

IN THE DISTRICT COURT IN AND FOR WATER DIVISION NO. 4
STATE OF COLORADO

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER
DIVISION NO. 4

Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of February 2023.

The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows:

The water right claimed by this application may affect in priority any water right 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.

CASE NO. 2023CW3007. DELTA COUNTY 1. Applicant: Pamela K. Ballard, 9685 3605 Road, Hotchkiss, CO 81419 by Clay, Dodson & Skarka, PLLC, 415 Palmer St., Delta CO 81416, 970-874-9777. APPLICATION FOR SURFACE WATER RIGHT. 2. Name of Structures: **Ballard Family Springs**. 3. Legal description of points of diversion: 1051 feet south of the north section line and 483 feet west of the east section line, SE1/4 NE1/4 NE1/4, Section 32, Township 14 South, Range 92 West, 6th P.M. 4. Date of Appropriation: May 27, 2005. 5. Amount: 0.11 c.f.s. absolute to irrigate 20 acres 6. Source of Water: Whipple Gulch, tributary to the North Fork of the Gunnison River. 7. Description of Proposed Use: Irrigation of 20 acres. 8. Names of Owners of the land upon which a new diversion or modification of existing diversion is sought: Applicant. 9. Remarks: This spring was conditionally decreed in 2005CW99, Division 4, but the cancelled on December 15, 2011 for lack of diligence filing. **DELTA COUNTY.**

CASE NO. 2023CW3008 DELTA COUNTY 1. Applicant: **Greg Selvage**, P.O. Box 67, Austin, CO 81410, by Clay, Dodson & Skarka, PLLC, 415 Palmer St., Delta CO 81416, 970-874-9777. APPLICATION FOR UNDERGROUND WATER RIGHT AND APPROVAL OF A PLAN FOR AUGMENTATION. 2. Name of Well and Well Permit for Underground Water Right: **Selvage Well**, exempt well permit no. 311698. 3. Name Underground Water Right and Structure to be Augmented: **Selvage Well**. 4. Legal description of points of diversion: **Selvage Well** is located NW ¼ of the SE ¼ of Section 1, Township 15 South, Range 95 West of the 6th Principal Meridian at a point with approximate GPS coordinates Zone 13, NAD83; 243058m E; 4296039m N 5. Source: groundwater tributary to the Gunnison River. 6. Date of Appropriation: November 5, 2018. 7. How Appropriation was Initiated: Applied for a well permit. 8. Date Water Applied to Beneficial Use: January 5, 2019. 9. Water Rights to be Used for Augmentation: Applicant will utilize replacement water purchased in Blue Mesa Reservoir through a water-service contract with the U.S. Bureau of Reclamation. 10. Statement of Plan of Augmentation: Applicant seeks to convert his exempt well into a fee well to support indoor domestic use for two single-family dwellings, and for irrigation of 200 square feet of greenhouse vegetables, and irrigation of 2,500 square feet of lawn irrigation on Applicant's property. To protect senior water rights from potential injury from out of priority diversions, Applicant has developed a plan of augmentation with the assistance of Merrill Water Rights Consulting, LLC ("MWRC"). The hydrology report from MWRC is attached to and

incorporated with the Application, as Exhibit A. Replacement water will be purchased in Blue Mesa Reservoir through a water-service contract with the U.S. Bureau of Reclamation. 11. Amount Claimed: 25 gallons per minute not to exceed 1.0 acre feet of water per year, conditional. 12. Proposed Use: domestic household use for two single-family residences, irrigation of 200 square foot of greenhouse vegetables, and irrigation of 2,500 square feet of lawn 13. Names of Owners of the land upon which a new diversion or modification of existing diversion is sought: Applicant. **DELTA COUNTY.**

CASE NO. 2023CW3009. Kea Consulting Limited, P.O. Box 4047, Telluride, Colorado 81435; c/o Michael Daugherty, Somach Simmons & Dunn, P.C., 1155 Canyon Blvd., Suite 110, Boulder, CO 80302. Application for Water Storage Rights. **FIRST CLAIM: STORAGE RIGHT.** Name of structure: Heineken Pond. Legal description: SW 1/4 NE 1/4 of Section 32, Township 44 North, Range 10 West, N.M.P.M., San Miguel County, Colorado. UTM Coordinates: Easting: 237,993; Northing: 4,212,665 (Zone 13 South). A general location map associated with this Application is attached as Exhibit A. Source: Unnamed springs and seeps, tributary to Alder Creek, tributary to Leopard Creek, tributary to the San Miguel River. Date of appropriation: August 1, 2022. How appropriation was initiated: Construction of pond and impoundment of water. Date water applied to beneficial use: August 1, 2022. Uses: Fire suppression, stockwatering, piscatorial, and irrigation. Amount: 1 acre-foot, absolute; plus a refill right of 1 acre-foot, conditional. Surface area of high water line: 5,024 square feet. Vertical height of dam from the natural surface of the ground: 3.5 feet. Length of dam: 67 feet. Total capacity of pond in acre-feet: 1 acre-foot. **SECOND CLAIM: STORAGE RIGHT.** Name of structure: Katrina Springs Pond. Legal description: SE 1/4 NE 1/4 Section 32, Township 44 North, Range 10 West, San Miguel County, Colorado, N.M.P.M. UTM Coordinates: Easting: 238,173; Northing: 4,212,573 (Zone 13 South). A general location map associated with this Application is attached as Exhibit A. Source: Unnamed springs and seeps, tributary to Alder Creek, tributary to Leopard Creek, tributary to the San Miguel River. Date of appropriation: October 1, 2022. How appropriation was initiated: Construction of pond and impoundment of water. Date water applied to beneficial use: October 1, 2022. Uses: Fire suppression, stockwatering, piscatorial, and irrigation. Amount: 1.2 acre-feet, absolute; plus a refill right of 1.2 acre-feet, conditional. Surface area of high water line: 6,359 square feet. Vertical height of dam from the natural surface of the ground: 2.5 feet. Length of dam: 80 feet. Total capacity of pond in acre-feet: 1.2 acre-feet. Name of owner of land upon which these structures are located: Applicant. **SAN MIGUEL COUNTY.**

CASE NO. 2023CW3010, GUNNISON COUNTY. 1. Applicant: Saddle Ridge Ranch Estates Water Company, c/o P. Tracy Currie, President, P.O. Box 1786, Crested Butte, CO 80439, (970) 349-2773. Please address all correspondence to: Geoffrey M. Williamson, Esq., Megan Gutwein, Esq., Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302 (303) 402-1600. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE** 2. Summary of Application: Applicant seeks findings of reasonable diligence and to make additional amounts absolute for its two conditional underground water rights that supply water for domestic and livestock purposes at the Saddle Ridge Ranch Estates and certain other properties served by Applicant. Applicant also seeks to make absolute the remaining conditional

portion of its Saddle Ridge Pond water right. 3. Names of Structures: Saddle Ridge No. 5 Well, Saddle Ridge No. 7 Well, and Saddle Ridge Pond. 4. Date of Original and Subsequent Decrees: The subject water rights were originally decreed on August 29, 2002 in Case No. 97CW92, Water Division 4. This Court made findings of reasonable diligence for the subject water rights on June 21, 2010 in Case No. 08CW99, in which the Saddle Ridge Pond was made absolute for 4.0 acre-feet for recreation and livestock water uses and the Meridian Ditch Supplement water right was made absolute in its entirety for 0.25 cfs to fill the Saddle Ridge Pond. This Court made findings of reasonable diligence for the subject water rights on February 27, 2017 in Case No. 16CW3046, and made absolute the Saddle Ridge No. 5 Well for 39 gpm and the Saddle Ridge No. 7 Well for 52 gpm for (1) in-house domestic purposes on one lot within Saddle Ridge Ranch Estates (leaving 17 lots within Saddle Ridge Ranch Estates conditional); (2) in-house domestic purposes on 6 lots outside Saddle Ridge Ranch Estates (leaving 14 lots outside Saddle Ridge Ranch Estates conditional); (3) domestic use in the Equestrian Center; and (4) livestock use within the Equestrian Center. The Court also made 1.35 acre-feet of the Saddle Ridge Pond absolute for augmentation purposes, leaving 2.66 acre-feet conditional for augmentation purposes. 5. Description of Conditional Water Rights: A. Saddle Ridge No. 5 Well. i. Legal description of location: Saddle Ridge No. 5 Well is located in the SW1/4 SE1/4 Section 35, Township 13 South, Range 86 West, 6th P.M. at a point bearing 581 feet from the South Section Line and 2566 feet from the East Section Line of Section 35. The Colorado Division of Water Resources has issued Permit No. 80560-F for Saddle Ridge No. 5 Well. GPS Coordinates: Zone 13, Easting 0328963, Northing 4304733. See map, Exhibit 1. ii. Source: The alluvium of Washington Gulch and the Slate River at a depth of 17 feet. iii. Appropriation Date: May 16, 1999. iv. Amount: 39 gpm (0.087 cfs). v. Uses or proposed uses: In-house domestic purposes on each of the 18 lots and Equestrian Center, and livestock use within the Equestrian Center, within Saddle Ridge Ranch Estates. Outside of Saddle Ridge Ranch Estates, water will be used for in-house domestic purposes only on up to 20 residences. This water right has previously been made absolute in the amount of 39 gpm for (1) in-house domestic purposes on one lot within Saddle Ridge Ranch Estates; (2) domestic and livestock uses at the Equestrian Center; and (3) in-house domestic purposes on six residences outside of Saddle Ridge Ranch Estates. This water right has remained conditional for in-house domestic purposes on 17 lots at Saddle Ridge Ranch Estates and up to 14 additional residences outside of Saddle Ridge Ranch Estates. vi. The land owner upon which this structure is located: Sopris 715 LLC. Applicant has the right to maintain, access, utilize, and convey water across the lands pursuant to that certain Grant of Water System Easement, and Agreement, dated July 14, 2003, recorded in the official records of Gunnison County, Colorado, at Reception No. 533641. B. Saddle Ridge No. 7 Well. i. Legal description of location: Saddle Ridge No. 7 Well is located in the SW1/4 SE1/4, Section 35, Township 13 South, Range 86 West, 6th P.M., at a point bearing 656 feet from the South Section Line and 2369 feet from the East Section line of Section 35. The Colorado Division of Water Resources has issued Permit No. 80561-F for Saddle Ridge No. 7 Well. GPS Coordinates: Zone 13, Easting 0329024, Northing 4304754. See map, Exhibit 1. ii. Source: The alluvium of Washington Gulch and the Slate River at a depth of 17 feet. iii. Appropriation Date: May 16, 1999. iv. Amount: 52 gpm (0.115 cfs). v. Uses or proposed uses: In-house domestic purposes on each of the 18 lots and

Equestrian Center, and livestock use within the Equestrian Center, within Saddle Ridge Ranch Estates. Outside of Saddle Ridge Ranch Estates, water will be used for in-house domestic purposes only on up to 20 residences. This water right has previously been made absolute in the amount of 52 gpm for (1) in-house domestic purposes on one lot within Saddle Ridge Ranch Estates; (2) domestic and livestock uses at the Equestrian Center; and (3) in-house domestic purposes on six residences outside of Saddle Ridge Ranch Estates. This water right has remained conditional for in-house domestic purposes on 17 lots at Saddle Ridge Ranch Estates and up to 14 additional residences outside of Saddle Ridge Ranch Estates.

vi. The land owner upon which structures are to be located: Sopris 715 LLC. Applicant has the right to maintain, access, utilize, and convey water across the lands pursuant to that certain Grant of Water System Easement, and Agreement, dated July 14, 2003, recorded in the official records of Gunnison County, Colorado, at Reception No. 533641.

C. Saddle Ridge Pond.

i. Legal description of location: Saddle Ridge Pond is located at a point whence the Northeast corner of Section 27, Township 13 South, Range 86 West, 6th P.M., bears South 71° 7' East 3130 feet. The dam outlet point for the pond is in the NE1/4NW1/4 Section 35, T 13 S, R 86 W, 6th P.M. at a point bearing 223 feet from the North Section Line and 2,562 feet from the West Section Line of Section 35. GPS Coordinates: Zone 13, Easting 0328927, Northing 4306110. See map, Exhibit 1.

ii. Source: The Saddle Ridge Pond is an off-channel reservoir, and is filled by the Meridian Ditch, Ditch No. 226 in old Water District 59, having a decreed point of diversion on the right bank of the Washington Gulch Creek, a tributary to the Slate River, a tributary of the Gunnison River.

iii. Appropriation Date: June 3, 1997.

iv. Amount: 4.0 acre-feet total (4.0 acre-feet previously made absolute for recreation and livestock watering purposes and 1.34 acre-feet previously made absolute for augmentation purposes, leaving 2.66 acre-feet conditional for augmentation purposes). The pond is filled and refilled by the Meridian Ditch at a rate of 0.25 cfs. Refill is up to 1.36 acre-feet to replace evaporative losses.

v. Size: a. Surface Area: 0.75 acres. b. Dam height: 10 feet. c. Dam length: 250 feet. d. Capacity: 4.0 acre-feet active storage.

vi. Uses or proposed uses: Recreation and livestock watering, augmentation purposes.

vii. The land owner upon which structures are to be located: Saddle Ridge Ranch Estates Homeowners Association.

6. Diligence Activities: The water rights originally approved in Case No. 97CW92 and the subject of this application are part of an integrated water supply system intended for use within the Saddle Ridge Ranch Estates subdivision and certain lots outside Saddle Ridge Ranch Estates as described in the original decree (see, e.g., paragraph 31.3 of 97CW92 decree). Diligence on any part of this system will be considered diligence as to all of these conditional water rights. During the diligence period of February 2017 to February 2023, in continuing development of the subject water rights, Applicant has undertaken significant efforts on various components of this integrated water system and development of Saddle Ridge Ranch Estates. Activities that have been performed toward completion of the appropriation and application of the subject water rights to beneficial use are described below. This list is not intended to be exclusive.

A. Applicant engaged SGM, Inc. to re-design its water treatment plant, design modifications to the water distribution system, and prepare a related Asset Inventory and Capital Improvement Plan, which was completed on January 15, 2020, at a cost of approximately \$11,400.00.

B. SGM has begun the process of submitting a design report to the Colorado Department of Public

Health and Environment (“CDPHE”) to upgrade the water system from private to public, including modifications to the existing treatment plant, in compliance with Regulation No. 11, 5 CCR 1002-11 and C.R.S. § 25-1.5-201 et seq. Applicant has spent approximately \$20,000.00 to date in preparing its submission to CDPHE. C. Applicant began serving additional lots from its water system, including service to three additional taps within Saddle Ridge Ranch Estates and two additional taps outside Saddle Ridge Ranch Estates, bringing the total number of lots currently served in those locations to four and eight, respectively. Applicant also constructed a new section of water main during the diligence period to serve those additional taps outside of Saddle Ridge Ranch Estates. In addition, there is one home under construction within Saddle Ridge Ranch Estates and two homes under construction outside Saddle Ridge Ranch Estates that will be served by Applicant in late 2023 or early 2024. 7. Application to Make Absolute: A. Saddle Ridge No. 5 Well. During the diligence period, Applicant added three more active taps within Saddle Ridge Ranch Estates and two more active taps outside Saddle Ridge Ranch Estates that are served by the No. 5 Well. Applicant now seeks to make this water right absolute for these additional purposes. i. Amount: 39 gpm (0.087 cfs) ii. Uses: (1) In-house domestic purposes on three additional lots, for a total of four lots, within Saddle Ridge Ranch Estates, and (2) in-house domestic purposes on two additional lots, for a total of eight lots, outside Saddle Ridge Ranch Estates. B. Saddle Ridge No. 7 Well. During the diligence period, Applicant has added three more active taps within Saddle Ridge Ranch Estates and two more active taps outside Saddle Ridge Ranch Estates that are served by the No. 7 Well. Applicant now seeks to make this water right absolute for these additional purposes. i. Amount: 52 gpm (0.115 cfs) ii. Uses: (1) In-house domestic purposes on three additional lots, for a total of four lots, within Saddle Ridge Ranch Estates, and (2) in-house domestic purposes on two additional lots, for a total of eight lots, outside Saddle Ridge Ranch Estates. C. Saddle Ridge Pond. As recognized in the decree entered in Case No. 08CW99, Applicant diverted and stored the full amount of 4 acre-feet into Saddle Ridge Pond and applied this amount to beneficial use for recreational and livestock purposes, and the Court accordingly decreed Saddle Ridge Pond absolute for those purposes. An additional 1.35 acre-feet was then decreed absolute for augmentation purposes in Case No. 16CW3046, leaving 2.66 acre-feet conditional for augmentation. Since this water right was first decreed, however, the Colorado General Assembly passed S.B. 13-41, codified at C.R.S. §§ 37-92-103(4)(a) and 37-92-301(4)(e), which changed the definition of beneficial use to include storage for any decreed purpose. This means that an applicant only needs to store water to perfect a conditional storage right, and not actually apply the water to each of its decreed uses. Thus, Applicant has complied with all requirements under Colorado law to make Saddle Ridge Pond absolute for all decreed purposes. WHEREFORE, the Applicant prays this Court enter a decree: A. Granting Applicant’s request to make the Saddle Ridge No. 5 Well and Saddle Ridge No. 7 Well absolute for in-house domestic use for three additional lots within Saddle Ridge Ranch Estates and two additional lots outside Saddle Ridge Ranch Estates at their full decreed rates as described above; B. Granting Applicant’s request to make Saddle Ridge Pond absolute in the amount of 4.0 acre-feet for all decreed purposes, or in the alternative, finding that Applicant has exercised reasonable diligence on the remaining conditional portion of the Saddle Ridge Pond water right; C. Confirming that Applicant has exercised diligence toward completing the appropriations

for Saddle Ridge No. 5 Well and Saddle Ridge No. 7 Well for the decreed uses, and continuing the remaining conditional portions of these water rights in full force and effect for another six-year diligence period; and D. Granting such other and further relief as the Court deems proper. (9 pages incl. 1 exhibit) **GUNNISON COUNTY**.

CASE NO. 2023CW3011 Idarado Mining Company (“Idarado”), Attn: Devon Horntvedt, Director of Legacy Site Management 570 Palomino Trail Ridgway, CO 81432 Devon.Horntvedt@newmont.com; Please direct all correspondence and pleadings in this matter to: James S. Witwer, Andrea M. Bronson, Davis Graham & Stubbs LLP; 1550 Seventeenth Street, Suite 500, Denver, Colorado 80202; Telephone: 303.892.9400; Facsimile: 303.893.1379; E-mail: James.Witwer@dgsllaw.com Andrea.Bronson@dgsllaw.com **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE**. 1. Name, address email address, and telephone number of Applicant: (see above). 2. Names of Structures: Blue Lake Pipeline (main penstock); Mud Lake Pipeline; Blue Lake Supply Pipeline (Double Eagle); Jacobson No. 5 Pipeline; Blue Lake Reservoir; Mud Lake Reservoir. 3. Description of conditional water rights from previous decrees: Original Decree entered in Case No. 87CW93 (84CW112), Water Division No. 4, and dated May 15, 1990. In Case No. 87CW93, the court confirmed conditional surface water rights for the generation of hydroelectric power and domestic uses in the following structures: (1) Blue Lake Supply Pipeline, Bridal Veil Branch; (2) Blue Lake Pipeline; (3) Mud Lake Pipeline; (4) Blue Lake Supply Pipeline; and (5) Jacobson No. 5 Pipeline. The court also confirmed storage rights in the following structures: Blue Lake Reservoir; Mud Lake Reservoir; and Head of Bridal Veil Reservoir. In Case No. 97CW241, Water Division No. 4, dated January 4, 2004, the court decreed absolute all water rights for the Blue Lake Supply Pipeline, Bridal Veil Branch, and all storage rights in the Head of Bridal Veil Reservoir. The court also decreed absolute portions of the conditional water rights decreed to the Blue Lake Pipeline (main penstock), Mud Lake Pipeline, Jacobson No. 5 Pipeline, Blue Lake Reservoir and Mud Lake Reservoir. The decree in Case No. 97CW241 also entered a finding of reasonable diligence with respect to the remaining conditional water rights originally confirmed in Case No. 87CW93 (collectively referred to herein as the “Subject Water Rights”). In Case No. 10CW8, Water Division No. 4, dated October 22, 2010, the court entered a finding of reasonable diligence with respect to the Subject Water Rights. In 2010, the water rights originally decreed in Case No. 87CW93 were conveyed to Idarado, and Idarado was substituted as the applicant in Case No. 10CW8. In Case No. 16CW3074, Water Division No. 4, dated February 27, 2017, the court entered a finding of reasonable diligence with respect to the Subject Water Rights. a. Surface/Direct Flow Water Rights: 1. Blue Lake Pipeline (main penstock). i. Previous Decrees: Case No. 87CW93 (84CW112), dated May 15, 1990; Case No. 96CW82, dated October 9, 1997; Case No. 97CW241, dated January 5, 2004; Case No. 10CW8, dated October 22, 2010; Case No. 16CW3074, dated February 27, 2017. ii. Legal Description: At a point whence the East Quarter Corner of Section 9 bears N. 28°4'41" E. 9,013.3 feet, the same being located in Township 42 North, Range 8 West of the New Mexico P.M., San Miguel County, Colorado. iii. Source: Spring and runoff tributary to Bridal Veil Creek, tributary to San Miguel River. iv. Date of Initiation of Appropriation: July 4, 1982. v. Amount Claimed: 8.35 cfs conditional for generation of hydroelectric power. The amounts previously made absolute are 3.65 cfs for generation of hydroelectric power and 0.5 cfs

for domestic use (not to exceed 12 cfs of total use). vi. Use: Generation of hydroelectric power. 2. Mud Lake Pipeline. i. Previous Decrees: Case No. 87CW93 (84CW112), entered May 15, 1990; Case No. 96CW82, dated October 9, 1997; Case No. 97CW241, entered January 5, 2004; Case No. 10CW8, entered October 22, 2010; Case No. 16CW3074, dated February 27, 2017. ii. Legal Description: Located at a point whence the East Quarter Corner of Section 9 bears N. 33°41' E. 6,488.5 feet, Township 42 North, Range 8 West of the New Mexico P.M., San Miguel County, Colorado. iii. Source: Mud Lake Creek, tributary to Bridal Veil Creek tributary to San Miguel River. iv. Date of Initiation of Appropriation: July 4, 1982. v. Amount Claimed: 6.55 cfs conditional for generation of hydroelectric power (all from the stream headgate). The amounts previously made absolute are 3.65 cfs for generation of hydroelectric power and 0.5 cfs for domestic use (not to exceed 10.2 cfs of total use). vi. Use: Generation of hydroelectric power. 3. Blue Lake Supply Pipeline (Double Eagle). i. Previous Decrees: Case No. 87CW93 (84CW112), entered May 15, 1990; Case No. 96CW82, entered October 9, 1997; Case No. 97CW241, entered January 5, 2004; Case No. 10CW8, entered October 22, 2010; Case No. 16CW3074, dated February 27, 2017. ii. Legal Description: Located on the Double Eagle branch of Bridal Veil Creek at a point whence the East Quarter Corner of Section 24 bears S. 81°9'6" W. 6,634.15 feet, the same being located in Township 42 North, Range 9 West of the New Mexico P.M., San Miguel County, Colorado. iii. Source: Double Eagle Branch of Bridal Veil Creek, tributary to San Miguel River. iv. Date of Initiation of Appropriation: July 4, 1982. v. Amount claimed: 4.0 cfs conditional for generation of hydroelectric power and domestic use. The cumulative amount of said water right not to exceed 4.0 cfs. vi. Use: Generation of hydroelectric power and domestic use for single family caretaker's residence at the Bridal Veil Falls power house. 4. Jacobson No. 5 Pipeline. i. Previous Decrees: Case No. 87CW93 (84CW112), entered May 15, 1990; Case No. 96CW82, entered October 9, 1997; Case No. 97CW241, entered January 5, 2004; Case No. 10CW8, entered October 22, 2010; Case No. 16CW3074, dated February 27, 2017. ii. Legal Description: The point of diversion for the Jacobson No. 5 Pipeline is on the west bank of Bridal Veil Creek at the old diversion structure whence an aluminum cap at the intersection of Colorado Avenue and Fir Street in Telluride, Colorado, bears N. 59°30' W. 14,004 feet. iii. Source: Bridal Veil Creek, tributary to San Miguel River. iv. Date of Initiation of Appropriation: July 4, 1982. v. Amount Claimed: 6.0 cfs conditional for generation of hydroelectric power and domestic use. The amount previously made absolute is 0.5 cfs for domestic use (not to exceed 6.0 cfs of total use). vi. Use: Generation of hydroelectric power and domestic use for single family caretaker's residence at the Bridal Veil Falls powerhouse. b. Water Storage Rights: 1. Blue Lake Reservoir i. Previous Decrees: Case No. 87CW93 (84CW112), dated May 15, 1990; Case No. 96CW82, dated October 9, 1997; Case No. 97CW241, dated January 5, 2004; Case No. 10CW8, dated October 22, 2010; Case No. 16CW3074, dated February 27, 2017. ii. Legal Description and Location of Dam: The outlet works of the dam are located at a point whence the East Quarter corner of Section 9 bears N. 28°4'41" E. 9,013.3 feet, the same being located in Township 42 North, Range 8 West of the New Mexico P.M., San Miguel County, Colorado. iii. Source: Spring and runoff tributary to Bridal Veil Creek, tributary to San Miguel River. iv. Date of Appropriation: July 4, 1982. v. Amount claimed: 3,014.47 acre-feet conditional for the generation of hydroelectric power. The amounts previously made absolute are 3,000 acre-feet of active storage for

generation of hydroelectric power and 362 acre feet for domestic use (not to exceed 6,014.47 acre feet of total storage). vi. Use: Generation of hydroelectric power and domestic use for single family caretaker's residence at the Bridal Veil Falls power house. vii. Surface of High Water Line: 64.4 acres. viii. Maximum Height of Dam: 12 feet. ix. Length of Dam: Approximately 60 feet. x. Total Capacity of Reservoir previously decreed: 6,014.47 acre-feet, of which 3,900 acre feet is active storage. 2. Mud Lake Reservoir. i. Previous Decrees: Case No. 87CW93 (84CW112), dated May 15, 1990; Case No. 96CW82, dated October 9, 1997; Case No. 97CW241, dated January 5, 2004; Case No. 10CW8, dated October 22, 2010; Case No. 16CW3074, dated February 27, 2017. ii. Legal Description and Location of Dam: The outlet works of the dam are located at a point whence the East Quarter corner of Section 9 bears N. 33' 41' E. 6,488.5 feet, the same being located in Township 42 North, Range 8 West of the New Mexico P.M., San Miguel County, Colorado. iii. Source: Mud Lake Creek, tributary to Bridal Veil Creek, tributary to San Miguel River. iv. Date of Appropriation: July 4, 1982. v. Amount claimed: 67 acre-feet conditional for the generation of hydroelectric power and 67 acre-feet conditional for domestic use. The amounts previously made absolute are 20 acre-feet of active storage for generation of hydroelectric power and 20 acre-feet for domestic use (not to exceed 87 acre-feet of total storage). vi. Use: Generation of hydroelectric power and domestic use for single family caretaker's residence at the Bridal Veil Falls power house. vii. Surface of High Water Line: 9.1 acres. viii. Maximum Height of Dam: 8 feet. ix. Length of Dam: Approximately 40 feet. x. Total Capacity of Reservoir: 87 acre-feet., 4. Detailed outline of work performed and the expenditures made toward completion of the appropriation and application of water to a beneficial use as conditionally decreed: During the diligence period, Idarado expended more than \$6,400,000 on repairs to and operation and maintenance of the Bridal Veil water system and the Subject Water Rights, including: (1) repair of the Lewis Lake pipeline; (2) replacement of the Blue Lake Pipeline penstock; ; (3) repairs to the Blue Lake dam; (4) installation of new valves, meters, and remote operation system at Blue Lake; (5) engineering and water consulting fees, and (6) equipment maintenance and rental, and materials and labor. During the diligence period, Idarado expended more than \$500,000 on repair and maintenance of the Bridal Veil Power Station. During the diligence period, Idarado expended more than \$150,000 on legal fees associated with the Bridal Veil System and the Junior Bridal Veil Water Rights, including its opposition in Case Nos. 17CW3036 and 19CW3003, conferral, implementation and administration of stipulation and decree terms from Case No. 96CW313 related to river flows and releases from Blue Lake, dam safety and right-of-way issues, and resume review., 5. Name and address of owners or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: N/A **SAN MIGUEL COUNTY**.

CASE NO. 2023CW3012 (16CW3062, 09CW37, and 01CW114) ELK RIDGE MINING AND RECLAMATION, LLC ("Elk Ridge"), Attn: H. Steven Gray, Senior Manager, Land Rights and Permitting, Tri-State Generation and Transmission Association, Inc. ("Tri-State"), parent company of Elk Ridge, 1100 West 116th Avenue, Westminster, Colorado 80234; Telephone: (303) 452-6111; E-mail: sgray@tristategt.org. Please direct all correspondence concerning this Application to: Aaron S. Ladd, Esq. and Rachel L. Bolt,

Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, Colorado 80301; Telephone: (303) 443-6151; E-mail: asl@vrlaw.com; rlb@vrlaw.com and Roger T. Williams, Esq., Tri-State Generation and Transmission Association, Inc., 1100 West 116th Avenue, Westminster, Colorado 80234; Telephone: (303) 254-3218; E-mail: rwilliams@tristategt.org. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN MONTROSE COUNTY.** 2. Names of Structures (“New Horizon Mine Ponds”): a. New Horizon Mine Pond No. 009 b. New Horizon Mine Pond No. 010 c. New Horizon Mine Pond No. 012 d. New Horizon Mine Pond No. 013 e. New Horizon Mine Pond No. 015 3. Description of Conditional Water Rights: a. Date of original decree: Case No. 01CW114, Water Court, Water Division No. 4, entered March 14, 2003. Case No. 01CW114 adjudicated conditional storage water rights to New Horizon Mine Pond Nos. 008, 009, 010, 011, 012, 013, 014, and 015. b. All subsequent decrees awarding findings of diligence: i. 09CW37: Case No. 09CW37, Water Court, Water Division No. 4, entered September 27, 2010. In Case No. 09CW37, findings of reasonable diligence were granted for the water rights decreed to New Horizon Mine Pond Nos. 009, 010, 012, 013, and 015, and the water rights decreed to New Horizon Mine Pond Nos. 008 and 011 were made absolute in their entirety. The water right decreed to New Horizon Mine Pond No. 014 was voluntarily canceled and abandoned. ii. 16CW3062: Case No. 16CW3062, Water Court, Water Division No. 4, entered February 6, 2017. In Case No. 16CW3062, 2.54 acre-feet of the conditional 6.06 acre-feet decreed to New Horizon Mine Pond No. 013 was made absolute for all decreed uses. In addition, findings of reasonable diligence were granted for the remaining 3.52 acre-feet decreed to New Horizon Mine Pond No. 013 as well as the conditional water rights decreed to New Horizon Mine Pond Nos. 009, 010, 012, and 015. c. Legal descriptions of New Horizon Mine Ponds: i. New Horizon Mine Pond No. 009: NE1/4 of the SE1/4 of Section 36, Township 47 North, Range 16 West of the N.M.P.M., at a point 2,383 feet from the South section line and 241 feet from the East section line. ii. New Horizon Mine Pond No. 010: Section 36, Township 47 North, Range 16 West of the N.M.P.M., at a point North 79°28' West, 3796 feet from the southeast corner of said Section 36. iii. New Horizon Mine Pond No. 012: NW1/4 of the SE1/4 of Section 36, Township 47 North, Range 16 West of the N.M.P.M., at a point 2,518 feet from the South section line and 1,856 feet from the East section line. iv. New Horizon Mine Pond No. 013: NW1/4 of the SW1/4 of Section 36, Township 47 North, Range 16 West of the N.M.P.M., at a point 1,916 feet from the South section line and 324 feet from the West section line. v. New Horizon Mine Pond No. 015: SW1/4 of the SW1/4 of Section 36, Township 47 North, Range 16 West of the N.M.P.M., at a point 487 feet from the South section line and 93 feet from the West section line. vi. The New Horizon Mine Ponds are depicted on the map attached hereto as **Exhibit A**. The original legal descriptions for the New Horizon Mine Pond Nos. 009, 012, 013, and 015 decreed in Case No. 01CW114 were changed in Case No. 10CW208, Water Court, Water Division No. 4, decree entered on August 6, 2013 (“Case No. 10CW208”) to the locations set forth above in this paragraph 3.c. d. Source: Unnamed tributaries of Tuttle Draw, tributary to the San Miguel River. e. Appropriation Date: June 15, 2001. f. Amounts: i. New Horizon Mine Pond No. 009: 6.17 acre-feet, conditional. ii. New Horizon Mine Pond No. 010: 18.90 acre-feet, conditional. iii. New Horizon Mine Pond No. 012: 5.24 acre-feet, conditional. iv. New Horizon Mine Pond No. 013: 3.52 acre-feet, conditional; 2.54 acre-feet of 6.06 acre-feet total was previously made absolute. v. New Horizon Mine Pond No. 015: 0.40 acre-feet,

conditional. g. Uses: Irrigation, stockwatering usage, and mining purposes, including but not limited to dust suppression and sediment control. 4. Detailed 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: a. In Case No. 10CW208, the Court found and concluded as a matter of law that New Horizon Mine Pond Nos. 009, 011, 012, 013, and 015, along with other structures and water rights in Case No. 10CW208, are part of a single “project or integrated system” within the meaning of C.R.S. § 37-92-301(4)(b), such that work on any feature of Elk Ridge’s integrated system shall be considered in finding in the future that reasonable diligence has been shown in the development of any and all water rights for the entire system (the “Integrated System”). b. During the diligence period, Elk Ridge has conducted coal mining operations at the New Horizon 2 and New Horizon North Mines, located outside of Nucla, Colorado, originally totaling 1,223 acres. Elk Ridge completed coal mining at New Horizon 2 in August of 2013 and at New Horizon North Mine in March 2017. Elk Ridge continues to reclaim these mined properties in accordance with the terms of its Division of Reclamation Mining and Safety (“DRMS”) permit. Reclamation involves backfilling the land to the approved final contours (“Phase I”), topsoil replacement and seeding the contoured land to establish plant growth to maintain topsoil stability and minimize surface runoff (“Phase II”), and then releasing the land to the landowner after ten years of monitoring the progress of the vegetation and its compliance with the applicable standards in the permit (“Phase III”). At New Horizon 2 and New Horizon North Mines, Elk Ridge has obtained Phase III bond release on 458 acres, has returned a significant portion of those released acres to the landowners, and has removed them from the permit. Thus, 577 acres remain subject to the mine permit. Elk Ridge is currently undertaking reclamation on approximately 140 acres of areas disturbed by mining at New Horizon 2 and New Horizon North Mines. Elk Ridge has expended significant resources on the mining and reclamation activities at New Horizon 2 and New Horizon North Mines during the diligence period. The New Horizon Mine Ponds, and the other water rights and structures in the Integrated System, are used by Elk Ridge to ensure it has adequate water supplies for mining, each phase of reclamation including regulatory required sediment control, and for post-reclamation land uses under a variety of hydrologic conditions. c. Since entry of the decree in Case No. 16CW3062, Elk Ridge has performed work toward perfecting the New Horizon Mine Ponds’ water rights and the other water rights that are part of the Integrated System in addition to the mining and reclamation activities listed above. Such work has included construction, engineering, and legal activities. i. Elk Ridge obtained a permit from the State of Colorado Department of Reclamation and Mine Safety (“DRMS”) to reduce the size of New Horizon Mine Pond No. 9 from 6.22 acre-feet to 2.48 acre-feet. Elk Ridge paid \$27,000 in expenses to a third-party contractor in reducing the size of the pond, and also incurred internal costs in this effort, however, Elk Ridge does not track its internal costs. ii. Elk Ridge constructed substantial improvements for the operation of New Horizon Mine Pond No. 13, including installation of baffle curtains and other limestone treatment structures at a cost exceeding \$45,000. These costs do not include substantial internal expense incurred by Elk Ridge. iii. Elk Ridge improved the water collection and conveyance system from the New Horizon 2 Mine Pump (“NH2MP”) to Pond 13, installing a trench drain and pipes to convey water from the NH2MP to New Horizon Mine Pond No. 13. The cost of materials for this project

exceeded \$25,000; installation was performed by Elk Ridge employees, at significant expense. d. In Case No. 19CW3061, Elk Ridge requested and obtained a decree from the Water Court, Water Division No. 4, entered July 7, 2020, determining Elk Ridge had exercised reasonable diligence for conditional water rights that are part of the Integrated System. e. In Case No. 21CW3076, Elk Ridge has applied for its New Horizon 2 Mine Pump Enlargement water right. In Case No. 10CW208, the NH2MP structure and water right decreed in Case No. 09CW171 were decreed part of Elk Ridge's "integrated system" within the meaning of C.R.S. § 37-92-301(4)(b). f. In Case No. 20CW3020, Elk Ridge filed its opposition to the Application for Findings of Reasonable Diligence filed by Richards and Richards for the Nellie Ditch No. 2, which claims a supply from Tuttle Draw. g. With respect to engineering and legal activities in Case Nos. 19CW3061, 20CW3020, and 21CW3076, Elk Ridge has expended in excess of \$60,000 to, *inter alia*, develop and protect its water rights. h. Based on the foregoing diligence activities described in this paragraph 4, Elk Ridge seeks a decree determining it has exercised reasonable diligence for the conditional water rights decreed to New Horizon Mine Pond Nos. 009, 010, 012, 013, and 015. Applicant reserves the right to provide evidence of additional diligence activities or additional support of these diligence activities as necessary. 5. Claim to Make Absolute: In addition to the diligence activities listed herein, Applicant has increased the volume of water stored in New Horizon Mine Pond 013 to 5.90 acre-feet at the principal spillway at elevation 5,555 ft and has exercised its right within this structure. Based on this increased storage, Applicant seeks to make an additional 2.38 acre-feet of Pond 013 absolute, for total of 5.90 acre-feet absolute out of the total 6.06 acre-feet, with 0.16 acre-feet to remain conditional. 6. 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: Applicant. 7. Remarks or any other pertinent information: N/A. WHEREFORE, Elk Ridge requests the Court enter a decree granting the Application herein determining that Elk Ridge has completed its appropriation of New Horizon Mine Pond 013 as set forth herein and is entitled to make that right partially absolute, and exercised reasonable diligence with respect to the New Horizon Mine Pond Nos. 009, 010, 012, 013, and 015 in any amounts not made absolute, continuing said rights, in their full amounts set forth herein, in full force and effect for another six years or until made absolute by reason of the completion of the appropriations. (10 pgs., 1 Exhibit) **MONTROSE COUNTY.**

CASE NO. 2023CW3013 Gunnison County. Groundwater trib. to Slate River, trib. to East River, trib. to Gunnison River, waste, seepage and natural flow accruing to an unnamed trib. to the Slate River (this trib. is sometimes referred to as the Clayton Wastewater Ditch). Application for Finding of Reasonable Diligence and to Make Absolute, in Part. Applicants: Butte Pasture Association, Inc. and Abu-Haidar/Berv Living Trust, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Structure: **Butte Pasture Well Field.** Orig. Decree: Case No. 02CW54, Dist. Court, Water Div. No. 4. Subsequent Diligence Decree: Case Nos. 09CW180 and 2016CW3053. Legal Description: The Butte Pasture Well Field is described on Exhibit A to the Decree in Case No. 02CW54, attached. Date of Approp.: 3/17/1999. Decreed Uses: Irr., dom. use in nine residential units, and livestock watering. Irr. Use: Up to 12,000 sq. ft. within the Butte

Pasture Subdivision as described in Exhibit B to the Decree in Case No. 02CW54, attached. Non-Irr. Use: dom. use in nine residential units and livestock watering. Decreed Amt: 135 gpm, of which 92 gpm is absolute and 43 gpm is cond.; Annual cumulative diversions limited to 4.31 AF. Structure: **Butte Pasture Pond**. Orig. Decree: Case No. 02CW54, Dist. Court, Water Div. No. 4. Subsequent Diligence Decree: Case Nos. 09CW180 and 2016CW3053. Legal Description: the centerline of the dam at its intersec. with an unnamed trib. to the Slate River is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T. 14 S., R. 85 W., 6th P.M. at a pt. 650 ft. from the W. Sec. line and 2,200 ft. from the N. Sec. line. Date of Approp.: 3/17/1999. Decreed Uses: pisc. and rec. Surface area: 1 acre. Max. height of dam: less than 10 ft. Length of dam: 400 ft. Decreed Amt: 10 AF, of which 4.02 AF is absolute and 5.98 AF is cond. for pisc. and rec. uses. Total capacity of reservoir: 10 AF. Active capacity: 10 AF. Dead storage: 0 AF. Comments: A map depicting the location of the Butte Pasture Pond and the Butte Pasture Well Field is Exhibit C to the Decree in Case No. 02CW54, attached. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this court. Second Claim to make absolute, in part: Structure: Butte Pasture Well Field. Date water applied to beneficial use: Various dates, including 5/31/2021, which is a date on which Butte Pasture Well Field was operating to supply dom. use in 8 homes, irr. of 12,000 sf of lawns and gardens, and watering of livestock with the benefit of the increased production from wells on lots 1 and 7. Amount claimed absolute: 7.5 gpm as absolute, in addition to the 92 gpm decreed absolute in 16CW3053, for a total of 99.5 gpm absolute; the current demonstrated production rate of the 8 wells constructed within the Butte Pasture Well Field. Uses: Dom. use in 8 homes, irr. of 12,000 sf of lawns and gardens, and watering of livestock. Comment: A map identifying the location of the 12,000 sf now irrigated by the Butte Pasture Well Field water right is Exhibit D attached to app. Name and address of owners of land on which structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicants: Members of Applicant Butte Pasture Association listed in app. 8 pgs. **GUNNISON COUNTY**.

CASE NO. 2023CW3014, Gunnison County, Gunnison River, Water District No. 4, Applicant: Glacier Lily Association, Inc., a Colorado nonprofit corporation, c/o Law Office of Michael C. Dawson, LLC., 120 North Taylor - P.O. Box 179, Gunnison, Colorado 81230, (970) 641-3326. **Type of Application:** Application to Make Absolute in Part and For a Finding of Reasonable Diligence. **Name of Structure:** Glacier Lily Well No. 1. **Point of Diversion:** The well is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 13 South, Range 86 West, 6th P.M., at a point 556 feet from the south section line and 1922 feet from the west section line (Zone 13, NAD83, Easting 0328734m, Northing 4306349m). **Name of Structure:** Glacier Lily Well No. 1A. **Point of Diversion:** the location of Glacier Lily Well No. 1A is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 26, T. 13 S., R. 86 W., 6th P.M., at a pt. 1200 ft. from the S. Section line and 975 ft. from the W. Section line. **Name of Structure:** Glacier Lily Well No. 1B. **Point of Diversion:** is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 26., T. 13 S., R. 86 W., 6th P.M., at a pt. 1315 feet from the S. Section line and 1840 ft. from the W. Section line. **Name of Structure:** Glacier Lily Well No. 1C. **Point of Diversion:** is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 26., T. 13 S., R. 86 W., 6th P.M., at a pt. 558 ft. from the S. Section line and 1840 ft. from the W. Section line . **Name of Structure:** Glacier Lily Well No. 1 Spring Alternate Point. **Point of Diversion:**

at a point in the SE 1/4 SW 1/4 of Sec. 26, T. 13 S., R. 86 W. of the 6th P.M., at a pt. 700 ft. from the S. Section line and 1,825 ft from the W. Section line. **Name of Structure:** Glacier Lily Well No. 1 Glacier Lily Spring. **Point of Diversion:** in the SE 1/4 SW 1/4 of Section 26, T. 13 S., R. 86 W., 6th P.M., at a point 1800 ft. from the W. Section line and 900 ft. from the S. Section line. **Name of Structure:** Glacier Lily Well No. 1 Well Field. **Point of Diversion:** at any point within the Glacier Lily Estates, a subdivision of approx. 42 acres in the SW 1/4 SW 1/4 and the SE 1/4 SW 1/4 of Sec. 26, T. 13 S., R. 86 W., 6th P.M., in Gunnison County, Colorado, as described on the plat recorded on Jan. 15, 1985 in the records of the Gunnison County Clerk & Recorder at Reception No. 385811, and amended plats at Reception Nos. 405798 and 444060. **Name of Structure:** Glacier Lily Well No. 4. **Point of Diversion:** was changed to divert for irrigation purposes only through the Rozich Ditch and the Meridian Ditch, the points of diversion of which are described as follows: (1) Rozich Ditch: situate on the W. bank of Washington Gulch at a point whence the quarter corner between Secs. 26 and 35, T. 13, S., R. 86 W., 6th P.M., bears S. 22°46' E., 4506 ft.; (2) Meridian Ditch: situate on the right bank of Washington Gulch at a pt. whence the NE corner of Sec. 27, T. 13 S., R. 86 W., 6th P.M., bears S. 71°07' E., 3130 ft. **Drainage Basin:** The subject rights are in the drainage of Washington Gulch, a tributary of the Slate River, a tributary of the East River, a tributary of the Gunnison River. **Quantity:** 130 g.p.m. (conditional) and 20 g.p.m. (absolute) for domestic and irrigation. **Appropriation Date:** June 30, 1983. **Use:** domestic and irrigation. **Type of Structure:** wells and springs. **Other:** Applicant sets forth the actions taken toward the completion of appropriation and application of water to beneficial use as decreed. **GUNNISON COUNTY.**

CASE NO. 2023CW3015 Delta County. Application for Underground Water Right and Request for Approval for Plan of Augmentation. Applicant: Colorado Stone Quarries, Inc., c/o John T. Howe, Hoskin Farina & Kampf, P.C., 200 Grand Avenue, Suite 400, Grand Junction, Colorado 81501; (970) 986-3400. Attorney for Applicant: John T. Howe, Hoskin, Farina & Kampf, Professional Corporation, Post Office Box 40, Grand Junction, Colorado 81502; (970) 986-3400. **Summary of Application:** Applicant operates a dimension stone marble quarry in Marble, Colorado. Marble blocks are transported from the quarry to Applicant's Delta slabbing facility ("Slabbing Facility"). The Slabbing Facility processes bulk marble blocks into slabs and tile, and prepares stone blocks from throughout the United States for the world market. The Slabbing Facility is located in the S $\frac{1}{2}$ of Section 32 of Township 15 South, Range 95 West of the 6th P.Meridian in Delta County, Colorado, with a physical address of 1734 Highway 50, Delta, CO 81416. Applicant seeks: (1) an underground water right for two recirculation ponds used in connection with the Slabbing Facility that will divert groundwater tributary to the Uncompahgre River; and (2) approval of a plan for augmentation for depletions that result from use of the recirculation ponds. **Request for Underground Water Right:** Name of Structure: CSQ Recirculation Ponds. The structure consists of two ponds that are hydrologically connected and which are located approximately 30 feet apart. For this reason, the two ponds are being treated as one structure. Source: groundwater tributary to the Uncompahgre River, tributary to the Gunnison River. Permit Numbers: Well Permit Nos. 84064-F and 84065-F. Location: NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 15 South, Range 95 West of the 6th P.M., UTM Coordinates: 235593.5 Easting, 4288329.3 Northing,

Zone 13. Depth of Ponds: 20 feet. Surface Area of Ponds: 1.0 acre. Capacity of Ponds: 5.5 acre feet. Uses: industrial, dust control, evaporation and irrigation. Appropriation Date: March 28, 2018. Date water applied to beneficial use: July 1, 2021 for industrial in the amount of 0.80 c.f.s. representing one third of the capacity of the Slabbing Facility and evaporation; dust control and irrigation uses remain conditional. Amount claimed: 0.668 c.f.s. (300 gpm) maximum pumping rate; 10.93 acre feet annually (2.40 acre feet for industrial uses, 3.53 acre feet for evaporation, 3.00 acre feet for dust control, and 2.00 acre feet for irrigation). Landowner: Applicant. Augmentation: The CSQ Recirculation Ponds will be operated according to a plan for augmentation, approval for which is sought in this Application. **Request for Approval of Plan for Augmentation**: Name of Structures to be augmented: CSQ Recirculation Ponds. Water Rights to be Used for Augmentation: Aspinall Unit – Blue Mesa Reservoir, decreed in Civil Action No. 6981 and Civil Action No. 10045. The initial point of survey of Blue Mesa Dam is located at a point on the right abutment being the intersection of the center line of the axis of the dam and the center line of the outlet works tunnel, whence the Southwest corner of Section 31, T 49 N, R 4 W, N.M.P.M., bears N 78°36'44" W a distance of 3,207.07 feet. Source of water is the Gunnison River. Appropriation date is November 11, 1957. Amount decreed to Blue Mesa Reservoir is 939,204 acre-feet decreed in Case No. 6981 and 124,253 acre-feet transferred to the reservoir in Case No. 10045; total amount decreed is 1,063,457 acre-feet. The amount to be included in this plan for augmentation is 1.00 acre feet per year. Decreed uses are domestic, municipal, irrigation, stock watering, industrial, stock watering, hydropower generation, piscatorial, wildlife, recreation and other purposes. Statement of Plan for Augmentation: Operation of Facility. The Slabbing Facility operates using multiple cutting machines that produce slabs and cut-to-order tiles. Groundwater held in the CSQ Recirculation Ponds will be pumped to equipment housed in the Slabbing Facility and will be used to cool and lubricate cutting machinery. Dimension stone cutting and finishing devices include single-wire cutters, multi-wire cutters, single and double disc cross-cutters, angled (rotatable) disc cutters, tile cutters, continuous belt polishers and polishing lines. Each set of machinery will produce wet cutting slurries that are collected in an underground sump and pumped to the water clarification plant. Following filtration, process water will be discharged to the CSQ Recirculation Ponds. Water that reenters the CSQ Recirculation Ponds will be free of dimension stone fines and will be allowed to infiltrate the groundwater via gravel pore space and make its way back into the alluvial aquifer and Uncompahgre River system. The CSQ Recirculation Ponds will not have surface discharge into the surrounding area. The operation will be in effect more than 100 years; however, in the event of a permanent closure, the CSQ Recirculation Ponds will be filled to the present ground surface level. No permanent water exposure will continue after use of the Slabbing Facility is discontinued. Consumptive use calculations are provided for each segment of this entire plan in the Water Depletions section below. Water Depletions. Water depletions represent the amount of water diverted out of priority and is consumptively used (i.e. does not return to the river basin). Depletions associated with evaporation will be directly related to the exposed surface water area of the CSQ Recirculation Ponds. Therefore, a full list of depletions expected at the Slabbing Facility include: • Recirculation ponds evaporation, • Processing of dimension stone material, • Irrigation of northwestern berm vegetation, and • Dust suppression uses. Depletions at the Slabbing Facility will fall into two categories, those directly related to dimension stone

processing (machinery and recirculation ponds) and non-slabbing uses related to site maintenance (vegetation irrigation and as needed dust suppression). All depletions require augmentation water from another source. Depletions are broken down further below. Direct slabbing machinery depletions: • Ground water evaporation from the two recirculation ponds; and • Usage of ground water for material processing (stone cutting and polishing machinery). Non-slabbing related site maintenance depletions: • Ground water used for dust suppression; and • Ground water used for western berm vegetation.

Evaporation. Evaporative depletion is the product of the climate dictated evaporation rate and the surface area of the exposed groundwater in a pit. The only exposed groundwater will be found in the CSQ Recirculation Ponds. Quantification of gross monthly depletions at the site is based on SEO Guidelines for sites with an elevation less than 6,500 feet. Gross evaporation values are from the National Oceanic and Atmospheric Administration (NOAA) Technical Report NWS 33 and were used according to SEO Guidelines. The Slabbing Facility is located at an elevation approximately 5,075 feet above MSL. Average precipitation measurements are from the Delta (4,953 feet above MSL) Western Regional Climate Center Station #052192, which is less than 3 miles from the site at approximately the same elevation. Table 1 shows this data as part of the Model Inputs for the various water calculations. Climate is from the Western Regional Climate Center website. Evaporation is only applicable in the months with temperatures above 32 °F (Mar-Nov). Total evaporation for the CSQ Recirculation Ponds totals 3.53 acre feet per year. See Table 2.

Materials Processing. Water will be used during dimension stone processing to cool and lubricate cutting and polishing machinery. Approximately a maximum of 30% of each stone block will become solid waste (greater than sand sized cuttings) following the slabbing process. Dewatered cuttings (less than sand sized fines) will contain approximately 15% water by weight. This waste will be disposed of off-site. Estimated waste fine tonnages will be recorded when they are removed from the site to account for consumptive water use within the processing and clarifying plant. Calculations of processing water consumption are based on the following assumptions: • CSQ will process a maximum of 3,000 tons of dimensional stone per month; • 30% of the 3,000 tons of dimension stone = 900 tons of solid waste cuttings (maximum); • Through clarifying plant and seepage on site, cuttings will retain less than or equal to 15% water = 135 tons of water/month; and • There is 0.000736717 acre-feet per ton of water resulting in 0.10 acre-feet/month. 0.10 acre-feet/month consumed x 12 months = 1.2 acre-feet/year. However, 0.20 acre-feet/month will be covered under this application to account for any potential additional uses of process water within the facility resulting in a 2.4 acre-feet/year total processing consumption.

Irrigation. Water will be used to irrigate the approximate one (1) acre berm along the western edge of the CSQ parcel. This berm serves to obstruct views of the Slabbing Facility from the residential community to the west. Irrigation of the berm is on an automated schedule that runs from April through September of each year. Irrigation is halted once freezing temperatures are reached during any part of a 24-hour cycle. A totalizing meter will be installed to measure actual irrigation rates. The irrigation water requirement for the western berm was estimated based on known irrigation rates of other privacy berms in the Delta and Grand Junction areas of the Western Slope. The approximately 1-acre berm is similar in size and design to other irrigated privacy berms installed surrounding gravel pit operations that Applicant's consultants conducted the permitting for along the Western Slope. Vegetated species

include rabbit brush, yucca, Mormon tea, ravenna grass and other native grasses and plants. All species chosen are relatively salt tolerant and fast growing; conditions necessitated by the soil composition of the berms and by knowledge gained from past failed berm vegetation efforts. Generally, 2 acre feet of water is needed to produce alfalfa on one acre of land. As the species are generally drought tolerant, their anticipated water requirements will be much less than that of alfalfa. 1 acre-foot of water will be used over 183 days (April – September) per year to irrigate the western berm. However, 2 acre-feet per year is included in this Application to cover potential drought condition requirements of berm vegetation. First Fill Inflow. Approximately 11 acre-feet of water filled the two ponds during initial construction in 2018 and was accounted for in Applicant’s initial SWSP, effective October 1, 2019. Total Consumptive Uses. The consumptive uses from the entire operation are summarized below. See Table 3 for a monthly breakdown. All consumptive uses are supplied by groundwater; therefore, lagged depletions will be accounted for. Summary of Consumptive Uses using annual values from Tables 1-3:

Consumptive Use	Use (ac-ft/yr)	Comments
First Fill Inflow	0.00	
Processing	2.40	
Groundwater Evaporation Depletions	3.53	Exposed Groundwater
Dust Control	3.00	
Irrigation	2.00	
Total	10.93	

Lagged Depletions. Monthly groundwater lagged depletions were calculated using the Alluvial Water Accounting System (AWAS) program developed by the Integrated Decision Support (IDS) Group at Colorado State University with the following aquifer parameters: • Distance from the gravel pit centroid to the river (X) = 1,200 feet; • Alluvial aquifer width (W) = 3,800 feet; • Specific yield (S) = 24%; • Transmissivity (T) = 119,276 gallons per day per foot. The groundwater consumptive use totals from Table 3 were input into the AWAS program to calculate the lagged depletions that must be replaced in the stream system by augmentation water. The results of this analysis are shown in Table 4. As shown on Table 5, total depletions are 10.93 acre feet annually. Distance from the gravel pit centroid to the river was measured in GoogleEarth. Alluvial aquifer width was derived from Mancos Shale outcrop locations observable and measurable in GoogleEarth as well as mapped by the USGS in the 2008 publication by Morgan, M.L. et al., Geologic Map of the Delta Quadrangle, Delta and Montrose Counties, Colorado: Colorado Geological Survey, Open-File Report OF-08-02, scale 1:24,000, plate 1. Water Supply and Augmentation Releases: The water supply to augment depletions is leased from the Blue Mesa Reservoir managed by the Aspinall Unit of the U.S. Bureau of Reclamation. Transit loss accrued from the Blue Mesa Reservoir are detailed in Table 5. The “Division 4 Guidelines for Transit Losses accessed on the Gunnison River” is included as Exhibit C and details the numbers used to calculate transit loss. CSQ has obtained a water supply contract from the Blue Mesa Reservoir managed by the Aspinall Unit of the U.S. Bureau of Reclamation in the amount of 18.0 acre feet per year to cover out-of-priority depletions

on the Uncompahgre River. Out-of-priority depletions will come from pumping groundwater from the CSQ Recirculation Ponds, evaporation, irrigation and water consumed during stone processing. See Table 5. The total amount needed from Blue Mesa Reservoir was calculated for each segment of the Gunnison River identified by the Division of Water Resources and added across the total distance from Blue Mesa Reservoir to the confluence of the Gunnison and Uncompahgre Rivers. Applicant can obtain additional replacement water as needed if, under future conditions, the potential out-of-priority depletions exceed 18.0 acre feet per year. The engineering values used in this Application are those currently used by or calculated by Applicant's consultants but may be subject to change during the course of this proceeding without the need to amend or republish this application. **Names and addresses of owners of 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 modifications to the existing pool**: all new structures are or will be constructed on land owned by Applicant. **Comments**: All tables and exhibits referenced in this resume notice were filed with the Application. **DELTA COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of April 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 a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$192.00; Forms may be obtained from the Water Clerk's Office or on our website at <https://coloradojudicial.gov>). (This publication can be viewed in its entirety on the state court website at: <https://coloradojudicial.gov>). FRED CASTLE, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401