

DISTRICT COURT, WATER DIVISION 7, COLORADO

AMENDED WATER RESUME

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

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications filed in the Office of the Water Clerk during the month of December, 2018, for each county affected.

17CW3048 Archuleta County, San Juan River and its tributaries. AMENDED APPLICATION FOR AN ABSOLUTE UNDERGROUND WATER RIGHT AND FOR ABSOLUTE WATER STORAGE RIGHTS. Applicants, Jerry & Terri Smith, 200A Ranch Place, Pagosa Springs, CO 81147, 970-731-0726. Please direct all correspondence to Amy N. Huff, COLORADO WATER AND LAND LAW, LLC, 679 E. 2nd Ave., Ste 11B, Durango, CO 81301, 970-403-1770, amy@waterland-law.com. **A. SMITH WELL**, Permit No. 64859-F. UTM N 4117925; E 317672; Street Address: 200A Ranch Place, Pagosa Springs, CO 81147. Bear Springs Ranch, Lot: 1. NW ¼ SE ¼ of S15, T34N, R2W, NMPM, 2273' from the S Section line and 2162' from the E Section line. Source: Groundwater tributary to San Juan River. Depth: 137 feet. App Date: 8/30/2006. Amt. 150 gpm, Absolute; 35 AF. Uses: Irrigation of up to 10 acres, stock, fire protection, storage in Smith Pond I. **B. SMITH POND I**. UTM N 4117859; E 317785. Street Address: 200A Ranch Place, Pagosa Springs, CO 81147. Bear Springs Ranch, Lot: 1. NW ¼ SE ¼ of Section 15, T34N, R2W, NMPM, 2064' from the South Section line and 1786' from the East Section line. Source: Surface runoff tributary to San Juan River. App Date: 12/28/2017. Amt. 11.85 AF, Absolute. Uses: Irrigation of up to 10 acres, stock, fire protection, on Applicants' property. **C. SMITH POND II**. UTM N 4117635; E 318094. Street Address: 200B Ranch Place, Pagosa Springs, CO 81147. Bear Springs Ranch, Lot: 2. NE ¼ SE ¼ of Section 15, T34N, R2W, NMPM, 1351' from the South Section line and 756' from the East Section line. Source: Surface runoff tributary to San Juan River. App Date: 12/28/2017. Amt. 7.9 AF, Absolute. Uses: Irrigation of up to 15 acres, stock, fire protection, on Applicants' property. Applicants own the land upon which all of the structures described herein are located. See Amended Application for additional information. (9 pages)

18CW22 Raymond P. & Nancy D. Smith, 6515 Falls Creek Main, Durango, CO 81301: **Smith Ditch and Pipeline**; Vallejo Arroyo; La Plata County; Easting 278541.5, Northing 4100530.1; SE1/4SW1/4, Section 10, T32N, R6W, NMPM; 260 feet from South, 2010 feet from West; Vallejo Arroyo; Date of appropriation, 11/9/18; Appropriation was initiated by visiting with Water Resources and plans; Conditional 15 gpm; Irrigation, stock water, gardening; Proposed to be irrigated, .95 acres. Application for Conditional Water Rights (Surface) (7 pages)

18CW23 Virginia M. & Edward M. Tjan, PO Box 69, Pagosa Springs, CO 81147: **Little Blanco Highline Extension Ditch**; Rio Blanco River; Archuleta County; Date of original decree, 4/19/1962; Case no., CA0308; That the headgate of said ditch is located at a point on the right bank of the Rio Blanco River in Archuleta County, Colorado, and derives its supply of water from the said Rio Blanco River, said headgate being located at a point from whence the northwest corner of Section 35, Township 34 North, Range 1 West, NMPM, bears North 38°49' West 3297.10 feet; Rio Blanco River; Appropriation date, 5/20/1947; Absolute 7 cfs; Irrigation of 290 acres, stock and domestic; Amount of water to change, Absolute 1.6 cfs; Proposed change, request for an alternate point of diversion for 1.6 cfs to use a pump to irrigate same/historic 30 acres below the original ditch line, stock use and domestic on same property; Decreed location: Easting 329183, Northing 4112382; SE1/4NW1/4, Section 35, T34N, R1W, NMPM; 2485 feet from North, 1978 feet from West; New Alternate Point of Diversion: Northing

4114443, Easting 326679; NE1/4NE1/4, Section 28, T34N, R1W, NMPM; 1134 feet from East. Application for Change of Water Right (10 pages)

18CW24 Diana W. Wilson, 4493 Hwy 550, Durango, CO 81303: **Happy Day Pumping Station**; Animas River; La Plata County; Date of original decree, 6/7/82; Case no., 81CW136; Subsequent decrees, 4/20/98 97CW65, 12/28/04, 04CW27, 11/30/12, 10CW97; NW1/4SW1/4NW1/4, Section 31, T33N, R9W, NMPM; 1890 feet from North, 5080 feet from East; Animas River; Appropriation date, 12/21/81; .22 cfs; Irrigation; Works towards completion of project outlined in application. Application for Finding of Reasonable Diligence (5 pages)

18CW25 Eagle Shadow Ranch LLC, c/o Vernon Leslie, 1860 Majestic Drive, Pagosa Springs, CO 81147; San Juan River; Archuleta County; All structures: Date of original decree, 12/13/12; Case no., 12CW14; Appropriation date, 3/25/12; **ES River Pump**; NE1/4SE1/4, Section 15, T33N, R2W, NMPM; 1817 feet from South, 316 feet from East; San Juan River; 0.5 cfs; Irrigation; Easting 318024, Northing 4108099; **ES Upper Spring**; SW1/4NE1/4, Section 15, T33N, R2W, NMPM; 2473 feet from North, 2117 feet from East; Spring near Salt Creek; .05 cfs; Storage in a pond for stock use; Easting 317483, Northing 4108420; **ES Lower Spring**; NW1/4SE1/4, Section 15, T33N, R2W, NMPM; 2298 feet from South, 1707 feet from East; Spring near Salt Creek; .05 cfs; Storage in pond for stock use; Easting 317604, Northing 4108255; Work towards completion of project outlined in application. See application for more details. Application to Make Absolute in Whole or in Part (15 pages)

18CW3045 APPLICATION FOR SUPPLEMENTAL AUGMENTATION OF PINE WINDS LLC, LA PLATA COUNTY, COLORADO. Applicant: Pine Winds LLC, 21367 Highway 140, Hesperus, Colorado 81326, Telephone Number: 970-799-1691 or 512-797-5029, E-Mail: paquin100@gmail.com or paquinjamie@gmail.com. Attorneys: Peggy E. Montano and Ellen S. Roberts of TROUT RALEY, 1120 Lincoln Street, Suite 1600, Denver, Colorado 80203, Telephone: (303) 861-1963, Email: pmontano@troutlaw.com; eroberts@troutlaw.com. **1. Name, mailing address, email address, and telephone number of Applicant:** See above. **2. Overview:** Pine Winds Mobile Home Park is located south of Hesperus and is operated pursuant to an approved augmentation plan entered on April 23, 1991, in Case No. 89CW32. In that litigation the underlying water right used for augmentation, which is 0.03 cfs of the Hay Gulch Ditch water right, was quantified by the water court. The historic consumptive use determined by the court in 89CW32 is sufficient to support additional uses at the Pine Winds Mobile Home Park. Those uses are the subject of this application and are four (4) additional mobile homes, a duplex and the domestic uses of a single residential home. These additional living units are the subject of this application for augmentation. The decree in Case No. 89CW32 is not being reopened and the Applicant seeks a separate decree for these additional uses. The Colorado General Assembly approved HB15-183 which is now codified at C.R.S. §37-92-305 (3)(e) which provides in part: if a water right for which a previous change of water right has been judicially approved and for which the historical consumptive use was previously quantified, the water judge shall not reconsider or requantify the historical consumptive use. Here the water court did quantify the historical consumptive use of the underlying water right and that quantification is used in this application. Attached to the Application as **Figure 1** is a map of Pine Winds Mobile Home Park and the additional residences that are the subject of this application. **3. Name of Structure to be Augmented:** Well Permit No. 38234-F will serve 4 (four) additional mobile homes, a duplex and domestic water for a single family residence. **3.1. Legal Description of the Location:** Pine Winds Mobile Home Park: A portion of a tract of land lying and being in the SE/4 of the NE/4 of Section 26, T35N, R11W, N.M.P.M., La Plata County, Colorado, and more particularly described as follows: Beginning at a point in the West right-of-way line of State Highway 140, from which the SE corner of said Section 26 bears S 01° 14' 15" E a distance of 3339.8 feet (rec. #392850); thence S 89° 17' W a distance of 407.42 feet; thence N. 03° 54' W a distance of 207.3 feet; thence N 72° 41' W a distance of 1.7 feet; thence S 88° 51' W a distance of 208.4 feet; thence S 00° 24' E a distance of 414.4 feet, thence N 89° 17' E a distance of 642.8 feet; thence N 03° 54' W a distance of

208.7 feet to the point of beginning. Containing 4.1 acres, more or less. **3.2. Legal Description of Single Residential Home:** Section 26, Township 35, Range 11, SE quarter of the NE quarter. This property has an address of 21415 HWY 140, Hesperus, CO 81326, Parcel #565726100003. **3.3. Legal Description of Well:** SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 26, T35N, R11W, N.M.P.M. 2000 feet from the north section line, 278 feet from the east section line. **3.4. Amount Claimed: Diversions:** 2.74 acre feet per year; depletions 1.43 acre feet per year. **PLAN FOR AUGMENTATION 4.** The previously quantified historical consumptive use to be used in this plan are water rights of the Hay Gulch Ditch previously changed and quantified by the water court in Case No. 89CW32. In that matter the court found a consumptive use of 2.61 acre feet per year attributable to the changed water. The findings of the court in the previous change of water right judicially approved are set out below: Hay Gulch Ditch decree entered on January 12, 1898, Case No. 807 in the District Court of La Plata County, and type of water right, surface with a source of the La Plata River. The amount changed was 0.03 cfs of the decreed amount of 10.5 cfs Priority: No. 3 with an appropriation date of February 2, 1888 and a decreed use of irrigation. **5. Proposed Consumptive Use:** Harris Water Engineering has evaluated the metered actual water use from the years of 2007 to 2017 for the existing 25 mobile homes covered by the prior decree. Harris found that the average annual diversion is only 4.22 acre feet and maximum diversion of 4.95 acre feet. Depletions in an average year are 0.85 average and 0.96 maximum. The additional housing units which are the subject of this application would increase the average diversions by up to 2.74 acre feet per year and additional depletions up to 1.43 acre feet per year. Based on these uses, Harris concluded that the additional units will remain well below the historical consumptive use of the Hay Gulch Ditch water right of 9.0 acre feet per year to be diverted and 2.6 acre feet to be depleted. **6. Plan of Augmentation:** The unused credits of the Hay Gulch Ditch quantified Case No. 89CW32 will be used to off-set the depletions under this Supplemental Augmentation Plan. If no historical use credits remain under Case No. 89CW32 in any month, the water usage under this plan may be curtailed or other augmentation sources acquired. **7. Remarks:** No new diversion or storage structure or modification of an existing structure will occur. This application is to conform current existing practices with some additional expansion to the existing decree which limited the use to 25 mobile homes. Because the use of the 25 mobile homes does not use the historical consumptive credit available under Case No. 89CW32, this application was necessary. Terms and conditions which require metered use not to exceed the historical consumptive use of the Hay Gulch Ditch will be included in the decree to ensure the use is limited to the credit determined by the water court in Case No. 89CW32. Actual accounting of water use will be required. **8. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion structure or storage structure, or modification to an 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:** None. (6 pages)

18CW3047 APPLICATION FOR WATER RIGHTS AND FOR APPROVAL OF PLAN FOR AUGMENTATION, Applicant: Frederick D. and Donna J. Miller, 886 Peppermint, Way, Prescott, AZ 86355, (928) 776-5939, c/o Nancy Agro, 700 Main Ave, Suite K, Durango, CO 81301, (970) 422-2024, nancy@nancyagro.com. New Groundwater rights: Miller Well(s) #1, 2 and 3 to be located within the boundary of the Property described below. Applicant may drill up to three wells to serve the property; Legal Description. Well will be drilled on the Applicant's property. Exact locations will be provided upon making this water right absolute; Legal description of Applicant's Property: Lot 1A of Taylor Ranch Resubdivision of Lot 1, 2, 3,6 and 8 according to the plat therefor filed for Record at Reception Number 880494, also known as 580 Taylor Ranch Road, Durango, CO 81301 ("the Property"). The Property may be subdivided into up to three lots; Source: groundwater tributary to Florida River Basin; Date of appropriation: December 20, 2018; Amount claimed: 15 gpm, Conditional for each well; Use: Residential use for up to three main residences and three guest houses, and up to 1,200 square feet of landscaping. Plan of Augmentation for Miller Well(s) #1, 2 and 3; Depletions: In-house use would use up to 350 gallons per day per home for three main homes and 270 gallons per day for each of three guest homes, for a diversion amount of 2.08 Acre Feet (AF) per year. Return flows from septic are assumed at 85%.

Livestock watering for up to six head will total 0.10 acre feet per year. Landscaping use will divert up to 0.07 AF annually with irrigation efficiency assumed as 80%. Total lagged depletions to be augmented for these uses are 0.47 AF per year. Additional stream loss of 0.625% per mile from Lemon Dam for 8.4 miles is 0.02 AF per year. The total depletion will not exceed 0.50 AF per year. Water demand may vary as between uses so long as the total depletions for those uses, using the assumption set forth herein do not exceed 0.50 AF per year; Source of Water for Augmentation: Florida River water stored in Lemon Reservoir. The water rights decreed to the Florida Water Conservancy District for use in plans of augmentation is Case Numbers W 1689 77 through W 1695 77 as amended in 1994 for use of 114 acre feet of storage water to be used for augmentation. Legal description: The axis of the dam is located in Section 17 and 20, Township 36 North, Range 7 West, N.M.P.M. beginning at a point on the right abutment, from whence the Southwest corner of Section 17, Township 36 North, Range 7 West, N.M.P.M., bears South 84° 34' West, a distance of 1,699.6 feet, thence South 63° 22' East a distance of 1,320 feet to a point on the end of the axis of the dam and rock fill structure. (6 pages)

18CW3048 APPLICATION FOR FINDING OF REASONABLE DILIGENCE OF: THE LOUIS D. AND KATHERINE E. L'AMOUR 1983 TRUST, AS STATED AND AMENDED, KATHERINE E. L'AMOUR, TRUSTEE, IN LA PLATA COUNTY. Prior case number pertaining to the conditional water rights included in this application: 11CW14. **Attorneys:** Russell E. Yates, #4728, Richard E. Schmittel Jr., #47221, Yates Law Firm, LLC, 1819 Denver West Drive, Suite 225, Golden, CO 80401, Phone Number: (303)722-2810, Fax Number: (303)722-2890. **Applicant:** The Louis D. and Katherine E. L'Amour 1983 Trust, as Stated and Amended, Katherine E. L'Amour, Trustee, 100 Loring Avenue, Los Angeles, California 90024, Telephone: (310) 279-2075. **Name of structures:** L'Amour Spring Number 6, L'Amour Spring Number 7, L'Amour Spring Number 8, L'Amour Spring Number 9. **Type:** well spring ditch reservoir other. **Describe conditional water right (as to each structure) including the following information from previous decree:** Date of Original Decree: December 20, 2012, Case No. 11CW14, Court: Division 7. **(1) L'Amour Spring Number 6. A. Point of diversion:** Located in the SW1/4, SW1/4, NW1/4, of Section 2, Township 35N, Range 12W, NMPM. Being 1919 feet from the North section line and 941 feet from the West section line of said Section 2. **B. Source:** Tributary to Cherry Creek, a tributary of the La Plata River. **C. Appropriation:** 1. Date of initiation: June 1, 2006. 2. How initiated: Applicant initiated use of the water from L'Amour Spring Number 6 for irrigation and stock watering on June 1, 2006. 3. Date applied to beneficial use: Water has not yet been applied to beneficial use. **D. Amount Claimed:** 0.0446 cfs (20 gpm) conditional. **E. Use or proposed use:** Water not applied directly to irrigation will be used for stock watering, including horses and cattle; additional amount may be used for recreation. **F. Owner of land on which points of diversion and place of uses are located:** The Louis D. and Katherine E. L'Amour 1983 Trust, as Stated and Amended, Katherine E. L'Amour, Trustee, 100 Loring Avenue, Los Angeles, California 90024. **(2) L'Amour Spring Number 7. A. Point of diversion:** SE1/4, NE1/4, of Section 3, Township 35N, Range 12W, NMPM. Being 1478 feet from the north section line and 71 feet from the east section line of said Section 3. **B. Source:** Tributary to Cherry Creek, a tributary of the La Plata River. **C. Appropriation:** 1. Date of initiation: June 1, 2006. 2. How initiated: Applicant initiated use of the water from L'Amour Spring Number 6 for irrigation and stock watering on June 1, 2006. 3. Date applied to beneficial use: Water has not yet been applied to beneficial use. **D. Amount Claimed:** 0.0446 cfs (20 gpm) conditional. **E. Use or proposed use:** Water not applied directly to irrigation will be used for stock watering, including horses and cattle; additional amount may be used for recreation. **F. Owner of land on which points of diversion and place of uses are located:** The Louis D. and Katherine E. L'Amour 1983 Trust, as Stated and Amended, Katherine E. L'Amour, Trustee, 100 Loring Avenue, Los Angeles, California 90024. **(3) L'Amour Spring Number 8. A. Point of diversion:** NW1/4, NE1/4, of Section 2, Township 35N, Range 12W, NMPM. Being 1325 feet from the north section line and 3225 feet from the west section line of said Section 2. **C. Appropriation:** 1. Date of initiation: June 1, 2006. 2. How initiated: Applicant initiated use of the water from L'Amour Spring Number 6 for irrigation and stock watering on June 1, 2006. 3. Date applied to beneficial use: Water has not yet been applied to beneficial use. **D.**

Amount Claimed: 0.0446 cfs (20 gpm) conditional. **E. Use or proposed use:** Water not applied directly to irrigation will be used for stock watering, including horses and cattle; additional amount may be used for recreation. **F. Owner of land on which points of diversion and place of uses are located:** The Louis D. and Katherine E. L'Amour 1983 Trust, as Stated and Amended, Katherine E. L'Amour, Trustee, 100 Loring Avenue, Los Angeles, California 90024. **(4) L'Amour Spring Number 9. A. Point of diversion:** NW1/4, NE1/4, of Section 2, Township 35N, Range 12W, NMPM. Being 1312 feet from the north section line and 3361 feet from the west section line of said Section 2. **B. Source:** Tributary to Cherry Creek, a tributary of the La Plata River. **C. Appropriation:** 1. Date of initiation: June 1, 2006. 2. How initiated: Applicant initiated use of the water from L'Amour Spring Number 6 for irrigation and stock watering on June 1, 2006. 3. Date applied to beneficial use: Water has not yet been applied to beneficial use. **D. Amount Claimed:** 0.0446 cfs (20 gpm) conditional. **E. Use or proposed use:** Water not applied directly to irrigation will be used for stock watering, including horses and cattle; additional amount may be used for recreation. **F. Owner of land on which points of diversion and place of uses are located:** The Louis D. and Katherine E. L'Amour 1983 Trust, as Stated and Amended, Katherine E. L'Amour, Trustee, 100 Loring Avenue, Los Angeles, California 90024. WHEREFORE, applicant requests that this court enter a finding of reasonable diligence relating to the conditional water rights claimed herein to the structures described herein, and for such other relief as the court deems proper. (5 pages)

18CW3049 La Plata County, Water District 30: 1) Applicant: Aqua Terra, LLC, 271 Kay Cee Lane, Durango, CO 81303; **2) Attorney:** Geoffrey M. Craig, The Craig Law Firm P.C., 813 Main Ave., Suite 206, Durango, CO 81301; **3) Name of Structures:** Lewis Pipeline and Aqua Terra Enlargement of Lewis Pipeline. Lewis Pipeline was originally decreed in CA 1751B, and changed in 99CW25 to the current point of diversion (CPOD) for irrigation. This filing is for new water rights to divert additional water at the CPOD, and to change Lewis Pipeline uses to the CPOD that were not specifically changed in 99CW25. **4) Type of Application:** Application for new surface rights and for a change of water right; **5) Drainage Basin:** Animas River; **6) Location of current and original PODs:** NE1/4 NW1/4 of Section 8U, T34N, R9W, NMPM, 334 feet from the North section line and 2078 feet from the West section line of said Section 8U (CPOD); On the West bank of the Animas River whence the SE corner of Section 9, T34N, R9W, NMPM, bears S84°36'E, 1356 feet (original POD); **7) Uses:** irrigation, domestic, and incidental stockwatering (original); irrigation, commercial, domestic, and pond filling and refilling for recreation, piscatorial, incidental aesthetics, and the aforementioned purposes (enlargement); **8) Quantities:** Applicant owns 0.15 cfs absolute of the Lewis Pipeline water right and is filing for an additional 0.25 cfs for the enlargement, including 0.12 absolute and 0.13 conditional; **9) Appropriation Dates and Priorities:** December 31, 1934, Priority 65-35 for Lewis Pipeline; April 1, 2002 with a 2018 priority for enlargement; **10) Description of Change:** Applicant is changing domestic use and stockwatering incidental to agricultural purposes to the CPOD. This change applies to the 0.15 cfs of the Lewis Pipeline owned by Applicant; **11) Additional Information:** Applicant requests that the Court enter a decree confirming the new water rights for the enlargement, and confirming the change for the Lewis Pipeline water right. See Application for more details. (5 pages)

18CW3051 MINERAL COUNTY, DISTRICT COURT, WATER DIVISION 7, COLORADO, Court Address: 1060 E. Second Ave., Durango, CO 81301, Phone: (970) 247-2304, APPLICATION FOR CONDITIONAL SURFACE WATER RIGHTS, CONDITIONAL UNDERGROUND WATER RIGHTS, CONDITIONAL STORAGE WATER RIGHTS, AND PLAN FOR AUGMENTATION. A. Applicant: Bootjack Ranch, LLC 12500 E. Hwy. 160 Pagosa Springs, CO 81147 Telephone: (970) 264-7280 c/o Wayne F. Forman, Esq., Michael P. Smith, Esq., Brownstein Hyatt Farber Schreck, LLP, 410 17th Street, Suite 2200, Denver, CO 80202, Phone: (303) 223-1100; Fax: (303) 223-0920; E-mail: wforman@bhfs.com; msmith@bhfs.com. B. New Conditional Direct Flow Surface Water Rights. 1. Warren Ditch: a. Legal Description: The headgate of the Warren Ditch is located in the SE1/4 SW1/4, Section 17, T.37N., R.1E., N.M.P.M., UTM Zone 13N 331766m E, 4145364m N, Mineral County, Colorado. See Figure 1 and Figure 2. b. Source: West Fork of the San Juan River ("West Fork"). c.

Appropriation Date: December 31, 2018. (1) How initiated: By the formation of an intent to appropriate; developing engineering plans for Warren Lake, Warren Pond, Bootjack North Augmentation Pond, and Reach 2 Ponds A through E; and filing this Application. (2) Date Water Applied to Beneficial Use: N/A, conditional appropriation. d. Amount: 2.0 c.f.s., conditional. e. Uses: Storage in and filling of Warren Lake and Warren Pond; irrigation; stock watering; piscatorial; recreation; wildlife; and year-round freshening of Warren Lake and Warren Pond. f. Irrigated Area Description: Approximately 25 acres in SE1/4 SW1/4 of Section 17, and the NE1/4 NW1/4, and NW1/4 NE1/4 of Section 20, T.37N., R.1E., N.M.P.M., with approximately 8 acres being supplemental to the Canon Creek Ditch (Priority #124), Himes Ditch (Priority #158), Himes Ditch Teal Enlargement (Priority #1968-150), and Pangborn Ditch (Priority #123). See Figure 3.

2. Canon Creek Ditch First Enlargement: a. Legal Description: SW1/4 NW1/4, Section 17, T.37N., R.1E., N.M.P.M., UTM Zone 13N 331309m E, 4145916m N, Mineral County, Colorado. See Figure 1 and Figure 2. b. Source: Canon Creek. c. Appropriation Date: December 31, 2018. (1) How initiated: By the formation of an intent to appropriate; developing engineering plans for Warren Lake, Warren Pond, Bootjack North Augmentation Pond, and Reach 2 Ponds A through E; and filing this Application. (2) Date Water Applied to Beneficial Use: N/A, conditional appropriation. d. Amount: 2.0 c.f.s., conditional. e. Uses: Storage in and filling of Warren Lake; irrigation; stock watering; piscatorial; recreation; wildlife; and year-round freshening of Warren Lake. f. Irrigated Area Description: Approximately 16 acres in the NE1/4 NW1/4, and NW1/4 NE1/4 of Section 20, T.37N., R.1E., N.M.P.M., with approximately 8 acres being supplemental to the Canon Creek Ditch (Priority #124), Himes Ditch (Priority #158), Himes Ditch Teal Enlargement (Priority #1968-150), and Pangborn Ditch (Priority #123) See Figure 3.

3. Reach 2 Ditch: a. Legal Description: SE1/4 SW1/4, Section 17, T.37N., R.1E., N.M.P.M., UTM Zone 13N 331920m E, 4145051m N; Mineral County, Colorado. See Figure 1 and Figure 2. b. Source: West Fork. c. Appropriation Date: August 10, 2009. (1) How initiated: By the formation of an intent to appropriate, developing engineering plans for the ponds, and the construction of the Reach 2 Ditch and Reach 2 Ponds A-E. (2) Date Water Applied to Beneficial Use: N/A. d. Amount: 4.0 c.f.s., conditional. e. Uses: Storage in and filling of Reach 2 Ponds A through E; irrigation; stock watering; piscatorial; recreation; wildlife; and year-round freshening of Reach 2 Ponds A through E. f. Irrigated Area Description: Approximately 49 acres in the SE1/4 SW1/4 of Section 17 and the NE1/4 NW1/4, NW1/4 NE1/4, SW1/4 NE1/4, SE1/4 NE1/4, NW1/4 SE1/4 of Section 20, T.37N., R.1E., N.M.P.M., with approximately 17 acres being supplemental to the Canon Creek Ditch (Priority #124), Himes Ditch (Priority #158), Himes Ditch Teal Enlargement (Priority #1968-150), and Pangborn Ditch (Priority #123). See Figure 3.

4. Amy's Ditch: a. Legal Description: SE1/4 SW1/4, Section 17, T.37N., R.1E., N.M.P.M., UTM Zone 13N, 331897m E, 4145114m N; Mineral County, Colorado. See Figure 1 and Figure 2. b. Source: West Fork. c. Appropriation Date: December 31, 2018. (1) How initiated: By the formation of an intent to appropriate; developing engineering plans for Warren Lake, Warren Pond, Amy's Lake, Bootjack North Augmentation Pond, and Reach 2 Ponds A through E; and filing this Application. (2) Date Water Applied to Beneficial Use: N/A. d. Amount: 2.0 c.f.s., conditional. e. Uses: Storage in and filling of Amy's Lake; irrigation; stock watering; piscatorial; recreation; wildlife; and year-round freshening of Amy's Lake. f. Irrigated Area Description: Approximately 15 acres in the SE1/4 SW1/4, SW1/4 SE1/4 of Section 17 and the NE1/4 NW1/4, NW1/4 NE1/4 of Section 20, T.37N., R.1E., N.M.P.M. See Figure 3.

5. Bootjack North Diversion: a. Legal Description: SE1/4 SW1/4, Section 17, T.37N., R.1E., N.M.P.M., UTM Zone 13N, 331798m E, 4145416m N; Mineral County, Colorado. See Figure 1 and Figure 2. b. Source: West Fork. c. Appropriation Date: December 31, 2018. (1) How initiated: By the formation of an intent to appropriate; developing engineering plans for Warren Lake, Warren Pond, Bootjack North Augmentation Pond, and Reach 2 Ponds A through E; and filing this Application. (2) Date Water Applied to Beneficial Use: N/A. d. Amount: 3.0 c.f.s., conditional. e. Uses: Storage, augmentation, and filling of Bootjack North Augmentation Pond and Amy's Lake; stock watering; piscatorial; recreation; wildlife enhancement; and irrigation; and year-round freshening of Bootjack North Augmentation Pond and Amy's Lake. f. Irrigated Area Description: Approximately 30 acres in the SE1/4 SW1/4, SW1/4 SE1/4 of Section 17, T.37N., R.1E., N.M.P.M., with approximately 5.3 acres being supplemental to the Campground Ditch (Priority #68-151), Dermody Pump (Priority #68-13),

Wolf Creek Village Lake Well, and Jackson Spring and Seep. See Figure 3. C. New Conditional Underground Water Rights. 1. Warren Lake: a. Legal Description: NE1/4 NW1/4, Section 20, T.37N., R.1E., N.M.P.M., UTM Zone 13N 331924m E, 4144885m N, Mineral County, Colorado. See Figure 1 and Figure 2. b. Source: Ground water tributary to the West Fork. c. Surface Area: 5 acres. d. Total Capacity: 70 acre-feet. e. Appropriation Date: December 31, 2018. (1) How appropriation initiated: By the formation of an intent to appropriate, developing engineering plans to construct the lake, and filing the Application in this matter. (2) Date water applied to beneficial use: N/A. f. Amount withdrawn: An annual volume of 16.0 acre-feet per year, conditional. g. Uses: Storage, piscatorial, fire-fighting, irrigation, aesthetic, recreation, wildlife and stock watering. h. Irrigated Area Description: Approximately 16 acres in SE1/4 SW1/4 of Section 17, and the NE1/4 NW1/4, and NW1/4 NE1/4 of Section 20, T.37N., R.1E., N.M.P.M., with approximately 8 acres being supplemental to the Canon Creek Ditch (Priority #124), Himes Ditch (Priority #158), Himes Ditch Teal Enlargement (Priority #1968-150), and Pangborn Ditch (Priority #123). See Figure 3. 2. Amy's Lake: a. Legal Description: SW1/4 SE1/4, Section 17, T.37N., R.1E., N.M.P.M., UTM Zone 13N 332098m E, 4145057m N; Mineral County, Colorado. See Figure 1 and Figure 2. b. Source: Ground water tributary to the West Fork. c. Surface Area: 3.1 acres. d. Total Capacity: 30 acre-feet. e. Appropriation Date: December 31, 2018. (1) How appropriation initiated: By the formation of an intent to appropriate, developing engineering plans to construct the lake, and filing the Application in this matter. (2) Date water applied to beneficial use: N/A. f. Amount withdrawn: An annual volume of 10.0 acre-feet per year, conditional. g. Uses: Storage, piscatorial, fire-fighting, irrigation, aesthetic, recreation, and stock watering. h. Irrigated Area Description: Approximately 13 acres in the SE1/4 SW1/4, SW1/4 SE1/4 of Section 17 and the NE1/4 NW1/4, NW1/4 NE1/4 of Section 20, T.37N., R.1E., N.M.P.M. See Figure 3. 3. Reach 2 Ponds A through E: a. Legal Description: All in Section 20, T.37N., R.1E., N.M.P.M., in multiple quarter-quarter sections in Mineral County, as follows (See Figure 1 and Figure 2): (1) Reach 2 Pond A: NE1/4 NW1/4, UTM Zone 13N 331986m E, 4144923m N. (2) Reach 2 Pond B: NW1/4 NE1/4, UTM Zone 13N 332047m E, 4144806m N. (3) Reach 2 Pond C: SW1/4 NE1/4, UTM Zone 13N 332222m E, 4144563m N. (4) Reach 2 Pond D: SW1/4 NE1/4, UTM Zone 13N 332407m E, 4144259m N. (5) Reach 2 Pond E: SE1/4 NE1/4, UTM Zone 13N 332453m E, 4144278m N. b. Source: Ground water tributary to the West Fork. c. Surface area: 0.75 acres, cumulative, for all Reach 2 Ponds. d. Total Capacity: 4.0 acre-feet, cumulative for all Reach 2 Ponds. e. Appropriation Date: August 10, 2009. (1) How appropriation initiated: By the formation of an intent to appropriate, developing engineering plans to construct the ponds, filing the Application in this matter, and the actual construction of the ponds and storage of water. (2) Date water applied to beneficial use: N/A. f. Amount withdrawn: An annual volume of 3.0 acre-feet per year, conditional. g. Uses: Storage, piscatorial, fire-fighting, irrigation, aesthetic, recreation, and stock watering. h. Irrigated Area Description: Approximately 49 acres in the SE1/4 SW1/4 of Section 17 and the NE1/4 NW1/4, NW1/4 NE1/4, SW1/4 NE1/4, SE1/4 NE1/4, NW1/4 SE1/4 of Section 20, T.37N., R.1E., N.M.P.M., with approximately 17 acres being supplemental to the Canon Creek Ditch (Priority #124), Himes Ditch (Priority #158), Himes Ditch Teal Enlargement (Priority #1968-150), and Pangborn Ditch (Priority #123) See Figure 3. D. New Conditional Storage Water Rights. 1. Warren Lake: a. Legal Description: NE1/4 NW1/4, Section 20, T.37N., R.1E., N.M.P.M., Mineral County, UTM Zone 13N 331924m E, 4144885m N; Mineral County, Colorado. See Figure 1 and Figure 2. b. Surface Area: 5 acres. c. Total Capacity: The estimated total capacity is 66 acre-feet. (1) Active Capacity: 34 acre-feet. (2) Dead Storage: 32 acre-feet. d. Type: Unlined, off-channel. e. Dam length: Approximately 1,400 feet. f. Dam height: Approximately 10 feet. g. Amount Claimed: 66 acre-feet per year, conditional, subject to as-built storage capacity, with a right to fill and successively refill at the following flow rates: (1) Warren Ditch: 2.0 c.f.s. (2) Canon Creek Ditch First Enlargement: 1.0 c.f.s. h. Source: West Fork. i. Appropriation Date: December 31, 2018. (1) How appropriation initiated: By the formation of an intent to appropriate, developing engineering plans to construct the lake, and filing the Application in this matter. (2) Date water applied to beneficial use: N/A. j. Uses: Storage, piscatorial, fire-fighting, irrigation, aesthetic, recreation, wildlife and stock watering. k. Irrigated Area Description: Approximately 16 acres in SE1/4 SW1/4 of Section 17, and the NE1/4 NW1/4, and NW1/4 NE1/4 of Section 20, T.37N., R.1E., N.M.P.M., with approximately 8 acres being

supplemental to the Canon Creek Ditch (Priority #124), Himes Ditch (Priority #158), Himes Ditch Teal Enlargement (Priority #1968-150), and Pangborn Ditch (Priority #123). See Figure 3.

2. Warren Pond: a. Legal Description: SE1/4 SW1/4, Section 17, T.37N., R.1E., N.M.P.M., UTM Zone 13N 331739m E, 4145271m N, Mineral County, Colorado. See Figure 1 and Figure 2. b. Surface Area: 0.26 acres. c. Total Capacity: The estimated total capacity is 2.0 acre-feet. d. Type: Unlined, off-channel. e. Dam length: Approximately 140 feet. f. Dam height: Approximately 5 feet. g. Amount Claimed: 2.0 acre-feet per year, conditional, subject to as-built storage capacity, with a right to fill and successively refill at the following flow rates: (1) Warren Ditch: 2.0 c.f.s. h. Source: West Fork. i. Appropriation Date: December 31, 2018. (1) How appropriation initiated: By the formation of an intent to appropriate, developing engineering plans to construct the pond, and filing the Application in this matter. (2) Date water applied to beneficial use: N/A. j. Uses: Piscatorial, fire-fighting, irrigation, aesthetic, recreation, wildlife and stock watering. k. Irrigated Area Description: Approximately 4 acres in SE1/4 SW1/4 of Section 17, T.37N., R.1E., N.M.P.M. See Figure 3.

3. Bootjack North Augmentation Pond: a. Legal Description: SE1/4, SW1/4, Section 17, T.37N., R.1E., N.M.P.M., UTM Zone 13N 332047m E, 4145295m N, Mineral County, Colorado. See Figure 1 and Figure 2. b. Surface Area: 5 acres. c. Total Capacity: The estimated total capacity is 50 acre-feet, conditional. d. Type: Lined, off-channel. e. Amount Claimed: 50 acre-feet per year, conditional, subject to as-built storage capacity, with a right to fill and successively refill at the following flow rates: (1) Bootjack North Diversion: 3.0 c.f.s. f. Source: West Fork. g. Type: Lined, off-channel. h. Dam length: Approximately 750 feet. i. Dam height: Approximately 10 feet. j. Appropriation Date: December 31, 2018. (1) How appropriation initiated: By the formation of an intent to appropriate, developing engineering plans to construct the pond, and filing the Application in this matter. (2) Date water applied to beneficial use: N/A. k. Uses: Augmentation, irrigation, fire-fighting, stock watering. l. Irrigated Area Description: Approximately 18 acres in the SE1/4 SW1/4, SW1/4 SE1/4 of Section 17, T.37N., R.1E., N.M.P.M., with approximately 5.3 acres being supplemental to the Campground Ditch (Priority #68-151), Dermody Pump (Priority #68-13), Wolf Creek Village Lake Well, and Jackson Spring and Seep. See Figure 3.

4. Reach 2 Ponds A through E: a. Legal Descriptions: See preceding ¶ C.1.3. b. Surface Area: 0.75 acres, cumulative for all Reach 2 Ponds. c. Total Capacity: 4.0 acre-feet, subject to as-built storage capacity.: (1) Active Capacity: 0 acre-feet. (2) Dead Storage: 4.0 acre-feet. d. Type: Unlined, off-channel. e. Dam length: Not applicable. f. Dam height: Not applicable. g. Amount Claimed: 4.0 acre-feet per year, conditional, subject to as-built storage capacity, with a right to fill and successively refill at the following flow rates: Reach 2 Ditch: 4.0 c.f.s. h. Source: West Fork. i. Appropriation Date: August 10, 2009. (1) How appropriation initiated: By the formation of an intent to appropriate, developing engineering plans to construct the ponds, filing the Application in this matter, and the construction of the ponds and storage of water. (2) Date water applied to beneficial use: N/A. j. Uses: Storage, piscatorial, fire-fighting, irrigation, aesthetic, recreation, wildlife and stock watering. k. Irrigated Area Description: Approximately 49 acres in the SE1/4 SW1/4 of Section 17 and the NE1/4 NW1/4, NW1/4 NE1/4, SW1/4 NE1/4, SE1/4 NE1/4, NW1/4 SE1/4 of Section 20, T.37N., R.1E., N.M.P.M., with approximately 17 acres being supplemental to the Canon Creek Ditch (Priority #124), Himes Ditch (Priority #158), Himes Ditch Teal Enlargement (Priority #1968-150), and Pangborn Ditch (Priority #123) See Figure 3.

5. Amy's Lake: a. Legal Description: See preceding ¶ C.2. b. Surface Area: 3.1 acres. c. Total Capacity: 30 acre-feet. d. Type: Unlined, off channel. e. Dam length: Approximately 440 feet. f. Dam height: Approximately 10 feet. g. Amount Claimed: 30 acre feet per year, conditional, subject to as-built capacity, with a right to fill and refill successively at the following flow rates: (1) Amy's Ditch: 2.0 c.f.s. (2) Bootjack North Diversion: 3.0 c.f.s. h. Source: West Fork. i. Appropriation Date: December 31, 2018. (1) How appropriation initiated: By the formation of an intent to appropriate, developing engineering plans to construct the lake, and filing the Application in this matter. (2) Date water applied to beneficial use: N/A. j. Uses: Storage, piscatorial, fire-fighting, irrigation, aesthetic, recreation, and stock watering. k. Irrigated Area Description: Approximately 13 acres in the SE1/4 SW1/4, SW1/4 SE1/4 of Section 17 and the NE1/4 NW1/4, NW1/4 NE1/4 of Section 20, T.37N., R.1E., N.M.P.M. See Figure 3.

E. Plan for Augmentation. 1. Structures to be Augmented: Warren Lake, Warren Pond, Amy's Lake and Reach 2 Ponds A through E, described above in preceding paragraphs D.1, D.2, and D.4, respectively; and

Elizabeth Lake, Marie Lake, and Upper Twin Lakes 1 through 3 described in pending Case No. 17CW3050 (the “Twin Lakes System”). 2. Water rights that will be used for augmentation: Bootjack North Augmentation Pond, described above in paragraphs B.5 and D.3. 3. Statement of Plan for Augmentation. a. Purpose. The purpose of this plan for augmentation is to offset out-of-priority depletions associated with Warren Lake, Warren Pond, Amy’s Lake and Reach 2 Ponds A through E, as well as the Twin Lakes System (described in Exhibit A). This augmentation plan will operate to replace evaporation from these structures during periods of administration. b. Replacement Requirements. The active capacity of Bootjack North Augmentation Pond will be approximately 50 acre-feet, which will provide sufficient volume to fully replace all depletions from out-of-priority evaporation in the event of a senior call. At its discretion, Bootjack may curtail diversions into the Twin Lakes System when it is subject to a valid downstream call, rather than operating this plan to augment depletions therefrom. c. Filling and Freshening Flows for Warren Lake, Warren Pond, Amy’s Lake Bootjack North Augmentation Pond, and Reach 2 Ponds A through E. (1) Water will be diverted under the Warren Ditch right to fill and provide freshening flows for Warren Pond and Warren Lake. Such diversions will deplete the flow of the West Fork in the reach downstream from the headgate of the Warren Ditch to the outlet of the Reach 2 Ditch. (2) Water will be diverted under the Canon Creek Ditch First Enlargement right to fill and provide freshening flows for Warren Lake. Such diversions will deplete the flow of the West Fork in the reach downstream from the headgate of the Canon Creek Ditch to the outlet of the Reach 2 Ditch. (3) Water will be diverted under the Reach 2 Ditch right to fill and provide freshening flows for Reach 2 Ponds A through E. Such diversions will deplete the flow of the West Fork in the reach downstream from the headgate of the Reach 2 Ditch to the outlet of the Reach 2 Ditch. (4) Water will be diverted under the Bootjack North Diversion right to fill and replenish Bootjack North Augmentation Pond and fill and provide freshening flows to Amy’s Lake. Such diversions will deplete the flow of the West Fork in the reach downstream from the headgate of the Bootjack North Diversion to the outlet of the Amy’s Ditch. (5) Water will be diverted under the Amy’s Ditch right to fill provide freshening flows to Amy’s Lake. Such diversions will deplete the flow of the West Fork in the reach downstream from the headgate of Amy’s Ditch to the outlet of the Amy’s Ditch. d. General Operation of the Plan for Augmentation. Water rights calls on the West Fork have been historically rare. This plan for augmentation is a proactive effort designed to ensure the continuous diversion and use of water to the extent that there may be future calls by water rights senior to the conditional water rights described in this Application. When a senior call is in effect, the Applicant will account for all of its out-of-priority depletions and will augment them through releases to the West Fork from Bootjack North Augmentation Pond. The Applicant may also pump water back upstream from Warren Lake for discharge to the West Fork at or above the Warren Ditch point of diversion to allow continued diversions at Warren Ditch into Warren Lake during periods of call. 4. Name(s) and address(es) of owner(s) of the land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant: Bootjack Ranch, LLC; 12500 E. Hwy. 160; Pagosa Springs; Colorado 81147. F. Prayers For Relief. 1. Applicant requests a decree granting the new conditional surface water rights, underground water rights and storage rights described in Sections B, C and D of this Application. For any conditional water rights requested by this Application that are put to beneficial use during the pendency of this Application, Applicant seeks a decree awarding absolute water rights for those structures. 2. Applicant requests a decree approving the plan for augmentation described in Section E of this Application. 3. Applicant further requests such additional relief as the Court deems necessary and appropriate to further the purposes of the rights requested herein. (19 pages)

18CW3052 APPLICATION FOR CHANGE OF WATER RIGHT AND FOR CONFIRMATION OF RELOCATED POINTS OF DIVERSION. **1. Applicant.** MONTEZUMA VALLEY IRRIGATION COMPANY (“MVIC”), Post Office Box 1056, Cortez, Colorado 81321, Email Address: bjohnson@mVIC.info, Telephone Number: (970) 565-3332. Attorneys: John P. Justus, Karoline M. Henning, HOSKIN FARINA & KAMPF, Professional Corporation, 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502. **2. Background:** MVIC is the owner of a certain

conditional direct flow water right, described in paragraph 3 below, presently decreed for diversion from the Dolores River at the common diversion dam for the Main No. 1 Canal and the Main No. 2 Canal for irrigation and domestic use (the “87.3 cfs Conditional Right”). As its principal claim, MVIC seeks a change of water rights for the 87.3 cfs Conditional Right, consistent with the principles for change of a conditional water right articulated in *Twin Lakes Reservoir & Canal Co. v. City of Aspen*, 193 Colo. 478, 483, 568 P.2d 45, 49 (1977), from a direct flow right, to a storage right that may be stored in either McPhee Reservoir and/or Narraguinnep Reservoir, for subsequent irrigation and domestic use by MVIC shareholders. No change in place of use is sought, and the end uses to be made by MVIC shareholders are to remain unchanged. As an alternative claim, MVIC seeks judicial confirmation that relocation of the point(s) of diversion of the 87.3 cfs Conditional Right to the Great Cut Dike and the Dolores Tunnel Inlet, which are described in paragraphs 4.c and 4.d below, is consistent with C.R.S. § 37-86-111. This claim is derived from the construction of the Dolores Reclamation Project in 1986 by the United States Bureau of Reclamation. The decreed diversion structure for the 87.3 cfs Conditional Right, and for other water rights decreed thereto, was inundated by McPhee Reservoir, the central feature of the Dolores Reclamation Project. As a result, the 87.3 cfs Conditional Right cannot receive, at the decreed point of diversion, the inflow of water from the Dolores River to which MVIC is entitled. If the Court denies MVIC’s application for change of water right described in Paragraphs 3 through 6 below, the 87.3 cfs Conditional Right’s point of diversion must now be relocated to the Great Cut Dike and Dolores Tunnel.

3. Decreed Water Right for Which Change is Sought: a. **Structure:** Main No. 1 Canal and the Main No. 2 Canal. i. **Amount:** 87.3 cfs Conditional Right. ii. **Original and all relevant subsequent decrees:** Decretal Order entered in CA473 on February 1, 1892 by the District Court for the Seventh Judicial District of the State of Colorado, sitting in and for the County of Montrose (the “CA473 Decree”); Decree of Adjudication entered in CA0967 on December 18, 1933 by the District Court in and for the County of Montezuma, and Decree of Adjudication entered in CA0967 on March 22, 1963 by the District Court in and for the County of Montezuma (the “1963 CA0967 Decree”). The Court has determined that the Conditional 1885 Priority has been diligently preserved in the Decree entered on October 20, 1970 by the Division No. 7 Water Court (the “Water Court”) in Case No. W-27; Decree entered on May 23, 1973 by the Water Court in Case No. W-597; Decree entered by the Water Court in Case No. 80CW79; Decree entered on March 25, 1985 by the Water Court in Case No. 84CW89; Decree entered on April 13, 1989 by the Water Court in Case No. 88CW38; Decree entered on June 17, 1997 by the Water Court in Case No. 94CW35; Decree entered on December 21, 2005 by the Water Court in Case No. 03CW45; and the Decree entered on February 25, 2013 by the Water Court in Case No. 11CW77. iii. **Decreed point of diversion:** The headgate of the Main No. 1 Canal was located at a point in Montezuma County, Colorado, on the south bank of the Dolores River, in the NW¹/₄ of the NE¹/₄ of Section 17, Township 37 North, Range 15 West of the N.M.P.M. The headgate of the Main No. 2 Canal was located at a point in said county on the south bank of said river, in said quarter section, said Township and Range, near the west line of said above mentioned tract of land. The Main No. 1 Canal and Main No. 2 Canal have been determined by the Water Court to constitute a single ditch or canal. iv. **Decreed source of water:** Dolores River. v. **Appropriation date:** November 25, 1885. vi. **Decreed uses:** Irrigation and domestic. vii. **Contemplated Draft:** The diversion of water from the Dolores River into Montezuma Valley is 100% consumptive with respect to the Dolores River Basin. The Decree entered on February 1, 1892, in CA473 defined the duty of water for irrigation purposes within the Montezuma Valley as 1 cfs per 65 acres of irrigated land. Accordingly, the 87.3 cfs Conditional Right was originally contemplated to provide irrigation water for 5,675 acres of land within Montezuma Valley. A full supply of water for irrigation of land within Montezuma Valley requires the diversion, on average, of 4.01 acre-feet per irrigated acre. Therefore, the contemplated draft of the 87.3 cfs Conditional Right on the Dolores River was approximately 22,755 acre-feet per year. However, a study of Dolores River flows historically available to satisfy the 87.3 cfs Conditional Right, taking into account actual diversions by all senior absolute water rights diverting from the Dolores River, determined that the average annual volume available for diversion pursuant to the 87.3 cfs Conditional Right averaged 20,678 acre-feet in the April 1 through October 30 period of each year. The following are the Average Monthly Diversions, in acre-feet, that

would have been available to the 87.3 Conditional Right over the study period: April: 4,573; May: 5,092; June: 3,832; July: 1,764; Aug.: 1,798; Sep.: 1,548; Oct.: 2,070; Total: 20,678. The following are the Maximum Monthly Diversions, in acre-feet, that would have been available to the 87.3 cfs Conditional Right over the study period: April: 5,195; May: 5,368; June: 5,195; July: 5,368; Aug.: 5,368; Sept.: 5,368; Oct.: 5,195; Total: 22,755. **4. Changes Sought by Applicant:** MVIC seeks to change the 87.3 cfs Conditional Right from a direct flow right to a storage right that may be diverted and stored: (1) in McPhee Reservoir, for subsequent release from McPhee Reservoir via the Great Cut Dike and the Dolores Inlet Tunnel for irrigation and domestic use by MVIC shareholders within the MVIC service area; or (2) in Narraguinnep Reservoir, either by diversion from the Dolores River through the Great Cut Dike or after prior storage in McPhee Reservoir, for later release and use by MVIC shareholders for irrigation and domestic purposes. This includes a change in point of diversion from the Main No. 1 Canal and the Main No. 2 Canal to the McPhee Reservoir structures, which include McPhee Dam, the Great Cut Dike, and the Dolores Tunnel Inlet. Those structures, described below, are illustrated in the figures attached as Exhibit A and Exhibit B to the Application. **a.** McPhee Reservoir is an on-stream reservoir located on the Dolores River and is the principal feature of the Dolores Project. The total capacity of McPhee Reservoir is 381,000 acre-feet, with 229,000 acre-feet of active capacity, 152,000 acre-feet of inactive capacity, and 100 acre-feet of dead storage. McPhee Reservoir is formed by McPhee Dam and the Great Cut Dike, which are located on the Dolores River about 10 miles below the Town of Dolores. The reservoir is located on portions of Sections 5, 6, 7, 8, 9, 16, 17, and 18, Township 37 North, Range 15 West, and Sections 1 and 2, Township 37 North, Range 16 West, and Sections 2, 3, 4, 5, 6, 7, 17, 18, 20, 21, 28, 29, 30, 31, and 32, Township 38 North, Range 15 West, and Sections 12, 25, 35 and 36, Township 38 North, Range 16 West, and Sections 27, 34 and 35, Township 39 North, Range 15 West, N.M.P.M. The surface area of McPhee Reservoir at the active capacity high water line is approximately 4,470 acres. **b.** McPhee Dam is approximately 270 feet in height from the streambed to the crest of the dam. The axis of McPhee Dam is described as follows: The Northwest corner of Section 1, Township 38 North, Range 16 West, N.M.P.M., bears North 8°50' West, a distance of 3,540 feet from a point on the North end of the axis of the dam from whence the axis of the dam bears South 33°04' East. The Crest is about 40 feet wide and approximately 1,300 feet long. **c.** The Great Cut Dike is located about five miles upstream from McPhee Dam. The axis of the Great Cut Dike is described as follows: The Northwest corner of Section 35, Township 38 North, Range 16 West, N.M.P.M. bears North 40°26' West a distance of 2,280 feet from a point on the North end of the axis of the dike from whence the axis bears South 18°26' West. The crest of the dike is about 30 feet wide and approximately 1,900 feet long, with the height above the lowest point of the ground surface about 62 feet. **d.** The Dolores Tunnel Inlet is located in the NE1/4, SE1/4, Section 7, Township 37 N, Range 15 W, N.M.P.M., being 1,580 feet from the South section line and 985 feet from the East section line of said Section 7. GPS location: Northing 4153597; Easting 186811; NAD83; Zone 13N. **e.** Narraguinnep Reservoir is an approximately 20,800 acre-foot off-stream reservoir owned by MVIC and situated in Sections 4, 8, and 9, Township 37 North, Range 16 West, N.M.P.M., Montezuma County, Colorado, and historically diverted its supply of water from the Dolores River through Main No. 2 Canal, but now receives water through the Great Cut Dike described above. **5. Ownership and Operation of McPhee Dam and Reservoir:** The McPhee Dam, McPhee Reservoir, the Dolores Tunnel and the Great Cut Dike are located on land owned by the United States Department of Interior, Bureau of Reclamation ("BuRec"), as part of the Dolores Project. The Dolores Project and water rights are operated by the Dolores Water Conservancy District ("DWCD"). **a.** The United States Congress approved the planning and investigation of the Dolores Project as a participating project of the Colorado River Storage Project on April 11, 1956 (70 Stat. 105). The Colorado River Basin Project Act of September 30, 1968 (82 Stat. 896) authorized the construction, operation and maintenance of the Dolores Project. **b.** The Dolores Project was constructed for the purpose, among others, of providing a supplemental supply of irrigation water for the MVIC service area, particularly during the late season. **c.** Prior to the development of the Dolores Project, MVIC possessed a senior water rights portfolio that includes various direct flow and storage water rights. Because the MVIC water rights are senior to the Project's water rights, it was necessary for MVIC and DWCD, the entity that operates the Dolores Project, to reach an accommodation.

In return for conveying that portion of MVIC's conditional water rights determined to be "excess," water available pursuant to the MVIC water rights would be delivered to MVIC from McPhee Reservoir through the Dolores Inlet Tunnel and the Great Cut Dike, rather than from the historical Canal No. 1 and Canal No. 2, and Project water would be delivered in a pattern that would address late-season shortages. MVIC would not use its senior water rights to call out the Project's water rights so long as MVIC was supplied as contemplated. The existing tunnel from the Dolores River to the MVIC service area would be plugged and abandoned. It would be replaced by a new Dolores Inlet Tunnel, which would be bored through the Dolores-San Juan Divide and would serve the southern portion of the MVIC service area and facilities at the new Great Cut Dike, which would allow service of the northern part of the MVIC service area as well as additional Dolores Project lands. **d.** On September 23, 1977, the United States entered into a repayment contract for the Dolores Project with the DWCD. MVIC's water rights were described as "Nonproject water," which "would be delivered to the Company under its own senior water rights in the same amounts and at the same time as it would have diverted under preproject conditions." It was anticipated that MVIC "would receive its ideal requirement of about 150,400 acre-feet solely from non-project water in years of relatively good water supply" and that it would need supplemental Project water in other years. "During the life of the project, the Company should receive an average of about 130,600 acre-feet of non-project water annually" Reaching an agreement between MVIC and DWCD was a condition precedent to construction of the Project. **e.** Also on September 23, 1977, MVIC entered into a contract with DWCD (the "1977 DWCD Contract"), which, among other things, recognized MVIC's water rights and provided how these would be utilized through the Dolores Project facilities. The 1977 DWCD Contract provided certain limits on MVIC's use of water, provided that MVIC would transfer to DWCD water rights in excess of those needed to accomplish the purposes of the agreement and provided that MVIC would apply to this Court "for a change in the point of diversion of its Dolores River water as may be necessitated by the construction of the facilities for the Project." **f.** On April 21, 1989, the United States DWCD, MVIC and the Ute Mountain Ute Tribe entered into an agreement (the "1989 Contract"), which, among other things, provided further how the MVIC water rights would be exercised utilizing the Dolores Project facilities. The 1989 Contract specifies the excess water rights be transferred by MVIC to DWCD. Of the water rights retained, MVIC retained the 1885 Conditional Water Right, which is recognized as senior to the remainder of the conditional water right decreed for diversion at the Main No. 1 and Main No. 2 Canals under the November 25, 1885 priority confirmed in CA473. Retention of this right together with "the Company's current absolute right of 707.7 cfs, with a November 25, 1885 priority as decreed in the CA473 Decree and the 1963 CA0967 Decree, in the Main Canal Nos. 1 & 2 (the "1885 Absolute Water Right") will bring the Company's total diversion right to 795.0 cfs, which is the Dolores Project's designed diversion capacity for the Company." Further, subject to limits in the 1977 DWCD Contract, MVIC may store in McPhee Reservoir MVIC owned non-project adjudicated water during the period April 1 – June 30 of each year. **6. Terms and Conditions Proposed by Applicant for Proposed Change of Water Right:** **a.** Subject to the terms and conditions proposed in this Paragraph 6, the 87.3 cfs Conditional Right owned by MVIC will be changed from direct flow to storage in either McPhee Reservoir or Narraguinnep Reservoir, for subsequent release for beneficial use. No water rights will be injured by this change because it was originally contemplated that the 87.3 cfs Conditional Right would be exported from the Dolores River basin and the proposed use is within the originally contemplated draft of the 87.3 cfs Conditional Right. **b.** The changes in water rights described in Paragraphs 3 and 4 will be subject to the following limitations: **i.** MVIC will not place a call under the 87.3 cfs Conditional Right so long as MVIC is able to receive the amount of water contemplated by the 1977 DWCD Contract. **ii.** Diversions under the 87.3 cfs Conditional Right into McPhee Reservoir or through the Great Cut Dike for delivery to Narraguinnep Reservoir will not exceed a maximum combined rate of 87.3 cfs. **iii.** Diversions under the 87.3 cfs Conditional Right into or through McPhee Reservoir to the Great Cut Dike will not exceed the flow at the originally decreed point of diversion. Because the point of diversion for the Main No. 1 and Main No. 2 Canals has been inundated, that amount will be determined based on the physical flow of the Dolores River at the USGS Dolores gauge located at Latitude 37°28'21", Longitude 108°29'49" NAD27, less amounts (if any) that must be bypassed at the original point of diversion for the

Main No. 1 and Main No. 2 Canals to satisfy any calls placed by downstream water rights that are senior to the 87.3 cfs Conditional Right. iv. MVIC will not divert water to storage in McPhee Reservoir pursuant to the 87.3 cfs Conditional Right after the month of June unless and until the terms of the 1989 Contract are amended to permit storage of such water in the Months of July, August, September, and October. Furthermore, any water stored pursuant to the 87.3 cfs Conditional Water Right that remains in McPhee Reservoir after October 15 of each calendar year will become and accounted for as Project Water. However, MVIC will not be precluded from transferring such water to storage Narraguinnep Reservoir prior to October 15th of each year. v. The maximum amount of water stored under the 87.3 cfs Conditional Right will not exceed 22,755 acre feet in any single calendar year. vi. Subject to the maximum annual volume described in the immediately preceding paragraph, MVIC's diversions of water pursuant to the 87.3 cfs Conditional Right will be limited to the following maximum monthly volumetric diversion limitations, in acre-feet: April: 5,195; May: 5,368; June: 5,195; July: 5,368; Aug.: 5,368; Sep.: 5,195; Oct.: 5,368. No diversion to storage of the 87.3 cfs Conditional Right will occur from the period of November 1 through March 31 of the following year. vii. MVIC's diversions to storage pursuant to the 87.3 cfs Conditional Right will be limited over a running ten-year period to a total volume of 206,776 acre-feet, for an average annual volume of 20,678 acre-feet per year. viii. Deliveries of water diverted and stored water under the 87.3 cfs Conditional Right will be limited, if necessary, to assure that MVIC receives no more than 150,400 acre-feet in any calendar year for irrigation purposes from its privately held water rights and Project water provided to MVIC by DWCD. **7. Confirmation of Relocation of the Point(s) of Diversion of the 87.3 cfs Conditional Right in Conformance with C.R.S. § 37-86-111:** In addition to the change of water right set forth in Paragraphs 3 and 6 above, as an additional and alternative claim, MVIC seeks a determination that relocation of the diversion facilities for the 87.3 cfs Conditional Right to the Great Cut Dike and the Dolores Inlet Tunnel, described in subparagraphs 4.c and 4.d above, is consistent with the requirements of C.R.S. 37-86-111, as follows: **a.** C.R.S. § 37-86-111(1) provides in pertinent part: In case the channel of any natural stream becomes so cut out, lowered, turned aside, or otherwise changed from any cause as to prevent any ditch, canal, or feeder of any reservoir from receiving the proper inflow of water to which it may be entitled . . . the owners of the ditch, canal, or feeder have the right to relocate the head of such ditch, canal, or feeder . . . as may be necessary for securing a sufficient flow of water into the same ditch, canal or feeder The priority of right to take water from a stream through such ditch, canal, or feeder as to any such ditch, canal, or feeder remains unaffected in any respect by reason of such extension; but the relocation must not physically interfere with the complete use or enjoyment of any absolute or decreed conditional water right. **b.** Further, C.R.S. § 37-86-111(2) provides “[i]f an owner of a water right relocates a surface diversion structure to a new surface point of diversion in compliance with subsection (1) of this section, the owner does not need to file a change of water right application for the new surface point of diversion.” Relocation of the point of diversion for the 87.3 cfs Conditional Right to the Great Cut Dike and the Dolores Inlet Tunnel, described in subparagraphs 4.c and 4.d does not physically interfere, and has not interfered, with the complete use and enjoyment of any absolute or decreed conditional water right diverting from the Dolores River or its tributaries. **c.** MVIC seeks confirmation that relocation of the diversion facilities for the 87.3 cfs Conditional Right to the Great Cut Dike and the Dolores Inlet Tunnel is consistent with the requirements of C.R.S. 37-86-111 and accordingly will be administered by the State and Division Engineers in all respects otherwise consistent with Colorado Law at the relocated points of diversion. **8. Proposed Terms and Conditions on Confirmation of Relocation Pursuant to C.R.S. § 37-86-111(1):** In order to avoid any potential for physical interference with the complete use or enjoyment of any absolute or decreed conditional water right and for the administration of the diversion of the 87.3 cfs Conditional Right at the Dolores Project Facilities MVIC proposes the following terms and conditions, consistent with the Court's prior decree in Case No. 16CW3016, as part of the Court's confirmation of the relocation pursuant to C.R.S. § 37-86-111(1): **a.** MVIC will comply with the orders of the Division Engineer to install necessary measuring and recording devices and administrative structures, and will keep records and make reports of diversions pursuant to the 87.3 cfs Conditional Right as reasonably requested by the Division Engineer. **b.** The total amount of water diverted at any point or combination of points will not exceed the amount of

water legally and physically available at the original point of diversion. The amount of water physically and legally available at the original point of diversion will be determined by the flow rate at the USGS gage “Dolores River at Dolores, CO,” plus the flow rate at the USGS gage “Lost Canyon Creek near Dolores, CO,” or suitable substitutions approved by the Division Engineer, less any transit loss, as determined by the Division Engineer. **9. Names and Addresses of Owners on Which Structures Will Be Located:** Applicant is the owner of Narraguinnep Reservoir; United States of America (managed by the Bureau of Reclamation), Western Colorado Area Office, 445 West Gunnison Avenue, Suite 221, Grand Junction, Colorado 81501-5711. United States of America (managed by the Bureau of Reclamation), Cortez Field Office, 60 Cactus St., Cortez, Colorado 81321. Application is 10 pages in length. (12 pages)

18CW3053 APPLICATION FOR STORAGE RIGHT, INCLUDING ALTERNATE LOCATION OF STORAGE FOR EXISTING WATER RIGHT, Dolores County. 1. Applicant: Daniel and Sabine Zaugg, 515 Charles Street, Ridgway, CO 81432. All pleadings and correspondence should be sent to: Martha Phillips Whitmore, Hockersmith & Whitmore, LLC, P.O. Box 646, Ouray, CO 81427, 970-325-4414, marti@ouraylaw.com. **I. STORAGE RIGHTS** – 2. Names of Reservoirs (a) Randonee Pond #1, (b) Jay-Z Pond #2, (c) Jonathan’s Pond #3, (d) Claire de Lune Pond #4, (e) Upper Spring Pond #5 (f) Lower Spring Pond #6; 3. Legal description of location of dam centerline. (a) Randonee Pond #1: the dam is located in the NW1/4, SW1/4 of Section 16, Township 39 North, Range 18 West, N.M.P.M. at a point 2597 feet from the South section line and 99 feet from the West section line. UTM Coordinates: Northing 4172722.54 and Easting 160577.23; (b) Jay-Z Pond #2: the dam is located in the NW1/4, SW1/4 of Section 16, Township 39 North, Range 18 West, N.M.P.M. at a point located 2589 feet from the South section line and 380 feet from the West section line. UTM Coordinates: Northing 4172716.64 and Easting 160662.84; (c) Jonathan’s Pond #3: the dam is located in the NW1/4, SW1/4 of Section 16, Township 39 North, Range 18 West, N.M.P.M. at a point 2514 feet from the South section line and 498 feet from the West section line. UTM Coordinates: Northing 4172692.53 and Easting 160697.91; (d) Claire de Lune Pond #4: the dam is located in the NW1/4, SW1/4 of Section 16, Township 39 North, Range 18 West, N.M.P.M. at a point 2238 feet from the North section line and 638 feet from the West section line. UTM Coordinates: Northing 4172846.22 and Easting 160746.43; (e) Upper Spring Pond #5: the dam is located in the NW1/4 SW1/4 of Section 16, Township 39 North, Range 18 West, N.M.P.M. at a point 2948 feet from the South section line and 623 feet from the West section line. UTM Coordinates: Northing 4168051.2 and Easting 690158.1; (f) Lower Spring Pond #6: the dam is located in the NW1/4 SW1/4 of Section 16, Township 39 North, Range 18 West, N.M.P.M. at a point 2878 feet from the South section line and 620 feet from the West section line. UTM Coordinates: Northing 4168031.1 and Easting 690156.6. 4. Source: For all ponds: Water for these ponds comes from springs located on the Applicants’ property, and precipitation and run-off of water from a spring and drainage from property adjacent to Applicants’ property, all tributary to Cahone Creek; as well as water adjudicated to Moon Dance Spring #1 and Moon Dance Pond #1 in Case No. 05CW18, with diligence in 12CW504 and 18CW3041. 5. If filled from a ditch: N/A. 6. **A. Date of Appropriation:** January 16, 2012; **B. How appropriation was initiated:** By filing of notice of Intent to Construct a Non-Jurisdictional Water Impoundment Structure and by capturing water in the various structures; **C. Date water applied to beneficial use:** June 2, 2012 for all new water rights claimed. 7. Amount claimed: **A.** In acre feet - Absolute 4.15 AF (combined – all ponds) Randonee: 1.4 Acre Feet, Jay-Z: 1.0 Acre Feet, Jonathan’s: .88 Acre Feet, Clair de Lune: .46 Acre Feet, Upper Spring: .25 Acre Feet, Lower Spring: .16 Acre Feet; **B.** If filled from a ditch: N/A. Applicant states that each of these small ponds have been used together as a combined system of storage and flow from one part of his property to other parts of the property for irrigation, recreation, and piscatorial uses. The ponds are used for recreational purposes for canoeing, kayaking, and swimming. There is a “slip and slide” beach and a sand beach at Jonathan’s Pond, as well as rope swings and a zip line connecting the Upper and Lower ponds with the sand beach area. The water from the ponds has been used to irrigate the fields and trees on the property, and all were in use as of June 2, 2012. The ponds are as described in the attached Notices of Intent to Construct a Non-Jurisdictional

Dam, and the attached diagram for the Upper and Lower spring Ponds. The Notices were filed after the ponds were actually constructed after consultation with the water commissioner and division engineer. These notices and diagrams are on file with the Water Court and identified as Exhibit A. 8. List All Uses or Proposed Uses: Irrigation, domestic, recreational, piscatorial. Number of acres historically irrigated is 10 acres; proposed to be irrigated is 10 acres and Applicant intends to use this water right to supplement irrigation on an area of land already irrigated under another water right. Maps showing the irrigation and location of the ponds are on file with the Water Court and identified as Exhibits B and C. **A.** If non-irrigation, describe purpose fully. Domestic use for toilet flushing and other non-potable domestic uses. Recreational uses such as boating, swimming and fishing and piscatorial use. See map of property on file with the Water Court and identified as Exhibit C. 9. Surface Area of high-water line: Randonee: .2 acres, Jay-Z: .16 acres, Jonathan's: .14 acres, Clair de Lune: .11 acres, Upper Spring: .11 acres, Lower Spring: .10 acres. **A.** Vertical height of dam: Randonee: 9 feet, Jay-Z: 9 feet, Jonathan's: 9.5 feet, Clair de Lune: 8 feet, Upper Spring: 5 feet, Lower Spring: 4 feet. **B.** Length of dam in feet: Randonee: 30 feet, Jay-Z: 37 feet, Jonathan's: 30 feet, Clair de Lune: 25 feet, Upper Spring: 50 feet, Lower Spring: 70 feet. 10. Total capacity of reservoir in acre feet: 4.15 AF (combined capacity of ponds: Randonee: 1.4 Acre Feet, Jay-Z: 1.0 Acre Feet, Jonathan's: .88 Acre Feet, Clair de Lune: .46 Acre Feet, Upper Spring: .25 Acre Feet, Lower Spring: .16 Acre Feet. 11. Names and Address of Owners of Land: All structures are on Applicant's Property. **II. ALTERNATE PLACE OF STORAGE.** Applicant claims all of the above-described ponds as alternate places of storage for water decreed in Case No. 05CW18, diligence found in 12CW504; application for diligence pending in Case No. 18CW3041 for the below structures. 12. Name of structures: MoonDance Spring No. 1, MoonDance Pond No.1. 13. Legal descriptions from Decrees and Actual Location of MoonDance Spring No. 1: Both structures are located in Dolores County, Colorado: (a) The decreed location of MoonDance Pond No. 1 is as follows: Location of Dam: NW1/4NW1/4SW1/4, Section 16, Township 39 North, Range 18 West, NMPM, Dolores County, Colorado, at a point approximately 2622.4 feet from the South section line and 39.06 feet from the West section line of said Section 16. (b) The decreed point of division for MoonDance Spring No. 1 is as follows: NW1/4NW1/4SW1/4, Section 16, Township 39 North, Range 18 West, NMPM, Dolores County, Colorado, at a point approximately 2622 feet from the South section line and 39 feet from the West section line of said Section 16. (c) The actual location of MoonDance Spring No. 1 is as follows: MoonDance Spring No. 1 is actually located in the NW1/4NW1/4SW1/4 of Section 16, Township 39, Range 18 West, NMPM in Dolores County, Colorado, approximately 584 feet upstream from the MoonDance Pond No. 1 dam location in an East/Northeast direction, at a location 2948 feet from the South section line and 623 feet from the West section line. There are no intervening water rights between the decreed location and the actual location. Both MoonDance Spring No. 1 and MoonDance Pond No. 1 are located on land owned by the Applicants. (d) Actual UTM Location of MoonDance Spring No. 1: Northing 530747.50 Easting, 1785566238.31, UTM Zone 41Z, (e) UTM location of Moon Dance Pond No. 1: Northing 4172815 Easting 160644. A map was attached to the original application in 18CW3041, and is included with this application as Exhibit C and is on file with the Water Court. All structures are located in Dolores County, Colorado. 14. Remarks or any other pertinent information: Applicant has constructed a series of small ponds to capture run-off and precipitation, and to better use the water decreed to Moon Dance Spring No. 1 and Moon Dance Pond No. 1. This combined series of ponds and spring water are used for efficient irrigation of approximately 10 acres. All structures are located on Applicant's land and all irrigation is on Applicant's land, all located in Dolores County. Due to the dry climate in the area, Applicant further asserts that while all sources of water are tributary, under typical climate conditions, none of the water leaves or would leave the property, or create flows in Cahone Creek that would benefit other downstream water users. **DOLORES COUNTY, COLORADO.** (16 pages)

18CW3054 APPLICATION FOR A CONDITIONAL WATER RIGHT (SURFACE) and CONDITIONAL UNDERGROUND WATER RIGHTS, AND FOR APPROVAL OF A PLAN FOR AUGMENTATION, Florida River and its tributaries, La Plata County. Applicant: Troy Hall, 12194

CR 240, Durango, CO 81301 (602) 380-3817. Direct all correspondence to Amy N. Huff, Colorado Water & Land Law, LLC, 679 E. 2nd Ave, Unit 11B, Durango, CO 81301 (970) 403-1770, amy@waterland-law.com. WATER RIGHTS: (1) **Structure Name:** HALL DITCH (a) **Alt Point of Diversion A:** NW ¼ NE ¼ S36, T36N, R8W, NMPM, at a point 1074' from the N Section line and 1944' from the E Section line, UTM 261437E, 4136964N; **Alt Point of Diversion B:** SW ¼ NE ¼ S36, T36N, R8W, NMPM, at a point 1386' from N Section line and 2403' from E Section line, UTM 261298E, 4136889N; **Alt Point of Diversion C:** SE ¼ NW ¼ S36, T36N, R8W, NMPM, at a point 2218' from N Section line and 2281' from W Section line, UTM 261065E, 4136670N (b) **Source:** Florida River and its tributaries (c) **App Date:** 5-15-14 (d) **Amt:** 1 cfs, Conditional, combined total from all three alternate points of diversion (e) **Uses:** Irrigation, firefighting, fishery, and the impoundment of water for the aforementioned uses. (2) **Structure Name:** HALL WELL/POND I (a) **Legal:** SE ¼, NW ¼ S36, T36N, R8W, NMPM, at a point 2312' from N Section line and 2482' from W Section line, UTM 261126E, 4136631N (b) **Source:** Groundwater tributary to Florida River (c) **App Date:** 5-15-14 (d) **Amt:** 15 gpm, Conditional (e) **Uses:** Irrigation, firefighting, fishery, and the impoundment of water for the foregoing uses. (3) **Structure Name:** HALL WELL/POND II (a) **Location:** SE ¼ NW ¼ S36, T36N, R8W, NMPM, at a point 2515' from N Section line and 2383' from W Section line, UTM 261093E, 4136575N (b) **Source:** Groundwater tributary to Florida River (c) **App Date:** 5-15-14 (d) **Amt:** 15gpm, Conditional (e) **Uses:** Irrigation, firefighting, fishery, and the impoundment of water for the foregoing uses (4) **Structure Name:** HALL WELL/POND III (a) **Location:** NE ¼ SW ¼ S36, T36N, R8W, NMPM, at a point 2326' from S Section line and 2045' from W Section line, UTM 260992E, 4136522N (b) **Source:** Groundwater tributary to Florida River (c) **App Date:** 5-15-14 (d) **Amt:** 15 gpm, Conditional (e) **Uses:** Irrigation, firefighting, fishery, and the impoundment of water for the foregoing uses. **PLAN FOR AUGMENTATION:** **A. Structures Augmented:** HALL DITCH, HALL WELL/POND I, HALL WELL/POND II, HALL WELL/POND III, described above. **B. Water Rights Used for Augmentation:** Water rights decreed to the Florida Water Conservancy District in Case Nos. W-1689-77 through W-1695-77, as amended in 1994 for use of 114 acre feet of storage water to be used for augmentation. The axis of the dam is located in Sections 17 and 20, T36N, R78W, NMPM, beginning at a point on the right abutment, from whence the SW corner of Section 17, T46N, R7W, NMPM, bears South 84 34' West, a distance of 1,699.6 feet, thence South 63 22' East a distance of 1,320 feet to a point on the end of the axis of the dam and rock fill structure. **C. Statement of Plan For Augmentation:** The water rights sought herein will be subject to curtailment due to their junior priority. In order to continue his water uses when the Florida River is on call, Applicant seeks approval of a plan of augmentation for the following uses associated with the Hall Ditch, Hall Well/Pond I, Hall Well/Pond II, and Hall Well/Pond III: evaporation from well/ponds with a total surface area of 0.3 acres; irrigation of no more than 2.55 acres; and livestock watering for no more than 5 horses (15 gallons per day, per horse). Applicant's engineer has determined the demands, return flows, and augmentation requirements for the foregoing water uses. Table 1 attached to the Application contains the engineering calculations that support this plan of augmentation. The uses subject to this plan of augmentation have a total demand of 6.41 AF and will result in 5.34 AF of lagged depletions. The total lagged depletions, which are calculated monthly on Table 1, assume the well/ponds are full year-round, no icing, and there is a year-round call by irrigation water rights and decreed CWCW instream flow water rights. Applicant proposes to lease 5.5 AF from the Florida Water Conservancy District for a replacement water supply. The replacement water supply will be released from Lemon Reservoir, which is 3.46 miles from Applicant's property. With transit losses of 0.625 percent per mile, the proposed augmentation releases, less transit loss, equals 5.46 AF. Thus, by leasing a total 5.5 AF from the Florida Water Conservancy District, Applicant can sufficiently replace the out-of-priority depletions in time, amount, and location. Applicant intends to enter into a Water Reservation Agreement with the Florida Water Conservancy District for 5.5 AF of augmentation water and to enter into a long-term Third Party Agreement with the Florida Water Conservancy District, as approved by the United States, for 5.5 AF of augmentation water annually to replace the out-of-priority depletions caused by the enumerated uses, associated with the Hall Ditch, Hall Well/Pond I, Hall Well/Pond II, and Hall Well/Pond III, described in this plan. **REMARKS:** The augmentation plan proposed herein seeks to

replace out-of-priority depletions from the limited uses described in Paragraph C i – iii of the Application, not all the full uses claimed for said water rights in the Application. The irrigation of 2.55 acres may occur on various areas of Applicant’s real property, as shown on Exhibit A to the Application. (11 pages)

18CW3055 APPLICATION FOR CONDITIONAL WATER RIGHTS (SURFACE) and A CONDITIONAL WATER STORAGE RIGHT, Animas River and its tributaries, La Plata County. Applicant: Troy Hall, 12194 CR 240, Durango, CO 81301 (602) 380-3817. Direct all correspondence to Amy N. Huff, Colorado Water & Land Law, LLC, 679 E. 2nd Ave, Unit 11B, Durango, CO 81301 (970) 403-1770. (1) **Structure Name:** TH DITCH (a) **Point of Diversion:** NW ¼ NE ¼ S1, T33N, R10W, NMPM, at a point 352’ from the N Section line and 1525’ from the E Section line, UTM 244100E, 4114219N (b) **Source:** Seepage, wastewater, return flows, and all other sources of water that accrue to the natural drainage from which the TH Ditch diverts (c) **App Date:** 9-22-17 (d) **Amt:** 2.5 cfs, Conditional (e) **Uses:** Irrigation, firefighting, fishery, wetlands, stock water, and the impoundment of water for the aforementioned uses. (2) **Structure Name:** TH WASTE DITCH (a) **Point of Diversion:** SW ¼ NE ¼, S1, T33N, R10W, NMPM, at a point 1993’ from the N Section line and 1327’ from the E Section line (b) **Source:** Seepage, wastewater, return flows, and all other sources of water that accrue to the natural drainage from which the TH Waste Ditch diverts (c) **App Date:** 9-22-17 (d) **Amt:** 0.5 cfs, Conditional (e) **Uses:** Irrigation and stock water (3) **Structure Name:** TH POND (a) **Location:** NW ¼ NE ¼ S1, T33N, R10W, NMPM, at a point 586’ from N Section line and 1877’ from E Section line, UTM 243992E, 4114151N (b) **Source:** Seepage, wastewater, return flows, and all other sources of water that accrue to the drainage upon which the TH Pond is located, and the TH Ditch water right, as described in Paragraph 2A, above (c) **App Date:** 9-22-17 (d) **Amt:** 27 AF Conditional (e) **Uses:** Irrigation, firefighting, fishery, wetlands, and stock water (4) **Remarks:** See Application. (7 pages)

18CW3056 APPLICATION FOR A CONDITIONAL WATER RIGHT (SURFACE) AND CONDITIONAL WATER STORAGE RIGHTS, Pine River and its Tributaries, La Plata County. Applicant: Gregory Dean and Heather Ann Riley Revocable Trust, 749 County Road 324, (970)759-3452. Direct all correspondence to Amy N. Huff, Colorado Water & Land Law, LLC, 679 E. 2nd Ave, Unit 11B, Durango, CO 81301 (970) 403 1770. amy@waterland-law.com (1) **Structure Name:** SOUTHERN DRAW WATER RIGHT (a) **Alternate Point of Diversion A:** SW¼ SW¼ of S14, T33N, R7W, NMPM, UTM 270490E, 4108741N, NAD 83 Zone 13; **Alternate Point of Diversion B:** SW¼ SW¼ of S14, T33N, R7W, NMPM. GPS location 270495E, 4108981N; **Alternate Point of Diversion C:** SE¼ SW¼ of S14, T33N, R7W, NMPM. GPS location 270506E, 4109118N; **Alternate Point of Diversion D:** SE¼ SW¼ of S14, T33N, R7W, NMPM. GPS location 270500E, 4109059N (b) **Source:** Springs, seepage, return flows, wastewater, and all other sources tributary to the alternate points of diversion described above. (c) **App Date:** 5-20-16 (d) **Amt:** 1.0 cfs Conditional, combined total from all four alternate points of diversion (e) **Uses:** Irrigation of Applicant’s real property and stock water (2) **Structure Name:** RILEY POND I (a) **Location:** NE¼ SW¼ of S23, T33N, R7W, NMPM, GPS location 270553E, 4107804N (b) **Source:** Springs, seepage, return flows, wastewater, and all other sources tributary to the location for Riley Pond I. (c) **App:** June 2010 (d) **Amt:** 10 AF, Conditional (e) **Uses:** Irrigation, firefighting, fishery, stock water. (3) **Structure Name:** RILEY POND II (b) **Location** NE ¼ SW ¼ of S23, T33N, R7W, NMPM, 270792E, 4107742N (c) **Source:** Springs, seepage, return flows, wastewater, and all other sources tributary to the location for Riley Pond II. (c) **App:** June 2010 (d) **Amt:** 10 Af, Conditional (e) **Uses:** Irrigation, firefighting, fishery, stock water. Remarks: See Application. (8 pages)

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

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of 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 Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing fee: \$192.00; Forms are available through the Office of the Water Clerk or on the Judicial web site at www.courts.state.co.us; Danene M. Etz, Water Court Specialist, 1060 E. 2nd Ave., Room 106, Durango, CO 81301; 970-385-6181)



Published: before January 31, 2019

Danene M. Etz, Water Court Specialist

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 following-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.