

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 December 2018. 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.

SUBSTITUTE WATER SUPPLY PLAN NOTIFICATION LIST

Section 37-92-308(6), C.R.S. directs the State Engineer to establish a notification list for each water division for the purpose of notifying interested parties of requests for the State Engineer's approval of substitute water supply plans ("SWSP") filed in that water division pursuant to section 37-92-308, C.R.S. The SWSP notification list is also used to provide notice of proposed water right loans to the Colorado Water Conservation Board for use as instream flows under section 37-83-105(2)(b)(II), C.R.S., notice of applications for the State Engineer's approval of interruptible water supply agreements under section 37-92-309(3)(a), C.R.S., and notice of applications for fallowing-leasing pilot projects under section 37-60-115(8)(e)(II).

This notice is an invitation to be included on the SWSP notification list. To receive this information by e-mail, provide your name, e-mail address, daytime telephone number, and the water divisions of interest. If you prefer to be noticed by first-class mail, specify that preference and provide your mailing address. Submit the information to: Substitute Water Supply Plan Notification List (c/o Laura Kalafus, Program Assistant), Colorado Division of Water Resources, 1313 Sherman Street, Room 818, Denver, Colorado 80203, Phone: (303) 866-3581, or e-mail to: Laura.kalafus@state.co.us. Additional information regarding Substitute Water Supply Plans is available on the Division of Water Resources' website at <http://water.state.co.us>.

PRODUCED NONTRIBUTARY GROUND WATER NOTIFICATION LIST

Pursuant to Rule 17.5.B.2 of the Produced Nontributary Ground Water Rules, 2 CCR 402-17 ("Rules"), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5.B.2 of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division an invitation to be included on such notification list for the applicable water division.

To receive this information by e-mail, provide your name, e-mail address, daytime telephone number, and the water divisions of interest. If you prefer to be noticed by first-

class mail, specify that preference and provide your mailing address. Submit the information to: Produced Nontributary Ground Water Notification List (c/o Laura Kalafus, Program Assistant), Colorado Division of Water Resources, 1313 Sherman Street, Room 818, Denver, Colorado 80203, Phone: (303) 866-3581, or e-mail to: Laura.kalafus@state.co.us.

Any additional information regarding the Produced Nontributary Ground Water Rules can be found on the Division of Water Resources website at: www.water.state.co.us.

CASE NO. 2018CW59 (REF NO. 12CW105). Applicant: Rosemary Ranck, 6670 3400 Road, Hotchkiss, CO 81419. Application for Finding of Reasonable Diligence: Rosemary's Spring – SW1/4SW1/4NW1/4 of Section 18, T15S, R92W, 6th PM. 2,163 feet from the north line and 262 feet from the west section line. Easting 263174, Northing 4292549, Zone 13. Source: Alum Gulch, North Fork Gunnison River, Gunnison River. Appropriation Date: 09/07/2012. Amount Claimed: 15 g.p.m. conditional for irrigation of one half acre, stockwater, wildlife. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2018CW60 (REF NO. 12CW12, 05CW125, 98CW139). Applicant: Midas Mining Company, Inc., P. O. Box 772, Philomath, OR 97370-0772. Application For Finding of Reasonable Diligence: PG Ditch No. 1 – NW1/4NW1/4 of Section 20, T43N, R6W, NMPM. 300 feet south of the north line and 100 feet east of the west section line. Easting 275468, Northing 4206160, Zone 13. Source: Red Cloud Creek, Henson Creek, Lake Fork Gunnison River, Gunnison River. Appropriation Date: 10/09/1998. Amount Claimed: 0.075 c.f.s. conditional for mining purposes. The application on file with the Water Court contains an outline of the work performed during the diligence period. **HINSDALE COUNTY.**

CASE NO. 2018CW61 (REF NO. 12CW61, 04CW197). Applicant: Hill and Bettie Hastings, P.O. Box 2946, Telluride, CO 81435. Application For Finding of Diligence and To Make Absolute – Beau Spring Pond – NW1/4SW1/4SW1/4 of irregular Section 4, T43N, R10W, NMPM. 606 feet from the north line and 483 feet from the west line. Easting 238067, Northing 4211418, Zone 13. Source: San Miguel River. Appropriation Date: 09/27/2000. Amount Claimed: 0.15 c.f.s. absolute for irrigation of 4 acres. Discovery Spring – SW1/4SE1/4SE1/4 of Section 32, T44N, R10W, NMPM. 100 feet north of the south line and 1,120 feet west of the east section line. Source: Alder Creek, San Miguel River: Appropriation Date: 05/14/2004. Amount Claimed: .022 c.f.s. absolute for irrigation of 5 acres. Tina Spring Pond – SE1/4SE1/4 of Section 32, T44N, R10W, NMPM. 970 feet from the south line and 790 feet from the east section line. Source: Alder Creek, Leopard Creek, San Miguel River: Appropriation Date: 06/01/1999. Amount Claimed: .06 c.f.s. absolute for irrigation of 5 acres. Preservation Spring – SW1/4SW1/4NE1/4 of Section 5, T43N, R10W, NMPM. 2,560 feet south of the north line and 2,400 feet west of the east section line. Source: San Miguel River: Appropriation Date: 09/27/2000. Amount Claimed: .022 c.f.s. conditional for domestic use. The application on file with the Water Court contains an outline of the work performed during the diligence period. **SAN MIGUEL COUNTY.**

CASE NO. 2018CW62 (REF NO. 11CW112). Applicant: Dion and Dixie Luke and Lazear Domestic Water Corporation, c/o Dion Luke, 30638 J Road, Hotchkiss, CO 81419. Application to Make Absolute: Luke Reservoir: NE1/4SW1/4NE1/4 of Section

4, T15S, R93W, 6th P.M. 1,680 feet west of the east line and 1,890 feet south of the north section line. Appropriation Date: 09/01/2011. Amount Claimed: 11.5 acre-feet absolute for augmentation. The Application on file with the Water Court contains and outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2018CW63. Applicant: Ron Shreeves, 13986 G Road, Delta, CO 81416. Application for Surface Water Rights: Ron's Waste Water Ditch – Easting 229017, Northing 4291437, Zone 13. Source: Gunnison River. Appropriation Date: 06/01/2003. Amount Claimed: 0.5 c.f.s. absolute for irrigation of 10 acres. **DELTA COUNTY.**

CASE NO. 2018CW64. Applicant: Kenneth Finnegan, 1751 5100 Road, Delta, CO 81416. Application for Surface and Storage Water Rights: Cobb's Waste Water Ditch Finnegan Enlargement – Section 19, T51N, R11W, N.M.P.M. 150 feet west of the east line and 1,000 feet south of the north section line. Easting 227416, Northing 4285588, Zone 13. Source: Roubideau Creek, Gunnison River. Appropriation Date: 07/03/1994. Amount Claimed: 0.27 c.f.s. absolute for irrigation of 5.46 acres. Finnegan Pond – SW1/4SW1/4 of Section 17, T51N, R11W, N.M.P.M. and NW1/4NW1/4 of Section 20, T51N, R11W, N.M.P.M. Easting 227674, Northing 4285976, Zone 13. Source: Roubideau Creek, Gunnison River. Appropriation Date: 07/03/1994. Amount Claimed: 6.0 acre-feet absolute for fish culture, wildlife habitat and stockwater. **DELTA COUNTY.**

CASE NO. 2018CW65 (REF NO. 12CW72). Applicant: George Hartigan, P. O. Box 2042, Hotchkiss, CO 81419. Application to Make Absolute: Hartigan Spring – NE1/4NW1/4SW1/4 of Section 34, T14S, R92W, 6th PM. 2,284 feet from the south line and 1,056 feet from the west section line. Easting 268495, Northing 4296924, Zone 13. Source: McDonald Creek, Cottonwood Creek, Gunnison River. Appropriation Date: 03/07/2011. Amount Claimed: 0.05 c.f.s. absolute for irrigation of 1 acre, to fill an undecreed pond and stockwater. The application on file with the Water Court contains an outline of the work performed during the diligence period **DELTA COUNTY.**

CASE NO. 2018CW66 (REF NO. 12CW78, 06CW50, 05CW78, 99CW108). Applicant: Betty Boeing, 10715 Crawford Road, Paonia, CO 81428. Application for Finding of Reasonable Diligence: Boeing Waste Water Ditch – NE1/4NE1/4 of Section 26, T14S, R92W, 6th PM. 20 feet south of the north line and 30 feet west of the east section line. Source: Bell Creek, North Fork Gunnison River, Gunnison River. Appropriation Date: 06/06/2005. Amount Claimed: 2.0 c.f.s. conditional for irrigation of 40 acres. Boeing Waste Water Pond – NE1/4NE1/4 of Section 26, T14S, R92W, 6th PM. 50 feet south of the north line and 50 feet east of the west section line. Source: North Fork Gunnison River, Gunnison River. Appropriation Date: 09/15/1998. Amount Claimed: 0.1 c.f.s. conditional 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. 2018CW3061 (REF NO. 12CW103, 04CW175). San Miguel County. Lake Fork of the San Miguel River, trib. to the S. Fork of the San Miguel River, trib. to the San Miguel River. **Application for Finding of Reasonable Diligence and to Confirm Absolute.** Applicant: Lawson Hill Open Space Land Owners Company, LLC, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Decree Info.: The Subject Water Rights were originally decreed in Case No. 04CW175 on 8/22/2006 in District Court, Water Division 4. A subsequent decree finding diligence was entered in Case No. 12CW103 on 1/23/2013 in District Court, Water Division 4. The orig. applicant in Case No. 04CW175, Telecam Partners, subsequently

assigned to the Applicant partial interests in the Subject Water Rights, the portions of which are the subject of this Application. Description of Cond. Right: **Trout Lake Reservoir, Illium Enlargement**. Legal Description: An on-stream reservoir located in the upper reach of the Lake Fork of the San Miguel River. The initial pt. of survey is at a pt. whence the NW corner of the SW1/4, Sec. 8, T. 41 N., R. 9 W., N.M.P.M. bears N. 89° 15' W. 976 ft., in San Miguel County. Source: Lake Fork of the San Miguel River, trib. to the S. Fork of the San Miguel River, trib. to the San Miguel River. Amt: 4.0 a.f., cond., of the 14 a.f. originally decreed. Date of Approp.: 2/27/2004. Uses: Aug., exchange and hydroelectric power generation. Surface Area of High Water Line: 138 acres. Total Capacity of Reservoir: 3,314 a.f. Remarks: Pursuant to Applicant's Water Storage Lease with Public Service Company of Colorado (PSCo) in the event that water cannot be stored in Trout Lake Reservoir, Illium Enlargement, PSCo will make water available to this right by releases from Lake Hope Reservoir to Trout Lake Reservoir. Description of Cond. Right: **Golf Course Ditch Exchange**. Downstream Terminus: Confluence of the S. Fork of the San Miguel River and the San Miguel River. Upstream Terminus: Pt. of diversion for the Golf Course Ditch, as described in the Decree in 04CW175. Max. Rate of Exchange: 0.33 c.f.s., cond. Approp. Date: 10/29/2004. Source: Trout Lake Reservoir, Illium Enlargement, as described above and filled by Lake Fork of the San Miguel River, trib. to the S. Fork of the San Miguel River, trib. to the San Miguel River. The Subject Water Rights are components of an integrated water supply for Applicant's property and water supply operation. C.R.S. § 37-92-301(4)(b). A complete list of diligence activities and expenditures is on file with this court. Claim to Confirm Absolute: PSCo stored and Applicant placed the **Trout Lake Reservoir, Illium Enlargement** to beneficial use for all decreed uses through storage of water under its Water Storage Lease with PSCo. Dates of Storage and Beneficial Use: Annual storage since 2013 and releases for use 9/1/2017. Use: Aug., exchange and hydroelectric power generation. Amt: 4 a.f., absolute. Amt. Remaining Cond.: 0 a.f. Applicant placed the **Golf Course Ditch Exchange** to beneficial use when water was released from the Trout Lake Reservoir, Illium Enlargement to augment Applicant's out-of-priority depletions by exchange in accordance with Applicant's Water Storage Lease and in coordination with the Water Commissioner. Date Applied to Beneficial Use: 9/5/2017 through 9/29/2017. Amt: 0.33 c.f.s., absolute. Amt. Remaining Cond.: 0 c.f.s. 5 pages. 3 exhibits. **SAN MIGUEL COUNTY.**

CASE NO. 2018CW3062. Saguache County. Name, address, telephone number of applicant: United States of America, Department of the Interior, Bureau of Land Management, Gunnison Field Office, 210 Spencer Avenue, Suite A Gunnison, CO 81230. **2. Name of structures:** Cold Spring Creek Pump and Pipeline **3. Legal description of each point of diversion:** All UTM data are from Zone 13S and use the NAD83 (Conus) Datum. Located on public lands in the NW/4 SW/4, Section 20, T45N R2E, N.M.P.M., approximately 1,478 feet from the south section line and 476 feet from the east section line. 343423mE 4223355mN **4. Source:** Cold Spring Creek / Pauline Creek / Cochetopa Creek/ Tomichi Creek / Gunnison River **5.A. Date of appropriation:** 12/31/2018 **B. How appropriation was initiated:** BLM planned and designed the proposed project, and provided public notice of the appropriation via submission of a water right application to the water court. **C. Date water applied to beneficial use:** NA **6. Amount claimed:** 0.033 cfs, conditional **7. Use:** Livestock watering for up to 110 cattle and 250 sheep on the Cold Springs Grazing Allotment 16362 and wildlife watering for deer, elk, small mammals, and birds. **8. Name(s) and address(es) of owner(s) of land on which point of diversion and place of use(s) is (are) located:** United States Department of the Interior, Bureau of Land Management,

Gunnison Field Office, 210 West Spencer St., Suite A, Gunnison, CO 81230.
SAGUACHE COUNTY.

CASE NO. 18CW3063 (REF NO. 11CW114). SAN MIGUEL COUNTY – LAKE FORK OF THE SAN MIGUEL RIVER AND SAN MIGUEL RIVER. Telluride Regional Airport Authority c/o Scott C. Miller, Esq. and Jason M. Groves, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION TO MAKE WATER RIGHT ABSOLUTE. **First Claim:** Trout Lake Reservoir, TRAA Enlargement. Original Decree: December 24, 2012, Case No. 11CW114, Division 4 Water Court. Legal: At a point whence the NW corner of the SW¼ of Section 8, Township 41 North, Range 9 West, N.M.P.M., bears North 89°15' West 976 feet. Source: Lake Fork of the San Miguel River, tributary to the South Fork of the South Miguel River, and the San Miguel River. Appropriation date: September 30, 2011. Amount: 4.0 acre-feet. Use: Augmentation. Claim for absolute: Date applied to beneficial use: August 8, 2013. Amount: 4.0 acre-feet. Use: Augmentation. Place of use: Telluride Regional Airport. Remarks: Case No. 11CW114 approved Lake Hope Reservoir as an alternate point of storage for Trout Lake Reservoir, TRAA Enlargement. The land where Trout Lake Reservoir, TRAA Enlargement is located is owned by Public Service Company of Colorado (d/b/a Xcel Energy), Attn: Water Resources, 1800 Larimer St. 13th Floor, Denver, CO 80202. The land where Lake Hope Reservoir is located is owned by United States Forest Service, c/o Chad Stewart, Forest Supervisor, 2250 South Main St., Delta, CO 81416. Both structures are part of the Ames Hydroelectric Facility, owned by Public Service Company of Colorado (d/b/a Xcel Energy) at the address listed above. Map of water rights and place of use is on file with the court as Exhibit A. Evidence of beneficial use and description of work done toward completion of appropriation of water right is on file with the court as Exhibit B. **SAN MIGUEL COUNTY.**

CASE NUMBER: 18CW3064 (REF NO. 01CW185, 09CW31, 15CW3058). Name, Address, Phone Number, and E-Mail Address of Applicant. Double RL Company, c/o Oakley Kelly, Ranch Manager, 5180 Highway 62, Ridgway, Colorado 81432, Phone: (970) 626-5485; Attorneys for Applicant: Richard A. Johnson, David F. Bower, Michael S. Davidson, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027. APPLICATION TO ENLARGE WATER STORAGE RIGHT, MAKE WATER STORAGE RIGHT ABSOLUTE, AND AMEND PLAN FOR AUGMENTATION, IN OURAY COUNTY, COLORADO. Overview. Applicant owns and operates approximately 17,000 acres of agricultural lands located in Townships 44 and 45 North, Range 9 West of the New Mexico Principal Meridian (the “Double RL Ranch”). The Double RL Ranch headquarters and main domestic facilities are located primarily in Sections 26 and 27 of Township 45 North. These ranch facilities are comprised of residential homes, cabins, and ancillary structures. The DRL Domestic Diversion, which collects water from seeps and springs in Section 27, provides the primary domestic water supply to these ranch facilities. This water is delivered to the ranch facilities via an existing water supply system, including storage cisterns, distribution piping, valves, and pumps. A plan for augmentation for the main ranch facilities was originally approved in Case No. 01CW185, Water Division 4. Under the plan for augmentation, out-of-priority evaporation and depletions from the DRL Domestic Diversion are replaced using water stored in Double RL Lake No. 1 and Carroll Brown Reservoir. Additionally, out-of-priority depletions from the Double RL Lake No. 1 can be replaced with water stored in Carroll Brown Reservoir, which allows Double RL Lake No. 1 to be kept full at all times. In order to operate the plan for augmentation, the decree in Case No. 01CW185 also granted a 1.75 acre-foot augmentation right to Carroll Brown Reservoir and a 6.0 acre-foot

augmentation right to Double RL Lake No. 1. By this application, Applicant seeks to amend the plan for augmentation approved in Case No. 01CW185 to address greater estimated demands and depletions from the ranch facilities. In conjunction with this amendment, Applicant also requests an enlargement of the augmentation right decreed to the Carroll Brown Reservoir from 1.75 acre-feet to the full decreed capacity of the structure. Applicant also requests that the other previously decreed beneficial uses of Carroll Brown Reservoir (*i.e.* fire protection, recreational, wildlife, and piscatorial) be recognized as absolute for the full decreed capacity of the reservoir. This will allow Applicant to satisfy increased demand for augmentation water at the main ranch facilities and at the Double RL Ranch generally, while also simplifying the reservoir accounting. This enlargement claim only seeks to recognize and decree the beneficial uses of augmentation, replacement, fire protection, recreation, wildlife, and piscatorial purposes for the full decreed capacity of the structure – no physical expansion or enlargement of the Carroll Brown Reservoir itself is intended or will occur as a result of this application. Finally, the Double RL Lake No. 1 has now been built to its decreed capacity of 6.0 acre-feet and was filled with water in priority. As the right is already decreed absolute for 1.09 acre-feet, Applicant requests that the Double RL Lake No. 1 be confirmed as absolute in the additional amount of 4.91 acre-feet so that the 6.0 acre-foot right decreed to the Double RL Lake No. 1 is made absolute in its entirety. A map showing the general location of the ranch and the subject water rights structures is attached as Exhibit A. Name and Description of Water Storage Right Enlargement. Name of Structure. Carroll Brown Reservoir. Original and Subsequent Decrees. Carroll Brown Reservoir was originally decreed a storage right for 4,169,400 cubic feet (~95.7 acre-feet), absolute, for irrigation, with an appropriation date of April 24, 1902, and an adjudication date of May 11, 1942, in Case No. 1959, Water District 68, Priority No. R-1, Fourth General Adjudication. Carroll Brown Reservoir was subsequently decreed a storage right for 93.95 acre-feet, absolute, for fire protection, recreational, wildlife, and piscatorial purposes, and 1.75 acre-feet, conditional, for augmentation and replacement uses, with an appropriation date of September 28, 2001, by the decree entered on March 6, 2003, in Case No. 01CW185, Water Division 4. The conditional augmentation and replacement right was continued by the decree entered on August 12, 2009, in Case No. 09CW31, Water Division 4, and was made absolute in its entirety by the decree entered on January 4, 2016, in Case No. 15CW3058, Water Division 4. The decree in Case No. 15CW3058 also updated the legal description for the Carroll Brown Reservoir, including UTM coordinates. Legal Description of Structure. Carroll Brown Reservoir is located in the NW1/4 NE1/4 NW1/4 of Section 16, Township 44 North, Range 9 West of the N.M.P.M., at a point 592 feet from the north section line and 1,077 feet from the west section line of Section 16 (Zone 13, NAD83, Easting 248867.9m, Northing 4217572.5m). Source. West Fork of Dallas Creek, tributary to the Uncompahgre River, tributary to the Gunnison River. Name and Legal Description of Points of Diversion. Carroll Brown Reservoir fills from the Carroll Brown Ditch (a/k/a Carroll Brown Feeder Ditch), the headgate of which is located at a point on the west bank of the West Fork of Dallas Creek, whence the NW corner of Section 16, Township 44 North, Range 9 West of the N.M.P.M., bears North 18°8' East 11,715 feet (Zone 13, NAD83, Easting 247364.5m, Northing 4214505.5m). Enlargement Amounts and Uses Claimed. 93.95 acre-feet, absolute, for augmentation and replacement purposes, and 1.75 acre-feet, absolute, for fire protection, recreational, wildlife, and piscatorial purposes. Dam Height and Capacity of Structure. The Carroll Brown Reservoir dam is approximately 20 feet high and has a decreed capacity of 4,169,400 cubic feet (~95.7 acre-feet). Date of Appropriation. August 8, 2013. Applicant has captured, possessed, and controlled water in Carroll Brown Reservoir for its full capacity, in priority, for augmentation and replacement, fire

protection, recreational, wildlife, and piscatorial purposes. Accordingly, Applicant is entitled to an absolute right for the full capacity of the reservoir for all claimed purposes, consistent with C.R.S. §§ 37-92-103(4)(a) and 37-92-301(4)(e). Remarks. By this claim, Applicant is only seeking to have the full decreed capacity of Carroll Brown Reservoir recognized as absolute for all of its decreed beneficial uses. Applicant is not seeking to enlarge or expand the physical capacity of the Carroll Brown Reservoir. Name and Description of Water Storage Right Claimed as Absolute. Name of Structure. Double RL Lake No. 1. Original and Subsequent Decrees. The original decree for the Double RL Lake No. 1 water right was entered on March 6, 2003, in Case No. 01CW185, Water Division 4. The conditional water right was continued by the decree entered on August 12, 2009, in Case No. 09CW31, Water Division 4. By the decree entered on January 5, 2015, in Case No. 15CW3058, Water Division 4, the Double RL Lake No. 1 right was made absolute for 1.09 acre-feet and continued for 4.91 acre-feet. The decree in Case No. 15CW3058 also updated the legal description for the Double RL Lake No. 1, including UTM coordinates. Legal Description of Structure. Double RL Lake No. 1 is located in the SE1/4 NE1/4 SE1/4 of Section 27, Township 45 North, Range 9 West of the N.M.P.M., at a point 1,735 feet from the south section line and 523 feet from the east section line of Section 27 (Zone 13, NAD83, Easting 251154.0m, Northing 4223012.5m). Source. The source of water for Double RL Lake No. 1 is (i) natural runoff tributary to Cottonwood Creek, (ii) Cottonwood Creek via the Cottonwood Diversion of the Litschke Ditch, and (iii) the West Fork of Dallas Creek, via the Litschke Ditch system, which releases water into Cottonwood Creek for rediversion by the Cottonwood Diversion of the Litschke Ditch. All of these sources are tributary to the West Fork of Dallas Creek, tributary to the Uncompahgre River, tributary to the Gunnison River. Name and Legal Description of Points of Diversion. The Double RL Lake No. 1 is on-channel and also fills from the Cottonwood Diversion of the Litschke Ditch. Pursuant to the decree entered on June 27, 1988, in Case No. 86CW224, Water Division 4, the Cottonwood Diversion of the Litschke Ditch is located at a point 960 feet from the east line and 1,245 feet from the south line of Section 27, Township 45 North, Range 9 West of the N.M.P.M. (Zone 13, NAD83, Easting 251018.8m, Northing 4222866.6m). Date of Appropriation. June 1, 1983. Currently Decreed Amount and Uses. Double RL Lake No. 1 is decreed for a total of 6.0 acre-feet, with 1.09 acre-feet, absolute, and 4.91 acre-feet, conditional, with the right to fill and refill, for augmentation and replacement purposes. Claim to Make Absolute. Applicant has made 4.91 acre-feet of the water right conditionally decreed to Double RL Lake No. 1 absolute and requests confirmation that the total right has been made absolute for its entire decreed amount of 6.0 acre-feet, with the right to fill and refill, for augmentation and replacement purposes. In November of 2018, Applicant completed an excavation project and coordinated with the water commissioner to divert water in priority to fill the Double RL Lake No. 1 to its full as-built and decreed capacity of 6.0 acre-feet and subsequently possessed and controlled the water for augmentation and replacement purposes. Amendment to Plan for Augmentation. Original and Subsequent Decrees. The plan for augmentation to be amended was originally approved in Case No. 01CW185, Water Division 4. Description of Amendment to Plan for Augmentation. The original plan for augmentation anticipated total water demand at the ranch facilities to be 5.06 acre-feet/year and projected consumptive use to be 1.75 acre-feet/year. Since the original plan for augmentation was approved, additional cabins have been constructed at the main ranch compound and more houses, cabins, and ancillary facilities are expected to be built in the future. All of these structures are served by the DRL Domestic Diversion via the same water supply system. Because of these increased demands at the ranch facilities, Applicant seeks to amend the existing plan for augmentation in order to recognize and allow for the

estimated increase in depletions and to simplify accounting. Complete Statement of Amended Plan for Augmentation. Name and Description of Structures to be Augmented. DRL Domestic Diversion. The DRL Domestic Diversion (a/k/a the Double RL Domestic Diversion) is located at a point in the SW1/4 SW1/4 SW1/4 of Section 27, Township 45 North, Range 9 West of the N.M.P.M., approximately 450 feet east of the west section line and 50 feet north of the south section line of said Section 27. The DRL Domestic Diversion diverts water from a seep area tributary to the West Fork of Dallas Creek, tributary to the Uncompahgre River, tributary to the Gunnison River. The DRL Domestic Diversion was originally decreed on July 28, 1994, in Case No. 92CW17, Water Division 4, for 0.033 cfs, conditional, for domestic purposes, with an appropriation date of February 28, 1992, and confirmed as absolute in its entirety on November 27, 2002, in Case No. 01CW95, Water Division 4. Double RL Lake No. 1. The Double RL Lake No. 1 is described in paragraph 4 above. Water Rights to be Used for Augmentation. Carroll Brown Reservoir. As described in paragraph 3.b. above, Carroll Brown Reservoir is currently decreed for 1.75 acre-feet, absolute, for augmentation and replacement purposes, with an appropriation date of September 28, 2001. By this application, Applicant has also claimed an enlargement right of 93.95 acre-feet, absolute, for augmentation and replacement purposes, with an appropriation date of August 8, 2013, so that Carroll Brown Reservoir will be decreed as absolute for its entire decreed capacity of 95.7 acre-feet for augmentation and replacement purposes. Double RL Lake No. 1. As described in paragraph 4.b. above, the Double RL Lake No. 1 is currently decreed for 1.09 acre-feet, absolute, and 4.91 acre-feet, conditional, with an appropriation date of June 1, 1983. By this application, Applicant has also requested that the Double RL Lake No. 1 be confirmed as absolute for an additional 4.91 acre-feet so that Double RL Lake No. 1 will be decreed as absolute for its entire decreed capacity of 6.0 acre-feet for augmentation and replacement purposes. Projected Demand and Depletions. With the new cabins and other structures that have been built or are anticipated to be built, total projected water demands at the main ranch served by the DRL Domestic Diversion are estimated to be 5.94 acre-feet/year and total estimated depletions are estimated to be 2.35 acre-feet/year based on the assumptions set forth below. Demand. Total projected water demands are estimated to be as much as 5.94 acre-feet/year. Indoor domestic use is expected to require diversions of up to 3.99 acre-feet/year based upon an assumption of year-round occupancy. An additional 1.95 acre-feet/year will be required to replace evaporative losses based upon a combined total of 1.027 exposed surface acres of water in the newly enlarged Double RL Lake No. 1 and the swimming pool. Depletions. Total consumptive use is estimated to be 2.35 acre-feet/year. The indoor domestic consumptive use is projected to be 0.40 acre-feet/year, assuming 10% of the indoor water demand would be consumed based on the use of a non-evaporative septic disposal system. An additional 1.95 acre-feet/year will be consumed by evaporation based upon a combined total of 1.027 exposed surface acres of water in the newly enlarged Double RL Lake No. 1 and the swimming pool. Future Additional Demand and Depletions. The demands and depletions set forth above are based off the current and anticipated water usage at the Double RL main ranch facilities that will be served by the DRL Domestic Diversion. Applicant requests the right to operate this plan for augmentation under greater demands and depletions based off the approved operations and under the same terms and conditions that will be approved herein, so long as sufficient augmentation supplies are available. Operation of Plan for Augmentation. All out-of-priority depletions resulting from diversions at the DRL Domestic Diversion shall be replaced by storage releases from Double RL Lake No. 1 and/or Carroll Brown Reservoir. Applicant shall also replace out-of-priority evaporative depletions from and inflows into Double RL Lake No. 1 with releases of water from

Carroll Brown Reservoir. Remarks. As provided for in paragraph 7.E. of the decree entered in Case No. 01CW185, Applicant requests the right to continue to change the mix in uses under the plan for augmentation in the future so long as (i) the total consumptive use does not exceed available augmentation water, (ii) Applicant notifies the Division Engineer of such change in mix of uses and in such notice provides an accounting that supports Applicant's claim that the change in mix of use does not cause the total consumptive use to exceed the amount of available augmentation water, and (iii) the Division Engineer approves such change in the mix of use. All other terms and conditions decreed in Case No. 01CW185, except as expressly modified by the decree entered in this matter, are not amended by this application and shall remain in full force and effect. Pursuant to C.R.S. § 37-92-305(8), the Division Engineer shall curtail all out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights. Applicant shall install and maintain such meters, gauges, or other measuring and recording devices as may be reasonably required by the State or Division Engineer to administer the amended plan for augmentation. (9 pages, plus exhibit). **OURAY COUNTY.**

CASE NUMBER: 2018CW3065. Applicant: Double RL Company, c/o Oakley Kelly, Ranch Manager, 5180 Highway 62, Ridgway, Colorado 81432, Phone: (970) 626-5485. Attorneys for Applicant: Richard A. Johnson, David F. Bower, Michael S. Davidson, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027. **APPLICATION FOR WATER STORAGE RIGHTS, IN OURAY COUNTY, COLORADO.** Name and Description of Water Storage Rights. Name of Structures. Marlboro Pond. Cattail Pond. Legal Description of Structures. Marlboro Pond. The Marlboro Pond is located in the NE1/4 NW1/4 of Section 1, Township 44 North, Range 9 West of the N.M.P.M., at a point approximately 291 feet south of the north section line and 1,770 feet east of the west section line (Zone 13, NAD83, Easting 253718m, Northing 4220695m). A map depicting the location of the Marlboro Pond is attached hereto as Exhibit A. Cattail Pond. The Cattail Pond is located in the NW1/4 SW1/4 of Section 35, Township 45 North, Range 9 West of the N.M.P.M., approximately 1,641 feet north of the south section line and 412 feet east of the west section line (Zone 13, NAD83, Easting 251398m, Northing 4221358m). A map depicting the location of the Cattail Pond is attached hereto as Exhibit B. Sources. Marlboro Pond. Natural runoff and irrigation return flows tributary to an unnamed tributary of Beaver Creek, tributary to Beaver Creek, tributary to Dallas Creek, tributary to the Uncompahgre River. Cattail Pond. Natural runoff tributary to an unnamed tributary of the West Fork of Dallas Creek, tributary to the West Fork of Dallas Creek, tributary to Dallas Creek, tributary to the Uncompahgre River. The Cattail Pond can also be filled by the Carroll Ditch and Ruffe Wade Ditch, whose sources are described below. Points of Diversion. Marlboro Pond. The Marlboro Pond is an on-channel pond that fills from natural drainage and irrigation return flows. Cattail Pond. The Cattail Pond is an on-channel pond that fills from natural drainage. The Cattail Pond can also be filled by the Carroll Ditch and the Ruffe-Wade Ditch. The previous case information, legal description of the points of diversion, and source for the Carroll and Ruffe-Wade Ditches are as follows: Carroll Ditch. The Carroll Ditch was originally decreed on September 13, 1971, in Civil Action No. 2710, Ouray County, Water District No. 68, for a total of 4.0 cfs (2.0 cfs under Priority No. 6 and 2.0 cfs under Priority No. 10), for irrigation, stock watering, and domestic purposes. The Carroll Ditch point of diversion was changed by the decree entered on April 2, 2018, in Case No. 17CW3062, Water Division 4. The Carroll Ditch point of diversion is located in the SE1/4 NE1/4 NW1/4 of Section 15, Township 44 North, Range 9 West of the N.M.P.M., at a point approximately 782 feet from the north section line and 2,326 feet

from the west section line of said Section 15 (Zone 13, NAD 83, Easting 250627m, Northing 4217467m). The Carroll Ditch diverts from Vance Creek a/k/a Willow Creek, tributary to the West Fork of Dallas Creek, tributary to Dallas Creek, tributary to the Uncompahgre River. Ruffe-Wade Ditch. The Ruffe-Wade Ditch was originally decreed on April 14, 1961, in Civil Action No. 2440, Ouray County, Water District No 68, for a total of 1.0 cfs, absolute (Priority No. 33), and 9.0 cfs, conditional (Priority No. 60), for irrigation. The 9.0 cfs conditional right was made absolute in its entirety by the decree entered on November 18, 1975, in Case No. W-2564, Water Division 4. The decreed location of the Ruffe-Wade Ditch headgate is on the west bank of the East Fork of the Dallas River at a point from whence the SE corner of SW1/4 NE1/4 of Section 35, Township 45 North, Range 9 West of the N.M.P.M. bears North 29°30' West 5,240 feet (Zone 13, NAD 83, Easting 253273m, Northing 4220199.5m). The Ruffe-Wade Ditch diverts from the East Fork of Dallas Creek, tributary to Dallas Creek, tributary to the Uncompahgre River. Amount and Uses Claimed. Marlboro Pond. 4.07 acre-feet, absolute, for stock watering, with the right to fill and refill continuously when in priority. Cattail Pond. 5.04 acre-feet, absolute, for stock watering and irrigation, with the right to fill and refill continuously when in priority. Date of Appropriation. Marlboro Pond. September 25, 1975, based on USGS aerial imagery showing the pond. Cattail Pond. September 19, 1998, based on USGS aerial imagery showing the pond. (5 pages, plus exhibits). **OURAY COUNTY.**

CASE NO. 2018CW3066. San Miguel County. Remine Creek, trib. to the San Miguel River. Application for Finding of Reasonable Diligence. Aldasoro Ranch Homeowners Company, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Summary: Applicant seeks a finding that Applicant has been reasonably diligent in the development of the cond. water right decreed to the ARHOC Remine Pipeline. Legal Description: Remine Pipeline POD: in the SW1/4 NW1/4, Sec. 28, T. 43 N., R. 9 W., N.M.P.M., at a pt. 2,037 ft. from the N. Sec. line and 444 ft. from the W. Sec. line of said Sec. 28. Remine Pipeline Alternate POD - in the NE1/4 SE1/4, Sec. 29, T. 43 N., R. 9 W., N.M.P.M., at a pt. 1,782 ft. from the S. Sec. line and 206 ft. from the E. Sec. line of said Sec. 29. A map showing these diversion locations is attached as **Exhibit A**. Source: Remine Creek, trib. to the San Miguel River. Date of Approp.: 11/15/2009. Amt. claimed: 0.70cfs cond. Proposed Uses: Irr. of 25 acres of lawn and garden within the Aldasoro Ranch Subdivision shown on **Exhibits A and B**, which is located in Secs. 28, 29 and 30, T. 43 N., R. 9 W., N.M.P.M. Non-Irr. Uses: Dom. and comm., as described in Cases No. 90CW069 and 10CW170. Applicant's ARHOC Remine Pipeline cond. water right is a component of Applicant's integrated water supply system. See Decree, Case No. 10CW170. Claim for Diligence. A complete list of diligence activities and expenditures is stated in the app. Land Ownership. Applicant owns the land upon which any new diversion structure will be constructed: Applicant. 6 pages. **SAN MIGUEL COUNTY.**

CASE NO. 2018CW3067. San Miguel County. Watershed of Skunk Creek trib. of the San Miguel River. Application for Change of Water Right – Pt. of Diversion. TSG Ski & Golf, LLC and Town of Mountain Village, c/o Balcomb & Green, P.C., P. O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546. Applicants request a decree changing the location for the Telco Well No. 4/7 A1, an alt. pt. of diversion decreed in Case No. 90CW112 for water rights first decreed to Telco Well No. 4 and Telco Well No. 7 in Case No. 80CW405. Application does not seek changes to the Telco Well No. 4 or Telco Well No. 7. The decreed locations and new proposed location of Telco Well No. 4/7 A1 are shown on Exhibit A to app. Structure to be changed: Telco Well No. 4/7 A1. Previous

decrees: 8/7/1996, Case No. 90CW112, Dist. Ct., Water Div. No. 4, decreed an alt. pt. of diversion for the Telco Wells No. 4 and 7 that were first decreed on 7/9/1982 in Case No. 80CW405, Dist. Ct., Water Div. No. 4, to the Telco Well No. 4/7 A1. Decreed location for Telco Well No. 4/7 A1 (Case No. 90CW112): Located at a pt. in the SW1/4 NE1/4, Sec. 10, T. 42 N., R. 9 W., N.M.P.M., that bears N. 67 deg. 45' E. a distance of 7,650 ft. from the SW Corner, Sec. 9, T. 42 N., R. 9 W., also described as the SE1/4 NW1/4, Sec. 10, T. 42 N., R. 9 W., N.M.P.M., 2,636 ft. from the N. line and 2,155 ft. from the W. line. Also described as UTM Zone 13N, NAD83, Easting 249,294 meters and Northing 4,200,360 meters. Decreed locations for Telco Well No. 4 and Telco Well No. 7: Telco Well No. 4: Located in the SE1/4 NW1/4, Sec. 10, T. 42 N., R. 9 W., N.M.P.M., 2,218 ft. from the N. line and 1,694 ft. from the W. line. Also described as UTM Zone 13, NAD83 Easting 249,157 meters and Northing 4,200,491 meters. This is the location as corrected in Case Number 10CW141. Telco Well No. 7: Located in the SE1/4 NW1/4, Sec. 10, T. 42 N., R. 9 W., N.M.P.M., 2,056 ft. from the N. line and 1,815 ft. from the W. line. Also described as UTM Zone 13N, NAD83, Easting 249,195 meters and Northing 4,200,539 meters. This is the location as corrected in Case Number 10CW141. Source: Watershed of Skunk Creek trib. of the San Miguel River. Approp. date: 10/1/1980. Amts.: Telco Well No. 4: 540 gpm, cond.; 60 gpm, absolute. Telco Well No. 7: 500 gpm, cond.; 100 gpm, absolute. Cumulative: Total cumulative peak pumping rates at Telco Wells No. 4, 7 and 4/7 A1 shall be equal to or less than 300 gpm. Depth: Telco Well No. 4: 212 ft. Telco Well No. 7: 220 ft. Telco Well No. 4/7 A1: not constructed. Use: Mun., comm., dom., irr., fire prot., rec., snowmaking and aesthetic purposes by direct diversion or storage for later use. Remarks: The water rights decreed to Telco Well No. 4 and Telco Well No. 7, whether diverted through these structures or through Telco Well No. 4/7 A1, are operated pursuant to the plan for aug. decreed in Case No. 80CW405 as amended by decrees entered in Case No. 90CW112 and Case No. 10CW206. The Telco Well No. 4/7 A1 has not been constructed at its decreed location. The Telco Wells No. 4 and 7 water rights may be diverted at their individual decreed locations and at the decreed location for the Telco Well No. 4/7 A1 pursuant to the decree entered in Case No. 90CW112. Requested Change: Applicants request to change the decreed pt. of diversion for the Telco Well No. 4/7 A1 to a pt. described as UTM Zone 13N, NAD83 Easting 248,695 meters and Northing 4,200,714 meters. Comments. The requested change will not result in injury to other water users. The only water rights in the Skunk Creek basin between the decreed and proposed pt. of diversion for Telco Well No. 4/7 A1 are Applicants' Telco Wells No. 4 and 7. Any out of priority depletions from operation of the Telco Well No. 4/7 A1 will continue to be operated pursuant to the plan for aug. decreed in Case No. 80CW405 as amended by decrees entered in Case No. 90CW112 and Case No. 10CW206. Applicants request entry of decree changing the point of diversion for the Telco Well No. 4/7 A1 as described herein. 5 pgs. **SAN MIGUEL COUNTY.**

CASE NO. 2018CW3068 (Ref No. 2012CW84; 98CW157; and 05CW157). Applicant: Aspen Mountain Properties, LLC, c/o O'Hayre Dawson, PLLC, 120 N. Taylor Street / P.O. Box 179, Gunnison, CO 81230. Application for Finding of Reasonable Diligence: Napoleon Spring – At a point in the NW1/4NE1/4 of Section 12, Township 51 North, Range 4 East, N.M.P.M., from whence the Southeast corner of Section 31, Township 15 South, Range 81 West, 6th P.M. bears North 66°53'37" West 3,087.34 feet. Source: Alluvium of Quartz Creek, tributary to Tomichi Creek, tributary to the Gunnison River, tributary to the Colorado River. Appropriation Date: June 23, 1998. Amount Claimed: 0.04 c.f.s. (18 g.p.m.) for in-house domestic use within two summer cabins. The

application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.**

AMENDED/CORRECTED:

CASE NO. 2018CW3029 (Ref. No. 11CW142). **MONTROSE COUNTY** 1. Applicant: Brooks Spring, L.L.C., c/o Marci Miles, P.O. Box 239, Montrose CO 81401 970-249-3398 by Aaron R. Clay, P.O. Box 38, Delta CO 81416, 970-874-9777. APPLICATION FOR FINDING OF DILIGENCE AND TO MAKE ABSOLUTE IN PART 2. Name of Structures: Miles Springs 2,3,5,6, 8, 9 and 10; Miles Ditch 3. Legal Description of points of diversion: in the NW1/4. Section 32, Township 47 North, Range 12 West, N.M.P.M., Montrose County, as follows:

Structure	1/4 1/4	Easting m	Northin g m	Distan ce (feet)	Sec line	Distanc e (feet)	Sec line
Miles Spring 2	SENW	218428 .6	4242209 .8	1550	W	2683	N
Miles Spring 3	SWN W	218067 .4	4242388 .7	317	W	2134	N
Miles Spring 5	NWN W	218133 .7	4242946 .7	370	W	297	N
Miles Spring 6	NWN W	218278 .1	4243009 .5	824	W	77	N
Miles Spring 8	NENW	218544 .1	4242645 .4	1800	W	1243	N
Miles Spring 9	NENW	218526 .8	4242732 .7	1717	W	958	N
Miles Spring 10	SENW	218562 .3	4242507 .9	1899	W	1692	N
Miles Ditch	NWN W	218292 .0	4242853 .2	915	W	588	N

4. Date of Appropriation: June 30, 2008 5. Amount and uses claimed: Miles Springs 2, 3, 5, 6, 8, 9, and 10: 0.050 cfs each for stockwater and wildlife. Miles Ditch, 1.000 cfs for stockwater, wildlife, and the irrigation of 40 acres. 6. Source of Water: Tumble Creek, tributary to the San Miguel River; 7. Date of Original Decree: July 18, 2012 Case No. 2011CW142. 8. Claims made: Applicant claims the Springs absolute for stockwater and wildlife. Due diligence is claimed for all uses of the Ditch. The claims for diligence are detailed in the Application. Structure locations of the springs have changed since the original decree was entered. Applicant will be awarded a 2018 priority for those structures. **MONTROSE COUNTY.**

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