

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 November 2023, for each county affected.

2023CW12 Wesley H. Hartman and Patricia J. Hartman, Amended Application to Make Absolute in Whole or in Part, 2706 Columbine Dr, Durango CO 81301, La Plata County, Name of Structure: Wayumi Pump, Date of Original Decree: 11/30/2007, Case Number 06CW127. Previous Decrees: 13CW3034, 22CW3010, Location of Structure: Water will be diverted within the Animas Service Area which shall be defined as any point within the Animas River Basin (which includes the Animas River and all of its tributaries) upstream of a point in the Animas River that is located as follows: in the SW1/4 SW 1/4 of Section 29. T35N, R9W, NMPM, 1250 feet from the South Section line and 720 feet from the West Section line of said Section 29. La Plata County, Colorado, UTM Coordinates: Easting 244649, Northing 4131815, Source of Water: Junction Creek, Tributary to the Animas River, Appropriation Date: 2/22/2009 Amount: Depletion amounts range from 20 to 40 cfs, Use: Year round depletions associated with beneficial uses of water diverted from the Animas River and its tributaries in the Animas Service Area from non-exempt wells and surface diversion for irrigation;; supplemental irrigation; wetlands and wetlands irrigation: domestic and municipal use; pond, reservoir water feature and other evaporation: industrial and manufacturing use, power; geothermal: commercial use; gravel and other mining; stock and wildlife watering; fire fighting; recreation; snow and ice making; piscatorial; recharge; augmentation; and exchange. (9 pages including exhibits)

2023CW3050 APPLICATION FOR WATER RIGHTS AND AMENDED PLAN FOR AUGMENTATION, Patrick H. and Rachel B. Cain, Applicants, 735 C.R. 236, Durango, CO 81301, by their attorney: Nancy Agro, 970-422-2024, nancy@nancyagro.com; Groundwater Rights: Cain Well, Well Permit Number 85168-F. The Well permit will be amended to add the uses contained in this water right application prior to making this water right absolute; Legal Description: GPS Zone 13, NAD 84: Easting: 253240 Northing: 4127201; Source: groundwater tributary to Florida River Basin; Date of appropriation: August 31, 2020, Amount claimed: 15 gpm, Conditional, Proposed use: domestic in-house use for second dwelling and landscape irrigation; Place of Use: Legal description of Applicant's Property: A tract of land located in the SW/4 NE/4, Part of NW/4 NE/4, SE/4 NE/4, NE/4 SE/4, Section 31, Township 35 Range 8 West, La Plata County Assessor Parcel Number 567131100054, also known as 735 C.R. 236, Durango, CO 81301 ("the Property"); The Cain Well was decreed in Case Number 2020CW3037 for domestic in-house use, indoor office use, and composting. This water right is filed to add a new use for a second residential dwelling and landscape irrigation with a 2023 priority. Amended Plan of Augmentation: The augmentation plan decreed in Case Number 2020 CW 3037 is being amended to include augmentation releases for the out of priority depletions caused by the diversions made for a second residential dwelling and landscape irrigation from the Cain Well; Depletions: In the plan of augmentation decreed in Case Number 2020 CW 3037, total lagged depletions amounted to 0.29 AF annually and total Augmentation Releases amounted to 0.32 AF. Following the decree in that case, Applicant entered into a long term water service contract with the Florida Water Conservancy District (FWCD) for the release of 0.5 AF of water from Lemon Reservoir to replace the depletions set forth in the augmentation plan. See. Attached Exhibit B. Per the attached Table 1, in-house use for the second dwelling would use up to 195 gallons per day (gpd), for a total annual demand of 0.219 AF. Total water demand for two houses amounts to 0.437 AF annually. Return flows from septic are assumed at 85%. Landscape irrigation would use up to 0.169 AF annually and lagged return flows

amount to 0.040 acre feet annually. Total lagged depletions for all uses including the addition of the second home and landscape irrigation amount to 0.436 AF annually. Total lagged depletions to be augmented for all uses are 0.480 AF per year including transit losses and are within the 0.50 AF per year contracted for with FWCD. Water demand may vary as between uses so long as the total depletions for those uses using the assumption set forth herein do not exceed 0.50 AF per year; Source of Water for Augmentation: Florida River water stored in Lemon Reservoir. To protect senior water users, Applicant has entered a long-term water service contract with the Florida Water Conservancy District for the release of 0.50 AF of water per year for augmentation purposes. Applicant's out of priority depletions for the uses proposed herein will not exceed 0.50 AF per year. The contract is attached hereto as Exhibit B. Upon completion of this decree, Applicant will add this decree as an exhibit to that contract. The water rights decreed to the Florida Water Conservancy District for use in plans of augmentation is Case Numbers W 1689 77 through W 1695 77 as amended in 1994 for use of 114 acre feet of storage water to be used for augmentation. Legal description: The axis of the dam is located in Section 17 and 20, Township 36 North, Range 7 West, N.M.P.M. beginning at a point on the right abutment, from whence the Southwest corner of Section 17, Township 36 North, Range 7 West, N.M.P.M., bears South 84° 34' West, a distance of 1,699.6 feet, thence South 63° 22' East a distance of 1,320 feet to a point on the end of the axis of the dam and rock fill structure. (7 pages including exhibits)

2023CW3051 06CW127) DISTRICT COURT, WATER DIVISION NO. 7, STATE OF COLORADO, 1060 East Second Avenue, #106, Durango, Colorado 81301, (970) 247-2304. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF THOMAS J. LANGEGELS TRUST, IN LA PLATA COUNTY, COLORADO. **APPLICATION TO MAKE WATER RIGHT ABSOLUTE.**

1. Name and Address of Applicant. Thomas J. Langefels Trust (“Applicant”), 12514 County Road 250, Durango, Colorado 81301. Direct all pleadings and/or correspondence in this matter to: Steven J. Bushong, Gunnar J. Paulsen, Kate A. Bosh, Bushong & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, CO 80302 Email: sbushong@bh-lawyers.com; gpaulsen@bh-lawyers.com; kbosh@bh-lawyers.com 2. Name of Water Right: Animas Service Area Water Right (“ASA Water Right”). 3. Description of Decreed Conditional Water Right: 3.1. Original Decree: The ASA Water Right was originally decreed by the District Court in and for Water Division No. 7, State of Colorado on November 30, 2007, in Case No. 06CW127 (“Original Decree”), 3.2. Legal Description: The Animas Service Area is defined in the Original Decree as any point of diversion within the Animas River Basin (which includes the Animas River and all of its tributaries) upstream of a point on the Animas River that is located as follows: in the SW1/4 SW1/4 of Section 29, Township 35 North, Range 9 West, of the N.M.P.M., 1250 feet from the South Section Line and 720 feet from the West Section Line of said Section 29, La Plata County, Colorado, 3.3. Decreed Source: Ground water and surface water in the Animas River and its tributaries upstream of the location described in paragraph 3.2 above, 3.4. Decreed Appropriation Date: February 22, 2006, 3.5. Decreed Amount: A year-round Depletion Flow Rate (conditional) as set forth in the table below. The Depletion Flow Rate of any increment of the ASA Water Right made absolute is defined as the depletion arising from the beneficial use of water quantified as an instantaneous flow rate as set forth in Table 1 of the Original Decree or as determined by decree of the court.

TIME PERIOD	DEPLETION FLOW RATE (in cfs)
January 1 through January 31	20
February 1 through February 28 (29)	20
March 1 through March 31	20
April 1 through April 14	20
April 15 through April 30	25
May 1 through May 31	30
June 1 through June 14	40
June 15 through June 30	30

July 1 through July 14	25
July 15 through July 31	20
August 1 through August 31	20
September 1 through September 30	20
October 1 through October 31	20
November 1 through November 30	20
December 1 through December 31	20

3.6. Decreed Uses: Year round depletions associated with beneficial uses of water diverted from the Animas River and its tributaries in the Animas Service Area from non-exempt wells and service diversions for irrigation; supplemental irrigation; wetlands and wetlands irrigation; domestic and municipal use; pond, reservoir, water feature and other evaporation; industrial and manufacturing use; power; geothermal; commercial use; gravel and other mining; stock and wildlife watering; firefighting; recreation; snow and ice making; piscatorial; recharge; augmentation; and exchange. 4. Description of Diversion Structure and Beneficial Use of Portion of the ASA Water Right: 4.1. Name of Point of Diversion to Make Absolute: Thomas J. Langefels Trust Well (the “Well”), 4.2. Well Permit No.: 84144-F, 4.3. Legal Description of Points of Diversion: SE1/4, SW1/4, Section 19, Township 37 North, Range 8 West of the New Mexico P.M., UTM Coordinates: Easting: 253020.0, Northing: 4148887.0, Zone 13, NAD83. A general vicinity map is attached as **Exhibit A**, 4.4. Source: Groundwater tributary to the Animas River, 4.5. Rate of Diversion: Up to 100 gallons per minute (0.22 cubic feet per second), 4.6. Beneficial Use: Irrigation of 9.25 acres and stock watering uses on land located in the SE1/4, SW1/4, Section 19, Township 37 North, Range 8 West of the New Mexico P.M., 4.7. Notice of Intent: Pursuant to the requirements of the Original Decree, Applicant filed a notice of intent (“NOI”) to develop an increment of the ASA Water Right to La Plata County (“County”) and the Southwestern Water Conservancy District (“SWCD”). The NOI was assigned #51 and was approved by SWCD on September 15, 2023, and the County on October 10, 2023, and is attached hereto as **Exhibit B**. Pursuant to paragraph 6(e) of the Original Decree, the submission of the NOI entitled Applicant to divert water under the priority of the ASA Water Right to perfect this increment thereof, 4.8. Depletion Flow Rate: The table below describes the average depletions associated with the beneficial uses described above pursuant to the depletion quantification requirements in the Original Decree (“Depletion Flow Rate”) and as set forth in Exhibit B.

TIME PERIOD	DEPLETION FLOW RATE (in cfs)
January 1 through January 31	0.000803
February 1 through February 28 (29)	0.001098
March 1 through March 31	0.001427
April 1 through April 14	0.024630
April 15 through April 30	0.024630
May 1 through May 31	0.053957
June 1 through June 14	0.076390
June 15 through June 30	0.076390
July 1 through July 14	0.073335
July 15 through July 31	0.073335
August 1 through August 31	0.056418
September 1 through September 30	0.045518
October 1 through October 31	0.022650
November 1 through November 30	0.001166
December 1 through December 31	0.000860

5. Request to Make Water Rights Absolute: Applicant has operated the Well since 2020 during the irrigation season up to 100 gallons per minute and applied the water to the beneficial uses described above in

paragraph 4.6. Applicant seeks to make the Depletion Flow Rate associated with said diversions and beneficial use under the ASA Water Right absolute so that it may continue to operate the Well under the priority of the ASA Water Right at the location described in paragraph 4.3, for the beneficial uses described in paragraph 4.6. 6. Name and address of owner upon which the subject rights are located: The use of the ASA Water Right will occur on property owned by the Applicant. The Well is also located on property owned by the Applicant. WHEREFORE, Applicant requests that the Court enter a final decree (A) making a portion of the ASA Water Right absolute in the amount of the Depletion Flow Rate described above in paragraph 4 so that the Applicant may continue to operate the Well under the ASA Water Right Priority, and (B) grant such other relief as it may deem just and proper. (11 pages including exhibits)

2023CW3052 (17CW3026, 10CW42, 03CW11, 94CW24, 88CW20, 80CW60, 84CW44, W-655) – LA PLATA COUNTY – APPLICATION TO MAKE WATER RIGHT ABSOLUTE IN PART AND FOR A FINDING OF REASONABLE DILIGENCE. Applicant, Betsy Rockett (“Applicant”), by and through her undersigned counsel, respectfully submits this Application to Make Water Right Absolute in Part and for a Finding of Reasonable Diligence, and as grounds therefore states as follows: 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. **Description of Conditional Water Right.** A. **Name of structure.** Ball Spring Canyon Ditch. B. **Original and Subsequent Decrees.** The conditional water right that is the subject of this application was originally decreed on September 25, 1972 in Case No. W-655, in the District Court in and for Water Division 7. The decree granted to the Ball Spring Canyon Ditch a 2.0 c.f.s. conditional surface right, and a 1.0 c.f.s. absolute right. Applicant owns a 1/6 undivided interest in the water right, which equates to a 0.1667 c.f.s. interest in the absolute portion; and 0.33 c.f.s. interest in the conditional portion. Subsequent decrees awarding findings of diligence for Applicant’s conditional 0.33 c.f.s. interest in this water right were entered in Case Nos. 80CW60, 84CW44, 88CW20, 94CW24, 03CW11, 10CW42 and 17CW3026. The decreed uses and point of diversion for Applicant’s interest in the Ball Spring Canyon Ditch were changed in Case No. 98CW86. C. **Legal description.** The decreed point of diversion for Applicant’s undivided 1/6 interest in the Ball Spring Canyon Ditch water right, as changed by the decree entered in Case No. 98CW86, is the East bank of Spring Canyon, a/k/a Sanchez Draw, at a point whence the NW corner of Section 17, T33N, R9W of the N.M.P.M. bears North 47° West, 2,000 feet, as generally depicted on the map attached hereto as Exhibit A. D. **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. E. **Amount.** The decreed conditional amount is 2.0 c.f.s. Applicant owns an undivided 1/6 interest in the conditional water right, or 0.33 c.f.s. F. **Appropriation Date.** December 31, 1945. G. **Uses.** In accordance with the decree in Case No. W-655 and Case No. 98CW86, Applicant’s 0.33 c.f.s. conditional interest in Ball Spring Canyon Ditch is for fish propagation, stock watering, domestic, irrigation, wildlife habitat, recreational uses, and the right to fill, refill and provide freshening flows through Mallard Pond. A water storage right for Mallard Pond was decreed in Case No. 98CW86. 3. **Claim to Make Absolute in Part.** During the subject diligence period, Applicant diverted and put to use portions of the Ball Spring Canyon Ditch water right as described below; and seeks to make such portions absolute herein. A. **Rate to Make Absolute.** 0.10 c.f.s. out of 0.33 c.f.s. B. **Source.** Spring Canyon a/k/a Sanchez Draw, tributary to the Florida River, tributary to the Animas River. C. **Uses to Make Absolute.** Wildlife habitat, recreation, and filling Mallard Pond. D. **Place of Use.** The water has been put to beneficial use at the high-water line of Mallard Pond, located approximately at a point whence the NW corner of Section 17, T33N, R9W, N.M.P.M. bears N60°W, 2240 feet. E. **Date of First Beneficial Use.** June 28, 2023. F. **Date of Appropriation.** December 31, 1945. G. **Abandoning Domestic Use.** Applicant advises that it is abandoning the domestic use decreed to this water right. 4. **Claim for Finding of Reasonable Diligence.** Applicant seeks to continue as conditional the following portions of the Ball Spring Canyon Ditch water right for which a finding of absolute water right is not sought herein. A. **Rates and Uses to Continue as Conditional.** a. 0.23 c.f.s. out of 0.33 c.f.s., for fish propagation, stock watering, domestic, irrigation, wildlife habitat, recreational uses, and filling, refilling and providing freshening flows through Mallard Pond; and b. 0.10 c.f.s for fish propagation, stock

watering, irrigation, refilling and providing freshening flows through Mallard Pond. B. Source. Spring Canyon a/k/a Sanchez Draw, tributary to the Florida River, tributary to the Animas River. C. Date of First Beneficial Use. June 28, 2023. D. Date of Appropriation. December 31, 1945. E. Detailed Outline of Diligence Activities. Pursuant to the decree entered in Case No. 98CW86, Ball Spring Canyon Ditch is a decreed source for filling Applicant's Mallard Pond. Pursuant to paragraph 11.E of the decree entered in Case No. 09CW81, Ball Spring Canyon Ditch, Mallard Pond and the other surface water rights and water storage rights decreed in Case No. 98CW86, are all features of one integrated water system and diligence on any one feature shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system, pursuant to C.R.S. § 37-92-301(4)(b). Accordingly, within the diligence period, Applicant undertook the following activities toward completion of the appropriation and application to beneficial use of Applicant's 0.33 c.f.s. interest in the Ball Spring Canyon Ditch conditional water right (the below list is not exhaustive, and Applicant reserves the right to supplement the following list with additional evidence of diligence in the course of this case): (a) Applicant filed for diligence on all the water rights decreed in Case No. 98CW86, pursuant to the application filed in Case No. 23CW3025, on July 27, 2023 and has for the balance of the diligence period been diligently prosecuting said case. Said application includes a request for a finding of diligence in part and absolute water rights in part for Mallard Pond, the water storage right for which the subject water right is decreed as a filling source. (b) Applicant conducted a site visit with her water resource consultant and legal counsel on June 28, 2023, inspecting and evaluating Ball Spring Canyon Ditch and Mallard Pond and the conditional water rights for same, as well as inspecting and evaluating the entire integrated system of water rights described herein. On said site visit, Applicant's consultant observed and estimated the flow rate into Mallard Pond of Ball Spring Canyon Ditch for the absolute portion of the water right sought herein; observed and estimated the flow rate of the source for Ball Spring Canyon Ditch, 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 use of the Mallard Pond water right as well as identified the remaining portion of the water right to continue as conditional in accordance with the application in Case No. 23CW3025. Applicant also incurred the cost of a site visit report regarding same that was prepared by Eric Bikis of SGM Inc. (c) Applicant incurred significant expense seeking to protect Old Willow Pond Ditch decreed in 98CW86 (filling structure for Old Willow Pond) from the effects of the 2023 flood of the Florida River; and rehabilitating the ditch after the flood. (d) Applicant has 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 related to Ball Spring Canyon Ditch and the filing and prosecuting of the diligence case in Case No. 23CW3025. 5. **Name and Mailing Address of Landowner upon which any New or Modified Diversion Structure is Located**. The diversion point for the Ball Spring Canyon Ditch water right is located on property owned by the Applicant. WHEREFORE, Applicant respectfully requests that the Water Court enter a decree (a) awarding an absolute water right for portions the Ball Spring Canyon Ditch water right as described in Section 3 above; (b) awarding a finding of reasonable diligence and to continue as conditional, portions of the Ball Spring Canyon Ditch water right as described in Section 4 above; and (c) awarding a finding of reasonable diligence and to continue as conditional, any other portions of the Ball Spring Canyon Ditch water right not made absolute herein (except for domestic use, which Applicant is abandoning). (6 pages including exhibit)

2023CW3053 La Plata County. Application for a Finding of Reasonable Diligence. Applicant: Wheeler Revocable Trust UTA Dated August 2, 2018, 2224 South Boulevard, Houston, Texas, 77098. Send all correspondence to Applicant's counsel, Amy N. Huff, Colorado Water & Land Law, LLC, 679 E. 2nd Ave, Ste. 11B, Durango, CO 81301; (970) 403-1770; amy@waterland-law.com. **Structure Name**: DONEY PUMP. **Original Decree**: Case No. 2003CW101, WD 7 **Other Decrees**: Case No. 2010CW57; Case No. 2017CW06; and Case No. 20CW3044, WD 7. **Legal Description**: DONEY PUMP (WDID #3001621) SW ¼ SE ¼, S9, T35N, R10W, NMPM, 2,500' W of the Section line and 425' N of the SE corner of S 9.UTM Zone 13 E237285, N 4132142; DONEY PUMP ALTERNATE POINT #1 (WDID #3010057) SW ¼ SE

¼, S9, T35N, R10W, NMPM UTM Zone 13 E 237363, N 4132160; ROOT PUMP (WDID #3001668) SW ¼ SE ¼, S9, T35N, R 10W, NMPM, 355 feet from the S Section line and 1,974 feet from the E Section line. UTM Zone 13 E237460.4, N4132123. Source: Lightner Creek, tributary to the Animas River. App Date: 12/ 31/1977. Amt: 0.25 cfs, Conditional. Use: Firefighting and irrigation of 15 acres. Outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: During the last diligence period, Applicant made significant efforts toward applying the water conditionally decreed to the Doney Pump, Doney Pump Alternate Point #1, and Root Pump to beneficial use. Applicant has spent dozens of hours and paid over \$9,000 in materials and services for the purpose of constructing the infrastructure necessary to convey the water conditionally decreed to the Root Pump/Doney Pump Alternate Point #1 water right from Lightner Creek to the place of use. Attached hereto are the invoices supporting Applicant's claims. Affected Property Owners. Applicant owns the property on which all structures necessary for the development of the water right in this application are located. Remarks: See Application for Additional Information. (6 pages including exhibits)

2023CW3054 **IN SAN JUAN COUNTY. AMENDED APPLICATION FOR CONDITIONAL SURFACE WATER RIGHTS, A CONDITIONAL GROUNDWATER RIGHT, CONDITIONAL WATER STORAGE RIGHTS, AND PLAN FOR AUGMENTATION.** 1. Name, Address, and Telephone Number of Applicant: Bonanza Boy, LLC ("Bonanza Boy") P.O. Box 992 Montrose, CO 81402 Phone: (303) 909-6083. PLEASE SEND ALL CORRESPONDENCE AND PLEADINGS TO: Wayne F. Forman, #14082 and Courtney M. Shephard, #47668 of BROWNSTEIN HYATT FARBER SCHRECK, LLP at 675 15th Street, Suite 2900 Denver, CO 80202 Phone: (303) 223-1100 Fax: (303) 223-0920 E-mail: wforman@bhfs.com and cshephard@bhfs.com 2. Description of Application: Bonanza Boy seeks new conditional surface water rights, a conditional groundwater right, conditional water storage rights, and a plan for augmentation for beneficial uses associated with the Silver Cloud Lodge located in Chattanooga, Colorado. 3. Conditional Surface Water Rights: A. Silver Cloud Mine Adit: i. Legal Description: NE¼ of the SE¼ of the NE¼ of Section 28, Township 42 North, Range 8 West, N.M.P.M., in San Juan County, Colorado. See Exhibit A. ii. Source: Groundwater tributary to Mill Creek. iii. Appropriation Date: June 27, 2023, the date Bonanza Boy filed an application for a planned unit development and a land use permit for the Silver Cloud Lodge with the San Juan County Planning Commission. 1. How Initiated: By formation of an intent to appropriate; filing an application for a planned unit development and a land use permit; and developing engineering plans for the Silver Cloud Mine Adit and site plans for the Silver Cloud Lodge. 2. Date Water Applied to Beneficial Use: N/A, conditional appropriation. iv. Amount: 0.25 c.f.s, conditional. v. Uses: Commercial, domestic, fire fighting, power, ice making, piscatorial, and wildlife, with the right to reuse and successively use to extinction. B. Mill Creek Diversion: i. Legal Description: NE¼ of the SE¼ of the NE¼ of Section 28, Township 42 North, Range 8 West, N.M.P.M., in San Juan County, Colorado. See Exhibit A. ii. Source: Mill Creek, a tributary of the Animas River. iii. Appropriation Date: June 27, 2023, the date Bonanza Boy filed an application for a planned unit development and a land use permit for the Silver Cloud Lodge with the San Juan County Planning Commission. 1. How Initiated: By formation of an intent to appropriate; filing an application for a planned unit development and a land use permit; and developing engineering plans for the Mill Creek Diversion and site plans for the Silver Cloud Lodge. 2. Date Water Applied to Beneficial Use: N/A, conditional appropriation. iv. Amount: 3.0 c.f.s, conditional. v. Uses: Commercial, domestic, fire fighting, power, piscatorial, wildlife, storage, ice making, and recreation, with the right to reuse and successively use to extinction. 4. Conditional Groundwater Right: A. Bonanza Boy Well: i. Legal Description: SW¼ of the NE¼ of the NE¼ of Section 27, Township 42 North, Range 8 West, N.M.P.M., in San Juan County, Colorado. See Exhibit A. ii. Appropriation Date: June 27, 2023, the date Bonanza Boy filed an application for a planned unit development and a land use permit for the Silver Cloud Lodge with the San Juan County Planning Commission. 1. How Initiated: By formation of an intent to appropriate; filing an application for a planned unit development and a land use permit; developing engineering plans for the Bonanza Boy Well and site plans for employee housing associated with the

Silver Cloud Lodge. 2. Date Water Applied to Beneficial Use: N/A, conditional appropriation. iii. Amount: Cumulative annual pumping will not exceed 0.5 acre-feet, and the pumping rate will not exceed 15 gallons per minute. iv. Uses: Commercial and domestic. v. Permit No.: Not applicable. Bonanza Boy will apply for a well permit at a later date. 5. Conditional Storage Rights: A. Silver Cloud Pond: i. Legal Description: NE¹/₄ of the SE¹/₄ of the NE¹/₄ of Section 28, Township 42 North, Range 8 West, N.M.P.M., in San Juan County, Colorado. *See Exhibit A.* ii. Source: Mill Creek and tributaries to Mill Creek. iii. Point of Diversion: The Silver Cloud Mine Adit (*see* Paragraph 3.A) or the Mill Creek Diversion (*see* Paragraph 3.B). iv. Surface Area: 0.3 surface acres. v. Total Capacity: 0.65 acre-feet. vi. Type: Lined with bentonite, off-channel. vii. Appropriation Date: June 27, 2023, the date Bonanza Boy filed an application for a planned unit development and a land use permit for the Silver Cloud Lodge with the San Juan County Planning Commission. 1. How Initiated: By formation of an intent to appropriate; filing an application for a planned unit development and a land use permit; developing engineering plans for the Silver Cloud Pond and site plans for the Silver Cloud Lodge. 2. Date Water Applied to Beneficial Use: N/A, conditional appropriation. viii. Amount: 0.65 acre-feet per year, conditional, subject to as-built storage capacity, with a right to fill and successively refill at a rate of 3.0 c.f.s. from Mill Creek. ix. Uses: Commercial, piscatorial, fire fighting, and augmentation. B. Silver Cloud Ice Park: i. Legal Description: SE¹/₄ of the NE¹/₄ of Section 28, Township 42 North, Range 8 West, N.M.P.M. in San Juan County, Colorado. *See Exhibit A.* ii. Source: Mill Creek and tributaries to Mill Creek. iii. Point of Diversion: The Mill Creek Diversion (*see* Paragraph 3.B). iv. Silver Cloud Ice Park Operation: Bonanza Boy will divert water from Mill Creek and pump the water to the Silver Cloud Ice Park. Bonanza Boy will use a system of up to 10 sprinklers between October and March to make artificial ice, and will store the Mill Creek water in the artificial ice until it melts. Bonanza Boy will successively use the return flows that accrue to Mill Creek as a source of augmentation water, as explained in Paragraph 6. v. Appropriation Date: June 27, 2023, the date Bonanza Boy filed an application for a planned unit development and a land use permit for the Silver Cloud Lodge with the San Juan County Planning Commission. 2. How Initiated: By formation of an intent to appropriate; filing an application for a planned unit development and a land use permit; developing engineering plans for the Silver Cloud Mine Adit, Mill Creek Diversion, and the Silver Cloud Ice Park; and developing site plans for the Silver Cloud Lodge. 2. Date Water Applied to Beneficial Use: N/A, conditional appropriation. vi. Amount: 0.022 c.f.s. vii. Uses: Recreation, ice making, storage, and augmentation. 6. Plan for Augmentation: A. Purpose: The purpose of the plan for augmentation is to permit out-of-priority diversions of the Silver Cloud Adit, Mill Creek Diversion, and Bonanza Boy Well, and to replace evaporation from the Silver Cloud Pond and caused by diversions for artificial ice making at the Silver Cloud Ice Park. B. Structures to be Augmented: Silver Cloud Adit, Mill Creek Diversion, Bonanza Boy Well, depletions caused by out-of-priority diversions for artificial ice making at the Silver Cloud Ice Park, and evaporation from the Silver Cloud Pond. C. Water Rights to be Used for Augmentation: i. Silver Cloud Pond: *See* description in Paragraph 5.A. ii. Silver Cloud Ice Park Return Flows: Bonanza Boy proposes to replace a portion of its out-of-priority depletions with the return flows generated by the production and subsequent melting of artificial ice formed in the Silver Cloud Ice Park. Bonanza Boy will quantify the return flows generated by artificial ice making and will successively use the return flows for the purpose of augmenting out-of-priority depletions. iii. Animas Service Area Water Right: Bonanza Boy intends to use an increment of the Animas Service Area (“ASA”) water right decreed in Case No. 06CW127 to cover out-of-priority depletions from the following uses: pumping from the Bonanza Boy Well if drilled and utilized pursuant to a non-exempt well permit, and surface diversions for domestic uses, pond evaporation, commercial uses, power, wildlife and piscatorial uses, ice making, recreation, and fire fighting. The increment of the ASA water right referenced herein is jointly owned and controlled by the Southwestern Water Conservation District (“SWCD”) and La Plata County. Bonanza Boy acknowledges that any use of the ASA water right shall occur only with the written approval of SWCD and La Plata County, and in a manner that is consistent with the terms and conditions of such approval and the 06CW127 Decree. D. Approximate Replacement Requirements: 1.5 acre-feet per year, subject to further analysis, as well as actual diversions and return flows. E. General Operation of the Plan for Augmentation: Historically,

water right calls on the Animas River and its tributaries have been rare. This plan for augmentation is a proactive effort designed to ensure the continuous diversion and use of water by Bonanza Boy to the extent there may be future calls by water rights senior to the conditional water rights described in this Application. 7. Name and address of owners of the land on which the structures are or will be located, upon which water is or will be stored, and upon which water is or will be placed to beneficial use: Applicant Bonanza Boy is the owner of land on which all structures are and will be located, water will be stored, and upon which water will be placed to beneficial use. Bonanza Boy's address is listed in Paragraph 1. 8. Requests for Relief: A. Bonanza Boy requests a decree granting the new conditional surface water rights, groundwater right, and water storage rights described in Paragraphs 3, 4, and 5 of this Application. For any conditional water rights requested by this Application that are put to beneficial use during the pendency of this application, Applicant seeks a decree awarding absolute water rights for those water rights as to the completed beneficial uses. B. Bonanza Boy requests a decree approving the plan for augmentation described in Paragraph 6 of this Application. C. Bonanza Boy further requests such additional relief as the Court deems necessary and appropriate to further the purposes of the rights requested herein. (9 pages including exhibit)

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 January 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 December 31, 2023

/s/ Jason Poyer
Water Court Specialist