin Pond Ditch*. Located on the east bank of the Florida River approximately at a point whence the NW corner of Section 17, T. 33 N., R. 9 W., N.M.P.M. bears N53°W, 2675 feet. (iv) *Old Willow Pond Ditch*. Located at point whence the NW corner of Section 17, T. 33 N., R. 9 W., N.M.P.M. bears N65°W, 2730 feet. (v) *Ball Ditch Rockett Enlargement*. Located at a point whence the NW corner of Section 17, T. 33 N., R. 9 W., N.M.P.M. bears N76°W, 3036 feet. C. Sources. (i) *Ball Spring and Seep No. 1 Wastewater*. The decreed source for the Ball Spring and Seep No. 1 Wastewater is wastewater from the Ball Spring and Seep No. 1 Ditch, tributary to the Florida River, tributary to the Animas River. (ii) *Rockett Pond Ditch No. 1*. The decreed source for the Rockett Pond Ditch No. 1 is the Florida River, tributary to the Animas River. (iii) *Cabin Pond Ditch*. The decreed source for the Cabin Pond Ditch is the Florida River, tributary to the Animas River. (iv) *Old Willow Pond Ditch*. The decreed source for the Old Willow Pond Ditch is the Florida River, tributary to the Animas River. (v) *Ball Ditch Rockett Enlargement*. The decreed source for the Ball Ditch Rockett Enlargement is the Florida River, tributary to the Animas River. D. Diversion Rates. (i) *Ball Spring and Seep No. 1 Wastewater*. 1.0 c.f.s. absolute. (ii) *Rockett Pond Ditch No. 1*. 2.0 c.f.s. conditional. (iii) *Cabin Pond Ditch*. 0.5 c.f.s. absolute. (iv) *Old Willow Pond Ditch*. 0.5 c.f.s. absolute. (v) *Ball Ditch Rockett Enlargement*. 0.5 c.f.s. absolute. E. Appropriation Dates. The date of appropriation of each of the surface water rights described above is September 18, 1998. F. Use. (i) *Ball Spring and Seep No. 1 Wastewater*. Conditional use: domestic. Absolute uses: irrigation, fire protection, watering of livestock, wildlife habitat; to fill, refill and provide freshening flows to Rockett Pond. (ii) *Rockett Pond Ditch No. 1*. Conditional uses: domestic, irrigation, fire protection, watering of livestock, wildlife habitat; and to fill, refill and provide freshening flows to the Rockett Pond. (iii) *Cabin Pond Ditch*. Conditional use: domestic. Absolute uses: irrigation of Lot 12, fire protection, watering of livestock and wildlife habitat; to fill, refill and provide freshening flows to the Cabin Pond. (iv) *Old Willow Pond Ditch*. Conditional uses: domestic and irrigation. Absolute uses: fire protection, watering of livestock and wildlife habitat; to fill, refill and provide freshening flows to the Old Willow Pond. (v) *Ball Ditch Rockett Enlargement*. Conditional uses: domestic, irrigation, fire

protection, watering of livestock and wildlife habitat. Absolute use: to fill, refill and provide freshening flows to the Old Willow Pond. **6. Claim to Make Conditional Rights Absolute in Part.** A. Mallard Pond. Mallard Pond is described in section 4, above. (i) Amount to Make Absolute: 0.35 acre-feet out of 2.7 acre-feet. (ii) Surface Area to Make Absolute: 0.1 acres out of 0.7 acres. (iii) Rate of Fill to Make Absolute : 0.1 c.f.s. out of 0.4967 c.f.s via Ball Spring Canyon Ditch. Filling via Ball Spring and Seep No. 2 at a rate of 0.5 c.f.s., remains conditional. (iv) Source: Florida River, and springs, seeps, and wastewater tributary to the Florida River, tributary to the Animas River. (v) Uses to Make Absolute: Wildlife habitat, piscatorial, and recreational uses. (vi) Place of Use: The water has been put to beneficial use at the high water line of the pond, in the location described in Section 4.B(iii) above. (vii) Date of First Beneficial Use: June 28, 2023. (viii) Date of Appropriation. When filling via Ball Spring Canyon Ditch, December 31, 1945; and when filling via Ball Spring and Seep No. 2, April 15, 1965. (ix) Remaining Conditional Portions of the Water Right. In Section 7 below, Applicant seeks a finding of reasonable diligence with respect to the remaining portions of this water right for which absolute rights are not sought, as follows: 2.35 acre-feet of the storage volume for all uses; 0.3967 c.f.s. of the filling rate via Ball Spring Canyon Ditch; the 0.5 c.f.s. filling rate via Ball Spring and Seep No. 2; and 0.6 acres of the 0.7-acre surface area decreed for the pond. B. Old Willow Pond Ditch. Old Willow Pond Ditch is described in section 5 above. (i) Amount: 0.5 c.f.s., absolute. (ii) Use to Make Absolute: Irrigation. (iii) Source: Florida River, tributary to the Animas River. (iv) Date of First Beneficial Irrigation Use: June 30, 2018. (v) Place of Beneficial Irrigation Use. The water was put to irrigation use in the fields adjacent to Old Willow Pond. (vi) Date of Appropriation: September 18, 1998. C. Ball Ditch Rockett Enlargement. Ball Ditch Rockett Enlargement is an alternate point of diversion for Old Willow Pond Ditch and is described in section 5, above. (i) Amount to Make Absolute: 0.5 c.f.s., absolute. (ii) Use to Make Absolute: Irrigation. (iii) Source: Florida River, tributary to the Animas River. (iv) Date of First Beneficial Irrigation Use: June 30, 2018. (v) Place of Beneficial Irrigation Use: The water was put to irrigation use in the fields adjacent to Old Willow Pond. (vi) Date of Appropriation: September 18, 1998. **7. Claim to Continue as Conditional.** A. Mallard Pond. Mallard Pond is described in Section 4, above. (i) Volume to Continue as Conditional: 2.35 acre-feet out of 2.7 acre feet. (ii) Surface Area to Continue as Conditional: 0.6 acres of the 0.7 acres. (iii) Rate of Fill to Continue as Conditional: 0.3967 c.f.s. of 0.4967 c.f.s. via Ball Spring Canyon Ditch; and 0.50 c.f.s. via Ball Spring and Seep No. 2. (iv) Uses to Continue as Conditional: Wildlife habitat, piscatorial, and recreational uses, in the volumes and at the filling rates set forth in this Section 7. (v) Sources: Florida River, and springs, seeps, and wastewater tributary to the Florida River, tributary to the Animas River. (vi) Date of Appropriation: when filling via Ball Spring Canyon Ditch, December 31, 1945; and when filling via Ball Spring and Seep No. 2, April 15, 1965. B. Applicant seeks to continue as conditional any water rights or portions thereof described herein for which absolute rights are not granted. **8. Detailed Outline of Diligence Activities**. The water rights described herein are component features of an integrated water supply system pursuant to paragraph 11 of the decree entered in Case No. 16CW3031. Applicant has completed the following during the subject diligence period to place the conditional portions of the subject water rights to beneficial use: A. Applicant incurred significant expense protecting Old Willow Pond from the effects of, and mitigating the effects to the pond from, the 2023 flood of the Florida River. B. Applicant incurred significant expense seeking to protect Old Willow Pond Ditch (filling structure for Old Willow Pond) from the effects of the 2023 flood of the Florida River; and rehabilitating the ditch after the flood. C. Applicant conducted a site visit with her water resource consultant and legal counsel on June 28, 2023, inspecting and evaluating Mallard Pond and the conditional water right for the pond sought to be continue herein, as well inspecting and evaluating as the entire integrated system of water rights described herein. On said site visit, Applicant's consultant observed and estimated the flow into Mallard Pond via Ball Spring Canyon Ditch and its source, Spring Canyon, aka, Sanchez Draw; located the diversion point of Ball Spring Canyon Ditch out of Spring Canyon; observed the constructed Mallard Pond and estimated the storage capacity for the absolute claim made herein as well as identified the remaining portion of the water right to continue as conditional. Applicant also incurred the cost of a site visit report regarding same that was prepared by Eric Bikis of SGM Inc. D. Applicant has also incurred general legal and water resource consulting costs during the subject diligence period in performing water rights related work for the integrated system, including but not limited to the

site visit of June 28, 2023. **9. Cancellation of Certain Water Rights.** With this Application, Applicant notifies the Water Court and the Division Engineer that Applicant abandons and the Court may cancel the following water right and portions of water rights described herein: A. Rockett Pond Ditch water right; B. The remaining conditional uses (other than irrigation use sought to be made absolute herein) for the Ball Ditch Rockett Enlargement, which are domestic, fire protection, watering of livestock and wildlife habitat; C. The conditional domestic use for Ball Spring and Seep No. 1 Wastewater, Cabin Pond Ditch, and Old Willow Pond Ditch; and D. The following storage volumes remaining conditional: Rockett Pond, 9.22 af, conditional; Cabin Pond, 1.0 af, conditional; and Old Willow Pond, 0.9 af, conditional. **10. Name and Address of Owners Upon Whose Land Structures are Located.** Applicant owns the land on which the subject absolute water rights and those conditional water rights herein sought to be continued, are located, except for the Ball Ditch Rockett Enlargement diversion point on Lot 10, Florida River Ranch subdivision, which is land owned by Debra Parmenter, 550 Dreamcatcher Lane, Hesperus, Colorado 81326. WHEREFORE, Applicants respectfully request that the Court enter a decree: (a) for absolute water rights as described in Section 6 above; (b) for a finding of reasonable diligence as described in Section 7 above; and cancellation of water rights as set forth in Section 9 above. (12 pages including exhibits)

23CW3026 LA PLATA COUNTY, WATER DISTRICT NO. 34: 1) Applicant: Southern Ute Indian Tribe, Attn: Peter Nylander, Water Resources Division Head, P.O. Box 737, Ignacio, CO 81137; **2) Attorney:** Adam T. Reeves and Lindsey A. Ratcliff, Maynes, Bradford, Shipps & Sheftel, LLP, 835 E. 2nd Avenue, Durango, CO 81301; **3) Type of Application:** Application to Make Absolute; **4) Name of Structure or Plan:** Bonine/SUIT Pond; **5) Original Decree:** Case No. 98CW69 (April 17, 2000); Diligence granted in Case No. 16CW3050 (July 3, 2017); **5) Source:** Waste water and natural flow in unnamed tributary to Ute Creek, tributary to the Pine River; **6) Location:** NW1/4 NE1/4 SE1/4, Section 24, T34N, R7W, N.M.P.M., approximately 2,610 feet from the South Section Line and 1,050 feet from the East Section Line of Section 24; **7) Use:** Irrigation of 60 acres; firefighting; **8)) Outline of perfection and diligence activities:** Applicant filled Bonine/SUIT Pond in priority in the amount of 0.3 acre-feet in each year of the diligence period; Applicant has instituted an inter-disciplinary water use options team to evaluate the totality of Tribe's water rights portfolio, which operates as an integrated project to serve the Tribe and its membership. (4 pages)

23CW3027 LA PLATA COUNTY, WATER DISTRICT NO. 34: 1) Applicant: Southern Ute Indian Tribe, Attn: Peter Nylander, Water Resources Division Head, P.O. Box 737, Ignacio, CO 81137; **2) Attorney:** Adam T. Reeves and Lindsey A. Ratcliff, Maynes, Bradford, Shipps & Sheftel, LLP, 835 East 2nd Ave., Durango, CO 81301; **3) Type of Application:** Application for Finding of Reasonable Diligence; **4) Name of Structure or Plan:** Mestas Pump; **5) Original Decree:** Case No. 02CW102 (September 3, 2003); **5) Source:** Waste water and natural flow in Spring Gulch, tributary to the Animas River; **6) Location:** NW1/4 SE1/4 NW1/4 of Section 1, T33N, R10W, N.M.P.M., approximately 1,953 feet from the West Section Line and 1,900 feet from the North Section Line; **7) Use:** (i) Irrigation: 40 acres of Tribal land located in the SW1/4 SE1/4 of Section 1, T33N, R10W, N.M.P.M.; (ii) Non-irrigation: livestock and wildlife watering, firefighting; **8)) Outline of perfection and diligence activities:** Applicant has instituted an inter-disciplinary water use options team to evaluate the totality of the Tribe's water rights portfolio, which operates as an integrated project to serve the Tribe and its membership. (3 pages)

23CW3028 Application for Surface Water Rights. 1. Applicant: Dixi Lynn and Anthony Rivera, 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. Structures: A. Rivera Pond a/k/a Griffith's Dam; i. Location: NE1/4 NW1/4 Sec. 10, T34N, R1W, N.M.P.M.; X: 327668 Y: 4119362 UTM Zone 13; ii. Filling source and rate: 0.25 cfs from unnamed draws, tributary to Catchpole Creek, tributary to Rito Blanco, tributary to Rio Blanco, tributary to San Juan River; iii. Appropriation date: Oct. 31, 2005 (date of aerial photograph showing structure); iv. Amount: 2.0 ac-ft with two refills at 0.25 cfs, absolute; a. Surface area: 0.5 ac; b. Maximum depth: 7 ft; v. Use: stock watering, irrigation, incidental wildlife, and incidental

evaporation; vi. Irrigated area: 5 acres on Applicant's land known as 800 Bauer Place, Pagosa Springs; B. Rivera Pump: i. Location: NE1/4 NW1/4 Sec. 10, T34N, R1W, N.M.P.M.; X: 327668 Y: 4119362 UTM Zone 13; ii. Source: unnamed draws, tributary to Catchpole Creek, tributary to Rito Blanco, tributary to Rio Blanco, tributary to San Juan River; iii. Appropriation date: October 31, 2005 (date of aerial photograph showing structure); iv. Amount: 0.42 cfs (158 gpm), absolute; v. Use: irrigation; vi. Irrigated area: 5 acres located below Rivera Pond on Applicant's land known as 800 Bauer Place, Pagosa Springs. 3. Applicant is the owner of the land upon which these structures are located. See map filed with application. (4 pages including exhibits)

23CW3029 MINERAL COUNTY: 1) Applicants: DFM East Fork LLC; DTM East Fork LLC; TEM East Fork LLC; and KMS East Fork LLC, all Illinois limited liability companies; c/o Thomas E. McCarthy, 575 Anton Boulevard, Suite 350, Costa Mesa, California 92626; **2) Attorneys:** Adam T. Reeves and Lindsey A. Ratcliff, Maynes, Bradford, Shipp & Sheftel, LLP, 835 East 2nd Ave., Suite 123, Durango, CO 81301; **3) Type:** Application for a Finding of Reasonable Diligence; **4) Name of structure:** McCarthy Spring; **(a) Point of Diversion:** Northing 4142333, Easting 339312, NAD 83, SW1/4 NE1/4 NW1/4 Section 31, T37N, R2E, N.M.P.M.; **(b) Source** Spring tributary to East Fork, San Juan River: **(c) Appropriation Date:** (1) December 31, 1908 – domestic, livestock, irrigation, and incidental wildlife watering; (2) December 31, 2006 - domestic, livestock, irrigation and fire fighting; **(d) Amount:** (i) 0.0333 cfs, Absolute, for domestic, livestock, incidental wildlife watering and irrigation; (ii) 0.3 cfs Conditional, for irrigation, domestic, fire fighting and livestock; **(e) Uses:** Irrigation, domestic, livestock, incidental wildlife watering, fire fighting; **5) Outline of perfection and diligence activities:** (a) Applicants have evaluated the installation of a pressurized fire suppression system for the existing cabin using McCarthy Spring as a source; (b) Applicants have purchased and maintained a pressurized irrigation system to irrigate approximately an acre; (c) Applicants and their attorneys evaluated the potential use McCarthy Spring and other water rights for the development of their property consistent with the uses permitted by conservation easements granted for their property between 2009 and 2011 and determined that the McCarthy Spring water right will be used to irrigate additional land and may be used to develop additional residences within the permitted building envelopes. (4 pages)

23CW3030 (00CW86; 08CW51; 16CW3038) PUBLIC SERVICE COMPANY OF COLORADO, A COLORADO CORPORATION, ("Applicant"), 1800 Larimer Street, Suite 1300, Denver, Colorado 80202-1414 Telephone: (303) 294-2198. Please direct all correspondence or inquiries regarding this matter to the attorneys for the Applicants: Carolyn F. Burr, Esq., James M. Noble, Esq., Kyle B. Howe, Esq., 1401 Lawrence Street, Suite 1800 Denver, Colorado 80202 Telephone: (303) 830-2500 **APPLICATION FOR FINDING OF REASONABLE DILIGENCE FOR A CONDITIONAL WATER RIGHT** 2. Name of Structure: This Application relates to the conditional storage right decreed in Case No. W-1896-78 for Cascade Reservoir (a/k/a "Electra Lake"). 3. Description of Conditional Water Right. The Electra Lake conditional storage right was originally decreed on October 30, 1979 by the Division No. 7 Water Court in Case No. W-1896-78 (the "Electra Lake Conditional Water Right"). Electra Lake is part of the integrated water system serving the Tacoma Hydroelectric Station. 3.1. Prior Diligence Decrees. Decrees were entered on September 24, 2010, in Case No. 08CW51, and on July 3, 2017, in Case No. 16CW3038, Water Division 7, in which the Water Court found that PSCo had worked diligently toward completing the appropriation of the conditional water right. 3.2. Location: At a point on the axis of the dam designated Station 0+00, from whence the Southeast Corner of Section 24, Township 38 North, Range 9 West, N.M.P.M. bears South 50°45'53" East, 2,820.34 feet. The reservoir is located in Sections 1, 12, 13 and 24 of Township 38 North, Range 9 West and in Sections 6, 7, and 18 of Township 38 North, Range 8 West, N.M.P.M. A map showing the location of Electra Lake is attached hereto as **Exhibit A**. 3.3. Source: Elbert Creek, Cascade Creek, and Little Cascade Creek - Animas River. 3.4. Appropriation date: March 10, 1978. 3.5. Amount: 22,000 acre-feet, CONDITIONAL. 3.6. Decreed Uses: Domestic, irrigation, industrial, thermoelectric power, hydroelectric power and other beneficial uses. 4. Evidence of Reasonable Diligence Towards Completing Appropriation: 4.1. During the diligence period, PSCo has replaced and upgraded the

Tacoma Cascade pipeline. This pipeline is an integral part of the hydroelectric generation system that the conditional water right is used to support. The project was completed in 2021. PSCo expended approximately \$11.5 million on this project during the diligence period. 4.2. PSCo started a project to significantly repair the Cascade flowline flume near the diversion from Cascade Cree. To date, PSCo has spent approximately \$700,000 on this project during the diligence period. 4.3. During the diligence period, PSCo undertook a project to repair the terminal dam and replace the liner on the dam. PSCo spent approximately \$1,025,000 on this project. 4.4. PSCo modified the Terminal Dam intake and made other miscellaneous improvements, at an approximate cost of \$26,000. 4.5. During the diligence period, PSCo monitored the water resume for Water Division 7 to protect its water rights from injury. 5. Names and Addresses of 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. There are no new or modified diversion or storage structures involved in this application. WHEREFORE, PSCo requests that the Court enter a decree finding that PSCo has satisfied the statutory standard of steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances, that reasonable diligence was performed during the diligence period in development of the Electra Lake Conditional Water Right, that PSCo can and will complete diligence on the remaining conditional portion of the Electra Lake Conditional Water Right within a reasonable time; and that the conditional water right should continue. (5 pages including exhibits)

23CW3031 **La Plata County**, Animas River. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE; Applicant: LA POSTA LAND, LLC, 100 Moose Lane, Durango, CO 81303, Ph. 970-749-2702. 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. 1. Structure: LEWIS PIPELINE, WYMAN ENLARGEMENT 2. Description of Water Right: a. Original Decree: Civil Action No. 1751-B. b. Subsequent Decrees: Cases No. 94CW38, 01CW69, 14CW3029. c. POD: On the West bank of the Animas River at a point 421' South and 2070' East of the NW corner of Section 8U, T34N, R9W, N.M.P.M., being in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 8U. Approximately at a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, T34N, R9W, Ute Meridian, 334 feet from the North section line and 2078 feet from the West section line of said Section 8. UTM - E 247031.8 N 4122175 d. Source: Animas River. e. AppDate: April 21, 1967 f. Amt: 1.0 cfs, Conditional g. Use: Irrigation, industrial, domestic and stock. 3. Detailed Outline of What Has Been Done Toward Completion of Appropriation and Application of Water to Beneficial Use: Applicant acquired the water right conditionally decreed to the Lewis Pipeline, Wyman Enlargement, and the real property decreed for its beneficial use in December of 2020. Since that time, Applicant has engaged professional consultants to plan the development of said real property and the beneficial use of the Lewis Pipeline, Wyman Enlargement, water right. Applicant is under contract to spend approximately \$34,000 in this endeavor. Additional information regarding Applicant's expenditures will be provided upon request 4. Names and Addresses of Affected Landowners: Applicant owns the land upon which the diversion structure at issue in this Application is located. (3 pages)

23CW3032 **La Plata Archuleta Water District**, 255 Ute St., Ignacio, CO 81137, (970) 748-4750, through counsel Evan D. Ela, Joseph W. Norris, and Madison D. Phillips, Cockrel Ela Glesne Greher & Ruhland, P.C., 44 Cook Street, Suite 620, Denver, Colorado 80206, (303) 218-7200, APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE ON DECREED CONDITIONAL RIGHTS in La Plata County. 1. Name, Address and Telephone Number of Applicant. La Plata Archuleta Water District, 255 Ute St., Ignacio, CO 81137, (970) 748-4750. 2. Purpose of Application: This Application seeks to obtain findings of reasonable diligence pursuant to the most recent diligence Ruling and Decree issued in Case No. 10CW75. 3. Name of Structures: Animas River Basin Diversions Facilities (the "Subject Water Rights"). 4. Description of the Subject Water Rights: a. Previous Decrees: (1) Original Decree: The Subject Water Rights were originally decreed on November 10, 2004, Case No. 03CW102, District Court, Water Division 7, Findings of Fact, Conclusions of Law and Decree, Concerning the Application for Water Rights

of La Plata Archuleta Water District Task Force in La Plata County, Colorado. (2) Diligence Decree: The District Court, Water Division 7, entered Findings of Fact, Ruling of the Referee, Conclusion of Law, Judgement and Decree on July 3, 2017 for Case No. 10CW75, abandoning 8.75 cfs of the diversion rate originally appropriated for the Animas River Basin Diversion Facilities water right and decreed in Case No. 03CW102 and 3,060 ac-ft of the total annual volume of the combined diversions authorized by the water rights originally decreed in Case Nos. 03CW102, 03CW119 and 03CW103. The Court granted continued diligence for the remaining 6.25 cfs, CONDITIONAL, from any one or a combination of the three Alternate Diversion Points described below, not to exceed a combined total of 6.25 cfs at any time; and, in combination with diversions authorized by water rights originally decreed in Case Nos. 03CW119 and 03CW103, all such diversions by Applicant not to exceed 12.5 cfs in aggregate at any time nor exceed a volume of 4,940 ac-ft in aggregate in any water year. b. Location of Structures: The location of the proposed diversion structures are as follows: (1) Alternate Diversion Point #1: The headgate will be located on the bank of the Animas River in the NW1/4 of the NW1/4 of Section 13, Township 33N, Range 10W, N.M.P.M., a distance of 4,900 feet from the South section line and 5,050 feet from East section line; at UTM Coordinate 244305 Easting, 4104432 Northing, in Zone 13S (NAD83 format); La Plata County, Colorado. (2) Alternate Diversion Point #2: The headgate will be located on the bank of the Animas River in the NW1/4 of the NW1/4 of Section 6, Township 32N, Range 9W, N.M.P.M., a distance of 4,600 feet from South section line and 5,000 feet from East section line; at UTM Coordinate 242915 Easting, 4111015 Northing, in Zone 13S (NAD83 format); La Plata County, Colorado. (3) Alternate Diversion Point #3: The headgate will be located on the bank of the Florida River in the NE1/4 of the SW1/4 of Section 31, Township 33N, Range 9W, N.M.P.M., a distance of 1,700 feet from South section line and 2,900 feet from East section line; at UTM 244812 Easting, 4105045 Northing, in Zone 13S (NAD83 format); La Plata County, Colorado. c. Amount: 6.25 cfs, CONDITIONAL, from any one or a combination of the three diversion Alternate Diversion Points described above, not to exceed a combined total of 6.25 cfs at any time; and, in combination with diversions authorized by water rights originally decreed in Case Nos. 03CW119 and 03CW103, all such diversions by Applicant not to exceed 12.5 cfs in aggregate at any time nor exceed a volume of 4,940 ac-ft in aggregate in any water year. d. Source for the Subject Water Rights: (1) Alternate Diversion Point #1: Animas River. Diversions may be made using a surface diversion and/or a subsurface collection system. (2) Alternate Diversion Point #2: Animas River. Diversions may be made using a surface diversion and/or a subsurface collection system. (3) Alternate Diversion Point #3: Florida River, a tributary to the Animas River. Diversions may be made using a surface diversion and/or a subsurface collection system. e. Appropriation Date for the Subject Water Rights: September 30, 2003. f. Uses: (1) All uses associated with a rural water system, including but not limited to domestic, commercial, industrial, municipal, lawns and gardens, orchards, livestock, fire flow, recreation, fishery, and evaporation, but not augmentation or exchange; (2) Storage at the location of the Applicant's treatment plants to facilitate the water treatment process, principally from the settlement of the raw water for the uses listed above from the surface/subsurface diversions; and (3) Treated water exchange with other water providers pursuant to Colorado law. 5. Outline of the work done and funds expended by Applicant during the relevant diligence period (November 22, 2010 through July 31, 2023) toward completion of the appropriation: a. Applicant hired a general manager and staff to operate and maintain Applicant's facilities and water rights. b. Applicant expended approximately \$1,066,700 on the design of pipelines and other facilities and approximately \$12,276,000 on the construction of 37 miles of pipelines and other facilities in Applicant's integrated rural municipal water system. c. Applicant expended approximately \$7,964,600 on the design and construction of an expansion of the Bayfield Water Treatment Plant from 1.5 mgd to 2.5 mgd as authorized by an intergovernmental agreement with the Town of Bayfield. The intergovernmental agreement allows for further expansion of 1 mgd in the future by installing certain process equipment. d. Applicant entered into a contract with the Colorado Water Conservation Board to purchase 2,500 ac-ft of water in the Animas La Plata Project over a 40-year period. To date, Applicant has expended \$1,592,600 on 460 ac-ft of storage capacity and water in the Animas La Plata Project. e. Applicant has negotiated with Durango to construct a joint water treatment plant to serve the western regions of Applicant's service area. f. Applicant expended approximately \$750,000 per year for operating the Applicant's integrated rural

municipal water system. g. Applicant filed and is continuing to prosecute completion of the adjudication of a new point of diversion from the Rio Los Pinos at the location of the Bayfield pumping facility for directly feeding the water treatment facility of Applicant's greater integrated rural municipal water system. h. Applicant expended approximately \$85,832 on legal costs associated with water supply demand planning and for protection of water rights relied upon by Applicant's integrated rural municipal water system. i. Applicant expended approximately \$415,966 on general engineering costs associated with water supply demand planning and for protection of water rights relied upon by Applicant's integrated rural municipal water system. 6. Compliance with Original Decree: As required by paragraph 9.A of the Original Decree, the subject water rights are owned, as of the date of this application for findings of reasonable diligence, by the La Plata Archuleta Water District, a Title 32 Special District organized and operated under the laws of the State of Colorado. 7. Name(s) and Address(es) of owner(s) 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: Not applicable. (6 pages)

23CW3033 La Plata Archuleta Water District, 255 Ute St., Ignacio, CO 81137, (970) 748-4750, through counsel Evan D. Ela, Joseph W. Norris, and Madison D. Phillips, Cockrel Ela Glesne Greher & Ruhland, P.C., 44 Cook Street, Suite 620, Denver, Colorado 80206, (303) 218-7200, APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE ON DECREED CONDITIONAL RIGHTS in La Plata County. 1. Name, Address and Telephone Number of Applicant. La Plata Archuleta Water District, 255 Ute St., Ignacio, CO 81137, (970) 748-4750. 2. Purpose of Application: This Application seeks to obtain findings of reasonable diligence pursuant to the most recent diligence Ruling and Decree issued in Case No. 10CW77. 3. Name of Structures: Piedra River Basin Diversion Facility (the "Subject Water Rights"). 4. Description of the Subject Water Rights: a. Previous Decrees: (1) Original Decree: The Subject Water Rights were originally decreed on November 10, 2004, Case No. 03CW103, District Court, Water Division 7, Findings of Fact, Conclusions of Law and Decree, Concerning the Application for Water Rights of La Plata Archuleta Water District Task Force in La Plata County, Colorado. (2) Diligence Decree: The District Court, Water Division 7, entered Findings of Fact, Ruling of the Referee, Conclusion of Law, Judgement and Decree on July 3, 2017 for Case No. 10CW77, abandoning 2.5 cfs of the originally appropriated Piedra River Basin Diversion Facility water right as decreed in Case No. 03CW103 and 3,060 ac-ft of the total annual volume of the combined diversions authorized by the water rights originally decreed in Case Nos. 03CW102, 03CW119 and 03CW103. The Court granted continued diligence for the remaining 2.5 cfs, CONDITIONAL, and, in combination with the diversions authorized by water rights originally decreed in Case No. 03CW119, the total flow rate of all such diversions by Applicant is not to exceed 12.5 cfs in aggregate at any time nor exceed a volume of 4,940 ac-ft in aggregate in any water year. b. Location of Structure: The headgate of the proposed diversion structure will be located on the west bank of the Piedra River in the NW1/4 of the SE1/4 of Section 32, Township 33 North, Range 5 West, N.M.P.M., a distance of 1,700 feet from the South section line and 2,000 feet from the East section line; at UTM 285405 Easting, 4104081 Northing, in Zone 13S (NAD83 format); near Navajo Reservoir in Archuleta County, Colorado. c. Amount: 2.5 cfs, CONDITIONAL, and, in combination with the diversions authorized by water rights originally decreed in Case No. 03CW119, the total flow rate of all such diversions by Applicant is not to exceed 12.5 cfs in aggregate at any time nor exceed a volume of 4,940 ac-ft in aggregate in any water year. d. Source for the Subject Water Rights: Piedra River. Diversions may be made using a surface diversion and/or a subsurface collection system. e. Appropriation Date for the Subject Water Rights: September 30, 2003. f. Uses: (1) All uses associated with a rural water system, including but not limited to domestic, commercial, industrial, municipal, lawns and gardens, orchards, livestock, fire flow, recreation, fishery, and evaporation, but not augmentation or exchange; (2) Storage at the location of the Applicant's treatment plants to facilitate the water treatment process, principally from the settlement of the raw water for the uses listed above from the surface/subsurface diversions; and (3) Treated water exchange with other water providers pursuant to Colorado law. 5. Outline of the work done and funds expended by Applicant during the relevant diligence period (November 22, 2010 through July 31, 2023) toward completion of the

appropriation: a. Applicant hired a general manager and staff to operate and maintain Applicant's facilities and water rights. b. Applicant expended approximately \$1,066,700 on the design of pipelines and other facilities and approximately \$12,276,000 on the construction of 37 miles of pipelines and other facilities in Applicant's integrated rural municipal water system. c. Applicant expended approximately \$7,964,600 on the design and construction of an expansion of the Bayfield Water Treatment Plant from 1.5 mgd to 2.5 mgd as authorized by an intergovernmental agreement with the Town of Bayfield. The intergovernmental agreement allows for further expansion of 1 mgd in the future by installing certain process equipment. d. Applicant entered into a contract with the Colorado Water Conservation Board to purchase 2,500 ac-ft of water in the Animas La Plata Project over a 40-year period. To date, Applicant has expended \$1,592,600 on 460 ac-ft of storage capacity and water in the Animas La Plata Project. e. Applicant has negotiated with Durango to construct a joint water treatment plant to serve the western regions of Applicant's service area. f. Applicant expended approximately \$750,000 per year for operating the Applicant's integrated rural municipal water system. g. Applicant filed and is continuing to prosecute completion of the adjudication of a new point of diversion from the Rio Los Pinos at the location of the Bayfield pumping facility for directly feeding the water treatment facility of Applicant's greater integrated rural municipal water system. h. Applicant expended approximately \$85,832 on legal costs associated with water supply demand planning and for protection of water rights relied upon by Applicant's integrated rural municipal water system. i. Applicant expended approximately \$415,966 on general engineering costs associated with water supply demand planning and for protection of water rights relied upon by Applicant's integrated rural municipal water system. 6. Compliance with Original Decree: As required by paragraph 9.A of the Original Decree, the subject water rights are owned, as of the date of this application for findings of reasonable diligence, by the La Plata Archuleta Water District, a Title 32 Special District organized and operated under the laws of the State of Colorado. 7. Name(s) and Address(es) of owner(s) 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: Not applicable. (5 pages)

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 September 2023, 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 August 31, 2023

/s/ Jason Poyer
Water Court Specialist