

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 October 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. 2023CW32 (REF NO. 17CW30). Applicant: Sean Turley, 3790 Blair Rd., Whitewater, CO 81527. Application for Finding of Reasonable Diligence and to Make Absolute in Whole or in Part: Turley Pipeline - NE1/4NE1/4 of Section 33, T2S, R2E, Ute P.M. 171 feet from the North section line and 1,146 feet from the East section line. Easting 207874.83, Northing 4316259.90, Zone 13. Source: Sullivan Gulch, Whitewater Creek, Gunnison River. Appropriation Date: 05/20/2017. Amount Claimed: .75 c.f.s. conditional for irrigation of 30 acres, to fill Turley Reservoir, stockwater, and wildlife. Turley Reservoir – SW1/4SE1/4 of Section 28, T2S, R2E, Ute P.M. 935 feet from the South section line and 2,445 feet from the East section line. Easting 207490.55, Northing 4316605.07, Zone 13. Source: Gunnison River. Appropriation Date: 05/20/2017. Amount Claimed: 4.5 acre-feet absolute for irrigation of 30 acres, stockwater and wildlife. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **MESA COUNTY.**

CASE NO. 2023CW33 (REF NO. 17CW16, 10CW168). Applicant: Doug Wakefield, P. O. Box 246, Norwood, CO 81423. Application to Make Absolute: Wakefield Reservoir – Legal description from most recent decree: SW1/4NW1/4NE1/4 of Section 31, T45N, R12W, NMPM. 900 feet from the north section line and 2,620 feet from the east section line. Actual Location: NW1/4NE1/4 of Section 31, T45N, R12W, NMPM. 900 feet from the north section line and 2,600 feet from the east section line. Source: Maverick Draw, San Miguel River. Appropriation Date: 06/30/2010. Amount Claimed: 3.0 acre-feet absolute for irrigation of 20 acres, stockwater, wildlife and piscatorial uses. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **SAN MIGUEL COUNTY.**

CASE NO. 2023CW34. Applicants: Mike L. and Lori A. Steele, 13726 Marine Rd., Montrose, CO 81403. Application for Simple Change in Surface Point of Diversion: Decreed Water Right for Which Change is Sought: Sampson Frasier Ditch. Date of Original and All Relevant Subsequent Decrees: CA0149, CA4936, CA3728 and 04CW0177. Court: Water Division 4. Legal Description of Structure as Described in Most Recent Decree that Adjudicated the Location: As stated in Case 04CW177, the headgate of the Sampson Frasier Ditch is located on Happy Canyon Creek at a point in the SE1/4SE1/4NW1/4, Section 29, T49N, R9W, NMPM, at a point 710 feet north of the south

section line and 2516 feet east of the west section line. The DWR database lists the GPS coordinates of the headgate at NAD 83 Zone 13S, 246690 mE, 4263317 mN. Decreed Source of Water: Happy Canyon Creek, Uncompahgre River. Appropriation Date: 3/10/1882 for priority 12 (renumbered from priority 13 to 12 in CA 4936), 9/02/1911 for priority 129 (CA 3728). Total Amount Decreed to Structure: Absolute 3.2 cfs for priority 12, 2.0 cfs for priority 129. Decreed uses: Irrigation. Amount of Water Applicant Intends to Change: Absolute 0.026 cfs (11.7 gpm) for priority 12, 0.026 cfs (11.7 gpm) for priority 129. Description of Proposed Change in a Surface Point of Diversion: The applicant intends to change the rights from the Sampson Frasier Ditch into the Sunrise Ditch. There is only one water right in the intervening reach, the Kneese Ditch. There is usually enough water in Happy Canyon Creek during the irrigation season to satisfy all these rights, so there will be no injury to the intervening water right with this change. This amount of water would not have been available to the Kneese Ditch, whether in the Sampson Frasier Ditch or in the Sunrise Ditch, so no injury will occur. Location of the New Surface Point of Diversion: The headgate of the Sunrise Ditch (Happy Canyon) – SE1/4SW1/4, Section 20, T49N, R9W, NMPM, Easting: 246622, Northing: 4264475, Zone 13. **MONTROSE COUNTY.**

CASE NO. 2023CW3059 (17CW3002, 09CW60, 01CW273, 96CW218, 95CW13) GUNNISON COUNTY. 1. Name, address and telephone number of Applicants: Moon Ridge Subdivision Association, Inc., C/O Jim Veneziano, Secretary, P.O. Box 2845, Crested Butte, CO 81224, Sopris 715, LLC, c/o John Kiltz, Member, 3200 Gracie Kiltz Lane, Suite 500, Austin, Texas 78758-3004. c/o David S. Hayes, Eric K. Trout, Hayes Poznanovic Korver, LLC, 700 17th Street, Suite 1800, Denver, CO 80202, (303) 825-1980, dhayes@hpkwaterlaw.com, eric@hpkwaterlaw.com and c/o Marcus J. Lock, Law of the Rockies, 525 North Main Street, Gunnison, CO 81230 (970) 641-1903 mlock@lawoftherockies.com. 2. Description of Conditional Water Rights: A. Names of Structures: The following are collectively referred to as the “Conditional Water Rights”: i. Moon Ridge Well A and Well B; ii. Moon Ridge Well Nos. 1 through 9; and iii. Moon Ridge Pond. B. Prior Decrees: The original decree adjudicating the Conditional Water Rights was entered on December 29, 1995, in Case No. 95CW13 amended by decree entered on July 18, 1997 in Case No. 96CW218, District Court, Water Division No. 4, State of Colorado. Diligence has been maintained for the Conditional Water Rights by the decrees entered in Case No. 01CW273, dated May 28, 2003, Case No. 09CW60, dated January 4, 2011, and Case No. 17CW3002, dated October 4, 2017. C. Location: i. Moon Ridge Wells A and B are both located in Section 35, T.13S, R. 86W, 6th P.M.: a. Moon Ridge Well A is located at a point 1428 feet north of the south section line and 1061 feet west of the east section line (Zone 13, NAD83, Easting 0329430m, Northing 4304977m). b. Moon Ridge Well B is located at a point approximately 1,325 feet from the East line and 4950 feet from the North section line. ii. Moon Ridge Well Nos. 1 through 9 are located in Section 35, T.13S, R.86W, 6th P.M.: a. Moon Ridge Well No. 1: approximately 2,580 feet from the East line and 2,700 feet from the North line. b. Moon Ridge Well No. 2: approximately 2,160 feet from the East line and 2,700 feet from the North line. c. Moon Ridge Well No. 3: approximately 1,810 feet from the East line and 2,700 feet from the North line. d. Moon Ridge Well No. 4: approximately 1,120 feet from the East line and 2,700 feet from the North line. e. Moon Ridge Well No. 5: approximately 810 feet from the

East line and 2,780 feet from the North line. f. Moon Ridge Well No. 6: approximately 700 feet from the East line and 3,100 feet from the North line. g. Moon Ridge Well No. 7: approximately 1,200 feet from the East line and 2,970 feet from the North line. h. Moon Ridge Well No. 8: approximately 1,560 feet from the East line and 3,040 feet from the North line. i. Moon Ridge Well No. 9: approximately 2,120 feet from the East line and 3,210 feet from the North line. iii. The Moon Ridge Pond is an off-channel reservoir filled by Rena's Ditch First Enlargement, located approximately 400 feet from the East line and 3,300 feet from the North line of Section 35, T.35S, R.86W, 6th P.M. The dam and outlet of Moon Ridge Pond is approximately 1,530 feet from the East line and 1,140 feet from the North line of Section 35, T.13S, R.86W, 6th P.M. D. Source: i. Moon Ridge Well A and Well B and the Moon Ridge Well Nos. 1 through 9: shallow moraine deposits and/or alluvium of Washington Gulch. ii. Moon Ridge Pond: Washington Gulch, tributary of the Slate River, tributary of the East River, a tributary of the Gunnison River. E. Appropriation Dates: i. Moon Ridge Well A and Well B: July 15, 1994 as to domestic use in Moon Ridge Subdivision (Case No. 95CW13); September 30, 1996 as to domestic use for Sopris 715's 2 equivalent residential units (EQRs) and irrigation of 0.51 acres under the central water system that serves the Subdivision and Sopris 715 properties. ii. Moon Ridge Well Nos. 1 through 9: July 15, 1994. iii. Moon Ridge Pond: July 1, 1994. F. Amounts: i. Moon Ridge Well A: 0.2 c.f.s. absolute for ten EQRs and 0.51 acres of irrigation, and conditional as to 0.20 c.f.s. for domestic use in one EQR. ii. Moon Ridge Well B: 0.2 c.f.s., conditional. iii. Moon Ridge Well Nos. 1 through 9: 0.033 c.f.s., conditional. iv. Moon Ridge Pond: 12.0 acre-feet, absolute for recreation and fish propagation, and 1.41 AF absolute for augmentation, with 10.59 acre-feet conditional for augmentation purposes. G. Uses: i. Moon Ridge Wells A and B: Domestic use for eleven EQRs, and irrigation of up to 0.51 acres from anyone or both of the wells through the central water system. Each EQR is allowed 2,000 square feet of irrigation under the 96CW218 decree. ii. Moon Ridge Well Nos. 1 through 9: Domestic use for 9 EQR in Moon Ridge Subdivision. iii. Moon Ridge Pond: Augmentation of out-of-priority depletions from Moon Ridge Wells A and B under the augmentation plans decreed in Case Nos. 95CW13 and 96CW218. 3. Evidence of reasonable diligence: During the applicable diligence period (October 2017 to present) the Applicants have taken steps to diligently develop the remaining conditional portion(s) of the Conditional Water Rights, including, without limitation, the activities outlined in the application. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter, and is available for inspection at the office of the Division 4 Water Clerk or via Colorado Courts E-filing. 4. Claim to make absolute. A. Moon Ridge Well A: Applicants pumped the Moon Ridge Well A at a rate of 0.2 c.f.s. to provide domestic use water to all eleven EQRs, thereby making Well A fully absolute for all uses. B. Moon Ridge Pond: Pursuant to CRS §37-92-301(4)(e), a decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed and controlled at the decreed storage structure. As previously determined by this Court in Case No. 01CW273, the full 12.0 acre-feet volume of the appropriation for the Moon Ridge Pond has been diverted and stored, and Applicants herein seek confirmation that the Moon Ridge Pond has been made absolute for all decreed purposes. 5. 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: Applicants and the owners of the properties on which the Moon Ridge Well Nos. 1-9 will be located: Lot 1: Allan & Diane Miller, 111 S Orange Grove Blvd #100, Pasadena, CA 91105. Lot 2: Joe & Jennifer Knox, PO Box 246, Crested Butte, CO 81224. Lot 3: John & Patsy Hundley, 14310 Paradise Point Rd, Palm Beach Gardens, FL 33410. Lot 4: Steven Lindseth & Allison Lee, PO Box 862, Crested Butte, CO 81224. Lot 5: Aaron & Jill Smith, 2475 Stratton Woods View, Colorado Springs, CO 80906. Lot 6: Patrick & Michele Kearns, 11140 Red Yucca Dr, Las Vegas, NV 89138. Lot 7: Aaron & Lynn Sloan, 6505 Alasan Cove, Austin, TX 78730. Lot 8: Randall & Barbara Rosenblatt, 3625 Amherst Avenue, Dallas, TX 75225. Lot 9: Georgiana & Jim Veneziano, 755 6th Street, Boulder, CO 80302. WHEREFORE, Applicants request that the Court enter a decree (i) finding reasonable diligence for and continuing in full force and effect all remaining conditional portions of the Conditional Water Rights (Moon Ridge Well B and Moon Ridge Well Nos. 1-9) described in Paragraph 2 above; (ii) making the Moon Ridge Well A absolute for all uses; (iii) confirming that the Moon Ridge Pond is absolute in the amount of 12.0 acre-feet for all decreed purposes; and (iv) granting such further relief as the Court deems just and proper. **GUNNISON COUNTY.**

CASE NO. 2023CW3060; Mesa County - Gunnison River; Whitewater Building Materials Corp.; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION TO MAKE CONDITIONAL RIGHT ABSOLUTE AND REQUEST FOR FINDING OF REASONABLE DILIGENCE; Name, address, and telephone number of Applicant: Whitewater Building Materials Corp.; c/o Mark Gardner; P.O. Box 1769; Grand Junction, CO 81502; Request for finding of reasonable diligence: Name of structure: Stage 3 Well; Description of conditional water right: Original Decree: May 21, 1990; Case No. 89CW169, Division 4; Subsequent decrees awarding findings of diligence: Case Nos. 96CW94, 03CW44, 10CW138, and 17CW3020; Legal description: NW/4 NE/4 of Section 28, Township 12 South, Range 99 West, 6th P.M. at a point 754 feet from the north section line and 1,500 feet from the west section line; Source: Groundwater tributary to the Gunnison River; Appropriation date: February 16, 1989; Amount: 258 acre-feet per year from an exposed water surface area not to exceed 71.48 acres, conditional; Use: Industrial (evaporation loss and dust control); Outline of what has been done toward completion of appropriation and application of water to beneficial use: During the diligence period Applicant mined over 1,625,000 tons of material from the Stage 3, 4 and 5 Wells. Mining and reclamation of the Stage 3 Well is complete and dewatering has ceased, allowing it to fill. As decreed in Case No. 10CW138, Stage 3, 4, and 5 Wells are each part of Applicant's integrated water supply system under C.R.S. § 37-92-301(4)(b) and any activities that support a finding of diligence with regard to one of those structures also supports a finding of diligence with regard to the others; If claim to make absolute in whole or in part: Date water applied to beneficial use: The Stage 3 Well is no longer being dewatered and has partially filled. Applicant estimates that the exposed surface area of the Pit has resulted in the depletion of 80 a.f. annual depletions; Amount: 80 a.f., leaving 178 a.f. conditional; Use: Industrial (evaporation loss and dust control); Request for finding of reasonable diligence: Name of structure: Stage 4 Well; Description of conditional water right: Original Decree: May 21, 1990; Case No. 89CW169, Division 4; Subsequent decrees awarding findings of

diligence: Case Nos. 96CW94, 03CW44, 10CW138, and 17CW3020; Legal description: SW/4 SE/4 of Section 15, Township 2 South, Range 1 East, Ute P.M. at a point 624 feet from the north section line and 2,963 feet from the west section line; Source: Groundwater tributary to the Gunnison River; Appropriation date: February 16, 1989; Amount: 399 acre-feet per year remains conditional (420 a.f. was decreed conditionally in Case No. 96CW94. In Case No. 10CW138 this Court made 21 a.f. of that amount absolute). The total exposed water surface area for the Stage 4 Well cannot exceed 107.15 acres; Use: Industrial (evaporation loss and dust control); Outline of what has been done toward completion of appropriation and application of water to beneficial use: During the diligence period Applicant mined over 1,625,000 tons of material from the Stage 3, 4 and 5 Wells. Mining and reclamation of the Stage 3 Well is complete and dewatering has ceased, allowing it to fill. Mining activity is now occurring in the Stage 4 Well. As decreed in Case No. 10CW138, Stage 3, 4, and 5 Wells are each part of Applicant's integrated water supply system under C.R.S. § 37-92-301(4)(b) and any activities that support a finding of diligence with regard to one of those structures also supports a finding of diligence with regard to the others; Request for finding of reasonable diligence: Stage 5 Well; Name of structure: Stage 5 Well; Description of conditional water right: Original Decree: May 21, 1990; Case No. 89CW169, Division 4; Subsequent decrees awarding findings of diligence: Case Nos. 96CW94, 03CW44, 10CW138, and 17CW3020; Legal description: SW/4 SE/4 of Section 10, Township 2 South, Range 1 East, Ute Meridian, the approximate center of which is at a point 816 feet from the south section line and 2,320 feet from the east section line; Source: Groundwater tributary to the Gunnison River; Appropriation date: February 16, 1989; Amount: 261.01 acre-feet per year, conditional. In Case No. 10CW138, Applicant was granted its request to make absolute 90.99 acre-feet of annual appropriation for industrial use, with a finding of diligence regarding the remaining conditional 261.01 acre-feet; Use: Industrial (evaporation loss and dust control); Outline of what has been done toward completion of appropriation and application of water to beneficial use: During the diligence period, Applicant mined over 1,625,000 tons of material from the Stage 3, 4 and 5 Wells. Mining and reclamation of the Stage 3 Well is complete and dewatering has ceased, allowing it to fill. Mining activity is now occurring in the Stage 4 Well. Upon completion of mining activity in the Stage 4 Well Applicant will begin mining the Stage 5 Well. As decreed in Case No. 10CW138, Stage 3, 4, and 5 Wells are each part of Applicant's integrated water supply system under C.R.S. § 37-92-301(4)(b) and any activities that support a finding of diligence with regard to one of those structures also supports a finding of diligence with regard to the others. In the event that some or all of the conditional water rights above are not made absolute, Applicant requests a finding of reasonable diligence with regard to any portion of the water right that remains conditional. (5 pages) **MESA COUNTY.**

CASE NO. 2023CW3061 Gunnison County. **Application for Findings of Reasonable Diligence and to Make Absolute, In Part.** Applicant: Smith Hill Ranches Homeowners' Association ("Applicant"), c/o Vicki Weyel, Mountain Home Management, c/o Christopher L. Geiger & Blake C. Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant requests a finding of reasonable diligence in the development of the Ganky Pond No. 1, Ganky Pond No. 2, Nemanic Spring Pool No. 1 Enlargement, Nemanic Spring Pool No. 2 Enlargement, Slate River Pump and

Pipeline, Slate River Pump and Pipeline First Enlargement, Washington Gulch Pump and Pipeline, and Washington Gulch Pump and Pipeline First Enlargement (collectively the "Subject Water Rights"). Applicant also requests the Ct. confirm the Slate River Pumping Pipeline and the Slate River Pumping Pipeline First Enlargement water rights are absolute, in part. A map depicting the location of the Subject Water Rights is attached as Exhibit A on file with the Water Ct. First Claim for Finding of Reasonable Diligence. Structure: Ganky Pond No. 1. Original Decree: 96CW296, decreed on 04/06/1998, Dist. Ct., Water Div. 4. Diligence Decrees: 04CW63 decreed on 09/16/2004; 10CW116 decreed on 02/24/2011; and 17CW3007 decreed on 10/04/2017, Dist. Ct., Water Div. 4. Location of Dam: The decreed location for the outlet at the dam centerline is in the SE1/4 of the NW1/4 Sec. 27, T. 13 S., R. 86 W. of the 6th P.M. at a point whence the W. 1/4 corner of said Sec. 27 bears S. 65°07'20" W. a distance of 2,566 ft. This location may also be described as being 1,526 ft. from the N. Sec. line and 2,283 ft. from the W. Sec. line of Sec. 27, T. 13 S., R. 86 W. of the 6th P.M. (Zone 13, NAD83, Easting 0327208 m, Northing 4307334 m). **Source: Natural runoff tributary to Washington Gulch, and water diverted from the Slate River and Washington Gulch through the Slate River Pump and Pipeline and the Washington Gulch Pump and Pipeline and the enlargements thereto.** Date of Approp.: 08/21/1996. Amt. and Use: 12.3 AF for irr. of 4.5 acres in Sec. 27, T. 13 S., R. 86 W. of the 6th P.M., and stock watering, wildlife, fire protection, rec., and dom. 6.50 AF was confirmed absolute for wildlife, fire protection and rec. uses in 10CW116, and 5.8 AF remains conditional for these uses. 6.50 AF was confirmed absolute for the remaining decreed uses including irr. of 4.5 acres in Sec. 27, T. 13 S., R. 86 W. of the 6th P.M., stock watering, and dom. uses in 17CW3007 by reason of capture, possession, and control at the decreed storage structure, and 5.8 AF remains conditional for these uses. Max. Surface Area: 2.5 acres. Max. Height of Dam: 9.5 ft. Length of Dam: 160 ft. Total Capacity of Reservoir: 12.3 AF. Structure: Ganky Pond No. 2. Original Decree: 96CW296, decreed on 04/06/1998, Dist. Ct., Water Div. 4. Diligence Decrees: 04CW63 decreed on 09/16/2004; 10CW116 decreed on 02/24/2011; and 17CW3007 decreed on 10/04/2017, Dist. Ct., Water Div. 4. Location of Dam: The decreed location for the outlet at the dam centerline is in the SW1/4 of the NE1/4 Sec. 27, T. 13 S., R. 86 W. of the 6th P.M. at a point whence the W. 1/4 corner of said Sec. 27 bears S. 80°31'51" W. a distance of 4,012 ft. This location may also be described as being 1,919 ft. from the N. Sec. line and 1,390 ft. from the E. Sec. line of Sec. 27, T. 13 S., R. 86 W. of the 6th P.M. (Zone 13, NAD83, Easting 0327743 m, Northing 4307197 m). **Source: Natural runoff tributary to Washington Gulch, and water diverted from the Slate River and Washington Gulch through the Slate River Pump and Pipeline and the Washington Gulch Pump and Pipeline and the enlargements thereto.** Date of Approp.: 08/21/1996. Amt. and Use: 12.1 AF for irr. of 4.5 acres in Sec. 27, T. 13 S., R. 86 W. of the 6th P.M., and stock watering, wildlife, fire protection, rec., and dom. 0.30 AF was confirmed absolute for wildlife, fire protection and rec. uses in 10CW116, and 11.8 AF remains conditional for these uses. 0.30 AF was confirmed absolute for the remaining decreed uses including irr. of 4.5 acres in Sec. 27, T. 13 S., R. 86 W. of the P.M., stock watering, and dom. uses in 17CW3007 by reason of capture, possession, and control at the decreed storage structure, and 11.8 AF remains conditional for these uses. Max. Surface Area: 2.7 acres. Max. Height of Dam: 9.5 ft. Length of Dam: 530 ft. Total Capacity of Reservoir: 12.1 AF. Name of Structure: Nemanic Spring Pool No. 1 Enlargement.

Original Decree: 97CW237, decreed on 05/18/1998, Dist. Ct., Water Div. 4. Diligence Decrees: 04CW64 decreed on 09/16/2004; 10CW116 decreed on 02/24/2011; and 17CW3007 decreed on 10/04/2017, Dist. Ct., Water Div. 4. Location of Dam: The decreed location of the outlet at the dam centerline located in the NW1/4 of the NW1/4, Sec. 27, T. 13 S., R. 86 W. of the 6th P.M., at a point whence the W. 1/4 corner of said Sec. 27 bears S. 3°58'50" W. a distance of 2,030 ft. This location may also be described as being 604 ft. from the N. Sec. line and 124 ft. from the W. Sec. line of Sec. 27, T. 13 S., R. 86 W. of the 6th P.M. Source: Nemanic Spring Pool No. 1 Spring (see Decree in 79CW301, Dist. Ct., Div. 4), tributary to the Slate River, a tributary of the East River, a tributary of the Gunnison River; and diversions from the Slate River Pump and Pipeline and Washington Gulch Pump and Pipeline (see Decree in 96CW296) and the First Enlargements thereto as described herein. Date of Approp.: 09/19/1997. Amt. and Use: 4.9 AF, conditional for stock watering, wildlife, fire protection, rec., dom. and irr. of 0.3 acres of land located in the NW1/4 of the NW1/4, Sec. 27, T. 13 S., R. 86 W. of the 6th P.M. Max. Surface Area: 1.8 acres. Max. Height of Dam: 9.5 ft. Length of Dam: 250 ft. Structure: Nemanic Spring Pool No. 2 Enlargement. Original Decree: 97CW237, decreed on 05/18/1998, Dist. Ct., Water Div. 4. Diligence Decrees: 04CW64 decreed on 09/16/2004; 10CW116 decreed on 02/24/2011; and 17CW3007 decreed on 10/04/2017, Dist. Ct., Water Div. 4. Location of Dam: The decreed location of the outlet at the dam centerline located in the NW1/4 of the NW1/4, Sec. 27, T. 13 S., R. 86 W. of the 6th P.M., at a point whence the W. 1/4 corner of said Sec. 27 bears S. 12°27'40" W. a distance of 1,820 ft. This location may also be described as being 828 ft from the N. Sec. line and 373 ft. from the W. Sec. line of Sec. 27, T. 13 S., R. 86 W. of the 6th P.M. Source: Nemanic Spring Pool No. 2 Spring (see Decree in 79CW302), tributary to the Slate River, a tributary of the East River, a tributary of the Gunnison River; and diversions from the Slate River Pump and Pipeline and Washington Gulch Pump and Pipeline (see 96CW296, Dist. Ct., Water Div. 4) and the First Enlargements thereto as described herein. Date of Approp.: 09/19/1997. Amt. and Use: 1.3 AF, conditional for stock watering, wildlife, fire protection, rec., dom. and irr. of 0.3 acres of land located in the NW1/4 of the NW1/4, Sec. 27, T. 13 S., R. 86 W. of the 6th P.M. Max. Surface Area: 0.4 acres. Max. Height of Dam: 9.5 ft. Length of Dam: 230 ft. Structure: Slate River Pump and Pipeline. Original Decree: 96CW296, decreed on 04/06/1998, Dist. Ct., Water Div. 4. Diligence Decrees: 04CW63 decreed on 09/16/2004; 10CW116 decreed on 02/24/2011; and 17CW3007 decreed on 10/04/2017, Dist. Ct., Water Div. 4. Location: The decreed point of diversion is located on the East bank of the Slate River in the SW1/4 of the NW1/4, Sec. 27, T. 13 S., R. 86 W. of the 6th P.M., at a point whence the W. 1/4 corner of said Sec. 27 bears S. 89°36'13" W. a distance of 270 ft. This location may also be described as being 2,611 ft. from the N. Sec. line and 248 ft. from the W. Sec. line of Sec. 27, T. 13 S., R. 86 W. of the 6th P.M. Source: Slate River, a tributary of the East River, a tributary of the Gunnison River. Date of Approp.: 08/21/1996. Amt. and Use: 0.4 c.f.s conditional for irr. of 4.5 acres in Sec. 27, T. 13 S., R. 86 W. of the 6th P.M., and stock watering, wildlife, dom., fire protection, rec., filling of Ganky Pond Nos. 1 & 2 and Nemanic Spring Pool Nos. 1 & 2 Enlargements (see Decree in 97CW237) and refill of said storage rights continuously when in priority to replace evaporation and seepage. Structure: Slate River Pump and Pipeline First Enlargement. Original Decree: 97CW237, decreed on 05/18/1998, Dist. Ct., Water Div. 4. Diligence Decrees: 04CW64 decreed on 09/16/2004; 10CW116 decreed on 02/24/2011; and

17CW3007 decreed on 10/04/2017, Dist. Ct., Water Div. 4. Location: The decreed point of diversion is located on the East bank of the Slate River in the SW1/4 of the NW1/4, Sec. 27, T. 13 S., R. 86 W. of the 6th P.M., at a point whence the W. 1/4 corner of said Sec. 27 bears S. 89°36'13" W. a distance of 270 ft. This location may also be described as being 2,611 ft. from the N. Sec. line and 248 ft. from the W. Sec. line of Sec. 27, T. 13 S., R. 86 W. of the 6th P.M. Source: Slate River, a tributary of the East River, a tributary of the Gunnison River. Date of Approp.: 09/19/1997. Amt. and Use: 0.3 c.f.s. conditional for irr. of 4.5 acres in Sec. 27, T. 13 S., R. 86 W. of the 6th P.M., and stock watering, wildlife, dom., fire protection, rec., filling of Ganky Ponds Nos. 1 & 2 (see Decree in 96CW296) and Nemanic Spring Pool Nos. 1 & 2 Enlargements; and refill of said storage rights continuously when in priority to replace evaporation and seepage. Structure: Washington Gulch Pump and Pipeline. Original Decree: 96CW296, decreed on 04/06/1998, Dist. Ct., Water Div. 4. Diligence Decrees: 04CW63 decreed on 09/16/2004; 10CW116 decreed on 02/24/2011; and 17CW3007 decreed on 10/04/2017, Dist. Ct., Water Div. 4. Location: The decreed point of diversion is located on the W. bank of Washington Gulch in the NW1/4 of the NE1/4, Sec. 27, T. 13 S., R. 86 W. of the 6th P.M. at a point whence the W. 1/4 of said Sec. 27 bears S. 55°32'29" W. a distance of 4,564 ft. This location may also be described as being 31 ft. from the N. Sec. line and 1,571 ft. from the E. Sec. line of Sec. 27, T. 13 S., R. 86 W. of the 6th P.M. Source: Washington Gulch, a tributary of the Slate River, a tributary of the East River, a tributary of the Gunnison River. Date of Approp.: 08/21/1996. Amt. and Use: 0.4 c.f.s. for irr. of 4.5 acres in Sec. 27, T. 13 S., R. 86 W. of the 6th P.M., and stock watering, wildlife, dom., fire protection, rec., filling of Ganky Ponds Nos. 1 & 2 and Nemanic Spring Pool Nos. 1 & 2 Enlargements (see Decree in 97CW237) and refill of said storage rights continuously when in priority to replace evaporation and seepage. Structure: Washington Gulch Pump and Pipeline First Enlargement. Original Decree: 97CW237, decreed on 05/18/1998, Dist. Ct., Water Div. 4. Diligence Decrees: 04CW64 decreed on 09/16/2004; 10CW116 decreed on 02/24/2011; and 17CW3007 decreed on 10/04/2017, Dist. Ct., Water Div. 4. Location: The decreed point of diversion is located on the W. bank of Washington Gulch in the NW1/4 of the NE1/4, Sec. 27, T. 13 S., R. 86 W. of the 6th P.M. at a point whence the W. 1/4 of said Sec. 27 bears S. 55°32'29" W. a distance of 4,564 ft. This location may also be described as being 31 ft. from the N. Sec. line and 1,571 ft. from the E. Sec. line of Sec. 27, T. 13 S., R. 86 W. of the 6th P.M. Source: Washington Gulch, a tributary of the Slate River, a tributary of the East River, a tributary of the Gunnison River. Date of Approp.: 09/19/1997. Amt. and Use: 0.3 c.f.s. for irr. of 4.5 acres in Sec. 27, T. 13 S., R. 86 W. of the 6th P.M., and stock watering, wildlife, dom., fire protection, rec., filling of Ganky Ponds Nos. 1 & 2 (see Decree in 96CW296) and Nemanic Spring Pool Nos. 1 & 2 Enlargements; and refill of said storage rights continuously when in priority to replace evaporation and seepage. Integrated System: The Subject Water Rights are legally connected features of an integrated system of water rights for the Smith Hill Ranches Homeowners' Association near Crested Butte, CO. The surface Subject Water Rights are decreed to fill the storage Subject Water Rights and are decreed for use within the Smith Hill Ranches Homeowners' Association's boundary. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). A

list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Second Claim to Confirm Absolute, In Part. Structure: Slate River Pump and Pipeline, as described above. Date Water Applied to Beneficial Use: 06/13/2023. Amt. and Uses Claimed Absolute: 0.400 c.f.s., for irr. of 4.5 acres in Sec. 27, T. 13 S., R. 86 W. of the 6th P.M., and stock watering, wildlife, rec., filling of Ganky Pond Nos. 1 & 2 and Nemanic Spring Pool Nos. 1 & 2 Enlargements (see Decree in 97CW237) and refill of said storage right continuously when in priority to replace evaporation and seepage. Description of Beneficial Use: On 06/13/2023, Applicant diverted Slate River Pump and Pipeline water at a rate of 0.400 c.f.s. and used the water to fill Ganky Pond No. 1, water livestock, and irrigate approximately 1 acre of land depicted on Exhibit C on file with the Water Ct. Records indicate there was no administrative call on the Slate River on 06/13/2023, that would otherwise prevent Applicant from diverting the water in-priority. Structure: Slate River Pump and Pipeline First Enlargement, as described above. Date Water Applied to Beneficial Use: 06/13/2023. Amt. and Use Claimed Absolute: 0.049 c.f.s., for irr. of 4.5 acres in Sec. 27, T. 13 S., R. 86 W. of the 6th P.M., and stock watering, wildlife, rec., filling of Ganky Pond Nos. 1 & 2 (see Decree in 96CW296) and Nemanic Spring Pool Nos. 1 & 2 Enlargements; and refill of said storage right continuously when in priority to replace evaporation and seepage, with 0.251 c.f.s. to remain conditional. Description of Beneficial Use: On 06/13/2023, Applicant diverted Slate River Pump and Pipeline water at a rate of 0.049 c.f.s. and used the water to fill Ganky Pond No. 1, water livestock, and irrigate approximately 1 acre of land depicted on Exhibit C. Records indicate there was no administrative call on the Slate River on 06/13/2023, that would otherwise prevent Applicant from diverting the water in-priority. 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: Applicant and the following Smith Hill Ranches Homeowners' Association members as noted in the Application on file with the Water Ct. (12 pages of original application, Exhs. A-C)
GUNNISON COUNTY.

CASE NO. 2023CW3062, Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Christopher Stork, Senior Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6311. Email: christopher.stork@coag.gov. APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE. **1. Name & Address of Applicant:** Colorado Water Conservation Board ("CWCB") 1313 Sherman Street, Suite 718 Denver, CO 80203 (303) 866-3441. Please direct communications regarding this case to the attorney listed in the caption. **2. Name of water right:** West Steuben Creek Instream Flow Water Right. **3. Legal Description:** The West Steuben Creek Instream Flow Water Right is located in the natural stream channel of West Steuben Creek from its headwaters to the confluence with Steuben Creek, a distance of approximately 5.39 miles. A map depicting the approximate location of the West Steuben Creek Instream Flow Water Right reach is attached as **Exhibit 1. A. Upstream Terminus:** West Steuben Creek headwaters in the vicinity of: 1. UTM: Northing: 4281796.13; Easting: 310056.82 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 39' 51.81" N; Longitude

107° 10' 59.36" W B. Downstream Terminus: confluence Steuben Creek at: 1. UTM: Northing: 4275906.50; Easting: 314936.78 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 36' 44.58" N; Longitude 107° 7' 31.92" W C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). **4. Source**: West Steuben Creek, tributary to Steuben Creek, tributary to the Gunnison River, tributary to the Colorado River. **5. A. Date of initiation of appropriation**: January 24, 2023. **B. How appropriation was initiated**: Appropriation and beneficial use occurred on January 24, 2023, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. **C. Date applied to beneficial use**: January 24, 2023. **6. Amount of water claimed**: Instream flow of 2.2 cfs (04/01 - 04/30), 4.5 cfs (05/01 - 07/31), 1.5 cfs (08/01 - 09/30), 1.1 cfs (10/01 - 11/30), 0.8 cfs (12/01 - 03/31), absolute. **7. Proposed Uses**: Instream flow to preserve the natural environment to a reasonable degree. **8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located**: The notice required by section 37-92-302(2)(b), C.R.S., to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. See *Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **9. Remarks**: This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) & (4) and 37-92-103(3), (4) & (10), C.R.S. The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 18, 2023, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S., that the natural environment of West Steuben Creek will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights.

GUNNISON COUNTY.

CASE NO. 2023CW3063 in Mesa County, Colorado. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name and address of Applicant: Grand Mesa, LLC, P.O. Box 100, Whitewater, CO 81527. Please direct all correspondence, motions, and pleadings to Jeffrey J. Conklin or Danielle T. Skinner, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261. Name of structure: *Grand Mesa Spring #2*. Date of original decree: October 12, 2017, in Case No. 2016CW3093 District Court in and for Water Division No. 4. Legal description: SE1/4 of the SW1/4, Section 33, Township 13 South, Range 102 West of the 6th P.M., 396 feet north of the South Section line and 1,264 feet east of the West Section line. UTM coordinates (Zone 12, NAD 1983 datum) Easting: 690640.9, Northing: 4305206.29.

Source: Little Dolores River, tributary to Colorado River. Appropriation date: February 4, 2008. Amount: 35 g.p.m./0.078 c.f.s. total, of which 15 g.p.m./0.033 c.f.s. was decreed absolute in Case No. 2016CW3093 and 20 g.p.m./0.045 c.f.s. remains conditional. Uses: Stock and wildlife watering. Remarks: The Grand Mesa Spring #2 is a natural spring that discharges at the point of diversion described in Paragraph 2.B. The Grand Mesa Spring #2 supplies a 1,200 gallon holding tank located near the point of discharge described in Paragraph 2.B. In addition, Applicant pumps Grand Mesa Spring #2 water to an existing 1.5 acre-feet capacity stock pond located in the NW1/4 of the SE1/4, Section 33, Township 13 South, Range 102 West of the 6th P.M., approximately 1,380 feet north of the South Section line and 1,650 feet west of the East Section line. Such stock pond is also filled in part by the Masters Spring, WDID 7300633. Claim for diligence: Applicant requests a finding of diligence for 20 g.p.m./ 0.045 c.f.s., conditional, for the Grand Mesa Spring #2 for stock and wildlife watering. Names and addresses of owners of land upon which structures are located: Applicant. The following exhibits are on file with the Water Court: Map depicting the location of the structures (Exhibit A), a detailed outline of what has been done toward completion of the appropriation and application of the water rights to beneficial use, including expenditures (Exhibit B) (pp. 6 with exhibits). **MESA COUNTY.**

CASE NO. 2023CW3064 (Ref: 17CW3024, 10CW118, 02CW221). Applicant: John S. Hendricks, c/o Hendricks Family Office, 8484 Georgia Avenue, Suite 700 Silver Springs, MD 20910-0000. Please direct all pleadings and correspondence to Applicant's counsel: Mark E. Hamilton and William H. Caile, Holland & Hart LLP. 600 E. Main St., Suite 104, Aspen CO 81611. Telephone: (970) 925-3476; email: mehamilton@hollandhart.com. 2. Names of Structures: DP Springs and Willow Springs. 3. Prior Decrees: A. Original decree: September 30, 2004 in Case No. 02CW221, Water Division 4. B. Subsequent decrees awarding diligence: April 25, 2011, in Case No. 10CW118, Water Division 4; and October 5, 2017 in Case No. 17CW3024, Water Division 4. 4. Description of conditional water rights from previous decree: A. Name of Structure: DP Springs. i. Legal description: the point of diversion is located 61 feet south of the north section line and 486 feet west of the east section line of Section 35, Township 51 North, Range 20 West, New Mexico Principal Meridian, Mesa County, Colorado. See map on file with the Court as Exhibit A. ii. Source: natural springs tributary to Lumsden Canyon, tributary to the Dolores River. iii. Appropriation Date: March 4, 1920 for livestock watering; December 31, 1985 for domestic use; and April 27, 1999 for commercial, irrigation and wildlife propagation. iv. Amount: 0.22 c.f.s. (100 g.p.m.) v. Uses: absolute for livestock watering and domestic use; conditional for irrigation, commercial, and wildlife propagation. (1) Lands to be irrigated: approximately 10 acres located on Lot 1, Section 35, Township 51 North, Range 20 West, N.M.P.M., Mesa County, Colorado. B. Name of Structure: Willow Springs. i. Legal Description: the point of diversion is located 750 feet from the East Section Line, 1,500 feet from the North Section Line, Section 12, Township 50 North, Range 20 West, New Mexico Principal Meridian, Mesa County, Colorado. See Exhibit A. ii. Source: natural springs tributary to John Brown Creek, tributary to the Dolores River. iii. Appropriation Date: November 1, 2002. iv. Amount claimed: 5.0 gpm (0.01 cfs), conditional. v. Uses: livestock watering, domestic, commercial, irrigation and/or wildlife propagation. (1) Lands to be irrigated: up to 1/2 acre in the NE ¼ of Section 12, Township 50 North, Range 20 West of the New Mexico Principal Meridian, Mesa County, Colorado.

5. A detailed outline of what has been done toward completion of the appropriations and application of water to beneficial use as conditionally decreed, including expenditures, is included in the Application on file with the Water Court. The list of activities is not meant to be exhaustive, and Applicant reserves the right to introduce additional evidence of diligence if appropriate. Name and address of owners or reputed owners of land upon which any new diversion structure or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: There are no new diversion or storage structures contemplated in connection with this Application. Applicant respectfully requests that the Court enter a decree finding that Applicant has demonstrated reasonable diligence in the development of the subject conditional water rights, continuing those rights in full force and effect, and for such other relief as the court deems just. **MESA COUNTY.**

CASE NO. 2023CW3065; Delta County - Gunnison River; United Companies of Mesa County; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION TO MAKE CONDITIONAL RIGHT ABSOLUTE AND REQUEST FOR FINDING OF REASONABLE DILIGENCE; Name, address, and telephone number of Applicant: Oldcastle SW Group, Inc.; dba United Companies of Mesa County; 2273 River Road; Grand Junction, CO 81505; (970) 243-4900; Request for finding of diligence: Name of well and permit number: Anderson Pit Well, Permit No. 78536-F; Description of conditional right: Original decree: Case No. 2009CW14, May 18, 2011; Subsequent decrees awarding diligence: Case No. 2017CW3028, October 10, 2017; Legal description of well: After full build-out and remediation, the Anderson Pit will be located within in the N/2 SE/4, NE/4 SW/4, SE/4 NW/4, S/2 NE/4 of Section 8, T15S, R95W of the 6th P.M. The centroid of the Anderson Pit after remediation will be located in the SE/4 SW/4 NE/4 of Section 8, T15S, R95W of the 6th P.M., at a point which is 1,973 feet from the east section line and 2,578 feet from the north section line; Source: Groundwater tributary to the Gunnison River; Depth: 40 feet; Date of appropriation: December 1, 2004; Amount from original decree: 1.315 c.f.s., 461.7 a.f. annually, conditional; Use: Industrial. After mining operations have ceased, the pit will be used for recreational, piscatorial, wildlife watering (directly from pit) and fire control; Outline of what has been done toward completion of the appropriation and application of water to a beneficial use: Applicant has continued its mining activity at the Anderson Pit Well. Its maximum material production was 78,500 tons during 2022 and a total of 8.1 acres of groundwater has been exposed to evaporation. Additionally, during the diligence period Applicant completed a Total Maximum Daily Load (TMDL) report (March 2017), prepared and finalized a monitoring plan for the Colorado Department of Public Health and Environment (CDPHE) (August 2017), prepared and submitted a modification to Permit COG500464 to CDPHE (March 2020), prepared and submitted a Compliance Report for Colorado Discharge Permit System Permit for Anderson Pit COG500464 (September 2023), and monitored the water quality and discharge for CDPHE Discharge Permit No. COG500464; Request to make absolute: Applicant has increased the exposed groundwater area within the Anderson Pit from 1.08 acres at the time of the last diligence filing to 8.1 acres. Water depletions from dust control, evaporation, and material losses have increased from 0.015 c.f.s. (7.615 a.f., annually)

to 0.125 c.f.s. (43.265 a.f., annually) in 2022. Accordingly, Applicant requests to make an additional 0.11 c.f.s. absolute (in addition to the 0.015 c.f.s. made absolute in Case No. 2017CW3028). Applicant also requests to make absolute an additional volumetric amount of 35.65 a.f. annually (in addition to the 7.615 a.f. that was made absolute in Case No. 2017CW3028) for a total of 43.265 a.f. absolute; Request for finding of reasonable diligence: Name of well and permit number: Anderson Recharge Pit Well (“Recharge Pit”), Permit No. 78038-F; Description of conditional water right: Original decree: Case No. 2009CW14, May 18, 2011; Subsequent decrees awarding diligence: Case No. 2017CW3028, October 10, 2017; Legal description of well: The Recharge Pit will be located within the envelope legally described as NW/4 SW/4 of Section 8, T15S, R95W of the 6th P.M. During later phases of the mining plan, the Recharge Pit may be relocated to within the future location of the Anderson Pit Well; Source: Groundwater tributary to the Gunnison River; Depth: The Recharge Pit will be excavated to a depth of less than 40 feet; Date of appropriation: January 1, 2010; Amount claimed: 0.028 c.f.s., 9.58 a.f. annually, conditional; Use: During mining operations, the Recharge Pit will be used to lag return flows back to the Gunnison River with water from Applicant’s shares in the Bona Fide Ditch, with recharge flows up to 7.15 c.f.s. as outlined in more detail in the plan for augmentation approved in Case No. 2009CW14. Other than evaporative depletions, no water will be removed from the pit. The Recharge Pit will also be used for fire protection and wildlife watering directly from the pond. Applicant may elect to keep the recharge pit in place for use on future pits. For that reason, Applicant included the evaporative depletions from the Recharge Pit in its calculations for the post-operational component of the plan for augmentation approved in Case No. 2009CW14; Outline of what has been done toward completion of the appropriation and application of water to a beneficial use: Applicant has not exposed groundwater in the Anderson Recharge Pit Well because depletions at the Anderson Pit Well have not reached the level that recharge is required under Applicant’s augmentation plan. Applicant has continued its mining activity at the Anderson Pit Well and as depletions from the Anderson Pit Well increase, the Anderson Recharge Pit Well will be essential to Applicant’s plan for augmentation. In Case No. 2017CW3028 this Court entered a finding of integration, holding that evidence of reasonable diligence with regard to the Anderson Pit Well may be considered evidence of diligence with regard to the Anderson Recharge Pit Well. Wherefore, Applicant respectfully requests to make absolute an additional 0.11 c.f.s. (35.685 a.f. annually) in the Anderson Pit Well, for a total absolute amount of 0.125 c.f.s. (43.3 a.f., annually) and leaving conditional 1.19 c.f.s. (418.4 a.f., annually). Applicant also requests that a finding of diligence be entered with regard to any and all remaining conditional amounts in the Anderson Pit Well and the Anderson Recharge Pit Well. (5 pages) **DELTA COUNTY.**

CASE NO.: 2023CW3066 CROWDER COLORADO HOLDINGS LLC, a Colorado Limited Liability Company, c/o J. Calvin Crowder, 212 Knoll Estates Drive, Mountain Village, CO 81435. (Please direct all pleadings and correspondence to Chris D. Cummins and Sedona E. Chavez of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212). Application for Finding of Reasonable Diligence and to Make Absolute in Part. Applicant’s predecessors Harry M. Nix and Almarine N. Nix (“Original Applicants”) filed for surface water and water storage rights for various springs and ponds in Case No. 94CW99. In

that application, the Original Applicants requested both conditional and absolute surface water and water storage rights for sixteen (16) springs and thirteen (13) ponds, as well as approval for a plan for augmentation. On June 28, 1996, the Court entered a Judgment and Decree granting absolute water rights for Nix Springs Nos. 2, 7, 8, 9, 12, 16, and 17, and Nix Ponds Nos. 7, 8, 9, and 12. In the same Judgment and Decree, the Court granted conditional water rights for Nix Springs Nos. 3, 4, 5, 6, 10, 11, 13, 14, and 15, and Nix Ponds Nos. 2 Enlargement, 3, 4, 5, 6, 10, 15, 16, and 17. The Court also approved the Original Applicants' plan for augmentation contained in the Case No. 94CW99 Judgment and Decree. In Case No. 02CW87, the Court entered a Judgment and Decree finding reasonable diligence for Nix Springs Nos. 3, 4, 5, 6, 10, 11, 13, 14, and 15, and Nix Ponds Nos. 2 [Enlargement], 3, 4, 5, 6, 10, 15, and 17, continuing the conditional water rights associated with these Springs and Ponds. In Case No. 02CW89, the Court entered a Judgment and Decree making the conditional water right for Nix Pond No. 16 absolute. In Case No. 10CW61, the Court entered a Judgment and Decree finding reasonable diligence for Nix Springs Nos. 3, 4, 5, 6, 10, 11, 13, 14, and 15, and Nix Ponds Nos. 2 Enlargement, 3, 4, 5, 6, 10, 15, and 17, continuing the conditional water rights associated with these Springs and Ponds. In Case No. 17CW3015, the Court entered a Judgment and Decree finding that conditional water rights have been made partially absolute and reasonable diligence. The Court found that for Nix Pond No. 2 Enlargement, the applicant had stored and applied to beneficial use 1.0 acre-feet of water, and that for Nix Pond No. 17 the applicant had stored and applied to beneficial use 0.10 acre-feet of water, decreeing these water uses absolute and unconditional.¹ The Court found reasonable diligence for Nix Springs Nos. 3, 4, 5, 6, 10, 11, 13, 14, and 15, and Nix Ponds Nos. Nix Ponds Nos. 2 Enlargement (the remaining 9 acre-feet), 3, 4, 5, 6, 10, 15, and 17 (the remaining 1.40 acre-feet). Applicant seeks a finding of reasonable diligence and that conditional water rights have been made partially absolute, under the original June 28, 1996 Decree in Case No. 94CW99 and subsequent findings of reasonable diligence in Case Nos. 02CW87, 10CW61, and 17CW3015. Legal Description: Nix Pond No. 2 Enlargement is located at SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, T.43 N., R. 12 W. of the N.M.P.M., being 800 feet N. of the S. section line and 1,000 ft. W. of the E. section line of said Section 35. Source: Saltado Creek. Appropriation Date: December 31, 1900. Date and Case No. of Original Decree: June 28, 1996 in Case No. 94CW99, Water Division 4. Amount: 9.0 acre-feet, conditional; 1.0 acre-feet, absolute. Approximate Surface Area of High-Water Line: 2 acres. Uses: Recreation, wildlife, fishery, stock water, and fire protection. Legal Description: Nix Spring No. 3 is located at SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, T.43 N., R. 12 W. of the N.M.P.M., being 275 feet N. of the S. section line and 1,750 ft. W. of the E. section line of said Section 35. Source: Turner Creek, tributary to Beaver Creek. Appropriation Date: June 10, 1994. Date and Case No. of Original Decree: June 28, 1996 in Case No. 94CW99, Water Division 4. Amount: 0.10 c.f.s., conditional. Uses: Recreation, wildlife, fishery, stock water, and fire protection. Legal Description: Nix Pond No. 3 is located at SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, T.43 N., R. 12 W. of the N.M.P.M., being 275 feet N. of the S. section line and 1,750 ft. W. of the E. section line of said Section 35. Source: Turner Creek, tributary to Beaver Creek. Appropriation Date: June 10, 1994.

¹ Applicant notes a clerical error in paragraph 9.A. of the Case No. 17CW3015 decree. The language states "Applicant has stored 1.0 acre-feet in the Nix Pond No. 2 . . .;" it should read "Applicant has stored 1.0 acre-feet in the Nix Pond No. 17 . . ."

Date and Case No. of Original Decree: June 28, 1996, Case No. 94CW99, Water Division 4. Amount: 0.16 acre-feet, conditional. Approximate Surface Area of High-Water Line: 0.05 acres. Uses: Recreation, wildlife, fishery, stock water, and fire protection. Legal Description: Nix Spring No. 4 is located at SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, T.43 N., R. 12 W. of the N.M.P.M., being 520 ft. N. of the S. section line and 2,270 ft. W. of the E. section line of said Section 35. Source: Turner Creek, tributary to Beaver Creek. Appropriation Date: June 10, 1994. Date and Case No. of Original Decree: June 28, 1996, Case No. 94CW99, Water Division 4. Amount: 0.10 c.f.s., conditional. Uses: Recreation, wildlife, fishery, stock water, and fire protection. Legal Description: Nix Pond No. 4 is located at SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, T.43 N., R. 12 W. of the N.M.P.M., being 520 feet N. of the S. section line and 2,270 ft. W. of the E. section line of said Section 35. Source: Turner Creek, tributary to Beaver Creek. Appropriation Date: June 10, 1994. Date and Case No. of Original Decree: June 28, 1996, Case No. 94CW99, Water Division 4. Amount: 0.16 acre-feet, conditional. Approximate Surface Area of High-Water Line: 0.05 acres. Uses: Recreation, wildlife, fishery, stock water, and fire protection. Legal Description: Nix Spring No. 5 is located at SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, T.43 N., R. 12 W. of the N.M.P.M., being 790 ft. N. of the S. section line and 2,590 ft. W. of the E. section line of said Section 35. Source: Turner Creek, tributary to Beaver Creek. Appropriation Date: June 10, 1994. Date and Case No. of Original Decree: June 28, 1996, Case No. 94CW99, Water Division 4. Amount: 0.10 c.f.s., conditional. Uses: Recreation, wildlife, fishery, stock water, and fire protection. Legal Description: Nix Pond No. 5 is located at SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, T.43 N., R. 12 W. of the N.M.P.M., being 790 feet N. of the S. section line and 2,590 ft. W. of the E. section line of said Section 35. Source: Turner Creek, tributary to Beaver Creek. Appropriation Date: June 10, 1994. Date and Case No. of Original Decree: June 28, 1996, Case No. 94CW99, Water Division 4. Amount: 0.16 acre-feet, conditional. Approximate Surface Area of High-Water Line: 0.05 acres. Uses: Recreation, wildlife, fishery, stock water, and fire protection. Legal Description: Nix Spring No. 6 is located at SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, T.43 N., R. 12 W. of the N.M.P.M., being 1,010 ft. N. of the S. section line and 2,600 ft. W. of the E. section line of said Section 35. Source: Turner Creek, tributary to Beaver Creek. Appropriation Date: June 10, 1994. Date and Case No. of Original Decree: June 28, 1996, Case No. 94CW99, Water Division 4. Amount: 0.10 c.f.s., conditional. Uses: Recreation, wildlife, fishery, stock water, and fire protection. Legal Description: Nix Pond No. 6 is located at SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, T.43 N., R. 12 W. of the N.M.P.M., being 1,010 feet N. of the S. section line and 2,600 ft. W. of the E. section line of said Section 35. Source: Turner Creek, tributary to Beaver Creek. Appropriation Date: June 10, 1994. Date and Case No. of Original Decree: June 28, 1996, Case No. 94CW99, Water Division 4. Amount: 0.16 acre-feet, conditional. Approximate Surface Area of High-Water Line: 0.05 acres. Uses: Recreation, wildlife, fishery, stock water, and fire protection. Legal Description: Nix Spring No. 10 is located at NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, T.43 N., R. 12 W. of the N.M.P.M., being 2,280 ft. N. of the S. section line and 2,200 ft. E. of the W. section line of said Section 35. Source: Turner Creek, tributary to Beaver Creek. Appropriation Date: June 10, 1994. Date and Case No. of Original Decree: June 28, 1996, Case No. 94CW99, Water Division 4. Amount: 0.10 c.f.s., conditional. Uses: Recreation, wildlife, fishery, stock water, and fire protection. Legal Description: Nix Pond No. 10 is located at NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, T.43 N., R. 12 W. of the N.M.P.M., being 2,280 feet N. of the S. section line and 2,200 ft. W. of the E.

section line of said Section 35. Source: Turner Creek, tributary to Beaver Creek. Appropriation Date: June 10, 1994. Date and Case No. of Original Decree: June 28, 1996, Case No. 94CW99, Water Division 4. Amount: 0.16 acre-feet, conditional. Approximate Surface Area of High-Water Line: 0.05 acres. Uses: Recreation, wildlife, fishery, stock water, and fire protection. Legal Description: Nix Spring No. 11 is located at SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T.43 N., R. 12 W. of the N.M.P.M., being 2,500 ft. S. of the N. section line and 2,050 ft. E. of the W. section line of said Section 35. Source: Turner Creek, tributary to Beaver Creek. Appropriation Date: June 10, 1994. Date and Case No. of Original Decree: June 28, 1996, Case No. 94CW99, Water Division 4. Amount: 0.10 c.f.s., conditional. Uses: Recreation, wildlife, fishery, stock water, and fire protection. Legal Description: Nix Spring No. 13 is located at NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T.43 N., R. 12 W. of the N.M.P.M., being 1,300 ft. S. of the N. section line and 1,700 ft. E. of the W. section line of said Section 35. Source: Turner Creek, tributary to Beaver Creek. Appropriation Date: June 14, 1994. Date and Case No. of Original Decree: June 28, 1996, Case No. 94CW99, Water Division 4. Amount: 0.10 c.f.s., conditional. Uses: Recreation, wildlife, fishery, stock water, and fire protection. Legal Description: Nix Spring No. 14 is located at NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T.43 N., R. 12 W. of the N.M.P.M., being 880 ft. S. of the N. section line and 440 ft. E. of the W. section line of said Section 35. Source: Turner Creek, tributary to Beaver Creek. Appropriation Date: June 14, 1994. Date and Case No. of Original Decree: June 28, 1996, Case No. 94CW99, Water Division 4. Amount: 0.10 c.f.s., conditional. Uses: Recreation, wildlife, fishery, stock water, and fire protection. Legal Description: Nix Spring No. 15 is located at NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T.43 N., R. 12 W. of the N.M.P.M., being 500 ft. S. of the N. section line and 500 ft. E. of the W. section line of said Section 35. Source: Turner Creek, tributary to Beaver Creek. Appropriation Date: June 10, 1994. Date and Case No. of Original Decree: June 28, 1996, Case No. 94CW99, Water Division 4. Amount: 0.10 c.f.s., conditional. Uses: Recreation, wildlife, fishery, stock water, and fire protection. Legal Description: Nix Pond No. 15 is located at NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T.43 N., R. 12 W. of the N.M.P.M., being 500 feet S. of the N. section line and 500 ft. E. of the W. section line of said Section 35. Source: Turner Creek, tributary to Beaver Creek. Appropriation Date: June 10, 1994. Date and Case No. of Original Decree: June 28, 1996, Case No. 94CW99, Water Division 4. Amount: 15 acre-feet, conditional. Approximate Surface Area of High-Water Line: 4.0 acres. Uses: Recreation, wildlife, fishery, stock water, and fire protection. Legal Description: Nix Pond No. 17 is located at NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T.43 N., R. 12 W. of the N.M.P.M., being 1,000 feet S. of the N. section line and 2,525 ft. E. of the W. section line of said Section 35. Source: Turner Creek, tributary to Beaver Creek. Appropriation Date: December 31, 1900. Date and Case No. of Original Decree: June 28, 1996, Case No. 94CW99, Water Division 4. Amount: 1.40 acre-feet, conditional; 0.10 acre-feet, absolute. Approximate Surface Area of High-Water Line: 0.50 acres. Uses: Recreation, wildlife, fishery, stock water, and fire protection. **Finding of Partially Absolute Water Rights.** Applicant seeks to make absolute the following conditional water rights, originally decreed in Case No. 94CW99. The conditional water rights to be made absolute are described herein and in the Decree issued in Case No. 94CW99. Applicant has filled the following ponds, through their associated springs, to the full extent of their conditional decrees, and has applied said water to beneficial use: **Nix Pond No. 2 Enlargement.** During this diligence period, Applicant has filled Nix Pond No. 2 Enlargement with an

additional 9.0 acre-feet of water, bringing the total amount of water within the pond to 10.0 acre-feet. Applicant filled this pond by impounding water from Nix Spring No. 2, which was decreed an absolute water right with a flow of 0.25 cfs in Case No. 94CW99. Applicant has applied this water to beneficial use by way of recreation, wildlife, fishery, stock water, and fire protection uses. Further, Applicant seeks a finding by this Court that the 1.0 acre-feet of water in Nix Pond No. 2 Enlargement decreed absolute in Case No. 17CW3015 for the purposes of wildlife, stock water, and fire protection, be decreed absolute for the additional purposes of recreation and fishery, pursuant to C.R.S. § 37-92-301(4)(e). **Nix Spring No. 5.** Applicant has diverted surface water from Nix Spring No. 5 at a rate of 0.10 cfs, which was impounded in Nix Pond No. 5. Applicant has applied this water to beneficial use by way of recreation, wildlife, fishery, stock water, and fire protection uses. **Nix Pond No. 5.** Applicant has filled Nix Pond No. 5 with 0.16 acre-feet of water impounded from Nix Spring No. 5, at a rate of 0.10 cfs. Applicant has applied this water to beneficial use by way of recreation, wildlife, fishery, stock water, and fire protection uses. **Nix Spring No. 10.** Applicant has diverted surface water from Nix Spring No. 10 at a rate of 0.10 cfs, which was impounded in Nix Pond No. 10. Applicant has applied this water to beneficial use by way of recreation, wildlife, fishery, stock water, and fire protection uses. **Nix Pond No. 10.** Applicant has filled Nix Pond No. 10 with 0.16 acre-feet of water impounded from Nix Spring No. 10, at a rate of 0.10 cfs. Applicant has applied this water to beneficial use by way of recreation, wildlife, fishery, stock water, and fire protection uses. **Detailed Outline of Diligence.** Per the decrees entered in Case Nos. 94CW99, 02CW87, 02CW89, 10CW61, and 17CW3015 (“Prior Decrees”), the Division 4 Water Court awarded to Applicant conditional water storage rights and surface water rights for various springs. Some conditional water rights described in the initial application in Case No. 94CW99 have since been decreed absolute in Case No. 17CW3015 and 02CW89. All of these water rights, along with water rights Applicant asks this Court to decree absolute, are described in paragraphs A-Q, above, and the Prior Decrees (collectively “Crowder Water Rights”). Approximate locations of the Crowder Water Rights are depicted on the attached **Exhibit A** map. The Crowder Water Rights are a part of a single integrated water supply system. Pursuant to C.R.S. §37-92-301(4)(b), work on one component of an integrated system shall be considered in finding that reasonable diligence has been shown for all components of the integrated system. During the subject diligence period, Applicant has outlaid the following expenditures or completed the following work related to the conditional surface water rights and water storage rights in its integrated water supply system: Applicant hired a water engineer, who produced a report on water rights and provided a recommendation on how to maintain and improve the subject springs and ponds, as described in paragraphs A-Q, above. As part of this work, the engineer conducted a site visit to the referenced springs and ponds. Applicant expended \$6,720.75 on the water engineer’s services to help further the development of the Crowder Water Rights. Applicant hired an excavator to improve the physical condition of Nix Pond Nos. 2, 5, and 10, costing a total of \$34,400. The improved conditions of these ponds can be seen in **Exhibit B**. Applicant has also incurred substantial costs for materials and equipment that will be used to maintain all springs and ponds described in paragraphs A-Q, above, totaling \$86,557.56. These materials and equipment purchased include a skid-steer, backhoe, water quality testing equipment, and grass seed to be used on pond banks. Applicant has leased his property, which includes

the majority of the springs and ponds referenced above, to a cattle rancher for the purpose of livestock grazing. The subject springs and ponds are the only water source available for the livestock grazing on Applicant's property. Further, Applicant spent a total of \$44,546.57 to survey and mark Applicant's property boundaries, and install fencing around Applicant's property to allow livestock grazing. Again, the springs and ponds on Applicant's property are the only water sources available for said livestock. Based on the expenditures and efforts described herein, the Applicant has established that it can and will complete the development of the adjudicated conditional water rights and place them to beneficial use within a reasonable period of time. Applicant owns the land where the structures described herein are and will be located and the beneficial use of the water from this source will be upon the Applicant's land, except Nix Pond No. 17 and Nix Spring No. 13, which are on property owned by Mountain View Foundation, 212 Knoll Estates Dr., Mountain Village, Colorado 81435, more specifically described in **Exhibit C. SAN MIGUEL COUNTY.**

CASE NO. 2023CW3067. Applicant: Deutsch Domestic Water Company, P.O. Box 45, Crawford, CO 81425. Attorneys for Applicant: Brown & Camp, LLC, P.O. Box 43, Delta, CO 81416 (970) 874-4451. **CHANGE OF WATER RIGHTS: Structure:** Saddle Mt. Ranch Seep Ditch a/k/a Saddle Mountain Seep Ditch. **Location:** SW1/4SW1/4SE1/4 of Section 29, Township 15 South, Range 91 West, 6th P.M. approximately 550 feet north of the south section line and 2248 feet west of the east section line. UTM 13, 275396.3, 4288168. **Decree Information:** Decreed January 31, 1964, Case No. CA4808 (Priority K-29) 1.0 c.f.s., irrigation, May 1, 1912; decree entered December 8, 1978, Case No. W3056, changed 0.09 c.f.s. to domestic use; decree entered December 31, 2010, for 0.10 c.f.s., conditional, as filling right for Needle Rock Pond and approval of augmentation plan for Deutsch Domestic Pipe Line; decree finding due diligence entered in Case No. 2017CW3017; decree entered February 1, 2018, in Case No. 20173005 modifying augmentation plan for Deutsch Domestic Pipe Line. **Source:** Smith Fork, tributary to the Gunnison River. **Needle Rock Pond. Location:** SW1/4SW1/4SE1/4 of Section 29, Township 15 South, Range 91 West, 6th P.M. approximately 396 feet north of south section line and 2222 feet west of east section line. UTM 13, 275320.6, 4288080. **Decree Information:** decreed December 31, 2010, Case No. 10CW0019 (with diligence decree in Case No. 2017CW3017) for Needle Rock Pond 0.922 acre feet storage and augmentation appropriation date April 30, 2008; decree entered February 1, 2018, Case No. 2017CW3005 modifying augmentation plan for Deutsch Domestic Pipe Line. **Change of Water Right.** Add use for hydroelectric power generation to uses for Saddle Mt. Ranch Seep Ditch for remaining non-domestic use water, 0.64 c.f.s. Applicant proposes to construct a hydroelectric pipeline to carry non-domestic use water decreed to the Saddle Mt. Ranch Seep Ditch to a hydroelectric generator to be located a point for return flows to Smith Fork Creek upstream from the point of diversion for Crawford Clipper Ditch in the NE1/4SW1/4NW1/4 of Section 32, Township 15 South, Range 91 West, 6th P.M. Proposed additional use of water is nonconsumptive. The hydroelectric pipeline may commence at any point along the upper reach of the Saddle Mt. Ranch Seep Ditch including releases from Needle Rock Pond after improvements have been made to permit storage of water in the pond. Needle Rock Pond will serve as a regulating reservoir for pipeline flows to generator. **SURFACE WATER RIGHT: Structure:** Saddle Mt. Ranch

Hydro Enlargement: **Location:** SW1/4SW1/4SE1/4 of Section 29, Township 15 South, Range 91 West, 6th P.M. approximately 550 feet north of the south section line and 2248 feet west of the east section line. UTM 13, 275396.3, 4288168 (Same as point of diversion for Saddle Mt. Ranch Seep Ditch) **Source:** Smith Fork, tributary to the Gunnison River. **Appropriation Date:** April 28, 2011. **Use:** hydroelectric power generation. See description of project above. **Amount:** 1.36 c.f.s. as an enlargement of the decree for Saddle Mt. Ranch Seep Ditch in addition to the 0.64 c.f.s. in existing decree for a total of 2.0 c.f.s. for hydroelectric power generation use. **Name and Address of Owner on Which Structures Are Located:** See application. **DELTA COUNTY.**

CASE NO. 2023CW3068, Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Jennifer Mele, First Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6282. Email: jen.mele@coag.gov. APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE

- 1. Name & Address of Applicant:** Colorado Water Conservation Board ("CWCB") 1313 Sherman Street, Suite 718 Denver, CO 80203 (303) 866-3441 Please direct communications regarding this case to the attorney listed in the caption.
- 2. Name of water right:** Kelly Creek Instream Flow Water Right.
- 3. Legal Description:** The Kelly Creek Instream Flow Water Right is located in the natural stream channel of Kelly Creek from its headwaters to the confluence with Red Canyon Creek, a distance of approximately 1.59 miles. A map depicting the approximate location of the Kelly Creek Instream Flow Water Right reach is attached as **Exhibit 1**.
 - A. Upstream Terminus:** Kelly Creek headwaters in the vicinity of:
 1. UTM: Northing: 4244823.74; Easting: 219127.69 (NAD 1983 Zone 13 North)
 2. Lat/Long: Latitude 38° 18' 27.22" N; Longitude 108° 12' 43.81" W
 - B. Downstream Terminus:** confluence with Red Canyon Creek at:
 1. UTM: Northing: 4243319.90; Easting: 221016.68 (NAD 1983 Zone 13 North)
 2. Lat/Long: Latitude 38° 17' 40.62" N; Longitude 108° 11' 24.01" W
- 4. Source:** Kelly Creek, tributary to Red Canyon Creek, tributary to Horsefly Creek, tributary to the San Miguel River, tributary to the Dolores River.
- 5. A. Date of initiation of appropriation:** January 24, 2023. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 24, 2023, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. **C. Date applied to beneficial use:** January 24, 2023.
- 6. Amount of water claimed:** Instream flow of 1.2 cfs (04/01 - 04/30), 2.6 cfs (05/01 - 05/31), 2.7 cfs (06/01 - 06/30), 1.2 cfs (07/01 - 07/31), 0.45 cfs (08/01 - 10/31), 0.2 cfs (11/01 - 03/31), absolute.
- 7. Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree.
- 8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S., to the owners or reputed owners of the land upon which any new or existing diversion or storage structure

is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. See *Colo. River Water Conservation Dist. V. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **9.Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) & (4) and 37-92-103(3), (4) & (10), C.R.S. The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 18, 2023, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S., that the natural environment of Kelly Creek will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights. **MONTROSE COUNTY.**

CASE NO. 2023CW3069. DELTA COUNTY. GUNNISON RIVER OR ITS TRIBUTARIES, Cecil B. Farnsworth Trust and Patricia M. Farnsworth Trust, c/o Kevin L. Patrick, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION FOR UNDERGROUND WATER RIGHT AND PLAN FOR AUGMENTATION INCLUDING EXCHANGE. **First Claim: For Underground Water Right.** Name of structure: Farnsworth Well. Legal description: The Farnsworth Well is located in the SE ¼ SE ¼ of Section 1, Township 14 South, Range 92 West of the 6th P.M. (Delta County). UTM NAD83 Z13: Northing – 4305136.86, Easting – 273346.82. GPS: 38.865858, -107.612392. A map is on file with the Court as Exhibit A. Source: Groundwater tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. Depth: N/A. Appropriation date: October 31, 2023. How appropriation was initiated: Field inspection, development of plans for the well, and filing this Application. Date water applied to beneficial use: N/A. Amount: 100 g.p.m., up to 24.572 acre-feet per year. Uses: Irrigation and commercial use associated with an RV park. Number of acres historically irrigated: 0; proposed to be irrigated: 4. Does Applicant intend to use this water right to supplement irrigation? No. Non-irrigation uses: Commercial use associated with an RV park including, but not limited to: RV spaces, laundry, bathrooms, a restaurant, a clubhouse, shower facilities, and a swimming pool. Applicants own the land on which the well will be located and where the water will be put to beneficial use. Remarks: Applicants submitted an SWSP request to replace depletions from the Farnsworth Well on December 1, 2022. The Division of Water Resources has yet to act on the request. Applicants will permit the Farnsworth Well after obtaining either the SWSP approvals or a decree in this case. **Second Claim: For Approval of Plan for Augmentation.** Name of structure to be augmented: Farnsworth Well. Legal description: See paragraph 3.A. Water rights to be used for augmentation: Water allotment contract from the Bureau of Reclamation for 5.0 acre-feet, annually, from the sources listed in paragraph 8.A; Farnsworth Pond No. 1, as described in paragraph 8.B; Consumptive Use Decreed in Case No. 92CW185, as described in paragraph 8.C. Complete statement of plan for augmentation: Background and summary: Applicant is in the process of

developing an RV park on their property that had formerly been used for an industrial and commercial gravel operation. The Farnsworth Well will supply all water needs on the property with the exception of the owners' residence. In Case No. 92CW185, the Applicant in this case obtained a decree approving a plan for augmentation for two properties separated by the North Fork of the Gunnison River. The decree approved a plan for augmentation that replaced out-of-priority evaporative depletions from the surface of the Farnsworth Pond Nos. 1 and 3 and the industrial uses of gravel mining, washing, dust suppression, and ancillary industrial uses that were to occur on a parcel of approximately 28.87 acres on the South side of the river. The decree also approved a plan for augmentation replacing out-of-priority depletions from evaporation from the River Bottom Pond Nos. 1-3 and depletions associated with a gravel mining operation that included a batch plant, gravel mine, and related industrial and manufacturing uses on a parcel of land of approximately 28.03 acres on the North side of the North Fork of the Gunnison River. The Applicant is redeveloping the 28.03-acre parcel on the north side of the North Fork of the Gunnison River from a commercial and industrial mining operation to a recreational vehicle (RV) resort. Accordingly, by this Application, the Applicant is modifying, amending, and replacing in part the plan for augmentation decreed in Case No. 92CW185.

Water requirements: The water delivery and demands for the RV park and consumptive use associated with those demands are shown in Table 1 and Table 2, on file with the Court. The demands and consumptive use are divided by use type, with footnotes describing the calculations and assumptions used. The source for all potable and irrigation water use (excluding the owners' residence that is serviced by a water tap) will be the Farnsworth Well. Water used for potable uses will be treated by an existing non-evapotranspirative leach field system, which is assumed to be 10 percent consumptive. Irrigation will be by sprinkler method and be 70 percent consumptive. Applicants' engineer estimated the total water demand at 24.572 acre-feet per year, and the total consumptive use at 11.468 acre-feet per year, as shown on Table 1 and 2, respectively. Applicants' engineer completed a Glover analysis for the Farnsworth Well pumping and for irrigation return flows. The Glover analysis shows a two-month lag of depletions to the North Fork of the Gunnison river from the Farnsworth Well (96 percent in month one and 4 percent in month two), and a similar two month lag of irrigation return flow accretions (93 percent in month one and 7 percent in month two). Applicants' engineer included these calculations in the replacement supply requirements, discussed below.

Downstream call: If the calling water right is below the confluence of the North Fork of the Gunnison River and the Gunnison River, Applicant will augment out-of-priority depletions from the Farnsworth Well using a combination of HCU credits from Case No. 92CW185 and water rights owned or controlled by the Bureau of Reclamation stored in Blue Mesa Reservoir. Applicant holds Bureau of Reclamation Contract No. 2022-WC-40-940 for 5.0 acre-feet of water, annually. Applicants' engineer assumed a call period of all January and February, 18 days in March, 10 days in April, 1 day each in May and June, and 9 days in December, resulting in a total of 0.793 acre-feet of out-of-priority depletions. Applicants' HCU credits are sufficient to replace out-of-priority depletions in April-June. Applicant's Bureau of Reclamation Contract will cover out-of-priority depletions during the rest of the year, specifically estimated to occur in December-March. Table 4 on file with the Court outlines a sample Gunnison River call replacement summary.

Local call: In the event of a local call on the North Fork of the Gunnison River, Applicants will utilize

remaining HCU credits and releases from the Farnsworth Pond No. 1 to replace out-of-priority depletions from the Farnsworth Well. Applicants' engineer assumed a local call maximum period of 7 days in June, all of July-September, and 15 days in October, resulting in a total of 6.735 acre-feet of out-of-priority depletions. Applicants' HCU credits are sufficient to entirely cover out-of-priority depletions in June and October. In July-September, Applicant may be required to release up to 2.662 acre-feet from the Farnsworth Pond No. 1. Table 3 on file with the Court outlines a sample North Fork of the Gunnison River call replacement summary. Applicants own the land on which the augmented water right will be located and where water will be placed to beneficial use.

Third Claim: For Appropriative Exchange. Name of structure: Farnsworth Exchange. Location of downstream terminus: The confluence of the North Fork of the Gunnison River and the Gunnison River, located in the NW ¼ NW ¼ of Section 6, Township 15 South, Range 93 West of the 6th P.M. UTM NAD83 Z13: Northing – 4296476, Easting - 256310. Location of upstream terminus: The point of depletion to the North Fork of the Gunnison River from the Farnsworth Well, located in the SE ¼ NE ¼ of Section 1, Township 14 South, Range 92 West of the 6th P.M. UTM NAD83 Z13: Northing – 4305060, Easting – 273392. A map is on file with the Court as Exhibit B. Source: Water owned or controlled by the Bureau of Reclamation and for which Applicants have a contract for the use of, as described in paragraph 8.A. Appropriation date: October 31, 2023. How appropriation was initiated: Formulation of intent to apply water to beneficial use, obtaining the Bureau of Reclamation contract, and filing the Application in this case. Date water applied to beneficial use: N/A. Amount: 0.003 c.f.s., up to 0.5 acre-feet per year. Use: Exchange to implement the plan for augmentation applied for in this case. **DELTA COUNTY.**

CASE NO. 2023CW3070, Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Jennifer Mele, First Assistant Attorney General, Emilie Polley, Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6282 (Mele). (720) 508-6314 (Polley) Email: jen.mele@coag.gov; emilie.polley@coag.gov. APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE **1. Name & Address of Applicant:** Colorado Water Conservation Board ("CWCB") 1313 Sherman Street, Suite 718 Denver, CO 80203 (303) 866-3441 Please direct communications regarding this case to the attorney listed in the caption. **2. Name of water right:** Cross Creek Instream Flow Water Right. **3. Legal Description:** The Cross Creek Instream Flow Water Right is located in the natural stream channel of Cross Creek from its headwaters to the confluence with Lottis Creek, a distance of approximately 2.48 miles. A map depicting the approximate location of the Cross Creek Instream Flow Water Right reach is attached as **Exhibit 1**. A. Upstream Terminus: Cross Creek headwaters in the vicinity of: 1.UTM: Northing: 4288386.58; Easting: 362731.96 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 44' 0.58" N; Longitude 106° 34' 45.41" W B. Downstream Terminus: confluence with Lottis Creek at: 1. UTM: Northing: 4291938.66; Easting: 363705.61 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 45' 56.31" N; Longitude 106° 34' 7.62" W C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The

Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). **4. Source:** Cross Creek, tributary to Lottis Creek, tributary to the Taylor River, tributary to the Gunnison River, tributary to the Colorado River. **5. A. Date of initiation of appropriation:** January 24, 2023. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 24, 2023, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. **C. Date applied to beneficial use:** January 24, 2023. **6. Amount of water claimed:** Instream flow of 0.72 cfs (04/01 - 04/30), 1.4 cfs (05/01 - 07/31), 0.85 cfs (08/01 - 08/31), 0.63 cfs (09/01 - 09/30), 0.27 cfs (10/01 - 03/31), absolute. **7. Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. **8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S., to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. *See Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **9. Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) & (4) and 37-92-103(3), (4) & (10), C.R.S. The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 18, 2023, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S., that the natural environment of Cross Creek will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights. **GUNNISON COUNTY.**

CASE NO. 2023CW3071, Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Emilie Polley, Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6314. Email: emilie.polley@coag.gov. APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE **1. Name & Address of Applicant:** Colorado Water Conservation Board ("CWCB") 1313 Sherman Street, Suite 718 Denver, CO 80203 (303) 866-3441 Please direct communications regarding this case to the attorney listed in the caption. **2. Name of water right:** Red Canyon Creek Instream Flow Water Right. **3. Legal Description:** The Red Canyon Creek Instream Flow Water Right is located in the natural stream channel of Red Canyon Creek from its headwaters to the confluence with Big A Creek, a distance of approximately 3.2 miles. A map depicting the approximate location of the Red Canyon Creek Instream Flow Water Right reach is attached as **Exhibit 1. A. Upstream Terminus:** Red Canyon Creek

headwaters in the vicinity of: 1. UTM: Northing: 4245322.94; Easting: 221751.70 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 18' 46.33" N; Longitude 108° 10' 56.64" W B. Downstream Terminus: confluence with Big A Creek at: 1. UTM: Northing: 4240822.17; Easting: 219603.08 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 16' 18.13" N; Longitude 108° 12' 18.56" W C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). **4. Source:** Red Canyon Creek, tributary to Horsefly Creek, tributary to the San Miguel River, tributary to the Dolores River. **5. A. Date of initiation of appropriation:** January 24, 2023. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 24, 2023, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. **C. Date applied to beneficial use:** January 24, 2023. **6. Amount of water claimed:** Instream flow of 5 cfs (04/01 - 04/31), 6.2 cfs (05/01 - 07/31), 3 cfs (08/01 - 09/30), 2.3 cfs (10/01 - 10/31), 1 cfs (11/01 - 03/31), absolute. **7. Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. **8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S., to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. See *Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **9. Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) & (4) and 37-92-103(3), (4) & (10), C.R.S. The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 18, 2023, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S., that the natural environment of Red Canyon will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights. **MONTROSE COUNTY.**

CASE NO. 2023CW3072 San Miguel County. **Application for Findings of Reasonable Diligence and to Make Absolute, In Part.** Applicant: 8021 Preserve, LLC, c/o Phil Sigel, c/o Christopher Geiger & Andie Hall, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant seeks a finding of reasonable diligence in the development of its interests in Erica's Pond, Hannah's Pond, Trout Lake Reservoir Sigel Enlargement, Sigel Diversion No. 1, Sigel Diversion No. 2, Sigel Exchange No. 1, and Sigel Exchange No. 2, collectively referred to herein as the "Subject Water Rights". Applicant seeks a finding confirming the following water rights as absolute in whole: Erika's Pond, Sigel Diversion No. 1, Sigel Diversion No. 2, and the Trout Lake Reservoir

Sigel Enlargement. Applicant seeks a finding confirming the following water rights as absolute in part: Sigel Exchange No. 1, Sigel Exchange No. 2. A map showing the locations of the subject water rights is shown in Exh. A on file with the Water Ct. (All Exhs. mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Ct.) All water rights were originally decreed in 17CW3031, Dist. Ct., Water Div. 4, 12/18/2017. First Claim for Finding of Reasonable Diligence Storage Water Right: Erica's Pond. Location: NW1/4 NE1/4, Sec. 19, T. 42 N., R. 9 W., N.M.P.M., 347 ft. N. of the S. Sec. line of Sec. 19 and 1,423 ft. E. of the W. Sec. line of Sec. 19. Also described as Zone 13, Easting 245034.85, Northing 4197957.55. Sources: Surface diversion, unnamed tributary to the South Fork of the San Miguel River. Date of Approp.: 05/05/2017. Decreed Amt.: 3.0 a.f., conditional. Total Cap. of Reservoir: Active Cap.: 3.0 a.f. Dead Storage: 0 a.f. Surface Area: 0.5 acres. Uses: Rec. and piscatorial. Remarks: Erica's Pond will be filled once annually at the diversion rate for Sigel Diversion No. 1 and Sigel Diversion No. 2 described below. Thereafter, the replacement for evaporation will be at the exchange rate described below. Applicant may recirculate water from within the pond back to a water feature at the top of the pond. Storage Water Right: Hannah's Pond. Location: NW1/4 NE1/4, Sec. 19, T. 42 N., R. 9 W., N.M.P.M., 434 ft. N. of the S. Sec. line of Sec. 19 and 1,229 ft. W. of the S. Sec. line of Sec. 19. Also described as Zone 13, Easting 245092.89, Northing 4197929.71. Sources: Surface diversion, unnamed tributary to the South Fork of the San Miguel River. Approp. Date: 05/05/2017. Decreed Amt.: 0.78 a.f, conditional. Total Cap.of Reservoir: Active Capacity: 0.78 a.f. Dead Storage: 0 a.f. Surface Area: 0.13 acres. Uses: Rec. and piscatorial. Remarks: Hannah's Pond will be filled once annually at the diversion rate for Sigel Diversion No. 1 and Sigel Diversion No. 2 described below. Thereafter, the replacement for evaporation will be at the exchange rate described below. Applicant may recirculate water from within the pond back to a water feature at the top of the pond. Storage Water Right: Trout Lake Reservoir, Sigel Enlargement. Location: NE1/4 SW1/4, Sec. 8, T. 41 N., R. 9 W., N.M.P.M., 2,275 ft. N. of the S. Sec. line of Sec. 19 and 1,594 ft. E. of the W. Sec. line of Sec. 19. Also described as UTM Zone 13, Easting 245807.00, Northing 4190829.00. Sources: Lake Fork of the San Miguel River. Approp. Date: 05/05/2017. Decreed Amt.: 2.0 a.f., conditional. Uses: Aug. The Amt. of aug. water is limited to the Amt. identified in the plan for aug. as decreed in 17CW3031, plus necessary transit losses. Total Cap. of Reservoir: 3,314 a.f. Surface Area of High-Water Line: 138 acres. Surface Water Right: Sigel Diversion No. 1. Location: NE1/4 NE1/4, Sec. 19, T. 42 N., R. 9 W., N.M.P.M., 892 ft. N. of the S. Sec. line of Sec. 19 and 929 ft. E. of the W. Sec. line of Sec. 19. Also described as Zone 13, UTM Easting 245179.58, Northing 4197788.63. Source: Unnamed tributary to the South Fork of the San Miguel River. Approp. Date: 05/05/2017. Decreed Amt.: 0.39 c.f.s., conditional, not to exceed 0.39 c.f.s. in combination with Sigel Diversion No. 2. Uses: To fill Erica's Pond and Hannah's Pond and to replace evaporation for the ponds' decreed uses. Surface Water Right: Sigel Diversion No. 2. Location: NE1/4 NE1/4, Sec. 19, T. 42 N., R. 9 W., N.M.P.M., 70 ft. N. of the S. Sec. line of Sec. 19 and 1,032 ft. E. of the W. Sec. line of Sec. 19. Also described as Zone 13, UTM Easting 245157.05, Northing: 4198039.59. Source: Unnamed tributary to the South Fork of the San Miguel River. Approp. Date: 05/05/2017. Decreed Amt.: 0.39 c.f.s., conditional, not to exceed 0.39 c.f.s. in combination with Sigel Diversion No. 1. Uses: To fill Erica's Pond and Hannah's Pond and to replace evaporation for the ponds' decreed uses. Appropriative Rights of Exchange: Applicant

requests a finding of due diligence for the appropriative rights of exchange to replace out-of-priority evaporative losses associated with rec. and piscatorial uses of the storage water rights described herein. Replacements will be made by releases from Trout Lake Reservoir as requested by the DE. Sigel Exchange No. 1. Downstream Terminus: Confluence of South Fork of the San Miguel River and Unnamed Southern Tributary: SE1/4 NW1/4, Sec. 19, T. 42 N., R. 9 W., N.M.P.M., 1,539 ft. N. of the S. Sec. line of Sec. 19 and 1,675 ft. W. of the E. Sec. line of Sec. 19. Also described as UTM Zone 13, Easting 244432.37, Northing 4197605.51. Upstream Terminus: Sigel Diversion No. 1 located at UTM Zone 13, Easting 245179.58, Northing 4197788.63. Max. Rate of Exchange: 2.18 g.p.m. (0.0048 c.f.s.), limited to 2.0 AF. Approp. Date: 05/31/2017. Sigel Exchange No. 2: Downstream Terminus: Confluence of South Fork of the San Miguel River and Unnamed Southern Tributary: SE1/4 SW1/4, Sec. 18, T. 42 N., R. 9 W., N.M.P.M., 395 ft. S. of the N. Sec. line of Sec. 19 and 1,243 ft. W. of the E. Sec. line of Sec. 19. Also described as UTM Zone 13, Easting 244310.09, Northing 4198197.48. Upstream Terminus: Sigel Diversion No. 2 located at UTM Easting 245157.05, Northing 4198039.59. Max. Rate of Exchange: 2.18 g.p.m. (0.0048 c.f.s.), limited to 2.0 AF. Approp. Date: 05/31/2017. Remarks: The exchanges described herein will be operated in conjunction with Applicant's plan for aug. as decreed in 17CW3031. The total combined annual volume of the two exchanges will not exceed 2.0 AF. Terms and Conditions: No exchanges may be operated without the prior approval of the DE. Integrated System: "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). Erica's Pond and Hannah's Pond are filled and maintained through the operation of Sigel Diversion No. 1, Sigel Diversion No. 2, Sigel Exchange No. 1, and Sigel Exchange No. 2. Sigel Diversion No. 1 and Sigel Diversion No. 2 concurrently or separately are used to fill and refill both ponds. Water may be pumped from Erica's Pond re-circulation pump and piped through to Hannah's Pond. If one or both ponds are being filled or replacing evaporative depletions, both the Sigel Exchange No. 1 and Exchange No. 2 must operate pursuant to the Plan for Aug. decreed in 17CW3031, thereby working within the integrated system. Similarly, the Trout Lake Reservoir Sigel Enlargement provides the replacement supply for the exchange operations and is therefore a component of the integrated system. See Exhs. A and B. Applicant requests that the Ct. confirm the Subject Water Rights as part of an integrated system of water rights. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Second Claim to Make Absolute. Applicant has constructed and uses Erica's Pond, filled Erica's Pond through the Sigel Diversions Nos. 1 and 2, and augments all out of priority depletions pursuant to the plan for aug. as decreed in 17CW3031, which includes the appropriative rights of exchange. Therefore, Applicant requests a finding that the following Subject Water Rights be confirmed absolute by their application to beneficial use. Structure: Erica's Pond, as described above. Date of Beneficial Use: Erica's Pond was completed on 11/7/2017. See Figure 1. The Pond was reconstructed and refilled in July 2020. See Exhs. B and C. Records maintained by the CO DWR indicate that no administrative call was in place on either the South Fork of the San Miguel River or the mainstem of the San Miguel River on either 11/7/2017 or in July 2020. Therefore, the Pond was filled in priority. Uses: Rec.

and piscatorial. Amt. Claimed as Absolute: 3.0 a.f. Structure: Sigel Diversion No. 1, as described above. Date of Beneficial Use: 07/31/2020, when Erica's Pond was filled. Records maintained by the CO DWR indicate that no administrative call was in place on either the South Fork of the San Miguel River or the mainstem of the San Miguel River on 07/31/2020. Therefore, Sigel Diversion No. 1 diverted in priority. Uses: To fill Erica's Pond and Hannah's Pond and to replace evaporation for the ponds' decreed uses. Amt. Claimed as Absolute: 0.39 c.f.s., independent of the 0.39 c.f.s. decreed to Sigel Diversion No. 2. Structure: Sigel Diversion No. 2, as described above. Date of Beneficial Use: 07/31/2020, when Erica's Pond was filled. Records maintained by the CO DWR indicate that no administrative call was in place on the South Fork of the San Miguel River or the mainstem of the San Miguel River on 07/31/2020. Therefore, Sigel Diversion No. 2 diverted in priority. Uses: To fill Erica's Pond and Hannah's Pond and to replace evaporation for the ponds' decreed uses. Amt. Claimed as Absolute: 0.39 c.f.s., independent of the 0.39 c.f.s. decreed to Sigel Diversion No. 1. Structure: Trout Lake Reservoir, Sigel Enlargement, as described above. Date of Beneficial Use: 06/30/2019. Use: Aug. Amt. Claimed as Absolute: 2 a.f. Remarks: Records maintained by the CO DWR indicate that Trout Lake Reservoir was full on 06/30/2019. A decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the approp. that has been captured, possessed, and controlled at the decreed storage structure. C.R.S. § 37-92-301(4)(e). Structure: Sigel Exchange No. 1, as described above. Date of Beneficial Use: 08/13/2020 - 10/24/2020. Records maintained by the DWR indicate that the BCD Ditch, a senior downstream right, placed multiple calls on the mainstem of the San Miguel River during this time. During this call period, the Sigel Exchange Reach No. 2 operated as aug. releases were introduced to the river system for the benefit of the BCD Ditch using supplies from the Trout Lake Reservoir, Sigel Enlargement, as described above, pursuant to the plan for aug. decreed in 17CW3031. Uses: Augmentation, by exchange, of out-of-priority depletions made to cover evaporative losses associated with the recreational and piscatorial uses of the storage water rights for Erica's Pond as described above. Amt. Claimed as Absolute: 1.601 g.p.m. (0.0036 c.f.s.), with 0.579 g.p.m. to remain conditional. Structure: Sigel Exchange No. 2, as described above. Date of Beneficial Use: 08/13/2020 - 10/24/2020. Records maintained by the CO DWR indicate that the BCD Ditch, a senior downstream right, placed multiple calls on the mainstem of the San Miguel River during this time. During this call period, the Sigel Exchange Reach No. 2 operated as aug. releases were introduced to the river system for the benefit of the BCD Ditch using supplies from the Trout Lake Reservoir, Sigel Enlargement, as described above, pursuant to the plan for aug. decreed in 17CW3031. Uses: Aug., by exchange, of out-of-priority depletions made to cover evaporative losses associated with the recreational and piscatorial uses of the storage water rights for Erica's Pond as described above. Amt. Claimed as Absolute: 1.601 g.p.m. (0.0036 c.f.s.), with 0.579 g.p.m. to remain conditional. Name and address of owner of the land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: In the Application filed with the Ct. (11 pages of original application, Exh. A-C, Fig 1) **SAN MIGUEL COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of December 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