DISTRICT COURT, WATER DIVISION 7, COLORADO

WATER RESUME

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER DIVISION NO. 7

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications filed in the Office of the Water Clerk during the month of April, 2014, for each county affected.

13CW3032 Bootjack Ranch, LLC, 12500 E. Hwy. 160, Pagosa Springs, CO 81147, Telephone: (970) 264-7280. Please send all pleadings and correspondence to Applicants counsel: Wayne F. Forman and John A. Helfrich, Brownstein Hyatt Farber Schreck, LLP, 410 17th Street, Suite 220, Denver, CO 80202; Phone Number: (303) 223-1100; Fax Number: (303) 223-1111; Email: wforman@bhfs.com, jhelfrich@bhfs.com. FIRST AMENDMENT TO APPLICATION FOR SURFACE WATER RIGHT, UNDERGROUND WATER RIGHT, WATER STORAGE RIGHT, CHANGE OF WATER RIGHT AND PLAN FOR AUGMENTATION. IN MINERAL COUNTY. (1) This First Amendment to Application adds Chipper's Lake as a source of replacement water to the plan for augmentation. This First Amendment relates only to Section F.2 and F.3.b of the original Application. All other provisions of the original Application remain unchanged. (2) Chipper's Lake is located on Applicant's property and was decreed a conditional storage right of 8.0 acre feet for augmentation purposes in Case No. 04CW97. The augmentation water provided by Chipper's Lake will cover potential augmentation obligations in the reach of the West Fork of the San Juan River from the headgate of the Phillipps Ditch to the outlet of Oxbow Lake. (3) Sections F.2 and F.3.b of the original Application are changed as shown by the underlined text below: (F.) Plan for Augmentation. 1. Structure to be Augmented: Oxbow Lake, described above in paragraph C.1. 2. Water rights that will be used for augmentation: Phillipps Ditch – Oxbow Enlargement, described above in paragraph B, Oxbow Augmentation Pond, described above in paragraph D.2., and dry-up credits from the Phillipps Ditch described above in paragraph E, and Chipper's Lake, decreed for augmentation use in Case No. 04CW97. 3. Statement of Plan for Augmentation. a. Purpose. The purpose of this plan for augmentation is to offset out-of-priority depletions from Oxbow Lake, which will be used as a trout pond and for recreational, firefighting and stock watering purposes. It is the Applicant's position that augmentation water need only replace evaporation from Oxbow Lake during periods of administration and when the level of impounded surface water diverted into the lake under the Phillipps Ditch-Oxbow Enlargement water right drops to the level of exposed ground water. b. Replacement Requirements. The active capacity of the Augmentation Pond will be approximately 15 acre feet, which will provide sufficient volume to fully replace all depletions from evaporation and stock watering and all Phillipps Ditch delayed return flow obligations in the event of a senior call. Chipper's Lake, which has a capacity of 8.0 acre feet, can deliver replacement water above the headgate of the Phillipps Ditch to replace out-of-priority depletions in the reach of the West Fork from the headgate of the Phillipps Ditch to the outlet of Oxbow Lake. (4 pages)

14CW3008 (07CW54). IN LA PLATA COUNTY. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. CONCERNING THE APPLICATION FOR WATER RIGHTS OF DSC/PURGATORY, LLC. DISTRICT COURT, WATER DIVISION NO. 7, STATE OF COLORADO, 1060 2nd Avenue, P.O. Box 3340, Durango, CO 81302. 1. Name, address and telephone number of applicant: DSC/Purgatory, LLC, c/o #1 Skier Place, Durango, Colorado 81301 (970) 426-7247. Copies of all pleadings to: Steven J. Bushong, Porzak Browning & Bushong LLP, 929 Pearl Street, Suite 300, Boulder, CO 80302 (303) 443-6800. 2. Name of structure: Twilight Lake Second Enlargement

(previously Raymond T. Duncan No. 11279 Reservoir). 3. Description of conditional water right: A. Originally decreed on September 22, 1994, in Case No. 93CW20, in District Court, Water Division 7, with findings of reasonable diligence by decree in Case No. 00CW73 and 07CW54, Water Division No. 7. B. Legal description of the point of diversion and place of storage: The structure is located in the NW ¼ SE ¼ of Section 24, Township 39 North, Range 9 West, N.M.P.M. The point of diversion for the structure is located on Purgatory Creek in the NW ¼ SE ¼ of section 24, Township 39 North, Range 9 West, N.M.P.M. at a point whence the southeast corner of said Section 26, bears S 26°45' W, a distance of 7, 650 feet. C. Appropriation Date: March 12, 1993. D. Amount claimed: 80 acre-feet, conditional, and refill. E. Uses: Irrigation and artificial snowmaking in the Hermosa and Purgatory Creek Basins. F. Remarks: Twilight Lake was conditionally decreed 40 acre-feet in Case No. W-1827-78 and 20 acre-feet (first enlargement) in Case No. 81CW149. The original 40 acre-feet and the 20 acre-foot enlargement were both made absolute in Case No. 85CW119. This application involves the Twilight Lake second enlargement described above. Twilight Lake is also used to temporarily store water for snowmaking that is delivered under water rights that divert from Cascade Creek. 4. Outline of work done to complete project and apply water to beneficial use with respect to the conditional water rights: During this diligence period Applicant and its related entities have been very active in continuing the development of its integrated water supply system for the ski resort and related development, including the subject water rights. Those activities included, but are not limited to: (A) finalizing an environmental impact statement and obtaining resort special use permit approval that includes substantially increased snowmaking; (B) significant improvements to the snowmaking infrastructure, including the water intake line, plant equipment, distribution system and capacity; (C) finalizing a new water supply agreement with Xcel for Cascade Pipeline water that will require expanded storage, and ongoing negotiations to improve the reliability of that water supply; (D) planning, design and/or construction of other water supply infrastructure; (E) preparation and submittal of special use permit applications for components of its water supply plan; (F) ongoing exploration and/or negotiations with the United States Forest Service regarding other available water supply options; (G) ongoing litigation in the defense of its water rights; (H) work on a water supply plan with the Purgatory Metropolitan District; and (I) involvement with proposed legislation that could potentially impact Applicant's water rights. The conditional water rights at issue in this application are a key component of an integrated water supply system that serves both the ski resort and related development. 5. The name and address of the owner of the land on which the structures are located, upon which the water is diverted, and upon which the water will be placed to beneficial use: The structure is located on land owned by Applicant or its related entities. Water will be used on land owned by Applicant or its related entities, and also used on United States Forest Service land for snowmaking. (4 Pages)

14CW3009 (06CW71) Oldcastle SW Group, Inc. d/b/a Four Corners Materials, c/o Matt Carnahan, 6699 C.R. 521, P.O. Box 1969, Bayfield, CO 81122. Stephen C. Larson, David F. Bower, Michael S. Davidson, Johnson & Repucci LLP, 2521 Broadway, Suite A, Boulder, Colorado 80304, (303) 442-1900. Application for a Finding of Reasonable Diligence in IN LA PLATA COUNTY. **Description of Conditional Water Right.** *Name of Structure*: Animas Mesa Pit Pump and Pipeline. *Original Decree*: The decree for the Animas Mesa Pit Pump and Pipeline was entered on April 17, 2008, in Case No. 06CW71, Water Division 7. *Legal Description of Point of Diversion*: The point of diversion for Animas Mesa Pit Pump and Pipeline is located in the NE1/4 of Section 18, Township 34 North, Range 9 West of the New Mexico Principal Meridian, within 200 feet of a point located approximately 1,062 feet from the North section line and 1,453 feet from the East section line of Section 18, La Plata County, Colorado. A general location map is attached hereto as Exhibit A. *Source*: Animas River. *Amount*: 6.0 c.f.s., conditional. *Uses*: The Animas Mesa Pit Pump and Pipeline is decreed for commercial, industrial (including gravel mining, gravel washing, dust control, and production of concrete), and storage for subsequent use for the above uses with the right to fully consume, use, and reuse this water successively to extinction in industrial operations. Applicant's right of reuse is subject to Applicant maintaining dominion and control over the return flows to be reused. Storage will occur in storage ponds located in

the SE1/4 NE1/4 NW1/4 of Section 18, Township 34 North, Range 9 West and in the NE1/4 NE1/4 NE1/4 of Section 13, Township 34 North, Range 10 West of the New Mexico Principal Meridian. *Appropriation Date*: September 29, 2006. **Claim for Finding of Reasonable Diligence.** Applicant's business was formed in 1997 and has grown to become the largest producer of sand and gravel products in the Four Corners region. The conditional water right that is the subject of this application is decreed for and will be used by Applicant in its gravel mining operations. During the subject diligence period, from April 2008 to present, Applicant devoted significant resources to develop the gravel mining operation that will use the subject water right. In performing this development work, Applicant is now well positioned to begin the gravel mining use for which the Animas Mesa Pit Pump and Pipeline was decreed. During the subject diligence period, Applicant incurred $799,250 in expenses to construct an access road for the gravel mine and the Animas Mesa Pit Pump and Pipeline. Applicant expended an additional $423,000 to make improvements to the turn lane and intersection which provide access to the newly constructed access road, and an additional $96,000 to improve the adjacent highway for the same purposes. Applicant also worked with the Colorado Division of Reclamation Mining and Safety to obtain the requisite permits and approvals for gravel mining operations, incurring approximately $25,000 in expenses. Applicant has also worked closely with the local government on the development of the gravel mine site, and has already paid $144,105 in Development Impact Fees. Applicant has also expended significant resources to develop the gravel mine site, including, among other things, $16,000 for constructing fencing around the site, building gates to control access to the site, and installing signs to mark the property boundaries. Throughout the diligence period, Applicant's engineers have performed a variety of work related to the operation of the proposed gravel mine and the subject conditional water right. Applicant incurred $77,000 in expenses for such engineering work during the subject diligence period. **Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool.** The Animas Mesa Pit Pump and Pipeline are on land owned by Arthur and Anne Isgar, 11202 CR 213, Durango, Colorado 81303 and Shirley and Charles Isgar, 16000 Hwy 140, Hesperus, Colorado 81326. (5 pages)

14CW3010 APPLICATION FOR WATER RIGHTS AND FOR APPROVAL OF PLAN FOR AUGMENTATION, Boki, LLC, Applicant, by counsel Nancy Agro, 700 Main Avenue, Suite K, Durango, CO 81301, (970) 422-2024. New Groundwater right: Dos Hermanas Well #1, Well #2 (Contingent) and Well #3 (contingent), Legal Description: Existing Well #1 (Permit Number 270040) is located in the NW/4 NE/4, Section 24, Township 35, Range 9W N.M.P.M, 280 feet from the North Section line and 1809 feet from the East Section line, on Lot 1 of the Dos Hermanas Subdivision. Well #2, if needed, will be drilled on Lot 2B of the Dos Hermanas Resubdivision (Currently Lot 2 of the Dos Hermanas Subdivision). Well #3, if needed, will be drilled on Lot 2A of the Dos Hermanas Resubdivision (Currently Lot 2 of the Dos Hermanas Subdivision). Specific legal description will be identified at the time of permitting, and provided when Applicant files for absolute water rights. Dos Hermanas Resubdivision is located within the NW/4 and the NE/4 of Section 24 and the SW/4 and SE/4 of Section 13 Township 35 North, Range 9 West, NMPM, La Plata County, Colorado; Source: groundwater tributary to Florida River; Date of appropriation: April 30, 2014, filing of the application; Amount claimed: Total annual production from all wells will be no more than 1.18 acre feet per year; Proposed uses: residential in house for three houses on three lots; Plan of Augmentation: Currently Well #1 serves Lots 1 and 2 of Dos Hermanas Subdivision under an exempt well permit. Applicant has applied to La Plata County to resubdivide Lot 2 into Lot 2A and Lot 2B. Each lot will be platted for a single family residence. Upon completion of the resubdivision, Well #1 will be amended to be non-exempt, and additional wells may be drilled for the other lots. This augmentation plan is intended to provide for the out of priority depletions caused by the diversions made for in-house use. The existing well permit will be amended to allow in-house use only, and the well Permit for Well #2 and Well #3 will allow in-house use only. Depletions: Each house would use up to 350 gallons/per day, for a diversion amount of 1.18 acre feet annually. The total depletion from the well(s) for in-house use is 0.45 acre feet per year. With the additional stream loss of .625% per mile from Lemon Dam for eleven miles, the total depletion will be

0.48 acre feet per year; Source of Water for Augmentation: Florida River water stored in Lemon Reservoir. To protect senior water users, Applicant has entered into a Reservation Agreement with the Florida Water Conservancy District to reserve up to ½ acre foot of water per year for augmentation purposes. Upon completion of this Decree, Applicant will enter into a long term water service agreement for releases from Lemon Dam for up to ½ acre foot of water per year to replace Applicant's out of priority depletions. Applicant's out of priority depletions for the uses proposed herein will not exceed 0.5 acre foot per year. The water rights decreed to the Florida Water Conservancy District for use in plans of augmentation is Case Numbers W 1689 77 through W 1695 77 as amended in 1994 for use of 114 acre feet of storage water to be used for augmentation. Legal description: The axis of the dam is located in Section 17 and 20, Township 36 North, Range 7 West, N.M.P.M. beginning at a point on the right abutment, from whence the Southwest corner of Section 17, Township 36 North, Range 7 West, N.M.P.M., bears South 84° 34' West, a distance of 1,699.6 feet, thence South 63° 22' East a distance of 1,320 feet to a point on the end of the axis of the dam and rock fill structure. (4 pages)

14CW3011 APPLICATION FOR CHANGE OF WATER RIGHT – CHANGE IN SURFACE POINT OF DIVERSION, San Juan River, Applicant: Donald L. Weber Trust dated August 5, 1999 and Kathryn L. Weber Trust Dated August 5, 1999, by Nancy Agro, 700 Main Avenue, Suite K, Durango, Co 81301, (970) 422-2024. Decreed water right for which change is sought: Case Number W0018, Ruby Masco Ditch (Previously Laughlin #2 Ditch transferred to the Ruby Masco Ditch), Date of original and all relevant subsequent decrees: Case No: W0018 Court: Water Division 7, Legal description of structure as described in most recent decree that adjudicated the location: Transferred to the Ruby Masco Ditch (Ditch No. 158) located on the South Bank of the San Juan River in the SW/4 of the NE/4 of Section 28 at a point which is 18.00' E. 767 feet from the center one quarter corner of Section 28, T36N, R1W, Decreed source of water: San Juan River, Appropriation Dates: 06-10-1896 and 12-31-1899, Total amount decreed to structure: 0.25 cf.s. District Priority #55 & 97, 0.25 c.f.s District Priority #57a & #115, Absolute, Decreed use or uses: Irrigation, Amount of water that applicant intends to change: 0.50 c.f.s., This is a change in point of diversion from the Ruby Masco Ditch to the Ruby Masco Pump because the original point of diversion was obliterated by the highway construction below the headgate of the original ditch. Applicant has already moved 1.0 c.f.s. of water to the Ruby Masco Pump from the Ruby Masco Ditch for this same reason, decreed in 03CW 32. This 0.5 c.f.s was omitted from the application. Applicant is not requesting a change in type of use or place of use by this Application. Location of the new surface point of diversion: NW/4 SW/4 of Section 28, Township 36 North, Range 1 West, NMPM, Archuleta County, Colorado, 2675 feet from the North section line and 1270 feet from the West Section line, at which point a pump is installed in the San Juan River, which already diverts 1.0 c.f.s. of water pursuant to change decree in case number 03CW32, Northing (UTM Y): 4132920 Easting (UTM x): 326140.3. (7 pages)

THE WATER RIGHTS CLAIMED BY THE FOREGOING APPLICATION(S) MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT AND PROTEST WITHIN THE TIME PROVIDED BY STATUTE, OR BE FOREVER BARRED.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of June, 2014, to file with the Water Clerk, a verified Statement of Opposition, setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP.

(Filing fee: $158.00; Forms are available through the Office of the Water Clerk or on the Judicial site at www.courts.state.co.us; Danene M. Etz, Water Court Specialist, 1060 E. 2nd Ave., Room 106, Durango, CO 81301-5157; 970-247-2304, Ext. 6181)

Published: before May 31, 2014

Original Signature on file
Danene M. Etz, Water Court Specialist