

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 January 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. 2019CW1. Applicant: Justin Brehm, 3640 Kannah Creek Rd., Whitewater, CO 81527. Application for Change of Water Right: Brown and Campion Ditch as described in prior adjudications, is located at a point on Kannah Creek from which the Northeast corner of the NW1/4NW1/4 of Section 3, T3S, R2E, bears North 10 degrees East 512 feet. Date of Original Decree: 11/01/1884. Case No. W2190; CA12063; CA12290. Decreed Source of Water: Kannah Creek. Decreed Appropriation Date: 11/01/1884. Total Amount Decreed to Structure: 35.81 c.f.s. absolute for irrigation. Amount of Water Applicant Intends to Change: 3 statutory inches of priority No. 2 = .078 c.f.s. and 10 statutory inches of priority No. 5 = .26 c.f.s. Complete Statement of Change: Move water from Brown and Campion for irrigation to Van Pelt Seep to irrigate property at both 3580 Kannah Creek Road and 3640 Kannah Creek Road, located in Whitewater, CO 81527. Historically, Brown and Campion water has been 100% consumptive. This requested transfer will provide return flows to Kannah Creek. Legal Description for Van Pelt Seep: SE1/4SE1/4 of Section 35, T2S, R2E, Ute P.M. Northing 4314669.3, Easting 211291.3, Zone 13. **MESA COUNTY.**

CASE NO. 2019CW2 (REF NO 12CW92, 03CW214). NORTHEAST CREEK, EAST CREEK, GUNNISON RIVER. Applicant: Schrader Lake, LLLP, C/O William R. Patterson, 668 26 Road, Grand Junction, CO 81506. Application to Make Absolute: G.H.&S. Reservoir No. 2, 2001 Rehabilitation Reservoir - at a point whence the North quarter corner of Sec. 34, T13S., R101W., 6th P.M., bears N. 24° 51' E 2039 feet and whence the South quarter corner, Sec. 33, T13S., R101W., 6th P.M, bears S. 35° 35' W 6020 feet. Easting 0180538, Northing 4311352, Zone 13. Source: Northeast Creek, East Creek, Gunnison River. Appropriation Date: 05/31/2001. Amount Claimed: 102.9 acre-feet absolute for irrigation, wildlife and stockwater. The Application on file with the Water Court contains an outline of the work performed the diligence period toward. **MESA COUNTY.**

CASE NO. 2019CW3 (REF NO. 12CW107, 06CW1, 99CW13) Applicant: Town of Norwood, P.O. Box 528, Norwood, CO 81423-0528. Application For Finding of Reasonable Diligence – Forest Street Sub-Drain – SW1/4SE1/4 of section 22, T45N, R13W, NMPM. 316 feet from the north line and 1,180 feet from the east section line. Source: San Miguel River. Appropriation Date: 02/10/1999. Amount Claimed: .25 c.f.s. conditional for municipal and irrigation. The application on file with the Water Court contains an outline of the work performed during the diligence period. **SAN MIGUEL COUNTY.**

Case No. 19CW3000 (REF. NO 12CW101). Donald W. Campbell and Lanona D. Campbell, P.O. Box 880, Lake City, Colorado, 81235. Telephone: (970) 944-2878. Email: hilander@gunnison.com. Please direct all correspondence to the attorney for Applicants: (Law of the Rockies, Kendall K. Burgemeister, Atty. Reg. No. 41593, Leila C. Behnampour, Atty. Reg. No. 42754, 525 North Main Street, Gunnison, CO 81230, Telephone: (970) 641-1903; Fascimile: (970) 641-1943, Email: kburgemeister@lawoftherockies.com, lbehnampour@lawoftherockies.com).

APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE, IN PART, Gunnison County. 2. Summary of Application. In Case No. 12CW101, Water Division 4, Applicants obtained an absolute water right for the Contention Ditch, Emerald Isle Pipeline Extension, with an adjudication date of 2012 and an appropriation date of June 1, 2002, in the amount of 20 gallons per minute, for domestic and commercial use at the Highlander RV Campground, including domestic use inside a single-family dwelling, commercial use inside a laundry and shower facility, 26 RV hookups, and irrigation of approximately 5,000 square-feet of landscaping. In the same case, Applicants also obtained a conditional water right for the Contention Ditch, Emerald Isle Pipeline Extension for additional uses. This Application concerns the additional uses for the Contention Ditch, Emerald Isle Pipeline Extension. 3. Description of Conditional Water Right. The following conditional water right was originally decreed by the District Court, Water Division 4, in Case No. 12CW101, on January 11, 2013. a) Name of Structure: Contention Ditch, Emerald Isle Pipeline Extension. i) Legal Description: The point of diversion is located in the SW1/4 SW1/4 NW1/4 of Section 15, Township 43 North, Range 4 West, N.M.P.M., at a point 2613 feet from the north section line and 402 feet from the west section line (Zone 13, NAD83, Easting 0298131m, and Northing 4206714m). A map showing the point of diversion is attached as Exhibit A, which is attached to the Application on file with the Water Court. ii) Source: Emerald Isle Creek, tributary to the Lake Fork of the Gunnison River, tributary to the Gunnison River. iii) Appropriation Date: August 31, 2012. iv) Amount: 20 gallons per minute (gpm). (The same 20 gpm that was made absolute in Case No. 12CW101, as described in paragraph 2 above.). v) Use: Domestic and commercial use at the proposed expansion of the Highlander RV Campground, including domestic use inside one single-family residence, commercial use inside a laundry and shower facility, 18 RV hookups, and irrigation of approximately 10,000 square-feet of lawn and landscaping. 4. Detailed outline of what has been done toward completion of the appropriations. During the diligence period, the following activities occurred: a) Applicants completed phase 1 of the proposed expansion of the Highlander RV Campground by constructing 9 of the 18 proposed RV sites, bringing the total number of sites on the campground to 35. b) The expansion included adding new electric and water hookups for the 9 sites, and a sewer facility for the expansion. c) Applicants completed construction of a 40 by 60 foot steel building that will be connected to water, sewer and electric service in the future, and will include a laundry and shower facility for the expanded campground. d) Applicants completed work pursuant to their Colorado Department of Public Health and Environment storm water management permit, and plan to terminate the permit. e) Applicants applied the conditional water right to beneficial use by serving 3 RVs in the expanded campground and plan to open all sites in the spring of 2019. f) Applicants applied the conditional water right to beneficial use by irrigating 10,000 square-feet of lawn and landscaping. g) Under C.R.S. § 37-92-301(4)(b), “[w]hen a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.” h) The foregoing activities and expenditures do not reflect each and

every activity undertaken by Applicants to place the conditional water rights described herein to beneficial use, but are illustrative of Applicants' reasonable diligence in applying such water rights to a beneficial use in accordance with the standards set forth in C.R.S. § 37-92-301(4). i) Additional work may be performed and additional expenses may be incurred between the date this Application is filed and the entry of any decree in this matter. j) Total expenditures on diligence activities was approximately \$275,000. 5. Application to make absolute a) Structure: Contention Ditch, Emerald Isle Pipeline Extension. i) Date water first applied to beneficial use: June 1, 2002. ii) Amount: 20 g.p.m. iii) Location: The point of diversion is located in the SW1/4 SW1/4 NW1/4 of Section 15, Township 43 North, Range 4 West, N.M.P.M., at a point 2613 feet from the north section line and 402 feet from the west section line (Zone 13, NAD83, Easting 0298131m, and Northing 4206714m). iv) Use: Commercial use at the expansion of the Highlander RV Campground, including 9 RV hookups, and irrigation of approximately 10,000 square-feet of lawn and landscaping. v) The absolute claims in this Application are in addition to the existing absolute amount and uses. b) Evidence that diversion of water was made in priority. There have been no downstream calls that have required curtailment of the Contention Ditch, Emerald Isle Pipeline Extension during the diligence period. 6. Description of place where water is applied or will be applied to beneficial use. The place of use of the Contention Ditch, Emerald Isle Pipeline Extension is and will be the Emerald Isle, Contention, Argus, Mayflower, and Newbern Lode Mining claims in Hinsdale County, Colorado, as shown on the map attached as Exhibit B, which is attached to the Application on file with the Water Court. 7. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicants. WHEREFORE, Applicants respectfully request that the Court enter a Ruling and Decree making the Contention Ditch, Emerald Isle Pipeline Extension absolute in the amount of 20 gallons per minute for commercial use at the expansion of the Highlander RV Campground, including 9 RV hookups, and irrigation of approximately 10,000 square-feet of lawn and landscaping, with an appropriation date of August 31, 2012, in addition to the existing absolute amount and uses, and for a finding of reasonable diligence and to continue the remaining uses in full force and effect on a conditional status. To the extent not made absolute in this case, Applicants request a finding of diligence for the conditional water right decreed in Case No. 12CW101. (5 pages). **HINSDALE COUNTY.**

CASE NO. 2019CW3001 (REF NO. 12CW39, 05CW195, 97CW155). MONTROSE COUNTY, WATER RIGHT TRIBUTARY TO THE SAN MIGUEL RIVER. Application for Findings of Reasonable Diligence. Vancorum, LLC, c/o Meghan N. Winokur, Esq., Mark E. Hamilton, Esq., Holland & Hart LLP, 600 E. Main St., Suite 104, Aspen CO 81611-1991, mwinokur@hollandhart.com; mehamilton@hollandhart.com; Name of structure: Vancorum Housing Pond ("subject water right"). Previous decrees: Original decree: Case No. 97CW155, Water Division 4, decree entered on November 9, 1999. Subsequent decrees awarding findings of diligence: 12CW39, Water Division 4, decree entered on January 23, 2013; 05CW195, Water Division 4, decree entered on April 18, 2006. Description of subject water right: Location: The Vancorum Housing Pond consists of a gravel pit located in the NE1/4 NE1/4 of Section 23, T.46N., R.16W., N.M.P.M. The center of the Pond is located approximately 650 feet West of the East Section Line and 200 feet South of the North Section Line of said Section 23. A USGS map showing the location of the subject water right is attached to the Application as Figure 1. Source: The Vancorum Housing Pond consists of a gravel pit located in

alluvial deposits adjacent to the San Miguel River. The Pond intercepts and withdraws groundwater tributary to the San Miguel River. Appropriation date: April 30, 1993. Amount: 115.72 acre-feet per year, absolute in part and conditional in part. The subject water right has been made absolute for the following amounts and uses: 5.715 acre-feet for all uses associated with the Vancorum housing development including domestic and household uses, fire protection, watering of domestic animals, and irrigation of lawns and crops; 2.216 acre-feet of water for commercial use; and 4.42 acre-feet for evaporative loss. Uses: Evaporation from the Vancorum Housing Pond, domestic and household uses, commercial uses, fire protection, watering of livestock and domestic animals, and irrigation of lawns and crops. Remarks: The Vancorum Housing Pond was decreed for use at and for the full development of the Vancorum Housing development currently owned and operated by Applicant. The Vancorum Housing Pond is augmented in accordance with the plan for augmentation decree in Case No. 97CW155. A detailed outline of what has been performed towards completion of the appropriation during the diligence period is included in the Application. 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: Applicant. (6 pages). **MONTROSE COUNTY.**

CASE NO. 2018CW3002 (Ref No. 05CW235 and 12CW82) . Applicant: Bear Ranch, LLC. 30682 County Road No. 12, Somerset, CO 81434, c/o O'Hayre Dawson, PLLC, 120 N. Taylor Street, Gunnison, Colorado 81230. Application to Make Absolute and for Finding of Reasonable Diligence – Hughes Spring No's. 1-3. HUGHES SPRING NO. 1: The SE ¼, SE ¼, NW ¼, of Section 4, Township 12 South, Range 89 West of the 6th P.M. approximately 1,953 feet south of the north section line and 1,352 feet east of the west section line of said Section 4 (Gunnison County). (Zone 13, NAD83, Easting 0297023m, Northing 4324312m). HUGHES SPRING NO. 2: The NW ¼, NW ¼, SE ¼, of Section 4, Township 12 South, Range 89 West of the 6th P.M. approximately 2,383 feet north of the south section line and 2,08 feet west of the east section line of said Section 4 (Gunnison County) (Zone 13, NAD83, Easting 0297424.5m, Northing 4324101m). HUGHES SPRING NO. 3: The SW ¼, NE ¼, SE ¼ of Section 4, Township 12 South, Range 89 West of the 6th P.M. approximately 1,930 feet north of the south section line and 1,057 feet west of the east section line of said Section 4 (Gunnison County) (Zone 13, NAD83, Easting 0297891.5m, Northing 4323950m). Appropriation Date for Hughes Spring No's 1- 3: September 30,2005. Source for Hughes Spring No's 1-3: Water tributary to Muddy Creek tributary to the North Fork of the Gunnison River, tributary to the Gunnison River, tributary to the Colorado River. Amount claimed for Hughes Spring No's. 1-3: 0.06 c.f.s/ combined 0.02 c.f.s per spring. Use for Spring No. 1: 0.02 c.f.s for domestic purposes inside one single-family dwelling. Use for Spring No's. 2 and 3: each for 0.02 c.f.s. of water for stock watering and domestic purposes inside one single-family dwelling each. Applicant seeks entry of a decree for an absolute water right for stockwatering for the Hughes Springs Nos. 2 and 3, and a finding of reasonable diligence and continuing the conditional status for the Hughes Spring Nos. 1-3 for domestic use within one single family dwelling for each spring. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.**

CASE NO. 2019CW3003 (W-3280, 96CW132, 09CW142) (92CW176, 09CW89) (96CW313, 08CW186). Name, address, and telephone number of applicant: Town of Telluride ("Telluride"), c/o Ross Herzog, Town Manager, P.O. Box 397, Telluride,

Colorado 81435, (970) 728-2155, c/o Jennifer M. DiLalla, #40319, John Peckler, #51559, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Boulevard, Suite 300, Boulder, Colorado 80302, (303) 443-8782, jdilalla@mwhw.com; jpeckler@mwhw.com. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART. 2. Combined Application: The water rights that are the subject of this Application were last continued as conditional in Case Nos. 09CW142, 09CW89, and 08CW186. Consistent with Rule 3(c) of the Uniform Local Rules for All State Water Court Divisions, Telluride filed motions in each of those cases for leave of court to file this single combined Application for Finding of Reasonable Diligence and to Make Absolute in Part, rather than three separate applications. By orders dated December 27, 2018, in Case Nos. 09CW142, 09CW89, and 08CW186, the Court granted such leave. 3. Telluride Municipal Water System: 3.1 Original decree: May 13, 1981, in Case No. W-3280 in the District Court in and for Water Division No. 4. 3.2 Subsequent decrees awarding findings of diligence: September 11, 1987, in Case No. 85CW114; July 25, 1990, in Case No. 89CW91; October 6, 2003, in Case No. 96CW132; and January 15, 2013, in Case No. 09CW142; all in the District Court in and for Water Division No. 4. 3.3 Other relevant decree: The decree entered on November 19, 1990, in Case No. 89CW92 changed the Telluride Municipal Water System to add an alternate point of diversion at the Oak Street Lift Pump, as described in paragraph 3.4.6 below. 3.4 Legal description of decreed points of diversion: As described in paragraphs 3.4.1 through 3.4.6 below. The approximate locations of the decreed points of diversion are shown on the map attached to the application as **Exhibit A**. 3.4.1 Mill Creek Diversion. The point of diversion is located at an existing dam on Mill Creek approximately 7,650 feet upstream of the confluence of Mill Creek and the San Miguel River, said confluence being 1.8 miles down the San Miguel River from the San Miguel County Courthouse in the Town of Telluride ("San Miguel Courthouse"). The point of diversion can also be described as being located in the NW 1/4, SE 1/4 of Section 26, T43N, R9W of the N.M.P.M. at a point approximately 2,085 feet from the South section line and 1,640 feet from the East section line. 3.4.2 Cornet Creek Diversion. The point of diversion is located at the Stillwell Tunnel mouth, approximately 200 feet east of Cornet Creek and 16,500 feet upstream of the confluence of Cornet Creek and the San Miguel River, said confluence being 1.1 miles down the San Miguel River from the San Miguel Courthouse. The point of diversion can also be described as being located in the NW 1/4, SW 1/4 of Section 30, T43N, R8W of the N.M.P.M. at a point approximately 2,132 feet from the South section line and 1,643 feet from the West section line. 3.4.3 Bear Creek Diversion. The point of diversion is located on Bear Creek at a point approximately 7,600 feet upstream of the confluence of Bear Creek with San Miguel River, said confluence being 0.74 miles up the San Miguel River from the San Miguel Courthouse. The point of diversion can also be described as being located in the NE 1/4, SE 1/4 of Section 12, T42N, R9W of the N.M.P.M. at a point approximately 3,108 feet from the North section line and 795 feet from the East section line. In accordance with paragraph 7 of the decree entered in Case No. 96CW132 and paragraph 12.c of the decree entered in Case No. 96CW313, Telluride hereby abandons the Bear Creek Diversion. 3.4.4 Telluride Well TH-1. The point of diversion is a well located approximately 400 feet south of the San Miguel River and 1,200 feet down the San Miguel River from its confluence with Bear Creek, said confluence being 0.74 miles up the San Miguel River from the San Miguel Courthouse, at a point from which Corner No. 2 of No. 2 Placer, Mineral Survey 11207 bears South 8° 28' West a distance of 503 feet. The point of diversion can also be described as being located in the SE 1/4, NE 1/4 of Section 1, T42N, R9W of the N.M.P.M. at a point approximately 1,235 feet from the North section line and 1,211 feet from the East section line. 3.4.5 Telluride Well TH-2.

The point of diversion is a well located approximately 150 feet south of the San Miguel River and 1,200 feet down the San Miguel River from its confluence with Bear Creek, said confluence being 0.74 miles up the San Miguel River from the San Miguel Courthouse, at a point from which Corner No. 2 of No. 2 Placer, Mineral Survey 11207 bears South 9° West a distance of 741 feet. The point of diversion can also be described as being located in the NE 1/4, NE 1/4 of Section 1, T42N, R9W of the N.M.P.M. at a point approximately 995 feet from the North section line and 1,150 feet from the East section line. 3.4.6 Oak Street Lift Pump. The point of diversion is a weir pipe on the north bank of the San Miguel River between the southern extensions of Aspen Street and Oak Street in Lot 17, Block 13, Town of Telluride, at a point from which the south quarter corner of Section 36, T43N, R9W of the N.M.P.M. bears south 20° 27' 50" west a distance of 847.67 feet, more or less. The point of diversion can also be described as being located in the NE 1/4, NW 1/4 of Section 1, T42N, R9W of the N.M.P.M. at a point approximately 484 feet from the North section line and 2,971 feet from the East section line. 3.5 Sources: 3.5.1 Mill Creek Diversion: Mill Creek, tributary to the San Miguel River. 3.5.2 Cornet Creek Diversion: Cornet Creek, tributary to the San Miguel River. 3.5.3 Bear Creek Diversion: Bear Creek, tributary to the San Miguel River. 3.5.4 Telluride Well TH-1: Underground water tributary to the San Miguel River. 3.5.5 Telluride Well TH-2: Underground water tributary to the San Miguel River. 3.5.6 Oak Street Lift Station: San Miguel River. 3.6 Appropriation date: February 18, 1977. 3.7 Amount: 2.45 cfs, absolute; 3.55 cfs, conditional. The total of 6.0 cfs may be diverted at any one or more of the decreed alternate points of diversion, provided that the total amount of water being diverted at any time does not exceed 6.0 cfs. 3.8 Use: Municipal use, including domestic, irrigation, fire protection, industrial, manufacturing, commercial, recreational, and all other beneficial uses incident to distribution through the Telluride Municipal System. 4. Junior Bridal Veil Water Rights: The water rights described in this paragraph 4 and in paragraph 5 below are referred to collectively as the "Junior Bridal Veil Water Rights." 4.1 Original decree: July 31, 2003, in Case No. 92CW176, in the District Court in and for Water Division No. 4. 4.2 Subsequent decree awarding findings of diligence: January 17, 2013, in Case No. 09CW89, in the District Court in and for Water Division No. 4. 4.3 Appropriation date: September 18, 1992. 4.4 Comments: Because section lines can only be estimated for the unsurveyed portion of San Miguel County where the Junior Bridal Veil Water Rights are located, the legal descriptions provided in paragraph 5 below are as decreed in Case No. 92CW176, and a map showing the location of the Junior Bridal Veil Water Rights is attached to the application as **Exhibit B**. 5. Description of individual Junior Bridal Veil Water Rights: 5.1 Blue Lake Reservoir No. 1: 5.1.1 Legal description: The dam outlet structure is located in the NE1/4 of the NE1/4 of Section 20, T42N, R8W of the N.M.P.M., at a point South 34° 45' East, 20,500 feet from the Northwest corner of Section 6, T42N, R8W of the N.M.P.M. 5.1.2 Pipelines used to fill reservoir and legal description of points of diversion: 5.1.2.1 Blue Lake Supply Pipeline, Bridal Veil Branch: The point of diversion is located in the SE1/4 of the SW1/4 of Section 20, T42N, R8W of the N.M.P.M., at a point South 22° 30' East, 21,300 feet from the Northwest corner of Section 6, T42N, R8W of the N.M.P.M. 5.1.2.2 Blue Lake Supply Pipeline, Mud Lake Branch: The point of diversion is located in the NW1/4 of the SW1/4 of Section 16, T42N, R8W of the N.M.P.M., at a point South 41° 15' East, 19,050 feet from the Northwest corner of Section 6, T42N, R8W of the N.M.P.M. 5.1.2.3 Blue Lake Supply Pipeline, Double Eagle Branch: The point of diversion is located in the NW1/4 of the NW1/4 of Section 20, T42N, R8W of the N.M.P.M., at a point South 20° 15' East, 18,000 feet from the Northwest corner of Section 6, T42N, R8W of the N.M.P.M. 5.1.3 Source: 5.1.3.1 Natural inflow from the watershed area above Blue Lake Reservoir No. 1, being the

headwaters of the East Basin, tributary to Bridal Veil Creek, tributary to the San Miguel River. 5.1.3.2 Bridal Veil Creek, tributary to the San Miguel River, through the Blue Lake Supply Pipeline, Bridal Veil Branch. 5.1.3.3 Mud Lake Creek, tributary to the San Miguel River, through the Blue Lake Supply Pipeline, Mud Lake Branch. 5.1.3.4 An unnamed tributary of Bridal Veil Creek, tributary to the San Miguel River, through the Blue Lake Supply Pipeline, Double Eagle Branch. 5.1.4 Amount: 6,014.5 acre-feet, conditional, with the right to refill when in priority. 5.1.5 Diversion rate: 5.1.5.1 Blue Lake Supply Pipeline, Bridal Veil Branch: 12.0 cfs. 5.1.5.2 Blue Lake Supply Pipeline, Mud Lake Branch: 6.0 cfs. 5.1.5.3 Blue Lake Supply Pipeline, Double Eagle Branch: 4.0 cfs. 5.1.6 Use: Augmentation, recreation, fish and wildlife preservation and propagation, hydropower generation, and all municipal purposes, including but not limited to domestic, commercial, irrigation, industrial, snowmaking and all other beneficial uses incident to use by Telluride. 5.1.7 Surface area of high water line: 49.1 acres. 5.1.8 Maximum height of dam: N/A (natural lake). 5.1.9 Maximum length of dam: N/A. 5.1.10 Total capacity: 6,014.5 acre-feet. 5.1.11 Active capacity: 3,900 acre-feet. 5.1.12 Dead storage: 2,114.5 acre-feet. 5.2 Head of Bridal Veil Reservoir (a/k/a Lewis Lake): 5.2.1 Legal description: The dam outlet structure is located in the SE1/4 of the NW1/4 of Section 29, T42N, R8W of the N.M.P.M., at a point South 20° 30' East, 24,400 feet from the Northwest corner of Section 6, T42N, R8W of the N.M.P.M. 5.2.2 Source: Natural inflow from the watershed area above the reservoir. 5.2.3 Amount: 175.5 acre-feet, conditional, with the right to refill when in priority. 5.2.4 Use: As described in paragraph 5.1.6 above. 5.2.5 Surface area of high water line: 10.8 acres. 5.2.6 Maximum height of dam: 15 feet. 5.2.7 Maximum length of dam: 165 feet. 5.2.8 Total capacity: 175.5 acre-feet. 5.2.9 Active capacity: 175.5 acre-feet. 5.2.10 Dead storage: 0 acre-feet. 5.3 Silver Lake Reservoir: 5.3.1 Legal description: The dam outlet structure is located in the NW1/4 of the SW1/4 of Section 8, T42N, R8W of the N.M.P.M., at a point South 37° 30' East, 10,950 feet from the Northwest corner of Section 6, T42N, R8W of the N.M.P.M. 5.3.2 Source: Natural inflow from the watershed area above the reservoir. 5.3.3 Amount: 233.0 acre-feet, conditional, with the right to refill when in priority. 5.3.4 Use: As described in paragraph 5.1.6 above. 5.3.5 Surface area of high water line: 5.5 acres. 5.3.6 Maximum height of dam: N/A (natural lake). 5.3.7 Maximum length of dam: N/A. 5.3.8 Total capacity: 233 acre-feet. 5.3.9 Active capacity: 16.5 acre-feet. 5.3.10 Dead storage: 216.5 acre-feet. 5.4 Mud Lake Reservoir: 5.4.1 Legal description: The dam outlet structure is located in the NW1/4 of the SW1/4 of Section 16, T42N, R8W of the N.M.P.M., at a point South 41° 15' East, 19,050 feet from the Northwest corner of Section 6, T42N, R8W of the N.M.P.M. 5.4.2 Source: Mud Lake Creek and natural inflow from the watershed area above the reservoir. 5.4.3 Amount: 87.0 acre-feet, conditional, with the right to refill when in priority. 5.4.4 Use: As described in paragraph 5.1.6 above. 5.4.5 Surface area of high water line: 5.7 acres. 5.4.6 Maximum height of dam: 15 feet. 5.4.7 Maximum length of dam: 200 feet. 5.4.8 Total capacity: 87 acre-feet. 5.4.9 Active capacity: 87 acre-feet. 5.4.10 Dead storage: 0 acre-feet. 5.5 Pandora Water Storage Tank Outflow: 5.5.1 Legal description: The point of diversion is located in the SE1/4 of the NE1/4 of Section 8, T42N, R8W of the N.M.P.M., at a point South 73° 30' East, 8,000 feet from the Northwest corner of Section 6, T42N, R8W of the N.M.P.M. 5.5.2 Source: Bridal Veil Creek, tributary to the San Miguel River. 5.5.3 Amount: 6.0 cfs, conditional. 5.5.4 Use: As described in paragraph 5.1.6 above. 5.6 Bridal Veil Power Plant Tailrace Diversion: 5.6.1 Legal description: The point of diversion is located in the SW1/4 of the NE1/4 of Section 8, T42N, R8W of the N.M.P.M., at a point South 56° 0' East, 11,900 feet from the Northwest corner of Section 6, T42N, R8W of the N.M.P.M. 5.6.2 Source: Bridal Veil Creek, tributary to the San Miguel River. 5.6.3 Amount: 6.0 cfs, conditional. 5.6.4

Use: Hydropower generation and all municipal purposes, including but not limited to domestic, commercial, irrigation, industrial, snowmaking, and all other beneficial uses incident to use by Telluride. 5.7 Bridal Veil Pipeline: 5.7.1 Legal description: The point of diversion is located in the SW1/4 of the NE1/4 of Section 8, T42N, R8W of the N.M.P.M., at a point South 55° 30' East, 11,950 feet from the Northwest corner of Section 6, T42N, R8W of the N.M.P.M. 5.7.2 Source: Bridal Veil Creek, tributary to the San Miguel River. 5.7.3 Amount: 6.0 cfs, conditional. 5.7.4 Use: As described in paragraph 5.6.4 above. 5.8 Mud Lake Creek Pipeline: 5.8.1 Legal description: The point of diversion is located in the SE1/4 of the NE1/4 of Section 17, T42N, R8W of the N.M.P.M., at a point South 41° 30' East, 16,700 feet from the Northwest corner of Section 6, T42N, R8W of the N.M.P.M. 5.8.2 Source: Mud Lake Creek, tributary to Bridal Veil Creek, tributary to the San Miguel River. 5.8.3 Amount: 6.0 cfs, conditional. 5.8.4 Use: As described in paragraph 5.6.4 above. 5.9 Blue Lake Supply Pipeline, Mud Lake Branch: 5.9.1 Legal description: The point of diversion is located in the NW1/4 of the SW1/4 of Section 16, T42N, R8W of the N.M.P.M., at a point South 41° 15' East, 19,050 feet from the Northwest corner of Section 6, T42N, R8W of the N.M.P.M. 5.9.2 Source: Mud Lake Creek, tributary to Bridal Veil Creek, tributary to the San Miguel River. 5.9.3 Amount: 6.0 cfs, conditional. 5.9.4 Use: As described in paragraph 5.6.4 above. 5.10 Blue Lake Discharge Pipeline: 5.10.1 Legal description: The point of diversion is located in the NE1/4 of the NE1/4 of Section 20, T42N, R8W of the N.M.P.M., at a point South 34° 30' East, 20,200 feet from the Northwest corner of Section 6, T42N, R8W of the N.M.P.M. 5.10.2 Source: Bridal Veil Creek, tributary to the San Miguel River; Mud Lake Creek, tributary to Bridal Veil Creek, tributary to the San Miguel River; an unnamed tributary of Bridal Veil Creek, tributary to the San Miguel River. 5.10.3 Amount: 12.0 cfs, conditional. 5.10.4 Use: As described in paragraph 5.6.4 above. 5.11 Blue Lake Supply Pipeline, Double Eagle Branch: 5.11.1 Legal description: The point of diversion is located in the NW1/4 of the NW1/4 of Section 20, T42N, R8W of the N.M.P.M., at a point South 20° 15' East, 18,000 feet from the Northwest corner of Section 6, T42N, R8W of the N.M.P.M. 5.11.2 Source: An unnamed tributary of Bridal Veil Creek, tributary to the San Miguel River. 5.11.3 Amount: 4.0 cfs, conditional. 5.11.4 Use: As described in paragraph 5.6.4 above. 5.12 Blue Lake Supply Pipeline, Bridal Veil Branch: 5.12.1 Legal description: The point of diversion is located in the SE1/4 of the SW1/4 of Section 20, T42N, R8W of the N.M.P.M., at a point South 22° 30' East, 21,300 feet from the Northwest corner of Section 6, T42N, R8W of the N.M.P.M. 5.12.2 Source: Bridal Veil Creek, tributary to the San Miguel River. 5.12.3 Amount: 12.0 cfs, conditional. 5.12.4 Use: As described in paragraph 5.6.4 above. 6. 96CW313 Exchange: 6.1 Original decree: December 12, 2002, in Case No. 96CW313 in the District Court in and for Water Division No. 4 (“96CW313 Decree”). 6.2 Subsequent decrees awarding findings of diligence: January 15, 2013, in Case No. 08CW186 in the District Court in and for Water Division No. 4. 6.3 Legal description: The downstream terminus of the exchange reach is the confluence of Mill Creek and the San Miguel River, approximately in the SW1/4 NE1/4 of Section 34, T43N, R9W. The upstream termini of the exchange reach are the following intake points (“Exchange-To Points”): 6.3.1 Lower Bridal Veil Creek at the Head of Bridal Veil Falls: SW1/4 NE1/4 of Section 8, T42N, R8W, N.M.P.M., at a point South 55° 30' East, 11,950 feet from the northwest corner of Section 6, T42N, R8W, N.M.P.M. 6.3.2 Bridal Veil Creek Hydroelectric Power Plant Discharge Point: SW1/4 NE1/4 of Section 8, T42N, R8W, N.M.P.M., at a point bearing South 56° 0' East, 11,900 feet from the northwest corner of Section 6, T42N, R8W, N.M.P.M. The locations of the exchange reach and the Exchange-To Points are shown on the map attached to the application as **Exhibit C**. 6.4 Sources of substitute supply: The Town’s “Municipal Water Rights,” as that term is

defined in paragraph 8 of the 96CW313 Decree, and as described more fully below:

6.4.1 Cornet Creek Water Right (Priority No. 3): Decreed in Civil Action No. 1621, Montrose County District Court, on October 31, 1911. An alternate point of diversion at Stillwell Tunnel was authorized and decreed in Case No. W-2022 in the District Court in and for Water Division No. 4 on April 18, 1974. Alternate points of diversion at Mill Creek, Bear Creek and Telluride Wells TH-1 and TH-2 were decreed in Case No. W-3281 in the District Court in and for Water Division No. 4 on May 1, 1985.

6.4.1.1 Decreed points of diversion: (1) Cornet Creek Original Point of Diversion: A point whence the northeast corner of T42N, R9W of the N.M.P.M., bears South 36°30' East 2,595.42 feet in San Miguel County, Colorado. (2) Stillwell Tunnel Diversion: As described in paragraph 3.4.2 above. (3) Mill Creek Diversion: As described in paragraph 3.4.1 above. (4) Bear Creek Diversion: As described in paragraph 3.4.3 above. Telluride hereby abandons the Bear Creek Diversion. (5) Telluride Well TH-1: As described in paragraph 3.4.4 above. (6) Telluride Well TH-2: As described in paragraph 3.4.5 above.

6.4.1.2 Source: Cornet Creek, Mill Creek, Bear Creek, and the alluvium of the San Miguel River, all tributary to the San Miguel River. 6.4.1.3 Appropriation Date: June 15, 1886. 6.4.1.4 Amount: 4.28 cfs. 6.4.1.5 Use: Domestic, fire-fighting, and general municipal purposes.

6.4.2 Cornet Creek Water Right (Priority No. 303): Decreed in Civil Action No. 4641, Montrose County District Court, on November 1, 1939. Alternate points of diversion at Mill Creek, Bear Creek, and Telluride Wells TH-1 and TH-2 were decreed in Case No. W-3281 in the District Court in and for Water Division No. 4 on May 1, 1985.

6.4.2.1 Decreed points of diversion: As described in paragraph 6.4.1.1 above. 6.4.2.2 Source: As described in paragraph 6.4.1.2 above. 6.4.2.3 Appropriation Date: October 22, 1926. 6.4.2.4 Amount: 1.00 cfs. 6.4.2.5 Use: Domestic, irrigation, fire protection and other municipal uses.

6.4.3 Mill Creek Water Right (Priority No. 11): Decreed in Civil Action No. 1621, Montrose County District Court, on October 31, 1911. Alternate points of diversion at the Stillwell Tunnel on Cornet Creek, Bear Creek, and Telluride Wells TH-1 and TH-2 were decreed in Case No. W-3281 in the District Court in and for Water Division No. 4 on May 1, 1985.

6.4.3.1 Decreed points of diversion: (1) Stillwell Tunnel Diversion: As described in paragraph 3.4.2 above. (2) Mill Creek Diversion: As described in paragraph 3.4.1 above. (3) Bear Creek Diversion: As described in paragraph 3.4.3 above. Telluride hereby abandons the Bear Creek Diversion. (4) Telluride Well TH-1: As described in paragraph 3.4.4 above. (5) Telluride Well TH-2: As described in paragraph 3.4.5 above. 6.4.3.2 Source: As described in paragraph 6.4.1.2 above. 6.4.3.3 Appropriation Date: June 1, 1896. 6.4.3.4 Amount: 1.10 cfs. 6.4.3.5 Use: General domestic, fire-fighting, and municipal purposes.

6.4.4 Telluride Municipal Water System: As described in paragraph 3 above. 6.5 Appropriation date: December 10, 1996. 6.6 Amount: 6.0 cfs, conditional. Telluride has agreed that it will not operate the 96CW313 Exchange at a rate greater than 3.0 cfs unless it first meets certain conditions specified in the 96CW313 Decree. 6.7 Use: Municipal use, including domestic, irrigation, fire protection, industrial, manufacturing, commercial, recreational, and all other beneficial uses incident to distribution through the Telluride Municipal System.

7. Outline of work and expenditures during the diligence period toward completion of the appropriations and application of water to beneficial use: 7.1 The conditional water rights described in paragraphs 3 through 6 above (“Subject Water Rights”) are components of Telluride’s integrated water supply system. “When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of the water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b). 7.2 The diligence period for the Subject Water Rights is January 2013 through January 2019 (“Diligence Period”). During the Diligence

Period, Telluride has worked diligently to develop the Subject Water Rights, complete the appropriations, and place the water to beneficial use, as demonstrated by the following representative but non-exhaustive list of activities and expenditures:

7.2.1 Telluride water system: Within its municipal water supply system, Telluride is responsible for operation, maintenance, and repair of all water system infrastructure downstream of the so-called “concrete box” at the Bridal Veil Power House (“BVPH”) tailrace. During the Diligence Period, Telluride completed construction of the Pandora Water Treatment Plant (“PWTP”) at a cost of approximately \$12,000,000, making possible Telluride’s use of the Junior Bridal Veil Water Rights and the 96CW313 Exchange within the integrated municipal system. The PWTP began treating water in October 2014, and the 320 KW micro hydroelectric facility that was constructed as part of the PWTP project began generating power in December 2014. Included in the initial construction of the PWTP were the installation of a new control valve vault serving the PWTP storage tank and installation of 5,900 linear feet (1.1 miles) of treated water line connecting the PWTP and the storage tank. Telluride also replaced approximately 1,955 linear feet of concrete/asbestos water main and approximately 43 service lines at a cost of approximately \$950,000; and completed improvements to elements of Telluride’s water system in the Bridal Veil basin, including installation of intake and diversion infrastructure for Bridal Veil Creek, a Blue Lake pipeline bypass of the BVPH, and a constant-head box downstream of the BVPH to protect the power house and Telluride’s raw water line, at a total cost of over \$2,250,000. Telluride also made post-construction improvements to the PWTP, which, together with improvements to Telluride’s Mill Creek Water Treatment Plant and Cornet Creek Water Treatment Plant, cost more than \$454,800.

7.2.2 Bridal Veil water system: Telluride and Idarado Mining Company (“IMC”) are co-owners and principal stewards and users of the Bridal Veil basin water system, which includes the infrastructure associated with the Junior Bridal Veil Water Rights described in paragraphs 4 and 5 above. Telluride and IMC operate the Bridal Veil system under a cooperative cost-sharing agreement. Under that agreement, Telluride and IMC undertook the following tasks during the Diligence Period: engineering and replacement of approximately 2,860 feet of the Lewis Lake pipeline; deconstruction and reconstruction of the Lewis Lake headgate, stabilization of steel piping, and rebuilding of the Lewis diversion box; quality testing and engineering assessment of the Blue Lake pipeline; completion of Blue Lake and Lewis Lake bathymetry and capacity studies using aerial (Lidar) surveying and photography, ground surveying, and underwater videotaping; and completion of two essential bypass pipeline projects to isolate the BVPH when it is not generating power but water is being delivered to the IMC and Telluride water systems. Telluride’s share of the costs incurred for this work exceeded \$1,000,000.

7.2.3 Conservation efforts: During the Diligence Period, Telluride continued to prioritize conservation, protection, and efficient management of its water resources within the integrated municipal supply system. Telluride’s efforts to educate end-users and optimize efficiencies in water diversion, transmission, and distribution are ongoing. Specific conservation measures included adoption of a Colorado Water Conservation Board-approved Water Efficiency Plan; restrictions on use of municipal water for irrigation of landscaping; and replacement of approximately 128 toilets in Telluride-owned affordable housing units with EPA WaterSense low-flow models. Ongoing efforts include hydrant use metering; conversion of end-user water meters from Sensus to more efficient Neptune meters to improve accuracy; annual leak detection audits and repairs, including audits of existing service lines from the main to the meters upon redevelopment of properties; surface water quality monitoring from the San Miguel headwaters to the wastewater treatment plant; and adoption of efficiency-oriented water service tiered rates based on water usage. In response to extreme

drought conditions in June 2013 and May 2018, Telluride issued administrative orders implementing emergency water restrictions, and the 2018 administrative order remains in effect. Telluride's conservation efforts and improved accounting measures have reduced water that is unaccounted for within the municipal system by approximately 34% since 2014.

7.2.4 Falls Crest diversion: Telluride completed construction of the diversion structure at the exchange-to point described in paragraph 6.3.1 above, informally known as the "Falls Crest" diversion. The Falls Crest diversion allows flows from Bridal Veil Creek to be diverted around the BVPH to the PWTP.

7.2.5 Legal and engineering fees: Telluride incurred costs exceeding \$120,500 for legal and engineering consulting work related to development, protection, and exercise of Telluride's water rights and water interests, including the Subject Water Rights. Telluride incurred additional costs exceeding \$370,900 for legal work specifically related to Blue Lake and to Bridal Veil water system operations under Telluride's Comprehensive Settlement Agreement with IMC.

8. Claims to make absolute in whole or in part:

8.1 Blue Lake Reservoir No. 1

8.1.1 Date water diverted and stored in priority: July 1, 2017 through August 2, 2017.

8.1.2 Amount: 892.4 acre-feet.

8.1.3 Use: Section 37-92-301(4)(e), C.R.S., provides that "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." Accordingly, the uses claimed as absolute are all decreed uses, as described in paragraph 5.1.6 above.

8.1.4 Evidence that water was diverted and stored in priority: Telluride's daily water rights accounting model, as summarized on the table attached to the application as **Exhibit D**. As shown in Division of Water Resources records, July 1, 2017 through August 2, 2017 was a period of free river.

8.2 Bridal Veil Power Plant Tailrace Diversion

8.2.1 Date water diverted in priority and placed to beneficial use: February 4, 2016.

8.2.2 Amount: 4.2 cfs.

8.2.3 Use: Hydropower generation and all municipal purposes, as described in paragraph 5.6.4 above.

8.2.4 Evidence that water was diverted in priority and placed to beneficial use: Telluride's daily water rights accounting model, as summarized on the table attached as **Exhibit D** to the application. Water diverted at the Bridal Veil Power Plant Tailrace Diversion was delivered to the PWTP, used for hydropower generation, and then delivered into Telluride's municipal system. As shown in Division of Water Resources records, February 4, 2016 was a period of free river.

8.2.5 Description of place of beneficial use: The place of hydropower generation was the PWTP; the place of all other beneficial uses was the Town of Telluride service area. Both places of use are shown on the map attached as **Exhibit E** to the application.

8.3 Mud Lake Creek Pipeline

8.3.1 Date water diverted in priority and placed to beneficial use: June 5, 2018.

8.3.2 Amount: 0.95 cfs.

8.3.3 Use: Hydropower generation and all municipal purposes, as described in paragraph 5.6.4 above.

8.3.4 Evidence that water was diverted in priority and placed to beneficial use: Telluride's daily water rights accounting model, as summarized on the table attached to the application as **Exhibit D**. Water diverted at the Mud Lake Creek Pipeline was delivered to the PWTP, used for hydropower generation, and then delivered into Telluride's municipal system. As shown in Division of Water Resources records, June 5, 2018 was a period of free river.

8.3.5 Description of place of beneficial use: As described in paragraph 8.2.5 above.

8.4 Blue Lake Supply Pipeline, Bridal Veil Branch

8.4.1 Date water diverted in priority and placed to beneficial use: July 27, 2017.

8.4.2 Amount: 8.48 cfs.

8.4.3 Use: Hydropower generation and all municipal purposes, as described in paragraph 5.6.4 above.

8.4.4 Evidence that water was diverted in priority and placed to beneficial use: Telluride's daily water rights accounting model, as summarized on the table attached to the application as **Exhibit D**. Water diverted at the Blue Lake Supply Pipeline, Bridal Veil Branch was delivered to Blue Lake for subsequent delivery to the PWTP, used for

hydropower generation, and then delivered into Telluride's municipal system. As shown in Division of Water Resources records, July 27, 2017 was a period of free river. 8.4.5 Description of place of beneficial use: As described in paragraph 8.2.5 above. 8.5 96CW313 Exchange 8.5.1 Date water diverted in priority and placed to beneficial use: March 8, 2018. 8.5.2 Amount: 0.6 cfs. 8.5.3 Use: Municipal use, as described in paragraph 6.7 above. 8.5.4 Evidence that water was diverted in priority and placed to beneficial use: Telluride's daily water rights accounting model, as summarized on the table attached as **Exhibit D** to the application. Water diverted by exchange at the Bridal Veil Creek Hydroelectric Power Plant Discharge Point was delivered to the PWTP and then into Telluride's municipal system. The decreed source of substitute supply was the Telluride Municipal Water System water right. As shown in Division of Water Resources records, March 8, 2018 was a period of free river. 8.5.5 Description of place of beneficial use: Telluride's service area, as shown on the map attached to the application as **Exhibit E**. 9. 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 storage structures described in paragraphs 4 and 5 above are located on land owned by Idarado Mining Company, 6363 South Fiddlers Green Circle, Greenwood Village, Colorado, 80111; or the United States Forest Service ("USFS"), 2250 South Main Street, Delta, Colorado, 81416-8723. Telluride enjoys easement rights with IMC and recognized special use rights with the USFS. WHEREFORE, the Town of Telluride requests that the Court enter a decree (i) granting this Application; (ii) finding that Telluride has exercised reasonable diligence in developing and completing the appropriation of the Subject Water Rights during the Diligence Period; (iii) making the Subject Water Rights partially absolute in the amounts given in paragraph 8 above; and (iv) continuing those portions of the Subject Water Rights that remain conditional in full force and effect for six years from the month in which a final decree is entered in this case. 19CW3003 including Exhibits A-E. **SAN MIGUEL COUNTY.**

CASE NO. 2019CW3004. Montrose County - Gunnison River; Gary Hostetler; c/o John R. Pierce, Dufford, Waldeck, Milburn & Krohn, LLP, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR UNDERGROUND WATER RIGHT AND REQUEST FOR APPROVAL OF PLAN FOR AUGMENTATION; Name, address, and telephone number of applicant: Gary Hostetler, 3054 Black Canyon Road, Crawford, CO 81415, (660) 596-3936; Request for groundwater right: Name of structure: Hostetler Well; Legal description of pit well: NE/4 NE/4 of Section 33, Township 51 North, Range 7 West, N.M.P.M at a point 386 feet from the north section line and 630 feet from the east section line; Source: Groundwater tributary to the Smith Fork, tributary to the Gunnison River; Depth of well: 363 feet; Regarding appropriation: Appropriation date: December 10, 2018; How appropriation was initiated: Filing of well permit application (Permit No. 312074); Information regarding withdrawal of tributary water: Amount claimed in c.f.s.: 0.045 c.f.s. (20 gallons per minute), conditional; Amount claimed in a.f.: 5.87 a.f. per year, conditional; Information regarding plan for augmentation: Case number for augmentation plan: The augmentation plan for this structure is requested in this case; Is the plan for augmentation operational? The augmentation plan will be operational upon the issuance of a decree in this case; Uses: Commercial, irrigation, and domestic; Request for approval of plan for augmentation: Name of structures to be augmented: Hostetler Well; Are the structures decreed? Water right for the augmented structure is requested in this case; Legal description: See above; Water rights to be used for augmentation: Augmentation water to support the

augmentation plan will be obtained through a contract with the Bureau of Reclamation for releases from Blue Mesa Reservoir; Information regarding water rights used for augmentation: Blue Mesa Reservoir: Date of original decree and Case Nos.: Case No. 6981 was decreed on March 30, 1960, in Montrose County District Court; Case No. 80CW156 was decreed in Division No. 4 Water Court on December 11, 1980; Type of water right: Storage; Legal description of storage structure: Blue Mesa Reservoir: The initial point of survey of Blue Mesa Dam is located at a point on the right abutment being the intersection of the center line of the axis of the dam and of the center line of the outlet works tunnel, whence the SW corner of section 31, T49N, R4W, NMPM bears North 78°36'44" West a distance of 3,207.07 feet; Source: Gunnison River; Appropriation date: November 11, 1957; Amount: 1,063,457 a.f.; Decreed use: domestic, municipal, irrigation, stock watering, industrial, hydropower, piscatorial, wildlife, recreation and other purposes; Statement of Plan for Augmentation: Depletions: The estimated water demand to support chicken operations will average 1,250 gpd for September through March and 1,500 gpd for April through August. Water for operations is assumed to be 100% consumptive. The projected annual demand is 5.87 a.f., and the projected annual depletion is 4.95 a.f. Wastewater from the household discharges to a septic system; therefore, depletions attributed to domestic use are estimated to be ten percent (10%) of the demand. Water pumped from the Hostetler Well will be used to irrigate one acre of pasture grass, 0.35 acres of orchard, and 0.21 acres of lawn and garden on Applicant's property. Depletions to Smith Fork will be less than 0.01 a.f. per month for the first 34 years of operation. At the end of 100 years of operation, annual depletions to Smith Fork would equal approximately 0.69 a.f. per year (approximately 0.06 a.f. per month); Water rights administration: There are no historical calls on the Smith Fork downstream of the point of depletion for the Hostetler Well. Furthermore, any call from structures along the Smith Fork downstream of the Hostetler Well's point of depletion would be considered a futile call. Below Applicant requests approval of an appropriative right of exchange, which will operate to exchange releases to the Gunnison River from Blue Mesa Reservoir upstream on the Smith Fork, to the point of depletion for the Hostetler Well. The primary calling structure downstream of the Hostetler Well is the Redlands Power Canal ("Canal"), located on the Gunnison River 75 miles downstream of the confluence with the Smith Fork. The Canal can potentially call under its 670 c.f.s. senior right (adjudication date July 22, 1912; appropriation date July 31, 1905) or its 80 c.f.s. junior right (adjudication date July 21, 1959; appropriation date June 26, 1941). This augmentation plan addresses periods in which calls could have been placed by the Canal in response to the extreme drought conditions experienced in calendar years 2002 and 2003. Augmentation replacement sources: Replacement water from Blue Mesa Reservoir, which will be released to the Gunnison River to offset potential out-of-priority depletions attributed to the Hostetler Well. The maximum out-of-priority depletions based on historical call scenarios downstream of the Hostetler Well equal 2.05 a.f. annually. To address those potential out-of-priority depletions, Applicant will obtain a water supply contract for Blue Mesa Reservoir for three acre-feet prior to the operation of this augmentation plan. If any future call period should exceed that which is described herein, Applicant reserves the excess water available under that water supply contract to address additional out-of-priority depletions as directed by the Division Engineer. Further, Applicant reserves the right to purchase additional Blue Mesa Reservoir water, if necessary, to offset any increase caused by changes in the historical call period; Request for appropriative right of exchange: The Hostetler Exchange; Legal description of exchange reach: The downstream terminus of the Hostetler Exchange is located within the NE/4 NE/4 of Section 24, Township 15 South, Range 94 West, 6th P.M., at a point 1,195 feet from the north section line and 74 feet from the east section

line (Zone 13, NAD83, Easting 0253257m, Northing 4291412m). The upstream terminus of the Hostetler Exchange is located within the SW/4 SW/4 of Section 35, Township 15 South, Range 92 West, 6th P.M., at a point 1,219 feet from the south section line and 681 feet from the west section line (Zone 13, NAD83, Easting 0269561m, Northing 4286840m); Date of appropriation: December 10, 2018, by commencing work toward development of the Hostetler Well.; Amount: 0.02 c.f.s.; Use: Augmentation. (7 pages).
MONTROSE COUNTY.

CASE NO. 19CW3005; Montrose County - Gunnison River; Noah L. Knox and Colleen S. Knox; c/o John R. Pierce, Dufford, Waldeck, Milburn & Krohn, LLP, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; **APPLICATION FOR UNDERGROUND WATER RIGHT AND REQUEST FOR APPROVAL OF PLAN FOR AUGMENTATION**; Name, address, and telephone number of applicants: Noah L. Knox and Colleen S. Knox; 35754 Fruitland Mesa Road; Crawford, CO 81415; (660) 287-1851; Request for groundwater right: Name of structure: Knox Well; Legal description of pit well: SW/4 NE/4 of Section 19, Township 51 North, Range 7 West, N.M.P.M at a point 1,934 feet from the north section line and 1,752 feet from the east section line; Source: Groundwater tributary to the Smith Fork, tributary to the Gunnison River; Depth of well: 340 feet; Regarding appropriation: Appropriation date: December 7, 2018; How appropriation was initiated: Filing of well permit application (Permit No. 312062); Information regarding withdrawal of tributary water: Amount claimed in c.f.s.: 0.045 c.f.s. (20 gallons per minute) conditional; Amount claimed in a.f.: 6.19 a.f. per year conditional; Information regarding plan for augmentation: Case number for augmentation plan: The augmentation plan for this structure is requested in this case; Is the plan for augmentation operational? The augmentation plan will be operational upon the issuance of a decree in this case; Uses: Commercial, irrigation, and domestic; Request for approval of plan for augmentation: Name of structures to be augmented: Knox Well; Are the structures decreed? Water right for the augmented structure is requested in this case; Legal description: See above; Water rights to be used for augmentation: Augmentation water will be obtained through a contract with the Bureau of Reclamation for releases from Blue Mesa Reservoir; Information regarding water rights used for augmentation: Blue Mesa Reservoir: Date of original decree and Case Nos.: Case No. 6981 was decreed on March 30, 1960, in Montrose County District Court; Case No. 80CW156 was decreed in Division No. 4 Water Court on December 11, 1980; Type of water right: Storage; Legal description of storage structure: The initial point of survey of Blue Mesa Dam is located at a point on the right abutment being the intersection of the center line of the axis of the dam and of the center line of the outlet works tunnel, whence the SW corner of section 31, T49N, R4W, NMPM bears North 78°36'44" West a distance of 3,207.07 feet; Source: Gunnison River; Appropriation date: November 11, 1957; Amount: 1,063,457 a.f.; Decreed use: domestic, municipal, irrigation, stock watering, industrial, hydropower, piscatorial, wildlife, recreation and other purposes; Statement of Plan for Augmentation: Depletions: The estimated water demand to support chicken operations will average 1,250 gpd for September through March and 1,500 gpd for April through August. The projected annual demand is 6.19 a.f. and the projected annual depletion is 5.21 a.f. Wastewater from the household discharges to a septic system; therefore, depletions attributed to domestic use are estimated to be ten percent (10%) of the demand. Water pumped from the Knox Well will be used to irrigate one acre of pasture grass and 0.5 acres of orchard located on Applicants' property. Depletions to Smith Fork will be less than 0.01 a.f. per month for the first 7 years of operation. At the end of 100 years of operation, annual depletions to Smith Fork would equal approximately 2.61 a.f. per year (0.22 a.f. per month); Water rights administration:

There are no historical calls on the Smith Fork downstream of the point of depletion for the Knox Well. Furthermore, any call from structures along the Smith Fork downstream of the Knox Well's point of depletion would be considered a futile call. Below Applicants request approval of an appropriative right of exchange, which will operate to exchange releases to the Gunnison River from Blue Mesa Reservoir upstream on the Smith Fork, to the point of depletion for the Knox Well. The primary calling structure downstream of the Knox Well is the Redlands Power Canal ("Canal"), located on the Gunnison River 75 miles downstream of the confluence with the Smith Fork. The Canal can potentially call under its 670 c.f.s. senior right (adjudication date July 22, 1912; appropriation date July 31, 1905) or its 80 c.f.s. junior right (adjudication date July 21, 1959; appropriation date June 26, 1941). This augmentation plan addresses periods in which calls could have been placed by the Canal in response to the extreme drought conditions experienced in calendar years 2002 and 2003. The potential call period for the senior Canal right reflects river flows less than 750 c.f.s. but greater than 670 c.f.s.; Augmentation replacement sources: Replacement water from Blue Mesa Reservoir, which will be released to the Gunnison River to offset potential out-of-priority depletions attributed to the Knox Well. The maximum out-of-priority depletions based on historical call scenarios downstream of the Knox Well equal 2.15 a.f. annually. To address those potential out-of-priority depletions, Applicants will obtain a water supply contract for Blue Mesa Reservoir for three acre-feet prior to the operation of this augmentation plan. If any future call period should exceed that which is described herein, Applicants reserve the excess water available under that water supply contract to address additional out-of-priority depletions as directed by the Division Engineer. Further, Applicants reserve the right to purchase additional Blue Mesa Reservoir water, if necessary, to offset any increase caused by changes in the historical call period; Request for appropriative right of exchange: The Knox Exchange; Legal description of exchange reach: The downstream terminus of the Knox Exchange is located within the NE/4 NE/4 of Section 24, Township 15 South, Range 94 West, 6th P.M., at a point 1,195 feet from the north section line and 74 feet from the east section line (Zone 13, NAD83, Easting 0253257m, Northing 4291412m). The upstream terminus of the Knox Exchange is located within the SE/4 SE/4 of Section 32, Township 15 South, Range 92 West, 6th P.M., at a point 140 feet from the south section line and 98 feet from the east section line (Zone 13, NAD83, Easting 0266129m, Northing 4286631m). Date of appropriation: December 7, 2018, by commencing work toward development of the Knox Well.; Amount: 0.02 c.f.s.; Use: Augmentation. (6 pages). **MONTROSE COUNTY.**

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