

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 August 2019.

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: There has been filed in this proceeding a claim or claims which 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 as provided in the Water Right Determination and Administration Act of 1969, or be forever barred.

CASE NO. 2019CW28. Applicant: Fred Ferganchick, 17249 Red Tail Rd., Eckert, CO 81418. Application for Surface Water Right: Cedar Perk Ditch Ferganchick Enlargement – SE1/4SE1/4 of Section 5, T13S, R95W, 6th P.M. 224 feet from the south line and 92 feet from the east section line. Easting 237558.02, Northing 4314976.07, Zone 13. Source: Dirty George Creek, Forked Tongue Creek, Gunnison River. Appropriation Date: 11/01/1889. Amount Claimed: 2.00 c.f.s. absolute for domestic and stockwater. **DELTA COUNTY.**

CASE NO. 2019CW29 (REF NO. 81CW73). Applicant: Fire Mountain Properties, LLC, 40251 Cedar Lane, Paonia, CO 81428. Application to Make Absolute: Lobato Pipeline – NW1/4NE1/4 of Section 1, T14S, R92W, 6th P.M. 600 feet from the north line and 750 feet from the east section line. Easting 273030, Northing 4305502, Zone 13. Source: North Fork Gunnison River, Gunnison River. Appropriation Date: 03/31/1981. Amount Claimed .05 c.f.s. absolute for irrigation. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2019CW30. Applicant: Mark Armstrong, 361 Suzanne Ln, Ridgway, CO 81432. Application for Surface Water Right: Plummer Ditch System – SW1/4NW1/4NE1/4 of Section 11, T44N, R8W, N.M.P.M. 1,400 feet south of the north line and 2,501 feet west of the east section line. Easting 262640, Northing 4218462, Zone 13. Source: Uncompahgre River. Appropriation Date: 06/01/2017. Amount Claimed: .025 c.f.s. conditional and .025 c.f.s. absolute for irrigation of lawn, garden and pasture and fire mitigation. **OURAY COUNTY.**

CASE NO. 2019CW31 (REF NO. 13CW40, 05CW200). Applicant: Jacobs Family, LLP., P.O. Box 309, Hotchkiss, CO 81419: Application for Finding of Reasonable Diligence - Jacobs Sagebrush Pond – NW1/4SW1/4NW1/4 of Section 20, T11S, R89W. 6th PM. 1,920 feet from the north line and 35 feet from the west section line. Source: Lee Creek, Drift Creek, Muddy Creek, North Fork of the Gunnison River, Gunnison River. Appropriation Date: 03/24/2005. Amount Claimed: 5.00 acre-feet conditional for stockwater, piscatorial, wildlife and recreation. Jacobs Spring No. 1 – NE1/4NE1/4NW1/4 of Section 20, T11S, R89W. 6th PM. 770 feet from the north line and 2,673 feet from the east section line. Source: Lee Creek, Drift Creek, Muddy Creek, North Fork of the Gunnison River, Gunnison River. Appropriation Date: 08/18/2005. Amount Claimed: 0.30 c.f.s. conditional for domestic use in one single-family dwelling, commercial and stockwater. Jacobs Lee Creek Reservoir No. 1 – NW1/4NE1/4SW1/4 of Section 20, T11S, R89W. 6th PM. 1,995 feet from the south line and 1,626 feet from

the west section line. Source: Lee Creek, Drift Creek, Muddy Creek, North Fork of the Gunnison River, Gunnison River. Appropriation Date: 03/24/2005. Amount Claimed: 1000.00 acre-feet conditional for stockwater, piscatorial, wildlife, recreation and augmentation. Jacobs Lee Creek Reservoir No. 2 – NE1/4SW1/4SE1/4 of Section 17, T11S, R89W. 6th PM. 1,020 feet from the south line and 1,930 feet from the east section line. Source: Lee Creek, Drift Creek, Muddy Creek, North Fork of the Gunnison River, Gunnison River. Appropriation Date: 03/24/2005. Amount Claimed: 750.00 acre-feet conditional for stockwater, piscatorial, wildlife, recreation and augmentation. Jacobs Drift Creek Reservoir – SW1/4NE1/4NW1/4 of Section 19, T11S, R89W. 6th PM. 1,315 feet from the north line and 1,550 feet from the west section line. Source: Lee Creek, Drift Creek, Muddy Creek, North Fork of the Gunnison River, Gunnison River. Appropriation Date: 03/24/2005. Amount Claimed: 500.00 acre-feet conditional for stockwater, piscatorial, wildlife, recreation and augmentation. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.**

CASE NO. 2019CW3046 (REF NO. 88CW134, 99CW167, 06CW94, 13CW32):
Applicant: Justin Perry, CITY OF OURAY, P. O. Box 468 Ouray, Colorado 81427;
Attorney: Carol A. Viner, Masters & Viner, P.C., 152 Colorado Avenue, Montrose, Colorado 81401, 970-249-2622; **Type:** Application for Finding of Reasonable Diligence;
Structure: OX-2 and OX-6 Wells; **Location:** Said well lies N23°1'30"E, 5448.2 feet from the Southwest corner of Section 31, T44N, R7W, N.M.P.M. Ouray County, Colorado. Such point is also described as 2012 feet east of the West line and 145 feet south of the North line of section 31, T44N, R7W, N.M.P.M. OX-6: Said well lies N21°50'59"E, 5733.2 feet from the Southwest corner of Section 31, T44N, R7W, N.M.P.M. Ouray County, Colorado. Such point is also described as 1998 feet east of the West line and 166 feet north of the South line of Section 30, T44N, R7W, N.M.P.M.; **Original Decree:** August 19, 1993, Case No. 88CW134; **Source:** ground water tributary to Uncompahgre River. **Appropriation Date:** February 19, 1987; **Amount Claimed:** OX-2 500 g.p.m. and OX-6 1000 g.p.m.; **Use:** municipal hot springs pool, fish pond purposes and existing park facilities, heating building and heating district uses, heating and heating district purposes; **Diligence Activities:** Applicant conducted maintenance and monitoring every week for one well and twice per month for the other well; Applicant turns off one well every seven days for a 24 period to permit the aquifer to fill; Applicant hired Wright Water Engineers to develop a potential heat exchange system which required a video survey of the wells to assess the feasibility of the project; Applicant completed extensive renovations to the hot springs pool in 2016 and 2017 to upgrade and expand the pool facilities; and OX-2 and OX-6 wells were incorporated into an augmentation plan being 13 CW3072, decreed on November 21, 2016. **OURAY COUNTY.**

CASE NO. 2019CW3047. 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, and Marc D. Sarmiento, Assistant Attorney General, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6282 (Mele);(720) 508-6429 (Sarmiento). Email: jennifer.mele@coag.gov; marc.sarmiento@coag.gov. APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE IN **SAGUACHE COUNTY, COLORADO. 2. Name of water right:** Cold Springs Creek Instream Flow Water Right. **3. Legal Description:** The Cold Springs Creek Instream Flow Water Right is located in the natural stream channel of Cold

Springs Creek from Amalla Spring to the confluence with Pauline Creek, a distance of approximately 1.23 miles. A map depicting the approximate location of the Cold Springs Creek Instream Flow Water Right reach is attached as **Exhibit 1**. **A. Upstream Terminus:** Amalla Spring at: 1. UTM: Northing: 4223358.35; Easting: 343427.98 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 08' 40.27"N; Longitude 106° 47' 12.40"W. **B. Downstream Terminus:** Confluence with Pauline Creek at: 1. UTM: Northing: 4223387.43; Easting: 345270.75 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 08' 42.37"N; Longitude 106° 45' 56.75"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:** Cold Springs Creek, tributary to Pauline Creek, tributary to Cochetopa Creek, tributary to Tomichi Creek, tributary to the Gunnison River, tributary to the Colorado River. 5. **A. Date of initiation of appropriation:** January 29, 2019. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 29, 2019, 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. (2018). **C. Date applied to beneficial use:** January 29, 2019. 6. **Amount of water claimed:** Instream flow of 0.25 cfs (07/01 - 04/30), and 0.4 cfs (05/01 - 06/30), 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. (2018), 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. (2018). 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. (2018). 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) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2018). The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 15, 2019, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S. (2018), that the natural environment of Cold Springs 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. **SAGUACHE COUNTY.**

CASE NO. 2019CW3048, 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, and Marc D. Sarmiento, Assistant Attorney General, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6282 (Mele);(720) 508-6429 (Sarmiento). Email: jennifer.mele@coag.gov; marc.sarmiento@coag.gov. **APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE IN GUNNISON COUNTY, COLORADO.** 2. **Name of water right:** East Fork Little Cimarron River Instream Flow Water Right. 3. **Legal Description:** The East Fork

Little Cimarron River Instream Flow Water Right is located in the natural stream channel of the East Fork Little Cimarron River from its headwaters to the confluence with the Little Cimarron River, a distance of approximately 6.45 miles. A map depicting the approximate location of the East Fork Little Cimarron River Instream Flow Water Right reach is attached as **Exhibit 1**. **A. Upstream Terminus:** East Fork Little Cimarron River headwaters in the vicinity of: 1. UTM: Northing: 4233197.29; Easting: 287899.31 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 13' 18.38"N; Longitude 107° 25' 22.60"W **B. Downstream Terminus:** Confluence with the Little Cimarron River at: 1. UTM: Northing: 4241814.80; Easting: 284446.65 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 17' 54.76"N; Longitude 107° 27' 53.90"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:** East Fork Little Cimarron River, tributary to the Little Cimarron River, tributary to the Cimarron River, tributary to the Gunnison River, tributary to the Colorado River. **5. A. Date of initiation of appropriation:** January 29, 2019. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 29, 2019, 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. (2018). **C. Date applied to beneficial use:** January 29, 2019. **6. Amount of water claimed:** Instream flow of 1.0 cfs (01/01 - 04/30), 2.8 cfs (05/01 - 06/30), and 1.2 cfs (07/01 - 12/31), 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. (2018), 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. (2018). 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. (2018). 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) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2018). The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 15, 2019, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S. (2018), that the natural environment of the East Fork Little Cimarron River 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. 2019CW3049, 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, and Marc D. Sarmiento, Assistant Attorney General, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6282 (Mele);(720) 508-6429 (Sarmiento). Email: jennifer.mele@coag.gov; marc.sarmiento@coag.gov. **APPLICATION FOR WATER**

RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE IN **GUNNISON COUNTY**, COLORADO. **2. Name of water right:** Gold Creek Instream Flow Water Right. **3. Legal Description:** The Gold Creek Instream Flow Water Right is located in the natural stream channel of Gold Creek from its headwaters to the Tarkington Ditch headgate, a distance of approximately 10.32 miles. A map depicting the approximate location of the Gold Creek Instream Flow Water Right reach is attached as **Exhibit 1**. **A. Upstream Terminus:** Gold Creek headwaters in the vicinity of: 1. UTM: Northing: 4284386.51; Easting: 363395.53 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 41' 51.22"N; Longitude 106° 34' 15.10"W **B. Downstream Terminus:** Tarkington Ditch headgate at: 1. UTM: Northing: 4270404.77; Easting: 359675.26 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 34' 15.70"N; Longitude 106° 36' 38.89"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:** Gold Creek, tributary to Quartz Creek, tributary to Tomichi Creek, tributary to the Gunnison River, tributary to the Colorado River. **5. A. Date of initiation of appropriation:** January 29, 2019. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 29, 2019, 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. (2018). **C. Date applied to beneficial use:** January 29, 2019. **6. Amount of water claimed:** Instream flow of 4.0 cfs (04/15 - 07/10), 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. (2018), 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. (2018). 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. (2018). As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **9.** The CWCB has an existing instream flow water right on Gold Creek from its headwaters to the Tarkington Ditch headgate, in the amount of 7.0 cfs (01/01 – 12/31), decreed in Case No. 80CW0135 with an appropriation date of 3/17/1980. The flow rates sought herein are in addition to the amount of the existing instream flow water right. **10. 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) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2018). The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 15, 2019, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S. (2018), that the natural environment of Gold 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. 2019CW3050. APPLICATION FOR ABSOLUTE WATER RIGHT. **1. Applicant.** Gold Creek Real Estate LLC, 499 County Road 771, Ohio City, Colorado 81237, rick@goldcreekmeadows.com, (970) 641-3014. Attorneys: L. Richard Bratton,

John P. Justus, Karoline M. Henning, HOSKIN FARINA & KAMPF, Professional Corporation, 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502. **2. Name of Structure.** Gold Creek Pump and Sprinkler. **3. Description.** This is an application for an absolute water right in Gold Creek for the irrigation of 0.90 acres in Gunnison County, Colorado. Applicant and its predecessors have diverted 0.10 cfs from the Waterman Miller Ditch for lawn irrigation since June 1, 1987 using a 1 ½ horsepower sprinkler irrigation pump with a 1 ½ inch inlet and outlet. A one inch plastic underground sprinkler pipe connects the pump to sprinkler heads with one inch thread. Each cycle runs five sprinkler heads. **4. Point of diversion.** Point of diversion for the Waterman Miller Ditch and the Griffin Ditch on the easterly bank of Gold Creek from whence angle point No. 1 of Tract 48, Section 23, Township 50 North, Range 3 East, N.M.P.M., bears South 02°50' West 1246.9 feet. UTM Zone: 13, Easting: 359952.9, Northing: 4271149.3. See Exhibit A to the Application. **5. Source.** Gold Creek, a tributary of Quartz Creek, a tributary of Tomichi Creek, a tributary of the Gunnison River. **6. Appropriation. a. Date of appropriation.** June 1, 1987. **b. How appropriation was initiated.** By applying water to beneficial use through a sprinkler system. **c. Date water was applied to beneficial use.** June 1, 1987. **7. Amount of water claimed.** 0.10 cfs absolute. **8. Use.** Sprinkler irrigation of 0.90 acres. **9. Legal description of irrigated land.** Township 50 North, Range 3 East N.M.P.M. A tract of land located in Tract 48, more particularly described as follows: Said tract being described as the W1/2NE1/4 of Section 26, said township and range, according to the original government survey approved August 13, 1881 and designated as Tract 48 in the new Independent Resurvey accepted March 2, 1934, said parcel including lands both inside and outside of the Townsite of Ohio City, more particularly described as follows: Beginning at Corner No. 1 of said Tract 48 (a General Land Office brass cap); Thence west along the north boundary of said Tract 48 a distance of 114.01 feet to an aluminum capped rebar corner monument located on the westerly side of the traveled "Gold Creek" County Road; Thence South 15°48' West along the above said westerly roadside 339.46 feet to another aluminum capped rebar corner monument; thence South 75°59' East leaving the above said westerly roadside 218.12 feet to the easterly boundary of said Tract 48; Thence North 0°47' west along the above said east boundary 379.50 feet to the Point of Beginning; State of Colorado, County of Gunnison. See Exhibit B to the Application. **10. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed.** No new diversion structures or modifications to any existing diversion structures will be constructed. Therefore, notice to owners pursuant to C.R.S. §37-92-302(2)(b)(II) is not required. Application is 4 pages in length. **GUNNISON COUNTY.**

CASE NO. 2019CW3051 (REF NO. 13CW6, 03CW288). APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. 1. Name and address of Applicant: Cockrell Investment Partners, L.P. c/o Robert K. Hatcher, 3737 Buffalo Speedway, Suite 1100, Houston, TX 77098 c/o Charles B. White, No. 9241, Thomas W. Korver, No. 36924, Petros & White, LLC, 1999 Broadway, Suite 3200, Denver, CO 80202, Phone: (303) 825-1980. Claim for Findings of Reasonable Diligence. 2. Names of structures: A. Preserve Lodge Augmentation Reservoir. Type: Storage. B. Imobersteg Ditch Preserve Lodge Enlargement. Type: Direct Flow. C. Blue Mesa Reservoir (by exchange). Type: Storage. D. Slide Ditch (by exchange). Type: Direct Flow. E. East River No. 1 Ditch (by exchange). Type: Direct Flow. F. Imobersteg Ditch (by exchange). Type: Direct Flow. G. Imobersteg Willow Creek Ditch (by exchange). Type: Direct Flow. H. Lodge Pond Diversion (by exchange). Type: Direct Flow. 3. Description of the

Subject Conditional Water Rights: A. Preserve Lodge Augmentation Reservoir. i. Date of original decree: January 5, 2007, Case No. 03CW288, District Court, Water Division No. 4. ii. Date of subsequent diligence decree: February 13, 2014, nunc pro tunc August 19, 2013, Case No. 13CW6, Water Division No. 4. iii. Legal description: Located in the NW1/4 SE1/4 NE1/4, Section 3, T. 15 S., R. 85 W., 6th P.M., 2,614 feet from the North section line, and 1005 feet from the East section line. (UTM NAD83, Zone 13, Easting 0337291m, Northing 4293975m). iv. Source: East River. This off-channel reservoir may be filled by any one or combination of the Imobersteg Ditch (as changed and decreed in Case No. W-2134, Water Division No. 4), Imobersteg Willow Creek Ditch (as changed and decreed in Case No. W-2134), Imobersteg Ditch Preserve Lodge Enlargement (as decreed in Case No. 03CW288), or by pumping, the Lodge Pond Diversion (as decreed in Case No. 03CW288). v. Appropriation date: September 30, 2003. vi. Amount: 16.5 acre-feet, conditional. 3.5 acre-feet was decreed absolute in Case No. 13CW6, Water Division No. 4. vii. Use: Piscatorial, augmentation, exchange, recreation, evaporation, stock water, wildlife watering, and fire protection. B. Imobersteg Ditch Preserve Lodge Enlargement. i. Date of original decree: January 5, 2007, Case No. 03CW288, District Court, Water Division No. 4. ii. Date of subsequent diligence decree: February 13, 2014, nunc pro tunc August 19, 2013, Case No. 13CW6, Water Division No. 4. iii. Legal description: The Imobersteg Ditch diverts from the west bank of the East River in the NE1/4 NW1/4 Section 28, T. 14 S., R. 85W., 6th P.M., at a point 630 feet from the North section line, and 2,470 feet from the West section line. (UTM NAD1927 E:335262, N:4297556). iv. Source: East River. v. Appropriation date: September 30, 2003. vi. Amount: 2.0 c.f.s., conditional. vii. Use: To fill and refill continuously the Preserve Lodge Augmentation Reservoir to maintain full reservoir levels and for the uses described above. C. Description of Conditional Rights of Exchange: i. Date of original decree: January 5, 2007, Case No. 03CW288, District Court, Water Division No. 4. ii. Date of subsequent diligence decree: February 13, 2014, nunc pro tunc August 19, 2013, Case No. 13CW6, Water Division No. 4. iii. Exchange from Blue Mesa Reservoir to headgates of Slide Ditch and East River No. 1 Ditch. Said exchange is in the amount of 0.5 c.f.s., with an appropriation date of December 31, 2003. The decreed locations of the structures used by exchange are provided below. iv. Exchange from Blue Mesa Reservoir to headgates of Imobersteg Ditch, Imobersteg Willow Creek Ditch, and Lodge Pond Diversion. Said exchange is in the amount of 0.5 c.f.s., with an appropriation date of December 31, 2003. The decreed locations of the structures used by exchange are provided below. v. Exchange from Slide Ditch to headgates of Imobersteg Ditch and Imobersteg Willow Creek Ditch. Said exchange is in the amount of 0.04 c.f.s., with an appropriation date of December 31, 2003. The decreed locations of the structures used by exchange are provided below. vi. Decreed locations of structures used by exchange: (1) Blue Mesa Reservoir: Sections 1, 2, 3, 4, and 12, Township 48 North, Range 4 West, N.M.P.M.; Sections 8, 9, 14, 15, 16, 21, 22, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35 and 36, Township 49 North, Range 4 West, N.M.P.M.; Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, Township 49 North, Range 3 West, N.M.P.M.; Sections 2, 3, 7, 11, 18, 19, 29 and 30, Township 48 West, Range 3 West, N.M.P.M.; Sections 13, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32 and 34, Township 49 North, Range 2 West, N.M.P.M. and SW1/4 SW1/4, Section 32, Township 49 North, Range 4 West, N.M.P.M. and in the NE1/4 NW1/4, Section 4, Township 48 North, Range 4 West, N.M.P.M. (2) Slide Ditch: As decreed in prior cases, the headgate is located on the left bank of the East River, at a point whence the North Quarter Corner of Section 2, T.15 S., R. 85 W., 6th P.M., bears South 4 degrees 5 Minutes East 2,972 feet. (3) East River No. 1 Ditch: As decreed in prior cases, the headgate is located on the east (left) bank of the East River, at a point

whence the East Quarter Corner of Section 3, T. 15 S., R. 85 W., 6th P.M., bears South 11 degrees East 680 feet. (4) Imobersteg Ditch: See Paragraph 3.B.iii above. (5) Imobersteg Willow Creek Ditch: Located on the North bank of Willow and Grouse Creeks at a point from which the Southwest corner of Section 34, Township 14 South, Range 85 West, N.M.P.M., bears North 17°30' East 1,385 feet. (6) Lodge Pond Diversion: Located in the SE1/4 NE1/4, Section 3, T. 15 S., R. 85 W., 6th P.M., 1,580 feet from the North section line, and 1,180 feet from the East section line. (UTM NAD1927 E:337432, N:4293881). vii. The maximum combined rate of exchange under paragraphs 3.C.iii and 3.C.iv shall not exceed 0.5 c.f.s. The structures used by exchange and the Blue Mesa Reservoir and Slide Ditch water rights used by exchange are more fully described in the decree entered by the Water Court in Case No. 03CW288. 4. Evidence of Reasonable Diligence: The Subject Conditional Water Rights are part of an integrated water supply project or system. Thus, any work on any one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of all water rights for all features of the entire project or system. See C.R.S. §37-92-301(4)(b). The application includes a summary of specific projects and work undertaken during the diligence period (from August 1, 2013 to August 31, 2019) and is available for inspection at the office of the Division 4 Water Clerk or via Colorado Courts E-filing. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. 5. Can and will. The Subject Conditional Water Rights can and will be diverted, stored, or otherwise captured, possessed, and controlled, and will be beneficially used, with diligence in a reasonable time. C.R.S. § 37-92-305(9)(b). 6. Names, and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: The land on which the Preserve Lodge Augmentation Reservoir water is stored is owned by the Reserve on the East River Association, 770 Riverview Rd., Almont, CO 81210. There are no other new diversion or storage structures or modifications to any existing diversion or storage structures associated with the conditional water rights described in paragraph 3 above. Maps depicting the location of the structures and the property on which the subject water rights are used are attached to the application as Exhibits A and B and are available for inspection at the office of the Division 4 Water Clerk or via Colorado Courts E-filing. WHEREFORE, Applicant respectfully requests that this Court enter Findings of Fact, Conclusions of Law, and a Judgment and Decree: (1) finding that Applicant has been reasonably diligent in the development of the Subject Conditional Water Rights as described in the preceding paragraphs; (2) continuing the Subject Conditional Water Rights in full force and effect; and (3) granting such other relief as may be appropriate. **GUNNISON COUNTY.**

CASE NO. 2019CW3052 (REF NO. 10CW136). Gunnison County - Gunnison River; Mt. Crested Butte Water and Sanitation District; c/o John R. Pierce, Dufford, Waldeck, Milburn & Krohn, LLP, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR FINDING OF REASONABLE DILIGENCE; Name and address of applicant: Mt. Crested Butte Water and Sanitation District; P.O. Box 5740; Crested Butte, CO 81225-5740; (970) 349-7575; Name of structure: East River Water Source Addition, First Supplement; Description of conditional water right: Date of original decree: May 3, 1991; Case No. 90CW147; Subsequent decrees awarding diligence: 97CW68, 04CW16, 10CW136; Legal description: NW/4, SE/4 of Section 13, Township 13 South, Range 86 West, of the Sixth Principal Meridian, Gunnison County, at a point 2,130 feet from the east section line and 1,720 feet from the south section line; Source:

East River, tributary to the Gunnison River; Appropriation date: December 28, 1979; Amount: 2.5 c.f.s. (the East River Water Source Addition, First Supplement was originally decreed for 3.0 c.f.s., but the court cancelled 0.5 c.f.s. in Case No. 10CW136); Use: all municipal uses, including domestic, lawn irrigation, commercial, industrial, fire protection, and snow making; Outline of what has been done toward application of water to beneficial use: Applicant is a special district that provides potable water and sanitation services to the Mt. Crested Butte area. The First Supplement is a necessary component of a larger integrated water system designed to address the future growth in water demand within the District. Applicant has taken the following actions toward placing the First Supplement to beneficial use: In approximately 2014, an engineering review of the District's East River water system concluded that the facilities needed major improvements or replacements. Those improvements were necessary to increase the pumping rate of the East River Pumping Station, a prerequisite to utilizing the conditional water right in the East River Water Source Addition, First Supplement. To begin those improvements, the District requested approval from the U.S. Forest Service to make several changes, including the reconstruction of its diversion facilities and the replacement of its pumping station and pipeline delivery system. The District retained RESOURCE Engineering to oversee the necessary permit applications with the US Army Corps of Engineers and the U.S. Fish and Wildlife Service. RESOURCE also completed the engineering design for the new East River diversion system. Stantec Engineers, and more recently, JVA Incorporated, designed the new pump station and pipeline delivery system. The cost to the District for the work performed by RESOURCE was approximately \$113,720. Stantec prepared the designs for the upgraded East River Pump Station and the raw water line at a cost of approximately \$287,112. JVA Incorporated has completed approximately 30% of the design for the East River Pump Station, the raw water line, and improvements to the East River pre-sedimentation pond, and the District's water treatment plant at a cost of approximately \$273,418. The total cost of improvements to increasing the pumping rate of the East River Pump Station during the last diligence period is approximately \$674,250. (4 pages). **GUNNISON COUNTY.**

CASE NO. 2019CW3053. Applicant: Jackson-Shaw / Taylor River Ranch, LLC, 4890 Alpha Road, Suite 100, Dallas, TX 75244, (972) 628-7429. Please direct all correspondence to Law of the Rockies, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO 81230, (970) 641-1903, kburgemeister@lawoftherockies.com. Application for Change of Water Right. Name of right to be changed: Rarick Ditch No. 1. Original Decree: Case No. 08CW180 (August 20, 2013, District Court, Water Division 4). Decreed Location: A point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, Township 15 South, Range 84 West, 6th P.M. approximately 235 feet from the north line and 1936 feet from the east line of said Section 28. Source: Rarick Gulch, tributary to the Taylor River, tributary to the Gunnison River. Appropriation Date: December 1, 2007. Amount: Applicant seeks to change the entire 0.11 cfs decreed to the structure (conditional). Decreed Use: Irrigation of 2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, Township 15 South, Range 84 West, 6th P.M. Description of the Proposed Change. Applicant seeks to correct the place of use to 2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 15 South, Range 84 West, 6th P.M. Applicant seeks to change the point of diversion to a location downstream on Rarick Gulch, at UTM 344962E, 4267489N (NAD 83, Zone 13), in the same quarter section as the decreed point of diversion. The owner of the land upon which any new diversion or storage structure or modification to any existing diversion or

storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: Applicant. **GUNNISON COUNTY.**

CASE NO. 2019CW3054 (REF NO. 08CW180). Name, address, and telephone number of Applicant: Jackson-Shaw / Taylor River Ranch, LLC, 4890 Alpha Road, Suite 100, Dallas, TX 75244, (972) 628-7429. Please direct all correspondence to Law of the Rockies, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO 81230, (970) 641-1903, kburgemeister@lawoftherockies.com. Application to Make Conditional Rights Absolute In Part and for Finding of Reasonable Diligence. Name of right: Taylor Pipeline. Location: A point within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, Township 15 South, Range 84 West, 6th P.M. at a point approximately 2598 feet from the south section line, and 524 feet from the east section line of said Section 28. Source: Taylor River, tributary to the Gunnison River. Appropriation Date: December 1, 2007. Amount: 3.15 cfs, conditional, for the uses described below, being a part of the same 10 cfs that was decreed absolute for use in the Fishing Stream in 08CW180. Uses: Piscatorial and recreation uses in the Amenity Stream and Ponds A-F. Name of right: Pond G Pipeline. Location: NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, Township 15 South, Range 84 West, 6th P.M. at a point approximately 790 feet from the south line and 809 feet from the west line of said Section 28. Source: Taylor River, tributary to the Gunnison River. Appropriation Date: December 1, 2007. Amount: 0.28 cfs. Uses: Irrigation of 5 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, and N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, Township 15 South, Range 84 West, 6th P.M., piscatorial, recreational, and fire protection uses through the filling and refilling of Pond G. Name of right: Pond I Pipeline. Location: NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, Township 15 South, Range 84 West, 6th P.M. at a point approximately 2598 feet from the south section line and 524 feet from the east section line of said Section 28. Source: Taylor River, tributary to the Gunnison River. Appropriation Date: December 1, 2007. Amount: 0.06 cfs. Uses: Irrigation of 1 acre located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, Township 15 South, Range 84 West, 6th P.M., piscatorial, recreational, and fire protection uses through the filling and refilling of Pond I. Name of right: Rarick Ditch No. 1. Location: The decreed point of diversion is a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, Township 15 South, Range 84 West, 6th P.M. approximately 235 feet from the north line and 1936 feet from the east line of said Section 28. An application has been filed to change the point of diversion to a location downstream on Rarick Gulch, at UTM 344962E, 4267489N (NAD 83, Zone 13), in the same quarter section. Source: Rarick Gulch, tributary to the Taylor River, tributary to the Gunnison River. Appropriation Date: December 1, 2007. Amount: 0.11 cfs. Uses: Irrigation of 2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, Township 15 South, Range 84 West, 6th P.M. An application has been filed to correct the place of use to the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28. Name of right: Pond G. Location: In the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, Township 15 South, Range 84 West, 6th P.M. at a point 80 feet from the south section line and 682 feet from the west section line of said Section 28. Source: Taylor River, tributary to the Gunnison River. Appropriation Date: December 1, 2007. Amount: 8 acre-feet. Uses: Irrigation, piscatorial, recreational, and fire protection. Name of right: Pond H. Location: In the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, Township 15 South, Range 84 West, 6th P.M. at a point approximately 1472 feet from the north section line and 1209 feet from the west section line of said Section 33. Source: Taylor River, tributary to the Gunnison River. Appropriation Date: December 1, 2007. Amount: 8 acre-feet. Uses: Livestock, piscatorial, recreational, and fire protection. Name of right: Pond I. Location: In the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, Township 15 South, Range 84 West, 6th P.M. at a point approximately 2041 feet from the south section line and 147 feet from the east section line of said Section 28. Source: Taylor River, tributary to the Gunnison River.

Appropriation Date: December 1, 2007. Amount: 4 acre-feet. Uses: Irrigation, piscatorial, recreational, and fire protection. Name of right: Pond J. Location: In the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, Township 15 South, Range 84 West, 6th P.M. at a point approximately 235 feet from the north section line and 1936 feet from the east section line of said Section 28. Source: Rarick Gulch, tributary to the Taylor River, tributary to the Gunnison River. Appropriation Date: December 1, 2007. Amount: 1.5 acre-feet. Uses: Irrigation, piscatorial, recreational, and fire protection. Applicant seeks to make the Rarick Ditch No. 1 absolute. Date applied to beneficial use: Approximately May 1, 2015. Amount: 0.11 cfs. Use: Irrigation. Applicant seeks a finding of reasonable diligence with respect to the remaining conditional water rights. An outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use is included in the Application on file with the Court. The owner of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: Pond G Pipeline, Pond G, Pond H, Rarick Ditch No. 1, Pond J: Applicant. Taylor Pipeline: Edward Herring, 3404 Cornell Ave., Dallas, TX 75205-2902. Pond I Pipeline and Pond I: Colleen F. Pisciotta 2005 Revocable Trust, 7076 S. Alton Way, Building D, Centennial, Colorado 80112. **GUNNISON COUNTY.**

CASE NO. 2019CW3055 (REF NO. 12CW135, 98CW247). San Miguel County. Groundwater trib. to Vance Creek, trib. to the San Miguel River. Application for Finding of Reasonable Diligence. Applicant: Town of Mountain Village, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant requests a finding of reasonable diligence for the Telco Well No. 3/5 A8, First Enlargement. **Telco Well No. 3/5 A8, First Enlargement.** Orig. Decree, Case No. 98CW247, Dist. Court Water Div. 4, 11/21/2006. Subsequent diligence decrees: Case No. 12CW135, Dist. Court Water Div. 4, 8/5/2013. Decreed Location: As changed in Case No. 10CW141, Dist. Court Water Div., 4, the well is located in the SW 1/4 NE 1/4, Sec. 9, T. 42 N., R. 9 W., N.M.P.M., at a pt. 1,359 feet from the N. Line and 2,439 feet from the W. Line. Also described using Global Positioning System Coordinates, UTM Zone 13N, Easting 0247857 meters, Northing 4200786 meters, as shown on Figure 1. Well Permit No. 76912-F. Source: Groundwater trib. to Vance Creek, trib. to the San Miguel River. Date of Approp.: 6/12/1998. Amt.: 100 gpm (0.22 cfs), of which 59 gpm (0.13 cfs) was confirmed absolute in 12CW135, and 41 gpm (0.09 cfs), remains cond. Place of Use: The Town of Mountain Village's service area for Skyfield at the W. Meadows Development shown on Figure 1. Use: mun., dom., irr., fire prot., and stockwatering. A list of diligence activities and expenditures is on file with this court. (5 pages, 1 exhibit). **SAN MIGUEL COUNTY.**

CASE NO. 2019CW3056 (REF NO. 12CW6, 04CW178, 97CW240). DISTRICT COURT, WATER DIVISION NO. 4, STATE OF COLORADO, 1200 N. Grand Ave, Bin A, Montrose, Co 81401. CONCERNING THE APPLICATION FOR WATER RIGHTS OF DIVIDE GOLF, LLC, IN OURAY COUNTY, COLORADO. **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE.** 1. Name and Address of Applicant: Divide Golf, LLC ("Applicant"), 105 North Badger Trail, Ridgway, Colorado 81432. Direct All Pleadings to: Kristin H. Moseley, Cassidy L. Woodard, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, Colorado 80302. 2. Names of Conditional Water Right: A. Fairway Pines Reservoir, aka FP Reservoir. 3. Fairway Pines Reservoir: A. Decrees: Fairway Pines Reservoir was decreed by the District Court in and for Water Division No. 4, State of Colorado (the "Water Court") on October 26, 1998 in Case No. 97CW240. A

subsequent finding of reasonable diligence was granted in Water Court Case No. 04CW178 on January 12, 2006. In Water Court Case No. 12CW6, dated August 6, 2013 ("12CW6 Decree"), a portion of the Fairway Pines Reservoir was made absolute in the amounts of 6.76 acre-feet for the irrigation of the golf course and greenbelt amenities and 13.06 acre-feet for recreation, piscatorial, and fire protection purposes. A finding of reasonable diligence was made on the remaining conditional amounts. B. Decreed Location: In Water Court Case No. 10CW197, decreed on August 6, 2013 (the "10CW197 Decree"), the location of Fairway Pines Reservoir was changed to reflect its "as-built" location. The changed location of the center point of the dam that forms the Fairway Pines Reservoir is in the SW1/4 of the SW1/4 of Section 30, Township 46 North, Range 8 West of the N.M.P.M., at a point 1,302 feet from the South line and 1,699 feet from the West line of said Section 30. This location is alternatively described in UTM (NAD83 Zone 13 North) coordinates as 0255445 E, 4232412 N. The changed location is approximately 670 feet from the originally decreed location. See **Exhibit A**. C. Sources: The following are decreed sources for filling the Fairway Pines Reservoir: i. Mike Cuddigan Ditch, Priority No. 39, in the amount of 0.625 c.f.s., changed to an alternate point of diversion through the Loghill Pumping Plant and a change of use from irrigation only to irrigation and municipal, including: industrial, residential, commercial, recreation, fish culture, and storage purposes, pursuant to a change decree entered by the Water Court in Case No. W-1358 on May 23, 1974, with an appropriation date of June 1, 1879, ii. Hyde-Sneva Ditch, Priority No. 42, in the amount of 0.125 c.f.s., changed to an alternate point of diversion through the Loghill Pumping Plant and a change of use from irrigation only to irrigation and municipal, including: industrial, residential, commercial, recreation, fish culture, and storage purposes, pursuant to a change decree entered by the Water Court in Case No. W-1357 on May 23, 1974 ("W-1357 Decree"), with an appropriation date of October 10, 1880, iii. Hyde-Sneva Ditch, Priority No. 100, in the amount of 0.625 c.f.s., changed to an alternate point of diversion through the Loghill Pumping Plant and a change of use from irrigation only to irrigation and municipal, including: industrial, residential, commercial, recreation, fish culture, and storage purposes, pursuant to the W-1357 Decree on May 23, 1974, with an appropriation date of May 1, 1886, iv. Loghill Pumping Plant, decreed by the Water Court in Case No. 93CW66 on December 2, 1997, in the amount of 0.66 c.f.s absolute and 1.21 c.f.s. conditional, whose source is Dallas Creek, with an appropriation date of March 17, 1971, for municipal, industrial, residential, commercial, recreation, fish culture purposes, v. Golf Course Ditch, decreed by the Water Court in Case No. 85CW188 on March 30, 1987, in the amount of 3.5 c.f.s conditional, whose source is Fisher Creek, with an appropriation date of July 23, 1985, for irrigation and storage purposes, vi. Scott's Ditch, decreed in the 10CW197 Decree, in the amount of 1 cfs, conditional, whose source is an unnamed tributary to the Uncompahgre River, with an appropriation date of December 31, 2010, for irrigation, filling of Fairway Pines Reservoir, recreation piscatorial, and fire protection, vii. Fairway Pines Ditch, decreed in the 10CW197 Decree, in the amount of 0.75 cfs, conditional, whose source is an unnamed tributary to the Uncompahgre River, with an appropriation date of December 31, 2010, for irrigation, filling of Fairway Pines Reservoir, recreation, piscatorial, and fire protection, viii. FP Wells, decreed in Water Court Case No. 92CW178 on April 13, 1994 ("92CW178 Decree"), for irrigation, golf course pond maintenance, and fire protection uses with an April 14, 1992, appropriation date. In the 10CW197 Decree, the FP Wells were decreed for filling and refilling the Fairway Pines Reservoir on a year-round basis with a December 30, 2010, appropriation date. The source for all FP Wells is groundwater from the Dakota/Burro Canyon Aquifer, which is tributary to Fisher Creek and the Uncompahgre River. All FP Wells can be used to irrigate an area up to approximately 60 acres generally located within the Divide Ranch Boundary shown on

Exhibit A. The total cumulative flow rate decreed to the FP Wells is 755 gpm of which 235.5 gpm has been made absolute. The decreed average withdrawal is 168 acre-feet per year. Applicant's annual withdrawal may exceed the average withdrawal of 168 acre-feet per year as long as the total volume of water withdrawn does not exceed the product of the number of years since April 13, 1994, times the allowed average annual amount of withdrawal of 168 acre-feet as that amount may be adjusted pursuant to the terms of the 98CW178 Decree.

Well Name	Location (unless indicated otherwise, all located within Township 46 North, Range 9 West of the N.M.P.M.)	Amount Absolute	Amount Conditional	Current Well Permit No.
FP Well No. 1	2,000 feet from the South section line and 350 feet from the East section line of Section 36 (NE1/4 SE1/4 Section 36, Ouray County)	16.5 gpm (0.04456 cfs)	58.5 gpm (0.130 cfs)	75473-F
FP Well No. 2	625 feet from the South section line and 1,225 feet from the East section line of Section 25 (SE1/4 SE1/4 Section 25, Ouray County)	61 gpm (0.178 cfs)	19 gpm (0.042 cfs)	75474-F
FP Well No. 3A	In the NW1/4 of the NW1/4 of Section 31, Township 46 North, Range 8 West, of the N.M.P.M., 634 feet from the North section line and 1,010 feet from the West section line of said Section 31. According to the Division Engineer's PLSS locator system, the location is at a point in the NW1/4 of the NW1/4 of Section 31, 550 feet from the North section line and 991 feet from the West section line of said Section 31.	5 gpm (0.011 cfs)	N/A	75475-F
FP Well No. 4	960 feet from the North section line and 360 feet from the East section line of Section 36 (NE1/4 NE1/4 Section 36, Ouray County).	29 gpm (0.065 cfs)	46 gpm (0.102 cfs)	75476-F
FP Well No. 5A	Within the Fairway Pines Well Field in the NW1/4 of the NW1/4 of Section 31, Township 46 North, Range 8 West of the N.M.P.M., 1,140 feet from the North section line and 544 feet from the West section line of said Section 31. According to the Division Engineer's PLSS locator system, the location is within 200 feet of the previously decreed location and is at a point in the NW1/4 of the NW1/4 of Section 31, at a point	10 gpm (0.022 cfs)	N/A	75477-F

	1,086 feet from the North section line and 525 feet from the West section line of said Section 31.			
FP Well No. 6	1,250 feet from the South section line and 1,240 feet from the East section line of Section 25 (SE1/4 SE1/4 Section 25, Ouray County).	27 gpm (0.067 cfs)	48 gpm (0.107 cfs)	75478-F
FP Well No. 7	Within the Fairway Pines Well Field in the 92CW178 Decree.	15 gpm (0.03 cfs)	60 gpm (0.134 cfs)	75479-F
FP Well No. 8	Within the Fairway Pines Well Field in the 92CW178 Decree.	15 gpm (0.03 cfs)	60 gpm (0.134 cfs)	75480-F
FP Well No. 9	Within the Fairway Pines Well Field in the 92CW178 Decree.	15 gpm (0.03 cfs)	60 gpm (0.134 cfs)	75481-F
FP Well No. 10	Within the Fairway Pines Well Field in the 92CW178 Decree.	15 gpm (0.03 cfs)	60 gpm (0.134 cfs)	75482-F
FP Well No. 11	Within the Fairway Pines Well Field in the 92CW178 Decree.	15 gpm (0.03 cfs)	60 gpm (0.134 cfs)	75483-F
FP Well No. 12	Within the Fairway Pines Well Field in the 92CW178 Decree.	12 gpm (0.03 cfs)	63 gpm (0.140 cfs)	75484-F

D. Appropriation Date: December 29, 1997, E. Uses: Irrigation of golf course and associated greenbelt amenities, recreation, piscatorial, fire protection, augmentation and exchange, F. Amount: 6.76 acre-feet, absolute, for the irrigation of the golf course and greenbelt amenities; 13.06 acre-feet, absolute, for recreation, piscatorial, and fire protection purposes; 67.72 acre-feet, conditional, for the irrigation of the golf course and greenbelt amenities; 61.42 acre-feet, conditional, for recreation, piscatorial, and fire protection; and 74.48 acre-feet, conditional, for augmentation and exchange. The Fairway Pines Reservoir has the right to fill and refill up to the total capacity when in priority, G. Maximum Height of Dam: 15.0 feet, H. Length of Dam: 600 feet. I. Total Capacity: 74.48 acre feet, J. Active Capacity: 66.64 acre feet, K. Dead Storage: 7.84 acre feet, 4. Claim to Make Absolute: The Applicant constructed the Fairway Pines Reservoir in April 2011 and made portions of the conditional water right absolute in the 12CW6 Decree in the amounts of 6.76 acre-feet for the irrigation of the golf course and greenbelt amenities and 13.06 acre-feet absolute for recreation, piscatorial, and fire protection purposes. A finding of reasonable diligence was made on the remaining conditional amounts. The Fairway Pines Reservoir has since filled to its full as-built capacity as shown in the photograph attached as **Exhibit B**. A stage capacity curve of the as-built Fairway Pines Reservoir is attached as **Exhibit C**. Pursuant to C.R.S. § 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.” By virtue of that statute, and by virtue of the evidence presented that the Fairway Pines Reservoir has been filled to its full as-built capacity and water has been placed to beneficial use, Applicant seeks to make an additional 26.24 acre-feet absolute for the irrigation of the golf course and greenbelt amenities and an additional 19.94 acre-feet absolute for recreation, piscatorial, and fire protection purposes, and 33.0 acre-feet absolute for augmentation and exchange. Thus, the Applicant requests that 33.0 acre-feet be made absolute for Fairway Pines Reservoir for all decreed purposes. 5. Request for Findings of Reasonable Diligence: The Applicant intends to expand Fairway Pines Reservoir to its full decreed capacity of 74.48 acre feet at a future date and thereby requests that, to the extent the Fairway Pines Reservoir is not made absolute at this time for all decreed purposes, the Court make a

finding that the Applicant has exercised reasonable diligence toward completing the appropriation. The Applicant owns and operates the Divide Ranch and Club, which is a golf course and events center located northwest of Ridgway. Maintaining a reliable and efficient supply of water is critical for irrigation of the greenways and hosting events year-round. The above-described conditional water rights are an essential component of the Applicant's integrated water system. In support of its claim for findings of reasonable diligence, the Applicant has engaged in numerous activities during the relevant period that demonstrate diligence toward the application of the subject water rights to their decreed beneficial uses. The Applicant has incurred total expenditures of approximately \$158,100 during the diligence period to operate, maintain, upgrade, and expand its water facilities. All such expenditures are necessary prerequisites in the development of the Applicant's water supply system and the subject water rights. The Applicant's specific diligence activities include the following: A. More than \$30,000 spent on irrigation pump upgrades, cleaning, and replacement, B. Approximately \$5,000 spent on high efficiency irrigation replacement heads, C. More than \$3,500 paid to an excavator to repair the main irrigation line in 2018, D. Approximately \$2,100 spent on main irrigation pump upgrades to help increase golf course fire hydrant pressures, E. Approximately \$15,000 paid for costs associated with meter parts, backflow perimeter, valve parts and repairs, equipment leases, and pipe supplies for winter well pumping into the year-round pond, F. \$500 paid for costs associated with pond maintenance and pumps, G. On February 1, 2019, Applicant reached a Settlement Agreement with the Fairway Pines Estates Owners Association ("FPEOA") regarding a number of pending water rights issues, which is recorded at the Ouray County Clerk and Recorder, Reception No. 222499 ("Settlement Agreement"). Pursuant to the Settlement Agreement, the FPEOA conveyed a number of water rights to Applicant, including the Fairway Pines Reservoir (Estate Owners Enlargement), Fairway Pines Estate Owners Pond Nos. 1 and 2, FP Golf Course Pond Nos. 2 through 4, the Fairway Pines Estate Owners Association Pumping Plant, Fairway Pines Estate Owners Well Nos. 1 and 2, and the plan for augmentation decreed in Water Court Case No. 16CW3069. Acquisition of the FPEOA water rights will enable Applicant to incorporate them into its water rights portfolio to allow for additional methods of providing water service to Applicant's property, H. Approximately \$85,000 spent on legal fees during the diligence period to defend Applicant's water rights, to work through issues with the FPEOA to reach the Settlement Agreement, and to adjudicate diligence applications in Case Nos. 15CW3070 and 16CW3083, I. Approximately \$17,000 spent on water resources consultant fees. The above activities are necessary prerequisites to applying the subject conditional water rights to beneficial use. The Applicant believes it can and will complete the appropriations within a reasonable time and intends to perfect the subject water rights within a reasonable time for use to meet the Divide Ranch and Club's water service demands. 6. Ownership: Applicant. WHEREFORE, Applicant seeks a decree of the Court ruling that: (1) the Fairway Pines Reservoir is made absolute in the amount of 33.0 acre-feet for all decreed purposes; (2) makes a finding of reasonable diligence for any remaining conditional amount for the Fairway Pines Reservoir; and (3) such other and further relief as the Court deems just and proper. (8 pages + 3 Exhibits). **OURAY COUNTY.**

CASE NO. 2019CW3057 (REF NO. 10CW197). DISTRICT COURT, WATER DIVISION NO. 4, STATE OF COLORADO, 1200 N. Grand Ave, Bin A, Montrose, Co 81401. CONCERNING THE APPLICATION FOR WATER RIGHTS OF DIVIDE GOLF, LLC, IN OURAY COUNTY, COLORADO. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE.** 1. Names and Address of Applicant: Divide Golf, LLC ("Applicant"), 105

North Badger Trail, Ridgway, Colorado 81432, Direct All Pleadings to: Kristin H. Moseley, Cassidy L. Woodard, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, Colorado 80302. 2. Names of Conditional Water Rights: A. Scott's Ditch, B. Fairway Pines Ditch. 3. Scott's Ditch: A. Original Decree: Water Court Case No. 10CW197, decreed on August 6, 2013 (the "10CW197 Decree"). B. Location: Located in the SW1/4 of the NW1/4 of Section 31, Township 46 North, Range 8 West of the N.M.P.M. at a point 2,036 feet from the North line and 294 feet from the West line of said Section 31. This location is alternatively described in UTM (NAD83 Zone 13 North) coordinates as 0254985 E, 4231403 N. **See Exhibit A**, C. Sources: Unnamed tributary to Uncompahgre River, D. Amount: 1 cfs, conditional, E. Appropriation Date: December 31, 2010, F. Uses: irrigation, filling of Fairway Pines Reservoir, recreation, piscatorial, and fire protection. 4. Fairway Pines Ditch: A. Original Decree: the 10CW197 Decree, B. Location: Located in the SW1/4 of the SW1/4 of Section 30, Township 46 North, Range 8 West of the N.M.P.M. at a point 646 feet from the South line and 868 feet from the West line of said Section 30. This location is alternatively described in UTM (NAD83 Zone 13 North) coordinates as 0255185 E, 4232216 N. **See Exhibit A**, C. Sources: Unnamed tributary to Uncompahgre River, D. Amount: 0.75 cfs, conditional, E. Appropriation Date: December 31, 2010, F. Uses: irrigation, filling of Fairway Pines Reservoir, recreation, piscatorial, and fire protection. 5. Request for Findings of Reasonable Diligence: Applicant requests a finding of reasonable diligence for the above-described conditional water rights in the amounts of 1 cfs, conditional, for Scott's Ditch and 0.75 cfs, conditional, for Fairway Pines Ditch for all decreed uses. The Applicant owns and operates the Divide Ranch and Club, which is a golf course and events center located northwest of Ridgway. Maintaining a reliable and efficient supply of water is critical for irrigation of the greenways and hosting events year-round. The above-described conditional water rights are an essential component of the Applicant's integrated water system. In support of its claim for findings of reasonable diligence, the Applicant has engaged in numerous activities during the relevant period that demonstrate diligence toward the application of the subject water rights to their decreed beneficial uses. The Applicant has incurred total expenditures of approximately \$158,100 during the diligence period to operate, maintain, upgrade, and expand its water facilities. All such expenditures are necessary prerequisites in the development of the Applicant's water supply system and the subject water rights. The Applicant's specific diligence activities include the following: A. More than \$30,000 spent on irrigation pump upgrades, cleaning, and replacement, B. Approximately \$5,000 spent on high efficiency irrigation replacement heads, C. More than \$3,500 paid to an excavator to repair the main irrigation line in 2018, D. Approximately \$2,100 spent on main irrigation pump upgrades to help increase golf course fire hydrant pressures, E. Approximately \$15,000 paid for costs associated with meter parts, backflow perimeter, valve parts and repairs, equipment leases, and pipe supplies for winter well pumping into the year-round pond, F. \$500 paid for costs associated with pond maintenance and pumps, G. On February 1, 2019, Applicant reached a Settlement Agreement with the Fairway Pines Estates Owners Association ("FPEOA") regarding a number of pending water rights issues, which is recorded at the Ouray County Clerk and Recorder, Reception No. 222499 ("Settlement Agreement"). Pursuant to the Settlement Agreement, the FPEOA conveyed a number of water rights to Applicant, including the Fairway Pines Reservoir (Estate Owners Enlargement), Fairway Pines Estate Owners Pond Nos. 1 and 2, FP Golf Course Pond Nos. 2 through 4, the Fairway Pines Estate Owners Association Pumping Plant, Fairway Pines Estate Owners Well Nos. 1 and 2, and the plan for augmentation decreed in Water Court Case No. 16CW3069. Acquisition of the FPEOA water rights will enable Applicant to incorporate them into its water rights

portfolio to allow for additional methods of providing water service to Applicant's property, H. Approximately \$85,000 spent on legal fees during the diligence period to defend Applicant's water rights, to work through issues with the FPEOA to reach the Settlement Agreement, and to adjudicate diligence applications in Case Nos. 15CW3070 and 16CW3083, I. Approximately \$17,000 spent on water resources consultant fees. The above activities are necessary prerequisites to applying the subject conditional water rights to beneficial use. The Applicant believes it can and will complete the appropriations within a reasonable time and intends to perfect the subject water rights within a reasonable time for use to meet the Divide Ranch and Club's water service demands. 6. Ownership: Applicant. WHEREFORE, Applicant seeks a decree of the Court entering a finding a reasonable diligence for Scott's Ditch for 1 cfs, conditional, and for the Fairway Pines Ditch for 0.75 cfs, conditional and granting such other and further relief as the Court deems just and proper. (5 pages + Exhibit). **OURAY COUNTY.**

CASE NO. 2019CW3058. DELTA COUNTY Applicants: Edward L. Smoak Revocable Trust and Anne G. Smoak Revocable Trust, 220 Huntley Oaks Blvd., Lake Placid, FL 33852, 863-441-8321. APPLICATION FOR SURFACE WATER RIGHTS: Name of Structure: Erickson Springs, Smoak Enlargement, Legal description of point of diversion: NW/4 SW/4 of Section 6, Township 13 South, Range 88 West, Sixth PM (UTM coordinates Zone 13 Easting 302966, Northing 4313978), Date of Appropriation: July 1, 2002, Amount: 40 GPM, Absolute, Use: Irrigation of 0.61 acres lawn and trees, Source of Water: Anthracite Creek, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION: Name of Structure to be Augmented: Erickson Springs, Smoak Enlargement, Source of Augmentation: Tomahawk Reservoir, Legal description of point of diversion: SE/4 SW/4 of Section 14, Township 12 South, Range 89 West, Sixth PM (UTM coordinates Zone 13 Easting 300222, Northing 4320444), Date of Appropriation: February 15, 2019. , Amount: 1.26 acre-feet, Use: Augmentation, Source of Water: Dugout Creek, tributary to Muddy Creek, tributary to North Fork of the Gunnison River, tributary to Gunnison River. APPLICATION FOR DECREE FOR APPROPRIATIVE RIGHT OF EXCHANGE: Applicants request a decree for a right of exchange for up to 0.005 c.f.s. absolute for diversions at Erickson Spring, for irrigation of 0.61 acres of Applicants' property to be replaced to the stream by releases from Tomahawk Reservoir to Dugout Creek, tributary to Muddy creek, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. The terminus of the exchange are defined as follows: Upper Terminus – This is the location where the side channel of water from Erickson Springs enters back into Anthracite Creek. It is located in the NW/4 of the SW/4 of Section 6, Township 13 South, Range 88 West of the Sixth P.M. The UTM coordinates are Zone 13 south, Easting 302698, Northing 4313936. Lower Terminus – Where Anthracite Creek comes together with Muddy Creek and starts the North Fork of the Gunnison River. It is located in the NW/4 of the NE/4 of Section 8, Township 13 South, Range 89 West of the Sixth P.M. The UTM coordinates are Zone 13, 295357, Northing 4312777. **GUNNISON COUNTY.**

CASE NO. 2019CW3059 (REF NO. 12CW140, 06CW16, 03CW192, 99CW26). DOUG ORNDORFF and SHANAN ORNDORFF, 1237 E. 3rd Ave., Durango, CO 81301. Bernard F. Gehris, Esq., BURNS, FIGA & WILL, P.C., 6400 S. Fiddlers Green Cir., #1000, Greenwood Village, CO 80111, (303) 796-2626. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN SAN MIGUEL COUNTY. 2.** Conditional Decree: **A.** Original Case No.: 99CW26, Water Division No. 4; **B.** Decree Date: February 16, 2000

C. Diligence Decree Date: August 2, 2013, in Case No. 12CW140 **D.** Appropriation Date: January 25, 1999. **3.** Conditional Water Right: Sanctuary Ranch Hydro: **A.** Location: At a point within the SE1/4 SE1/4 NE1/4 of Section 2, Township 42 North, Range 11 West, N.M.P.M., at a point 2640 feet from the South section line and 200 feet from the east section line (NAD83, Zone 13 Converted, Easting 0232810m, Northing 4202667m). **B.** Source: Fall Creek, tributary to the San Miguel. **C.** Amount and Use: 3.0 c.f.s., conditional for hydropower. **4.** Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: **A.** In December 2014 the Applicants purchased this conditional water right, and the property upon which this water right is located, and where the water right's beneficial use will occur, from the initial Applicant to whom the conditional right was decreed. **B.** Applicants retained undersigned water counsel to perform due diligence on this conditional water right prior to purchase, and to prepare and file this application for due diligence. **C.** Applicants have had discussions with the prior owner related to this hydro water right, including plans for construction of the hydro plant and its beneficial use. **D.** Applicants replaced and installed a larger battery pack that can be used to store energy from the Sanctuary Ranch Hydro plant. This hydro right supports the Applicants' off-grid cabin. There is an existing Hidden Creek hydro right that supplies power to the property, but its output is limited, particularly in recent dry years. Applicants intend to continue activities and development of this hydro water right and related structures on their property for use in their cabin and on their property. Development of this conditional right is feasible, and there is no intent to abandon this conditional water right. This diligence conducted and work performed evidences the Applicants' and their predecessor's intent to develop this conditional water right. WHEREFORE, the Applicants, Doug Orndorff and Shanan Orndorff, request that a finding of reasonable diligence be made with respect to the above-referenced conditional water right, by reason of the activities and expenditure of monies. **SAN MIGUEL COUNTY.**

CASE NO. 2019CW3060. Case Number not used; case rejected.

CASE NO. 2019CW3061 (REF NO. 09CW171), CASE NO. 2019CW3061 (REF NO. 09CW171). ELK RIDGE MINING AND RECLAMATION, LLC, c/o Michael G. Sorensen, Senior Manager, Fuel and Water Resources, Tri-State Generation and Transmission Association, Inc., 1100 West 116th Avenue, Westminster, CO 80234. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Andrea A. Kehrl, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301 with a copy to Roger T. Williams, Tri-State Generation and Transmission Association, Inc., 1100 West 116th Avenue, Westminster, CO 80234. 2. Names of structures: A. New Horizon North SE Pump Station – Type: Surface B. Calamity Draw Pump Station 003– Type: Surface C. New Horizon North Mine Pump – Type: Underground D. New Horizon North Well Field – Type: Underground E. New Horizon North Pond 001 – Type: Storage F. New Horizon North Pond 002 – Type: Storage G. New Horizon North Pond 003 – Type: Storage H. Cyprus Pond 003 – Type: Storage I. New Horizon Mine Pond 009 Refill – Type: Storage J. New Horizon Mine Pond 013 Refill – Type: Storage K. New Horizon Mine Pond 015 Refill – Type: Storage L. New Horizon North Tuttle Draw Exchange – Type: Exchange M. Cyprus San Miguel Exchange – Type: Exchange 3. Descriptions of Conditional Water Rights: The following water rights are collectively referred to as the “**Subject Water Rights,**” and are shown on the map attached as **Exhibit A.** **A. New Horizon North SE Pump Station** i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6,

2013. ii. Subsequent Diligence Decrees: N/A iii. Location of structure: The Pump Station will be located in the SE1/4 of the SW1/4 of Section 25, Township 47 North, Range 16 West of the N.M.P.M., at a point 297 feet from the South section line and 2,625 feet from the West section line. iv. Alternate point of diversion: An alternate point of diversion will be from New Horizon Mine Pond 001, located in the SW1/4 of the NW1/4 of Section 36, Township 47 North, Range 16 West of the N.M.P.M., at a point 1,914 feet from the North section line and 620 feet from the West section line. v. Source: Surface water, storm water runoff, seepage and wastewater tributary to Tuttle Draw, tributary to the San Miguel River. vi. Date of appropriation: December 3, 2008. vii. Amount claimed: 1.0 cfs, CONDITIONAL. viii. Uses: (1) Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; (2) irrigation; (3) augmentation; and (4) diversions of water to storage for the previously described uses. Any storage of water diverted from this structure shall be limited to the following: New Horizon North Pond 001, New Horizon North Pond 002, New Horizon North Pond 003, and/or New Horizon Mine Pond 006. Augmentation use shall occur only after diversion and storage in these ponds and release pursuant to the plan for augmentation decreed in Case No. 10CW208, or as otherwise approved by a subsequent decree of the Water Court. **B. Calamity Draw Pump Station 003** i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: N/A iii. Location of structure: Calamity Draw Pump Station 003 will be located in the SE1/4 of the NE1/4 of Section 11, Township 46 North, Range 16 West of the N.M.P.M., at a point 2,022 feet from the North section line and 1,192 feet from the East section line. iv. Source: Surface water, storm water, runoff, seepage and wastewater tributary to Calamity Draw, tributary to the San Miguel River. v. Date of appropriation: December 3, 2008. vi. Amount claimed: 3.0 cfs, CONDITIONAL. vii. Uses: (1) Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; (2) irrigation; (3) augmentation; and (4) diversions of water to storage for the previously described uses. Any storage of water diverted from this structure shall be limited to Cyprus Pond 003. Augmentation use shall occur only after diversion and storage and release pursuant to the plan for augmentation decreed in Case No. 10CW208, or as otherwise approved by a subsequent decree of the Water Court. **C. New Horizon North Mine Pump** i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: N/A iii. Permit No.: 77190-F. iv. Legal description of point of diversion: Well field located in West 1/2 of Section 25, Township 47 North, Range 16 West of the N.M.P.M. v. Source: Groundwater, surface water, storm water runoff, seepage and wastewater tributary to Tuttle Draw, tributary to the San Miguel River. vi. Depth: Not more than approximately 110 feet. vii. Date of appropriation: December 3, 2008. viii. Amount claimed: 4.0 cfs, CONDITIONAL, not to exceed 1,000 acre-feet annually. ix. Uses: (1) Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; (2) irrigation; (3) augmentation; and (4) diversions of water to storage for the previously described uses. Any storage of water diverted from this structure shall be limited to the following: New Horizon North Pond 001, New Horizon North Pond 002, and/or New Horizon North Pond 003. Augmentation use shall occur only after diversion and storage in these ponds and release pursuant to the plan for augmentation decreed in Case No. 10CW208, or as otherwise approved by a subsequent decree of the Water Court. **D. New Horizon North Well Field** i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: N/A iii. Legal description of point of diversion: Well field located in Sections 25 and 36 Township 47 North,

Range 16 West of the N.M.P.M., Montrose County, Colorado, being more particularly described as follows: (1) the West 1/2 of Section 25; together with (2) the N1/2 of the NW1/4 of Section 36; and (3) the NW1/4 of the NE1/4 of Section 36. iv. Source: Groundwater and seepage tributary to San Miguel River or Tuttle Draw or Coal Canyon, tributary to San Miguel River. v. Depth: Not more than approximately 590 feet. vi. Date of appropriation: December 3, 2008. vii. Amount claimed: 50 gpm (0.111 cfs), CONDITIONAL, not to exceed 80 acre-feet annually. viii. Uses: Industrial, including but not limited to dust suppression, sediment control, and mine-related in-building uses, including potable water supply, and irrigation purposes. **E. New Horizon North Pond 001** i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: N/A iii. Location of pond: The pond will be located in the SW1/4 of the SW1/4 of Section 25, Township 47 North, Range 16 West of the N.M.P.M., at a point 83 feet from the South section line and 615 feet from the West section line. iv. Source: New Horizon North Mine Pump, direct delivery or pumping of Colorado Company Ditch shares, New Horizon North Southeast Pump Station, New Horizon Mine Pond 001, New Horizon Mine Pond 001 Refill, New Horizon Mine Pond 006, New Horizon Mine Pond 006 Refill, surface water, storm water runoff, seepage and wastewater tributary to Tuttle Draw, tributary to the San Miguel River. v. Date of appropriation: December 3, 2008. vi. Amount claimed: 60 acre-feet, CONDITIONAL, with right to fill, initial refill, and second refill, 20 acre-feet each, when in priority, not to exceed a total of 60 acre-feet annually. vii. Uses: Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; irrigation; and augmentation. Augmentation use shall be limited to the amounts described in the plan for augmentation decreed in Case No. 10CW208, Water Division 4. **F. New Horizon North Pond 002** i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: N/A iii. Location of pond: The pond will be located in the SW1/4 of the NW1/4 of Section 25, Township 47 North, Range 16 West of the N.M.P.M., at a point 2276 feet from the North section line and 120 feet from the West section line. iv. Source: New Horizon North Mine Pump, direct delivery or pumping of Colorado Company Ditch shares, and surface water, storm water runoff, seepage and wastewater tributary to Coal Canyon, tributary to the San Miguel River. v. Date of appropriation: December 3, 2008. vi. Amount claimed: 60 acre-feet, CONDITIONAL, with right to fill, initial refill, and second refill, 20 acre-feet each, when in priority, not to exceed a total of 60 acre-feet annually. vii. Uses: Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; irrigation; and augmentation. Augmentation use shall be limited to the amounts described in the plan for augmentation decreed in Case No. 10CW208, Water Division 4. **G. New Horizon North Pond 003** i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: N/A iii. Location of pond: The pond will be located in the NW1/4 of the NW1/4 of Section 25, Township 47 North, Range 16 West of the N.M.P.M., at a point 779 feet from the North section line and 120 feet from the West section line. iv. Source: New Horizon North Mine Pump and surface water, storm water runoff, seepage and wastewater tributary to Coal Canyon, tributary to the San Miguel River. v. Date of appropriation: December 3, 2008. vi. Amount claimed: 60 acre-feet, CONDITIONAL, with right to fill, initial refill, and second refill, 20 acre-feet each, when in priority, not to exceed a total of 60 acre-feet annually. vii. Uses: Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; irrigation; and augmentation. Augmentation use shall be limited to the amounts described in the plan for augmentation decreed in Case No. 10CW208, Water Division 4. **H. Cyprus Pond**

003 i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: N/A iii. Location of pond: The pond will be located in the SE1/4 of the NE1/4 of Section 11, Township 46 North, Range 16 West of the N.M.P.M., at a point 1,711 feet from the North section line and 229 feet from the East section line. iv. Source: Calamity Draw Pump Station 003, direct delivery or pumping of Colorado Company Ditch shares and surface water, storm water runoff, seepage and wastewater tributary to Calamity Draw, tributary to the San Miguel River. v. Date of appropriation: December 3, 2008. vi. Amount claimed: 120 acre-feet, CONDITIONAL, with right to fill, initial refill, and second refill, 40 acre-feet each, when in priority, not to exceed a total of 120 acre-feet annually. vii. Uses: Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; irrigation; and augmentation. Augmentation use shall be limited to the amounts described in the plan for augmentation decreed in Case No. 10CW208, Water Division 4.

I. New Horizon Mine Pond 009 Refill i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: N/A iii. Location of pond: New Horizon Mine Pond No. 009 Refill is located in the NE1/4 of the SE1/4 of Section 36, Township 47 North, Range 16 West of the N.M.P.M., at a point 2,383 feet from the South section line and 241 feet from the East section line. iv. Source: New Horizon 2 Mine Pump, surface water, storm water runoff, seepage and wastewater tributary to Tuttle Draw, tributary to the San Miguel River. v. Date of appropriation: December 3, 2008. vi. Amount claimed: 18.51 acre-feet, CONDITIONAL, by initial refill, second refill, and third refill, when in priority, of 6.17 acre-feet each refill, not to exceed a total (as to this 2008 priority) of 18.51 acre-feet annually, in addition to original decreed amount for this pond. vii. Uses: Irrigation and industrial, including but not limited to dust suppression, sediment control, truck washing, and mine-related in-building uses.

J. New Horizon Mine Pond 013 Refill i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: N/A iii. Location of pond: New Horizon Mine Pond No. 013 Refill is located in the NW1/4 of the SW1/4 of Section 36, Township 47 North, Range 16 West of the N.M.P.M., at a point 1,916 feet from the South section line and 324 feet from the West section line. iv. Source: New Horizon 2 Mine Pump, surface water, storm water runoff, seepage and wastewater tributary to Tuttle Draw, tributary to the San Miguel River. v. Date of appropriation: December 3, 2008. vi. Amount claimed: 18.18 acre-feet, CONDITIONAL, by initial refill, second refill, and third refill, when in priority, of 6.06 acre-feet each refill, not to exceed a total (as to this 2008 priority) of 18.18 acre-feet annually, in addition to original decreed amount for this pond. vii. Uses: Irrigation and industrial, including but not limited to dust suppression, sediment control, truck washing, and mine-related in-building uses.

K. New Horizon Mine Pond 015 Refill i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: N/A iii. Location of pond: The pond is located in the SW1/4 of the SW1/4 Section 36, Township 47 North, Range 16 West of the N.M.P.M., at a point 487 feet from the South section line and 93 feet from the West section line. iv. Source: New Horizon 2 Mine Pump, surface water, storm water runoff, seepage and wastewater tributary to Tuttle Draw, tributary to the San Miguel River. v. Date of appropriation: December 3, 2008. vi. Amount claimed: 1.2 acre-feet, CONDITIONAL, by initial refill, second refill, and third refill, when in priority, of 0.40 acre-feet each refill, not to exceed a total (as to this 2008 priority) of 1.2 acre-feet annually, in addition to original decreed amount for this pond. vii. Uses: Irrigation and industrial, including but not limited to dust suppression, sediment control, truck washing, and mine-related in-building uses.

L. New Horizon North Tuttle Draw Exchange i. Original

Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: N/A iii. Description of exchange: The exchange will be operated in priority from the point of diversion at the confluence of that unnamed tributary to Tuttle Draw and Tuttle Draw, to the point of replacement at the New Horizon North Southeast Pump Station, so as to provide for the exchange of water from and between structures identified in this case, Case No. 10CW208, and Case No. 88CW55. iv. Location of lower terminus: The lower terminus of the exchange will be located in the NE1/4 of the SE1/4 of Section 35, Township 47 North, Range 16 West of the N.M.P.M., at a point 1,998 feet from the South section line and 239 feet from the East section line. v. Location of upper terminus: The upper terminus will be located in the SE1/4 of the SW1/4 of Section 25, Township 47 North, Range 16 West of the N.M.P.M., at a point 297 feet from the South section line and 2,625 feet from the West section line. vi. Source: Water will be released from or credited to any of the sources listed herein and those sources provided in the augmentation plan decreed in Case No. 10CW208, including but not limited to shares of the CC Ditch, and structures named in Case No. 88CW055. vii. Date of appropriation: December 28, 2009. viii. Amount claimed: 0.16 cfs, CONDITIONAL. ix. Uses: (1) Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; (2) irrigation; (3) augmentation; and (4) diversions of water to storage for the previously described uses. Any storage of water diverted from this structure shall be limited to the following: New Horizon North Pond 001, New Horizon North Pond 002, New Horizon North Pond 003, and/or New Horizon Mine Pond 006. Augmentation use shall occur only after diversion and storage in these ponds and release pursuant to the plan for augmentation decreed in Case No. 10CW208, or as otherwise approved by a subsequent decree of the Water Court. **M. Cyprus San Miguel Exchange** i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: N/A iii. Description of exchange: The exchange will be operated in priority at the point of depletion no further upstream than the Cyprus mining area located on the San Miguel River, to the point of replacement no further downstream than the confluence of Coal Canyon and the San Miguel River. iv. Location of lower terminus: The lower terminus of the exchange will be in the SW1/4 of the SW1/4 of Section 20, Township 47 North, Range 16 West of the N.M.P.M., at a point 348 feet from the South section line and 874 feet from the West section line. v. Location of upper terminus: The upper terminus of the exchange will be in the SE1/4 of the SE1/4 of Section 24, Township 46 North, Range 16 West of the N.M.P.M., at a point 1,102 feet from the South section line and 138 feet from the East section line. vi. Date of appropriation: December 28, 2009. vii. Source: Water will be released from any of the sources listed herein and those sources provided in an augmentation plan decreed in Case No. 10CW208, including but not limited to shares of the CC Ditch, and structures named in Case No. 88CW055, so as to implement the full operation of the augmentation plan decreed in Case No. 10CW208. viii. Amount claimed: 2.2 cfs, CONDITIONAL. ix. Uses: (1) Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; (2) irrigation; and (3) augmentation. Augmentation use as to any ponds shall occur only after diversion and storage in these ponds and release pursuant to the plan for augmentation decreed in Case No. 10CW208, or as otherwise approved by a subsequent decree of the Water Court. 4. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: A. During the diligence period, Elk Ridge has conducted progressive coal mining operations at the New Horizon 2 and New Horizon North Mines, located outside of Nucla, Colorado, totaling 1,070

acres. Elk Ridge completed coal mining at these mines in March 2017. Elk Ridge continuously reclaims mined properties pursuant to the terms of its Division of Reclamation Mining and Safety (“DRMS”) permit. Reclamation involves backfilling the land to the approved final contours (“Phase I”) and seeding the contoured land to establish plant growth in order to maintain top soil stability and minimize surface runoff (“Phase II”), followed by releasing the land to the landowner after a minimum of ten years of monitoring the progress of the vegetation and its compliance with applicable standards (“Phase III”). At the New Horizon 2 and North Mines, Elk Ridge has obtained Phase III bond release on 293 acres, has returned those acres to the landowners, and has removed them from the permit. Thus, 777 acres remain subject to the mine permit. Elk Ridge is currently undertaking pre-Phase I activities on approximately 80 acres and has obtained Phase I and/or Phase II bond release for another 300 acres. In addition, Elk Ridge applied to DRMS for Phase III bond release on another 157 acres. Elk Ridge has expended significant resources on the mining and reclamation activities at New Horizon 2 and North Mines during the diligence period. The Subject Water Rights are used by Elk Ridge to ensure it has adequate water supplies for mining, each phase of reclamation, and for post-reclamation land uses under a variety of hydrologic conditions.

B. Since entry of the decree in Case No. 09CW171, Elk Ridge has performed work toward perfecting the Subject Water Rights in addition to the mining and reclamation activities listed above. Such work has included acquisition of additional acreage, construction, engineering, and legal activities. During the diligence period, Elk Ridge built and subsequently reconfigured New Horizon North Mine Ponds 001 and 002. Elk Ridge also constructed the New Horizon Mine Ponds 016 and 018. With respect to engineering and legal activities, during the diligence period, Elk Ridge has expended in excess of \$120,000 to, *inter alia*, develop and protect its water rights.

C. During the diligence period, Elk Ridge has expended in excess of \$300,000 on maintenance, inspections, repairs, monitoring, and analyses of the Subject Water Rights. Elk Ridge also repaired the inlet structures for New Horizon Ponds 001, 013, 015, and 016. Elk Ridge has also incurred significant additional costs relating to its efforts to place the Subject Water Rights to beneficial use during the diligence period.

D. Based on the foregoing diligence activities described in this paragraph 4, Elk Ridge seeks a decree determining that Elk Ridge has exercised reasonable diligence for the Subject Water Rights.

5. If claim to make absolute in whole or in part: N/A

6. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: A. Applicant B. Phyllis June McClellan, P.O. Box 2, Nucla, CO 81424-0002 C. George E. Glasier, P.O. Box 98, Nucla CO 81424-0098

7. Remarks or any other pertinent information: In Case No. 10CW208, the Court found and concluded as a matter of law that the Subject Water Rights are part of a single “project or integrated system” within the meaning of C.R.S. § 37-92-301(4)(b), such that work on any feature of Elk Ridge’s integrated system shall be considered in finding in the future that reasonable diligence has been shown in the development of any and all water rights for that entire system. In addition, to clarify, Western Fuels-Colorado, LLC was the owner of the New Horizon Mine Ponds and the applicant in Case Nos. 09CW171 and 10CW208. On May 11, 2016, Western Fuels-Colorado, LLC changed its name to Elk Ridge Mining and Reclamation, LLC by filing Amended and Restated Articles of Organization with the Colorado Secretary of State. As such, ownership of the Subject Water Rights has not changed, and the filing of a Change in Ownership of Conditional Water Right notice pursuant to Rule 9 of the Uniform Local Rules for All State Water Court Divisions was not required. The decree in Case No. 09CW171 decreed conditional water rights for the

Cyprus Mine Pump, Cyprus Well Field, Cyprus Pond 001, and Cyprus Pond 002. Elk Ridge has determined that it will not seek diligence to continue those four water rights in this case. WHEREFORE, Elk Ridge requests the Court to enter a decree granting the Application herein determining that Elk Ridge has exercised reasonable diligence with respect to the Subject Water Rights and continuing said rights, in their full amounts set forth herein, in full force and effect for another six years or until made absolute by reason of the completion of the appropriations. (16 pgs., 1 Exhibit). **MONTROSE COUNTY.**

CASE NO. 2019CW3062 (REF NO. 13CW22). Name, Address of Applicant. Eagle Ridge Ranch Homeowners Association, 6635 County Road 730, Gunnison, CO 81230. Please direct all correspondence to the above-captioned counsel for Eagle Ridge Ranch Homeowners Association. Application for Conditional Surface Water Rights. Structure: **STEEP SPRING** Legal Description: In the NW1/4SE1/4SW1/4 of Section 28, Township 51 North, Range 1 West, N.M.P.M., approximately 1629 feet east of the west line and 1069 feet north of the south line of said Section 28. UTM coordinates NAD83 13S 327555 E 4279677 N. Source: Alluvium of Ohio Creek, tributary to the Gunnison River. Amount: 0.011 cfs (5 g.p.m.) conditional. Use: Irrigation, stock watering, and wildlife propagation. Structure: **ERRHOA SOUTH SPRING** Legal Description: In the SE1/4SW1/4SE1/4 of Section 28, Township 51 North, Range 1 West, N.M.P.M., approximately 1347 feet west of the east line and 504 feet north of the south line of said Section 28. UTM coordinates NAD83 13S 328239 E 4279496 N. Source: Alluvium of Ohio Creek, tributary to the Gunnison River. Amount: 0.011 cfs (5 g.p.m.) conditional. Use: Irrigation, stock watering, and wildlife propagation. Structure: **LONE PINE DITCH SPRING** Legal Description: In the NE1/4SE1/4SE1/4 of Section 28, Township 51 North, Range 1 West, N.M.P.M., approximately 108 feet west of the east line and 1177 feet north of the south line of said Section 28. UTM coordinates NAD83 13S 328620 E 4279696 N. Source: Alluvium of Ohio Creek, tributary to the Gunnison River. Amount: 0.011 cfs (5 g.p.m.) conditional. Use: Use: Irrigation, stock watering, and wildlife propagation. The application contains a detailed list of those activities undertaken by Applicant during the diligence period to complete the appropriation of the subject right in a reasonably expedient and efficient manner. **GUNNISON COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of October, 2019 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 www.courts.state.co.us). DARLEEN CAPPANNOKEEP, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

