

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 November 2022.

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:

The water right claimed by this application 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 within the time provided by statute, or be forever barred.

CASE NO. 2022CW26 (REF NO. 16CW60). Michael Stiles, 1606 Camino De Los Ranches, Pueblo West, CO 81007. Application to Make Absolute: Stiles Wastewater Drain – NW1/4NE1/4SE1/4 of Section 5, T48N, R4W, N.M.P.M., Easting 295611, Northing 4257162, Zone 13, 2,005 feet from the south section line and 1,274 feet from the east section line. Source: Pine Creek, Gunnison River. Appropriation Date: 04/18/2016. Amount Claimed: .066 c.f.s. absolute for irrigation. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.**

CASE NO. 2022CW27 (REF NO. 16CW72). Martha Hut and Jonathan Rosen, 65493 Solar Rd., Montrose, CO 81403. Application to Make Absolute: Cottonwood Spring – NW1/4SW1/4 of Section 21, T48N, R9W, N.M.P.M., Easting 249495, Northing 4253953, 2,345 feet from the south section line and 966 feet from the west section line. Source: Uncompahgre River. Appropriation Date: 10/13/2016. Amount Claimed: .033 c.f.s. absolute for irrigation and wildlife. The application on file with the Water Court contains an outline of the work performed during the diligence period. **MONTROSE COUNTY.**

CASE NO. 2022CW28. Applicants: Leroux Creek Water Users Association, PO Box 275, Hotchkiss, CO 81419. Application for Conditional Storage Water Rights: Barrow Reservoir - NW1/4NW1/4 of Section 30, T12S, R93W, 6TH PM., Easting 264079.79819, Northing 4318651.78316, Zone 13. Amount Claimed: 70 acre feet conditional (see below for uses). Lost Hunter Reservoir - SW1/4NW1/4 of Section 24, T12S, R93W, 6TH PM., Easting 263299.39421, Northing 4319492.95387, Zone 13. Amount Claimed: 100 acre feet conditional (see below for uses). Sheep Drive Reservoir - SE1/4NE1/4 of Section 30, T12S, R93W, 6TH PM., Easting 265903.69155, Northing 4317930.18991, Zone 13. Amount Claimed: 100 acre feet conditional (see below for uses). Water Lily Reservoir - NW1/4SW1/4 of Section 7, T12S, R93W, 6TH PM., Easting 264777, Northing 4322939, Zone 13. Amount Claimed: 50 acre feet conditional (see below for uses). Green Mountain Reservoir - NW1/4SE1/4 of Section 13, T12S, R93W, 6TH PM., Easting 262886, Northing 4320810, Zone 13. Amount Claimed: 50 acre feet conditional (see below for uses). Appropriation Date for all reservoirs: 7/20/2022. Source for all reservoirs: Leroux Creek, North Fork Gunnison River. Uses for all reservoirs: Irrigation of approximately 3,000 acres, municipal, domestic use, and stockwater. **DELTA COUNTY.**

CASE NO. 2022CW29 (REF NO. 13CW3070). Steven Wolcott, PO Box 6, Paonia CO 81428, Eli Wolcott, 38270 Stucker Mesa Rd, Hotchkiss, CO 81419, and Linda Lindsey, 38274 Stucker Mesa Rd, Hotchkiss, CO 81419. Application for Finding of Reasonable Diligence and to Make Absolute in Whole or in Part: **Eli's Spring and Pond, Enlargement** – A water collection facility that collects diffuse spring water surfacing in Runzel Gulch. NE1/4NE1/4, of Section 3, T14S, R92W, 6th PM, approximately 720 feet from the North section line and approximately 855 feet from the East section line, Easting 270023, Northing 4305696, Zone 13. Source: Runzel Gulch,

North Fork Gunnison River, Gunnison River. Appropriation Date: 8/31/2012. Amount Claimed: 0.111 cfs (50 gpm) absolute for irrigation and/or supplemental irrigation of approximately 125 acres in total owned by Applicants, in addition to the lands described below (See #2), and located in the SW1/4SW1/4 of Section 35, T13S, R92W, 6th P.M.; the S1/2 of the SE1/4SE1/4 and the NE1/4SE1/4SE1/4 of Section 34, T13South, R92W, 6th P.M.; the NW1/4NW1/4 and the NW1/4SW1/4NW1/4 of Section 2, T14S, R92W, 6th P.M.; and the NE1/4NE1/4, the E1/2 of the NW1/4NE1/4, the E1/2 of the SW1/4NE1/4, and the N1/2 of the SE1/4NE1/4 of Section 3, T14S, R92W, 6th P.M., as illustrated in the aerial photo map attached as Figure 2.A "Wolcott irrigation supplemental irrigation lands". (#2) Based on the findings of the original decree, applicants have an absolute water right for supplemental irrigation of approximately eighty (80) acres on the Applicants' property in the S1/2 of the SW1/4SW1/4SW1/4 of Section 35, T13S, R92W, 6th P.M.; the NW1/4NW1/4 and the NW1/4SW1/4NW1/4 of Section 2, T14S, R92W, 6th P.M.; and the N1/2SE1/4NE1/4, the E1/2 of the NE1/4NE1/4, and the SW1/4NE1/4NE1/4 of Section 3, T14S, R92W, 6th P.M., as illustrated in the aerial photo map attached as Figure 2.A "Wolcott irrigation supplemental irrigation lands".

Wolcott Spring Collection System – Applicants have developed a water collection system in Runzel Gulch by installing a 205 foot perforated pipe at a horizontal depth of less than 10 feet for the collection of shallow subsurface flows in Runzel Gulch. The upper point of the pipe collection structure will be located in the NE1/4NE1/4 of Section 3, T14S, R92W, 6th P.M., approximately 739 feet from the north section line and 834 feet from the east section line. Easting 270024, Northing 4305690, Zone 13. The lower point of discharge for the pipe collection structure will be located in the NE1/4NE1/4 of Section 3, T14S, R92W, 6th P.M., approximately 856 feet from the north section line and 979 feet from the east section line, Easting 269972, Northing 4305656, Zone 13, where water will be discharged into a settling tank and pumped at rates up to 50 gpm for beneficial use. Source: Runzel Gulch, North Fork Gunnison River, Gunnison River. Appropriation Date: 09/09/2012. Amount Claimed: 0.111 cfs (50 gpm) absolute for the irrigation uses on 80 acres shown in Figure 2.A, plus 2 additional acres of the 125 acres shown in Figure 2.A "Wolcott irrigation supplemental irrigation lands", including greenhouse use, domestic, stockwater, commercial, industrial, recreation, dust suppression, and fire protection, and conditional with continued diligence for remaining 123 irrigated acres.

Island Spring – SE1/4NE1/4 of Section 3, T14S, R92W, 6th P.M., upper point: Easting 269911, Northing 4305464, Zone 13, lower point: Easting 269896, Northing 4305503, Zone 13. Source: North Fork Gunnison River, Gunnison River. Appropriation Date: 7/07/2013. Amount Claimed: 0.027 cfs (12 gpm) conditional for irrigation, including greenhouse use, domestic, stockwater, commercial, industrial, recreation, dust suppression, and fire protection.

Green Marsh Spring – SE1/4NE1/4 Section 3, T14S, R92W, 6th P.M., upper point: Easting 269912, Northing 4305412, Zone 13, lower point: Easting 269862, Northing 4305427, Zone 13. Source: North Fork Gunnison River, Gunnison River. Appropriation Date: 7/07/2013. Amount Claimed: 0.027 cfs (12 gpm) conditional for irrigation, including greenhouse use, domestic, stockwater, commercial, industrial, recreation, dust suppression, and fire protection.

Bottom Spring – SE1/4NE1/4 of Section 3, T14S, R92W, 6th P.M., upper point: Easting 269928, Northing 4305386, Zone 13, lower point: Easting 269849, Northing 4305404, Zone 13. Source: North Fork Gunnison River, Gunnison River. Appropriation Date: 7/07/2013. Amount Claimed: 0.027 cfs (12 gpm) conditional for irrigation, including greenhouse use, domestic, stockwater, commercial, industrial, recreation, dust suppression, and fire protection.

Eli's Spring Upper Pond – NE1/4NE1/4 of Section 3, T14S, R92W, 6th P.M., approximately 575 feet from the North section line and approximately 530 feet from the East section line, Easting 270131, Northing 4305736, Zone 13. Source: Runzel Gulch, North Fork Gunnison River, Gunnison River. Appropriation Date: 12/16/2013. Amount Claimed: 0.80 acre-feet absolute for irrigation uses on the 80 acres shown in Figure 2.A , plus 2 additional acres of the 125 acres shown in Figure 2.A "Wolcott irrigation supplemental irrigation lands", industrial,

domestic, fish culture, fire protection, and commercial, including but not limited to, greenhouse irrigation, aquaculture, recreation, and dust suppression activities. Conditional for the remaining 1.20 acre-feet for all uses listed.

Wolcott Ponds: Names and locations

Name of Structure	PLSS Location (all in Township 14 South, Range 92 West of the 6th P.M.)	UTM Location (Zone 13)
Eli's Spring Lower Pond	NE1/4NE1/4 of Section 3, approximately 944 feet from the north section line and 1029 feet from the east section line.	E 269951; N 4305631
Eli's Spring Willows Pond	NE1/4NE1/4 of Section 3, approximately 694 feet from the north section line and 985 feet from the east section line.	E 269980; N 4305705
Wolcott Pond #1	NE1/4NE1/4 of Section 3, approximately 1104 feet from the north section line and 1074 feet from the east section line.	E 269927; N 4305582
Wolcott Pond #2	NE1/4NE1/4 of Section 3, approximately 1158 feet from the north section line and 1105 feet from the east section line.	E 269914; N 4305566
Wolcott Pond #3	NE1/4NE1/4 of Section 3, approximately 1236 feet from the north section line and 1070 feet from the east section line.	E 269920; N 4305542
Wolcott Pond #4	NE1/4NE1/4 of Section 3, approximately 1313 feet from the north section line and 1109 feet from the east section line.	E 269903; N 4305519
Wolcott Pond #5	SE1/4NE1/4 of Section 3, approximately 1466 feet from the north section line and 1143 feet from the east section line.	E 269883; N 4305473
Wolcott Pond #6	SE1/4NE1/4 of Section 3, approximately 1516 feet from the north section line and 1155 feet from the east section line.	E 269875; N 4305458
Wolcott Pond #7	SE1/4NE1/4 of Section 3, approximately 1567 feet from the north section line and 1197 feet from the east section line.	E 269860; N 4305443
Wolcott Pond #8	SE1/4NE1/4 of Section 3, approximately 1660 feet from the north section line and 1214 feet from the east section line.	E 269849; N 4305416
Wolcott Pond #9	SE1/4NE1/4 of Section 3, approximately 1707 feet from the north section line and 1230 feet from the east section line.	E 269842; N 4305401
Wolcott Pond #10	SW1/4NE1/4 of Section 3, approximately 2180 feet from the north section line and 1367 feet from the east section line.	E 269769; N 4305259
Wolcott Pond #11	SW1/4NE1/4 of Section 3, approximately 2289 feet from the north section line and 1364 feet from the east section line.	E 269763; N 4305226
Wolcott Pond #12	SW1/4NE1/4 of Section 3, approximately 2368 feet from the north section line and 1358 feet from the east section line.	E 269760; N 4305202
Wolcott Pond #13	SE1/4NE1/4 of Section 3, approximately 2458 feet from the north section line and 1272 feet from the east section line.	E 269781; N 4305174
Wolcott Pond #14	NW1/4NE1/4 of Section 3, approximately 1239 feet from the north section line and 1836 feet from the east section line.	E 269683; N 4305549
Wolcott Pond #15	SW1/4NE1/4 of Section 3, approximately 1404 feet from the north section line and 1822 feet from the east section line.	E 269677; N 4305499
Wolcott Pond #16	SW1/4NE1/4 of Section 3, approximately 1613 feet from the north section line and 1747 feet from the east section line.	E 269687; N 4305435
Wolcott Upper Pond #1	NE1/4NE1/4 of Section 3, approximately 1218 feet from the north section line and 860 feet from the east section line.	E 269986; N 4305545
Wolcott	SE1/4NE1/4 of Section 3, approximately 1563 feet from the	E 269982;

Upper Pond #2	north section line and 803 feet from the east section line.	N 4305440
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Sources of supply to Eli's Spring Lower Pond, Eli's Spring Willows Pond and Wolcott Pond Nos. 1 through 16: Runzel Gulch, North Fork Gunnison River, Gunnison River. Sources of supply to Wolcott Upper Pond #1: Irrigation wastewater/runoff from Applicants' irrigation of lands lying in the N1/2SE1/4NE1/4 and the NE1/4NE1/4 of section 3, T14S., R92W, 6th P.M.; NW1/4SW1/4NW1/4 and the NW1/4NW1/4 of section 2, T14S., R92W, 6th P.M.; and SW1/4SW1/4 of section 35, and the E1/2SE1/4SE1/4 of section 34 in T13S., R92W, 6th P.M.. Sources of supply to Wolcott Upper Pond #2: Irrigation wastewater/runoff from Applicants' irrigation of lands lying in the N1/2SE1/4NE1/4 and the NE1/4NE1/4 of section 3, T14S., R92W, 6th P.M.; NW1/4SW1/4NW1/4 and the NW1/4NW1/4 of section 2, T14S., R92W, 6th P.M.; and SW1/4SW1/4 of section 35, and the E1/2SE1/4SE1/4 of section 34 in T13S., R92W, 6th P.M. Appropriation Date for above listed ponds: 12/16/2013. Amount Claimed: The amount claimed for Eli's Spring Lower Pond, Eli's Spring Willows Pond and each of the Wolcott Ponds is two (2) acre-feet, conditional, together with the right to fill and refill each in priority for irrigation, industrial, domestic, stockwater, fish culture, fire protection, and commercial, including but not limited to, greenhouse irrigation, aquaculture, recreation, and dust suppression activities. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2022CW3074. (Ref. 95CW85, 04CW25, 16CW3020) Name, mailing address, email address, and telephone number of applicant: Geyser Lode, LLC, a Colorado Limited Liability Company, Kenneth W. Davis, Manager. In **San Miguel County; San Miguel River.** Send all Pleadings and Correspondence to: Martha P. Whitmore, Hockersmith & Whitmore, LLC PO Box 646, Ouray, CO 81427-0646, marti@ouraylaw.com, 970-325-4414. Name of structure: Geyser Well No. 1. Describe conditional water right (as to each structure) including the following information from previous decree: Date of Original Decree: February 12, 1998, Case No. 95-CW-85, Court: Water Division No. 4. List all subsequent decrees awarding findings of diligence: Date of Decree: August 2, 2004, Case No. 04-CW-0025, Court: Water Division No. 4; November 11, 2016 Case No. 16CW3020; District Court in and for Water Division No. 4. San Miguel County Legal description: SE1/4 SE1/4 of Section 34, Township 44 North, Range 11 West, N.M.P.M. Distance from section lines, 742 feet from South section line and 652 feet from East section line. Source of water: Ground water tributary to the San Miguel River, Appropriation Date: July 21, 1993, Amount: 0.055 cfs, Use: Commercial, domestic, irrigation, recreational, fire protection and augmentation, including the right to store water for later release. Depth: Approximately 100 feet. Applicant is abandoning Geyser Well #1, which had been issued well permit #20275-MH, but which was capped and plugged in July, 2017. The well abandonment report was filed with the State of Colorado, Office of the State Engineer with a date of July 25, 2017. Name of structure: Geyser Well No. 2. Describe conditional water right (as to each structure) including the following information from previous decree: Date of Original Decree: February 12, 1998, Case No. 95-CW-85, Court: Water Division No. 4. List all subsequent decrees awarding findings of diligence: Date of Decree: August 2, 2004, Case No. 04-CW-0025, Court: Water Division No. 4 San Miguel County Legal description: SE1/4SE1/4 Section 34, Township 44 North, Range 11 West, N.M.P.M. Distance from section lines 387 feet from South section line and 472 feet from East section line. Source of water: Ground water tributary to the San Miguel River. Appropriation Date: July 21, 1993 Amount: 0.055 cfs. Use: Commercial, domestic, irrigation, recreational, fire protection and augmentation, including the right to store water for later release. Applicant is abandoning the commercial use of this well. Depth: Well not yet constructed. Name of structure: Geyser Well No. 3. Describe conditional water right (as to each structure) including the following information from previous decree: Date of Original Decree: February 12, 1998, Case No. 95-CW-85, Court: Water Division No. 4. List all

subsequent decrees awarding findings of diligence: Date of Decree: August 2, 2004 Case No. 04-CW-0025 Court: Water Division No. 4. San Miguel County Legal description: SE1/4SE1/4 Section 34, Township 44 North, Range 11 West , N.M.P.M. Source of water: Ground water tributary to the San Miguel River, Appropriation Date: July 21, 1993, Amount: 0.055 cfs, Use: Commercial, domestic, irrigation, recreational, fire protection and augmentation, including the right to store water for later release. Applicant is abandoning the commercial use of this well. Depth: Well not yet constructed. Name of structure: Geyser Pond: the Pond is now filled with water and it has been used for recreational purposes, and water has been stored for later release for other uses. Describe conditional water right (as to each structure) including the following information from previous decree: Date of Original Decree: February 12, 1998, Case No. 95-CW-85, Court: Water Division No. 4, List all subsequent decrees awarding findings of diligence: Date of Decree: August 2, 2004, Case No. 04-CW-0025 Court: Water Division No. 4. San Miguel County Legal description: SE1/4SE1/4 Section 34, Township 44 North, Range 11 West, N.M.P.M. Distance from section lines: Center of pond will be at a point 867 feet North of the South section line and 677 feet West of the East section line. Source of water: Water pumped from Geyser Wells No. 1, 2 and 3 or from the Geyser Spring. All water stored will be tributary to the San Miguel River. Appropriation Date: July 21, 1993. Amount: 2.50 acre feet with a surface area of 10,925 square feet and an average depth of 10 feet. Active capacity is a 2.5 acre feet with no dead storage. Use: Commercial, domestic, irrigation, recreational, fire protection and augmentation, including the right to store water for later release. Depth: n/a. Name of structure: Geyser Spring: Has been put to beneficial use to the full extent of the decreed right for recreational purposes, and water has been stored in the full decreed amount for later release for other uses. Describe conditional water right (as to each structure) including the following information from previous decree: Date of Original Decree: February 12, 1998, Case No. 95-CW-85, Court: Water Division No. 4. List all subsequent decrees awarding findings of diligence: Date of Decree: August 2, 2004, Case No. 04-CW-0025, Court: Water Division No. 4. San Miguel County Legal description: SE1/4SE1/4 Section 34, Township 44 North, Range 11 West, N.M.P.M. Distance from section lines: 432 feet North of the South section line and 595 feet West of the East section line. Source of water: San Miguel River. Appropriation Date: July 21, 1993, Amount: 0.055 cfs to be stored in the Geyser Pond. Use: Commercial, domestic, irrigation, recreational, fire protection and augmentation, including the right to store water for later release. Applicant is abandoning the commercial use and irrigation uses of this Spring. Depth: n/a. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: (add additional sheets if necessary). If irrigation use, mark the location of proposed area to be irrigated on a USGS topographic map and attach to this application a legible 8 ½ x 11 inch copy of the applicable portion of the map. The Geyser Spring has been made absolute through beneficial use for recreational purposes, and is stored for later uses. The Geyser Spring is located in a cavern that has been excavated. Applicant has installed electricity, lighting and has expended time and money in excavating the cavern for recreational uses. The Geyser Spring is a hot spring that feeds into both a conventional hot tub in the cavern as well as a "built in" soaking area within the cavern. Applicant requests that the Geyser Spring water right be declared as absolute in its full amount for recreational uses, and storage for later release. Applicant further requests that the Court find diligence for the remaining uses. The Geyser Pond has been used and improved by the Applicant, however, no commercial or irrigation uses will be made and those uses are now abandoned. Additional work that has been done by Applicant during the last six years include the following: Applicant has spent time and resources improving and developing the water rights herein. Applicant hired Wayne Goin of Minion Hydrologic to review the water rights and provide guidance on development. Applicant had Well #1 capped and abandoned with the appropriate report filed with the State Engineer. Applicant has continued to enlarge and improve the cavern

in which the spring, hot tub, and natural pool area are located and has enjoyed the use of the spring water, hot tub and natural pool area. Additional and improved lighting has been installed. The spring water has run off into the pond after it leaves the cavern and has been used for recreational purposes. Applicant's total expenditures in developing the water rights and in using the water rights has been approximately \$54,600.00. Therefore, Applicant hereby requests that the conditional rights be continued, that Well # 1 be abandoned, and that the commercial uses and irrigation uses of all of the structures be abandoned. If claim to make absolute in whole or in part. Applicant is claiming that Geyser Spring and Geyser are absolute in part as described above, and asks that the Court so adjudicate them as absolute, with the commercial and irrigation uses for each being abandoned. 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. All structures are on Applicant's property. **SAN MIGUEL COUNTY.**

CASE NO. 2022CW3075 (03CW87, 15CW3086). Applicant: John S. Hendricks, c/o Hendricks Family Office, 8484 Georgia Avenue, Suite 700, Silver Springs, MD 20910, direct all correspondence to Applicant's counsel: Mark E. Hamilton and William H. Caile, Holland & Hart, LLP, 600 E. Main St., Suite 104, Aspen, CO 81611 (970) 925-3476; mehamilton@hollandhart.com, whcaile@hollandhart.com. 2. Name of Structure: Wines Ditch, First Enlargement 3. From Prior Decrees: a. Date of original decree: September 25, 2009, in Case No. 03CW87, Water Division 4. b. Subsequent decree awarding diligence: November 1, 2016, in Case No. 15CW3086, Water Division 4. c. Legal description: On the right bank of the Dolores River, at a point whence the NE corner of Sec. 21, T. 15 S., R. 104 W., 6th P.M., bears N. 2°02' W. 8560.5 ft., Mesa County. i. With a decreed alternate point of diversion described as follows: On the right bank of the Dolores River, at a point located N. 45°30' W. 4,100 feet from the NW corner of Sec. 21, T. 15 S., R. 104 W., 6th P.M., Mesa County (the actual physical alternate point of diversion is located at a point on the right bank of the Dolores River, at a point which lies North 37° West 440 feet from the southeast corner of the northwest quarter of Section 21, Township 15 South, Range 104 west of the 6th P.M., Mesa County). A map illustrating the locations of these structures is on file with the Court. d. Source: Dolores River. e. Appropriation date: February 24, 2003. f. Amount: 3.87 c.f.s. Conditional. g. Use: Irrigation (the lands to be irrigated are in the vicinity of property commonly known as the Emerald Desert Ranch, which property consists of approximately 71 acres in the N 1/2 of Section 21, T. 15 S., R. 104 W., 6th P.M., Mesa County). 4. Detailed outline of what has been done towards completion of the appropriation and application of water to beneficial use as decreed: a. During the relevant diligence period, Applicant and/or Applicant's affiliates (and/or their attorneys and consultants) have conducted, without limitation, the following activities in furtherance of the development of the subject conditional water and the integrated water supply system of which it is a component, and application of water to beneficial uses as decreed: i. Continued to develop and operate the Gateway Canyons Resort, located adjacent to the Dolores River, including the water supply and irrigation systems associated with the Resort and related properties. ii. Engaged in a process to rehabilitate the diversion structure and portions of the ditch for the Wines Ditch on the Dolores River in order to improve Applicant's ability to exercise its water rights, while addressing multiple non-consumptive water interests such as sensitive species habitat, wildlife management, channel stabilization, and recreational improvement. To date, this project has included the following relevant activities: Meetings, site visits, and coordination with several stakeholders/concerned parties, including the Colorado Division of Water Resources, United States B.L.M., the Colorado Division of Parks & Wildlife, and The Nature Conservancy; Engineering and legal services, including preparation of conceptual and design plans for bid, environmental permitting activities, preparation of contract documents and technical

specifications; and funding, budgeting and outreach activities. iii. Participated in the Colorado Water Conservation Board's ("CWCB") proceedings concerning the appropriation of an instream flow water right on the Lower Dolores River, including monitoring CWCB Case No. 15CW3111, Water Division 4, to ensure that the final decree entered in that case complied with Applicant's Stipulation with the CWCB. iv. Filed and prosecuted water court applications to maintain Applicant's water rights and water supply systems, including in Case Nos. 17CW3024, 20CW3053, and 21CW3029. v. Reviewed water court resumes, filed statements of opposition, and participated in cases in order to protect Applicant's water rights including the subject conditional water right, including without limitation Case Nos. 16CW3058, 20CW3082 and 22CW3055. vi. Participated in proceedings related to the State Engineer's 2020 Decennial Abandonment List in order to protect Applicant's water rights, including the filing and prosecution of Case No. 22CW3047. vii. Engaged in efforts to market various properties and water rights, including the subject conditional water right. viii. Engaged the services of attorneys and consultants, and made significant expenditures, including but not limited to legal and engineering fees as well as contractors, materials and construction costs, in connection with the activities described above. Total expenditures during the diligence period are difficult to calculate but are conservatively estimated to be excess of \$300,000. b. The list of activities included herein is not meant to be exhaustive, and Applicant reserves the right to introduce additional evidence of diligence if appropriate. 5. Name and address of owners or reputed owners of land upon which any new diversion structure 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: U.S. Bureau of Land Management, c/o Joe Meyer, District Manager, Grand Junction Field Office, 2815 H Road, Grand Junction, CO 81506. 6. Additional Remarks: The subject conditional water right is a component of Applicant's integrated water supply system, serving a variety of agricultural, commercial (including but not limited to construction, heating/cooling, restaurants, retail and office space), residential, and recreational properties, and for other portions of the unincorporated Town of Gateway, Colorado. See, e.g., decree in Case No. 10CW207, Water Division 4. As such, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of all features of the project or system. C.R.S. § 37-92-301(4)(b). Applicant respectfully requests that the Court enter a judgment and decree: Finding that Applicant has been reasonably diligent in the development of the conditional water right for the Wines Ditch, First Enlargement; Continuing the conditional water right in full force and effect; and For such other relief as the Court deems just and proper.

MESA COUNTY.

CASE NO. 2022CW3076. SAN MIGUEL COUNTY. Application for Finding of Reasonable Diligence. Name and address of Applicant: San Miguel County Board of County Commissioners, c/o Mark E. Hamilton, Esq. and Susan M. Ryan, Esq., Holland & Hart LLP, 600 E. Main St., Suite 104, Aspen, CO 81611, (970)925-3476, mehamilton@hollandhart.com, smryan@hollandhart.com. Original Decree: 01CW244, Water Division 4, decree entered on March 29, 2004. Subsequent decrees: 10CW29, Division 4, dated July 19, 2010; and 16CW3048, Division 4, dated November 14, 2016. Name of Structure: **Snowshoe No. 1 Pipeline.** Legal description: SW1/4 NE1/4, Section 5, Township 41 North, Range 9 West, N.M.P.M., at a point on the Lake Fork of the South Fork of the San Miguel River from which the north quarter corner of said Section 5 N19°11'00" W, 1828 feet. Source: Lake Fork of the South Fork of the San Miguel River. Appropriation Date: December 24, 2001. Amount Claimed: 0.5 cubic feet per second ("cfs"), conditional. Uses: Industrial, domestic, irrigation for landscaping, commercial, fire protection and storage incidental to those uses. Landscape irrigation use will be for five acres within the NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 5, Township 41 North, Range 9 West and the SE1/4 SW1/4 and SW1/4 SE1/4, Section 32, Township 42 North, Range

9 West N.M.P.M. and as necessary for reclamation as may be required administrative authorities. All uses shall be restricted to the lands on the Pathfinder Development, Inc. Property, as shown on Figure 1 of the Application. Industrial uses are limited to those related to the operation of a gravel pit and other mineral processing uses, including washing of vehicles, dust control, or other uses relating to the operation of a gravel pit, and other uses as may be properly permitted by San Miguel County or the Colorado Division of Minerals and Geology on the Pathfinder Property. Irrigation uses may include reclamation, revegetation, and wetland mitigation. The domestic and commercial uses shall be associated with the permitted industrial uses on the existing Pathfinder Property. Name of Structure: **Snowshoe No. 2 Pipeline.** Legal description: NE1/4 NW1/4, Section 5, Township 41 North, Range 9 West, N.M.P.M., at a point on the Lake Fork of the South Fork of the San Miguel River from which the north quarter corner of said Section 5 bears N28°20'00" E, 903 feet. Source: Lake Fork of the South Fork of the San Miguel River. Appropriation Date: December 24, 2001. Amount claimed: 0.5 cfs, conditional. Uses: Industrial, domestic, irrigation for landscaping, commercial, fire protection and storage incidental to those uses. Landscape irrigation use will be for five acres within the NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 5, Township 41 North, Range 9 West and the SE1/4 SW1/4, Section 32, Township 42 North, Range 9 West N.M.P.M and as necessary for reclamation as may be required administrative authorities. All uses shall be restricted to the lands on the Pathfinder Development, Inc. Property, as shown on Figure 1 of the Application. Industrial uses are limited to those related to the operation of a gravel pit and other mineral processing uses, including washing of vehicles, dust control, or other uses relating to the operation of a gravel pit, and other uses as may be properly permitted by San Miguel County or the Colorado Division of Minerals and Geology on the Pathfinder Property. Irrigation uses may include reclamation, revegetation, and wetland mitigation. The domestic and commercial uses shall be associated with the permitted industrial uses on the existing Pathfinder Property. Claim for Finding of Diligence: A detailed outline of activities during the diligence period is included in the Application. A map showing the location of the subject structure(s) is attached to the Application as Figure 1. Name and address of owner of the land upon which any new diversion of storage structure, or modification to any existing diversion or storage structure is or will be constructed upon which water is or will be stored, including any modification to the existing storage pool: Snowshoe No. 1 Pipeline's point of diversion is located upon the unpatented mining claim of Matterhorn Mining and Manufacturing Company, and the United States Forest Service has jurisdiction over the surface estate of that property. Snowshoe No. 2 Pipeline is located upon a patented mining claim owned by the Applicant. (5 Pages) **SAN MIGUEL COUNTY.**

CASE NO. 2022CW3077. 1. Name, mailing address, email address, and home telephone number of applicant(s): Norwood Water Commission P.O. Box 528 Norwood, CO 81423 Attn. Patti Grafmyer, Administrator grafmyer@norwoodtown.com 970-327-4288. 2. Describe conditional water right (as to each structure) A. Date of Original Decree: 12-15-2003 Case No. 01CW270 Water Court, Division 4. B. Subsequent decrees awarding findings of diligence: 01CW270, Dec. 13, 2003, Water Court, Division 4; 09CW155, June 21, 2010; 2016CW3042, Nov. 7, 2016, Water Court, Div. 4. C. Legal Descriptions of the Reservoirs: **Reservoir No. 1:** The existing raw water Reservoir No. 1 Outlet Works is located in Section 6, T44N, R12W, NMPM, in San Miguel County, beginning at the northwest corner of Section 6, thence south 44° 30' east 1,970 feet more or less to the reservoir outlet. **Reservoir No. 2:** The raw water reservoir is located within a tract of land in Section 36, T45N, R13W, NMPM, in San Miguel County, bordered by a dike 1,160 feet in length, located approximately 40 feet north of the south section line of Section 36, then by a dike 390 feet in length, located approximately 1,480 feet west of the east section line of Section 36, then by a dike 1,160 feet in length, located approximately 430 feet north of the south section line of Section 36, and then by a dike 390 feet in length, located approximately 320 feet west of the east section line of Section 36. **Reservoir No. 3:** The raw

water reservoir is located within a tract of land in Section 36, T45N, R13W, NMPM, in San Miguel County, bordered by a dike 1,160 feet in length, located approximately 430 feet north of the south section line of Section 36, then by a dike 390 feet in length, located approximately 1,480 feet west of the east section line of Section 36, then by a dike 1,160 feet in length, located approximately 820 feet north of the south section line of Section 36, and then by a dike 390 feet in length, located approximately 320 feet west of the east section line of Section 36. **Reservoir No. 4:** The raw water reservoir is located within a tract of land in Section 36, T45N, R13 W, NMPM, in San Miguel County, bordered by a dike 460 feet in length, located approximately 430 feet north of the south section line of Section 36, then by a dike 390 feet in length, located approximately 1,940 feet west of the east section line of Section 36, then by a dike 460 feet in length, located approximately 820 feet north of the south section line of Section 36, and then by a dike 390 feet in length, located approximately 1480 feet west of the east section line of Section 36. Street Address: 1901 CR45Y aka 131 CR45 Y, Norwood, CO. D. Source of water: San Miguel River. E. Appropriation Date: December 1, 1994. F. Amount: Reservoir No. 1: 18.4 acre feet, fill and refill; Reservoir No. 2: 91 acre feet, fill and refill; Reservoir No. 3: 91 acre feet, fill and refill; Reservoir No. 4: 33 acre feet, fill and refill. G. Use: Municipal 3. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures. Copies of three maps depicting pertinent structure and water right locations are on file with the Water Court Clerk in Case No. 09CW155 and are available for inspection at the NWC office. The Applicant, Norwood Water Commission ("NWC"), obtained a conditional decree in Case No. 01CW270 for water storage in four reservoirs: NWC Reservoir Nos. 1, 2, 3 & 4. These conditional water storage rights are described herein as the NWC Storage Rights. Since the decree in Case No. 2016CW was entered on Nov. 7, 2016, the NWC has continued to pursue the development of the NWC Storage Rights with reasonable diligence. The NWC Storage Rights permits NWC Reservoirs Nos. 1, 2, 3 & 4 to be used to receive and store the water from a conditional 5.0 cfs direct flow surface right originally adjudicated in Case No. 94CW 244, described herein as the NWC River Diversion and other existing NWC or Town of Norwood water rights. NWC Reservoirs Nos. 1 and 2 are existing reservoirs that currently receive and store water from other water rights owned or controlled by the NWC for delivery to the adjacent NWC Water Treatment Plant but have not yet stored water from the NWC River Diversion. NWC Reservoir Nos. 1, 2, 3 & 4 are an integral part of the NWC water system. The NWC River Diversion is located in the SE 1/4 SE 1/4 of Section 33, T45N, R12W, NMPM at a point approximately 5 feet north of the south section. The NWC River Diversion conditional surface water right was confirmed and extended on October 21, 2008 upon a finding of reasonable diligence entered in Case No. 08CW55, and subsequently in Case Nos. 94CW244, 10CW202, 2014CW3087, and 2021CW3019, Water Court, Division 4. The NWC Storage Rights are part of an integrated municipal water supply, treatment and delivery system administered by the NWC. Applicant in coordination with the Town of Norwood, Colorado has expended substantial funds for engineering and legal fees in connection with NWC water system planning, grant applications, prosecuting various water right applications and statements of opposition to defend water rights that support the NWC water supply system, rehabilitation of the NWC water supply infrastructure, and additional water treatment plant upgrade work. In 2017, the Town of Norwood acting by and through the NWC obtained a decree in Case No. 2017CW3049 finding reasonable diligence for the development of the Norwood-Nelson Ditch conditional water right. During 2016-2017, the Town of Norwood conducted preliminary and final engineering for a Raw Water Irrigation System ("RWIS"). The NWC has spent in conjunction with the Town of Norwood approximately \$1,348,533.00 on completion of the RWIS project, which went on-line during the summer of 2019. In 2019, the Applicant's water rights engineering firm, SGM Inc. performed a Water Availability Analysis for NWC River Diversion (Case No. 10CW202), and a Water Availability Analysis and Supply Development for Lone Cone System (Case No. 10CW203). On

May 20, 2019 the NWC obtained a decree in Case No. 2019CW3025 finding reasonable diligence in the development of the Forest Street Subdrain conditional surface water right. In 2019, the Applicant filed applications for finding of reasonable diligence for multiple structures in Case Nos. 19CW3025 and 19CW3026, and obtained favorable rulings and decrees in those cases in 2020. In 2020, NWC completed a Water Master Plan in which the NWC River Diversion was identified as a key water right that could provide a firm yield of 1,000 acre feet per year. On April 21, 2022, the Norwood Water Commission signed an agreement with SGM, Inc., to update the 2020 Water Master Plan to include 24 "Rural Housing" Units in Pinion Park and the future development of land that was purchased by the Town of Mountain Village (75 – 100 housing units), at a cost of \$10,000. On or about October 11, 2022 the NWC filed an application for finding of reasonable diligence for its Gurley water diversion, Case No. 2022CW003067, Water Court, Division 4. 4. 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. Name of Owner Mailing Address Town of Norwood NWC Res. No.1 P.O. Box 528 Norwood, CO 81423. Colorado State Land Board NWC Res. Nos. 2, 3, & 4 1313 Sherman St. Rm. 620 Denver, CO 80203 5. Description of place of use (where the water is proposed to be applied to beneficial use): Norwood Water Commission Water Service Area, located in San Miguel and Montrose Counties, in all or portions of Sections 31-33, 35, 36, T46N, R14W; Sections 31-33, T46N, R13W; Sections 4-6, T45 1/2N, R13W; Sections 1-6, 8-15, T45N, R14W; Sections 2-18, 20-29, 32-36, T45N, R13W; Sections 18-19, 29-33, T45N, R12W; Sections 1-5, 8-17, T44N, R13W; Sections 4-8, 17, 18, T44N, R12W, all in NMPM, as shown on Figure 1 filed as part of Case No. 10CW202, and incorporated herein by this reference. A copy of that map is available for review at the Water Court Clerk's office or the Norwood Water Commission office. Respectfully Submitted this 30th day of November, 2022.

SAN MIGUEL COUNTY.

CASE NO. 2022CW3078; Montrose County - Gunnison River; Craig Summers; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR UNDERGROUND WATER RIGHT, STORAGE RIGHT, AND APPROVAL OF PLAN FOR AUGMENTATION; Name, address, and telephone number of Applicant: Craig Summers, 57507 Jefferson Road; Montrose, CO 81403; (406) 595-4410; Request for underground water right: Name of well: Summers Well; Location of structure: NW¼ of the NE¼ of Section 8, Township 49 North, Range 10 West, of the New Mexico Principal Meridian; UTM Zone 13, NAD83, 237377.2m E, 4269058.2m N; Source: Groundwater tributary to Coal Creek, tributary to Dry Creek, tributary to the Uncompahgre River, tributary to the Gunnison River; Information regarding appropriation: Date of appropriation: October 31, 2022; How appropriation was initiated: By filing the Application in this case; Amount: 0.033 c.f.s.; 15 gpm, conditional; not to exceed 4.0 a.f. annually; Regarding augmentation: An augmentation plan for the Summers Well is requested below; Uses: Domestic, irrigation, stock watering, fire protection, and filling and refilling Summers Pond; Request for water storage right: Name of structure: Summers Pond; Location of structure: Will be constructed within an envelope located in the NW¼ of the NE¼ of Section 8, Township 49 North, Range 10 West, of the New Mexico Principal Meridian, The UTM coordinates for the center of the envelope are Zone 13, NAD83, 237424.5m E, 4269025.4m N; Source: Groundwater pumped from the Summers Well, which is tributary to Coal Creek, tributary to Dry Creek, tributary to the Uncompahgre River, tributary to the Gunnison River; Information regarding appropriation: Date of appropriation: October 31, 2022; How appropriation was initiated: By filing the Application in this case; Amount: 0.22 a.f., with the right to fill and refill while in priority, conditional; Uses: Irrigation, stock watering, recreation, fire protection; Surface area of high-water line: 0.05 acre; Height of dam: Less than 10 feet; Total capacity: 0.22 a.f., all dead storage; Request for approval of plan for

augmentation: Structures to be augmented: Summers Well, Summers Pond; Water rights to be used for augmentation: Applicant will purchase water from Blue Mesa Reservoir to offset potential out-of-priority depletions attributed to the Summers Well and Summers Pond; Date of original decree and Case Nos: Case No. CA1927 was decreed on July 22, 1959; Case No. CA8303 was decreed on July 21, 1959; and Case No. 94CW0228 was decreed on December 31, 1994; Legal description of the replacement 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 and its tributaries; 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: The plan for augmentation provides for the replacement of out-of-priority stream depletions to the Gunnison River from the Summers Well and Summers Pond. Water supplied by the Summers Well will be used for domestic purposes in one single-family home, lawn and garden irrigation, stock watering, fire protection, and filling and refilling Summers Pond. Water stored in Summers Pond will be used for lawn and garden irrigation, stock watering, recreation, and fire protection. The only potential senior downstream call is the Redlands Power Canal ("RPC"); Depletions: Domestic: The estimated water demand to support domestic use in one home is approximately 0.03 a.f. per month or 0.36 a.f. per year. Wastewater from the home will be discharged to a septic system, and as a result, overall depletion to the aquifer is estimated to be 10 percent of the demand, or 0.04 a.f., annually. Groundwater pumped from the Summers Well will be used to irrigate approximately one acre of lawn and gardens on Applicant's property. The average monthly demand required to meet the irrigation water requirements ranged from 0.17 in October to 0.66 in June and July and the total annual demand for irrigation will equal 3.22 a.f. Depletions will equal 2.74 a.f., annually; Stock watering: Water from the Summers Pond will be used to provide water for up to six horses on a year-round basis. Stock watering is considered 100 percent consumptive, so depletions will equal demand, or 0.072 a.f. per year; Evaporation: Evaporation from the 0.05 acre surface of the Summers Pond will equal 0.17 a.f., annually; Operation of plan: Potential call period: The only senior calling right below the subject water rights is the RPC. Calls could potentially be placed by the RPC under either its 670 c.f.s. senior right or its 80 c.f.s. junior right. Potential call periods for the RPC right are defined as the periods during which calls could have been placed by RPC in response to the extreme drought conditions experienced in calendar years 2002 and 2003. Streamflow data reported for the USGS gaging station located on the Gunnison River at Whitewater (Station ID 09152500; Station Name: Gunnison River near Grand Junction) were used to identify the periods during which calls could have been placed by RPC during calendar years 2002 and 2003. The USGS streamflow data were adjusted to account for conveyance losses within the reach between the gage station and the RPC diversion, a distance of approximately 12 miles. A conveyance loss of 0.5 percent per mile, or 6 percent, was used per DWR guidance. The call periods correspond to the maximum number of days for any given month over the two-year period when Gunnison River flows at the RPC diversion were less than the decreed amounts for the rights. The potential call period for the senior RPC right reflects river flows less than 670 c.f.s. The potential call period for the junior RPC right reflects river flows less than 750 c.f.s. but greater than 670 c.f.s. The potential call periods for the RPC rights are presented in Exhibit 3; Water balance: The water purchase obligation accounts for a conveyance loss of 0.15 percent per mile or 4.6 percent for the 30.5-mile distance from Crystal Dam to the confluence of the North Fork of the Gunnison and the Gunnison River and 0.25 percent per mile or 4.3 percent conveyance loss for the 17.3-mile distance from the confluence of the North Fork of the Gunnison and Gunnison River to Delta. As shown in Exhibit 4, a water-purchase of 0.61 a.f. is sufficient to address the depletions described in this augmentation plan based on the potential

call period. Applicant will purchase a water supply contract for one acre-foot of water in Blue Mesa Reservoir. The excess 0.39 a.f. of augmentation supply available under that contract shall be available under this plan to address any increase in the call period beyond that contemplated based on historical conditions; Request for Water Exchange Project: Summers Exchange Project; Introduction: The augmentation plan requested above will include an exchange project by which Applicant will transfer up to one acre-foot of water released from Blue Mesa Reservoir from the confluence of the Uncompahgre River and the Gunnison River upstream to the point of depletion; Legal description of upstream exchange reach: The upstream terminus of the Summers Exchange is located within the NW¼ NW¼ of Section 9, Township 49 North, Range 10 West, New Mexico P.M. (UTM Zone 13, NAD83, 238122.5m E, 4269170.0m N); Legal description of downstream exchange reach: The downstream terminus of the Summers Exchange is located within the SW¼ SE¼ of Section 11, Township 15 South, Range 96 West, 6th P.M., (UTM Zone 13, NAD83, 231482.1m E, 4294311.5m N); Date of appropriation: The date on which the Application in this case was filed; Amount: 0.01 c.f.s.; Use: Augmentation. (7 pages) **MONTROSE COUNTY.**

CASE NO. 2022CW3079. Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Christopher Stork, Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6311. Email: christopher.stork@coag.gov. APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE. **1. Name, mailing address, and telephone number of applicant:** Colorado Water Conservation Board ("CWCB") 1313 Sherman Street, Room 718 Denver, CO 80203 (303) 866-3441. Please direct communications regarding this case to the attorney listed in the caption. **2. Name of water right:** Italian Creek Instream Flow Water Right. **3. Legal Description:** The Italian Creek Instream Flow Water Right is located in the natural stream channel of Italian Creek from the confluence with South Italian Creek to the confluence with the Taylor River, a distance of approximately 2.42 miles. A map depicting the approximate location of the Italian Creek Instream Flow Water Right reach is attached as **Exhibit 1**. **A. Upstream Terminus:** Confluence with South Italian Creek at: i. UTM: Northing: 4312733.91; Easting: 355602.65 (NAD 1983 Zone 13 North) ii. Lat/Long: Latitude 38° 57' 6.02"N; Longitude 106° 39' 58.97"W **B. Downstream Terminus:** Confluence with the Taylor River at: i. UTM: Northing: 4312702.92; Easting: 358831.67 (NAD 1983 Zone 13 North) ii. Lat/Long: latitude 38° 57' 6.91"N; longitude 106° 37' 44.85"W **C.** The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD) **4. Source:** Italian Creek, tributary to the Taylor River, tributary to the Gunnison River, tributary to the Colorado River. **5. A. Date of appropriation:** January 24, 2022. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 24, 2022, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2022). **C. Date applied to beneficial use:** January 24, 2022. **6. Amount of water claimed:** Instream flow of 0.7 cfs (04/01 - 10/31), absolute. **7. Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. **8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S. (2022), to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. (2022). As an instream flow water right, the CWCB's

appropriation does not require diversion structures or storage. See *Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. (2022). As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **9. Increase:** The CWCB has an existing instream flow water right on Italian Creek from the confluence with the South Italian Creek to the confluence with the Taylor River, in the amount of 2.5 cfs (1/1 – 12/31), with an appropriation date of May 4, 1984, decreed in Case No. 84CW355. The flow rates sought herein are in addition to the amount of the existing instream flow water right. **10. Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2022). The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 17, 2022, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S. (2022), that the natural environment of Italian Creek will be preserved to a reasonable degree by the water available for the appropriation to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights. **GUNNISON COUNTY.**

CASE NO. 2022CW3080 (07CW219, 15CW3087). Applicant: John S. Hendricks, c/o Hendricks Family Office, 8484 Georgia Avenue, Suite 700, Silver Springs, MD 20910, direct all correspondence to Applicant's counsel: Mark E. Hamilton and William H. Caile, Holland & Hart, LLP, 600 E. Main St., Suite 104, Aspen, CO 81611 (970) 925-3476; mehamilton@hollandhart.com, whcaile@hollandhart.com. 2. Name of structures: a. Office Well No. 2. b. John Brown Well 3. Office Well No. 2, information from previous decree: a. Date of original decree: November 25, 2009, in Case No. 07CW219, Water Division 4. b. Subsequent decree awarding diligence: November 1, 2016, in Case No. 15CW3087, Water Division 4. c. Location: SE 1/4 SE 1/4 SE 1/4 of Section 16, T. 51 N., R. 19 W. of the N.M.P.M., Mesa County, at a point 400 feet north of the South section line and 400 feet west of the East section line of said Section 16. See map on file with Court as Exhibit A. d. Amount: 0.033 cfs (15 gpm) absolute with an October 10, 2003 and 0.038 cfs absolute with and appropriation date of December 31, 2007. For a total amount of 0.071 cfs absolute. 0.106 cfs conditional with an appropriation date of December 31, 2007. 0.177 cfs conditional for industrial, recreation and fishery. Total amount of 0.177 c.f.s or 80 gpm for both conditional and absolute under both the 2003 and 2007 appropriation dates. e. Uses: Domestic, commercial, domestic, and irrigation (absolute in amount of 0.033 c.f.s. (15 g.p.m.)) for irrigation of 16 acres, commercial (motel, restaurant, service station and office building), and domestic (employee residential units) with an appropriation date of October 10, 2003; conditional in amount of 0.144 c.f.s. (65 g.p.m.) for irrigation, commercial and domestic with an appropriation date of December 31, 2007; and conditional in amount of 0.177 c.f.s. (80 g.p.m.) for piscatorial, industrial and recreation uses with an appropriation date of December 31, 2007. i. Lands irrigated: 16 acres within Sections 15, 16, 21 and 22, T. 51 N., R. 19 W., N.M.P.M., Mesa County. f. Appropriation Dates: i. October 10, 2003 (0.033 cfs absolute for domestic, irrigation and commercial uses). ii. December 31, 2007 (0.038 cfs absolute and 0.106 cfs conditional for domestic irrigation and commercial uses) iii. December 31, 2007 (0.177 cfs conditional for piscatorial, industrial and recreation uses). g. Source: Dolores River alluvium. h. Depth: 47 feet. i. Well permit: No. 60296-F. 4. John Brown Well, information from previous decree: a. Date of original decree: November 25, 2009 in Case No. 07CW219, Water Division 4. b. Subsequent decrees awarding diligence: November 1, 2016, in Case No. 15CW3087, Water Division 4. c. Location: SE 1/4 NE 1/4 NW 1/4 of Section 22, T. 51 N., R. 19 W. of the N.M.P.M., Mesa County, at a point 870 feet south of the North section line and 908 feet east of the West section line of said Section 22. See Exhibit A. d. Amount: 0.087 c.f.s. (39 g.p.m.), absolute; 0.024 c.f.s. (11 g.p.m.) conditional. e. Uses:

Domestic, commercial, piscatorial, industrial, recreation and irrigation (absolute in amount of 0.087 c.f.s. (39 g.p.m.) for irrigation of 16 acres, commercial (motel, restaurant, service station and office building), and domestic (employee residential units) with an appropriation date of November 3, 2003; conditional in amount of 0.024 c.f.s. (11 g.p.m.) for irrigation, commercial and domestic uses with an appropriation date of December 31, 2007; and conditional in amount of 0.111 c.f.s. (50 g.p.m.) for piscatorial, industrial and recreation uses with an appropriation date of December 31, 2007. i. Lands irrigated: 16 acres within Sections 15, 16, 21 and 22, T. 51 N., R. 19 W., N.M.P.M., Mesa County. f. Appropriation dates: i. November 3, 2003 (0.087 cfs absolute for irrigation, commercial and domestic uses) ii. December 31, 2007 (0.024 cfs conditional for irrigation, commercial and domestic uses) iii. December 31, 2007 (0.111 cfs, conditional for industrial, recreation and fishery). g. Source: Dolores River alluvium. h. Depth: 87 feet. i. Well permit: No. 59765-F. 5. Claim to Make Conditional Water Rights Absolute – Office Well No. 2. In August of 2022 Office Well No. 2 produced 8.797 AF (2,866,500 gallons per month), which on average equates to 0.143 cfs. Applicant requests an additional 0.072 cfs to be made absolute, for a total of 0.143 cfs absolute (0.071 cfs decreed absolute in 15CW3087 plus 0.072 cfs decreed herein) with 0.034 cfs remaining conditional for irrigation, commercial and domestic uses. Of the 0.143 cfs decreed absolute, 0.033 cfs has an appropriation date of October 10, 2003 and 0.110 cfs has an appropriation date of December 31, 2007 for irrigation, commercial and domestic uses. All 0.177 cfs of the water right remains conditional, with a December 31, 2007 appropriation date, for recreation, industrial, and piscatorial uses. 6. Integrated System: Pursuant to the decree in Case No. 10CW207, the Office Well No. 2 and John Brown Well are components of Applicant's integrated water supply system, such that 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. C.R.S. § 37-92-301(4)(b). 7. Detailed outline of what has been done towards completion of the appropriation and application of water to beneficial use as decreed: a. During the relevant diligence period, Applicant and/or Applicant's affiliates (and/or their attorneys and consultants) have conducted, without limitation, the following activities in furtherance of the development of the subject conditional water and the integrated water supply system of which it is a component, and application of water to beneficial uses as decreed: i. Continued to develop and operate the Gateway Canyons Resort, located adjacent to the Dolores River, including the water supply and irrigation systems associated with the Resort and related properties. ii. Continued to operate the Office Well No. 2 and the John Brown Well, and diverted water and applied it to beneficial uses consistent with the decrees in Case Nos. 07CW219 and 15CW3087. iii. Engaged in a process to rehabilitate the diversion structure for the Wines Ditch on the Dolores River in order to improve Applicant's ability to exercise its water rights, while addressing multiple non-consumptive water interests such as sensitive species habitat, wildlife management, channel stabilization, and recreational improvement. To date, this project has included the following relevant activities: Meetings, site visits, and coordination with several stakeholders/concerned parties, including the United States B.L.M., the Colorado Division of Parks & Wildlife, and the Nature Conservancy; Engineering and legal services, including preparation of conceptual and construction-ready design plans, environmental permitting activities, preparation of contract documents and technical specifications; and Funding, budgeting and outreach activities. iv. Participated in the Colorado Water Conservation Board's ("CWCB") proceedings concerning the appropriation of an instream flow water right on the Lower Dolores River, including monitoring CWCB Case No. 15CW3111, Water Division 4, to ensure that the final decree entered in that case complied with Applicant's Stipulation with the CWCB. v. Filed and prosecuted water court applications to maintain Applicant's water rights and water supply systems, including in Case Nos. 17CW3024, 20CW3053, and 21CW3029. vi. Reviewed water court resumes, filed statements of opposition, and participated in cases in order to protect Applicant's water rights including the subject conditional water right, including without

limitation Case Nos. 16CW3058, 20CW3082 and 22CW3055. vii. Participated in proceedings related to the State Engineer's 2020 Decennial Abandonment List in order to protect Applicant's water rights, including the filing and prosecution of Case No. 22CW3047. viii. Engaged in efforts to market various properties and water rights, including the subject conditional water right. ix. Engaged the services of attorneys and consultants, and made significant expenditures, including but not limited to legal and engineering fees as well as contractors, materials and construction costs, in connection with the activities described above. Total expenditures during the diligence period are difficult to calculate but are conservatively estimated to be excess of \$70,000. b. The list of activities included herein is not meant to be exhaustive, and Applicant reserves the right to introduce additional evidence of diligence if appropriate. 8. Name and address of owners or reputed owners of land upon which any new diversion structure or storage structure, or modification to any existing diversion structure is or will be constructed: Applicant and/or related entities. Applicant respectfully requests that the Court enter a judgment and decree: Finding that Applicant has been reasonably diligent in the development of the conditional water rights for the Office Well No. 2 and John Brown Well and continuing the conditional portions of the water rights in full force and effect; Making the conditional water right for Office Well No. 2 partially absolute as claimed herein; and For such other relief as the Court deems just and proper. **MESA COUNTY.**

CASE NO. 2022CW3081. Applicant: City of Ouray, P.O. Box 468, Ouray, Colorado 81427, by Carol A. Viner, Viner Law, 1104 S. Townsend Avenue, Montrose, Colorado 81401, 970-208-9418. Application for Finding of Diligence: **1. Oak Creek Supply Line and Oak Creek Reservoir Exchanges A. Source Oak Creek**, downstream at the confluence of Oak Creek with the Uncompahgre River and upstream at the Oak Creek Supply Line and Oak Creek Reservoir, UTM coordinates, in NAD 83, Zone 13 North, are Northing: 4211576, Easting: 264825. Source of substitute supply: Red Mountain Ditch First Enlargement, and water diverted by the Red Mountain Ditch under free river conditions. Appropriation Date: December 30, 2013. Amount Claimed: 3.0 c.f.s. max, conditional to augment the water uses decreed in CA1254 described as municipal uses and to store water for later municipal uses by the City of Ouray. **B. Source Uncompahgre River**, downstream at the end of the current or future City of Ouray water service area where municipal return flows accrue to the Uncompahgre River. Based on aerial imagery the location is UTM NAD 83, Zone 13 North, and Northing: 4215307, Easting: 263988. Using the Aquamap conversion tool, this point currently is located on the Uncompahgre River in the NE¼ of the NW¼ of Section 24, Township 44 North, Range 8 West, N.M.P.M. at a point 665 feet from the North Section line and 2,064 feet from the West section line, and upstream at the confluence of Canyon Creek with the Uncompahgre River. Source of substitute supply: Return flows resulting from use of out-of-priority diversions made at Oak Creek Supply Line and Oak Creek Reservoir. Appropriation Date: December 30, 2013. Amount Claimed: 3.0 c.f.s. max, conditional to allow and offset out-of-priority diversions made under the augmentation plan decreed herein by substituting City of Ouray municipal return flows at the location of the downstream terminus. **2. Wehawken Creek Spring and Pipeline and New Reservoir Exchange A. Source: Canyon Creek**, downstream at the confluence of Canyon Creek with the Uncompahgre River and upstream at the Wehawken Creek Spring and Pipeline, UTM coordinates, in NAD 83, Zone 13 North, are Northing: 4208172, Easting: 262620. Source of Substitute Supply: Red Mountain Ditch First Enlargement, and water diverted by the Red Mountain Ditch under free river conditions. Appropriation Date: December 30, 2013. Amount Claimed: 3.0 c.f.s. max, conditional to augment the water uses decreed in CA1254; and to store water for later municipal uses by the City of Ouray. **B. Source: Uncompahgre River**, downstream at the end of the current or future City of Ouray water service area where municipal return flows accrue to the Uncompahgre River. Based on aerial imagery, the location is UTM NAD 83, Zone 13 North, and Northing: 4215307, Easting: 263988. Using the Aquamap

conversion tool, this point currently is located on the Uncompahgre River in the NE¼ of the NW¼ of Section 24, Township 44 North, Range 8 West, N.M.P.M. at a point 665 feet from the North Section line and 2,064 feet from the West section line. Upstream at the confluence of Canyon Creek with the Uncompahgre River. Source of Substitute Supply: Return flows resulting from use of out-of-priority diversions made at Oak Creek Supply Line and Oak Creek Reservoir. Appropriation Date: December 30, 2013. Amount Claimed: 3.0 c.f.s. max, conditional to allow and offset out-of-priority diversions made under the augmentation plan decreed herein by substituting City of Ouray municipal return flows at the location of the downstream terminus. **3. Ptarmigan Lake and Ptarmigan Pond Exchange A. Source: Commodore Gulch,** downstream at the Confluence of Commodore Gulch with Red Mountain Creek. The UTM coordinates based on GIS data, in NAD 83, Zone 13 North, are Northing: 4200581, Easting: 262933. Upstream at Ptarmigan Pond and Ptarmigan Lake. The UTM coordinates based on GIS data, in NAD 83, Zone 13 North, are Northing: 4200861, Easting: 259930. Source of Substitute Supply: Red Mountain Ditch First Enlargement, and water diverted by the Red Mountain Ditch under free river conditions. Appropriation Date: December 30, 2013. Amount claimed: 3.0 c.f.s. max, conditional to augment the structures and water rights and to store water for later municipal uses by the City of Ouray. **4. Full Moon Reservoir No. 10 (aka Crystal Reservoir) Exchange A. Source: Full Moon Gulch,** downstream at the Confluence of releases from Crystal Reservoir with Red Mountain Creek. The UTM coordinates based on GIS data, in NAD 83, Zone 13 North, are Northing: 4204735, Easting: 266111. Upstream at Crystal Reservoir. The UTM coordinates based on GIS data, in NAD 83, Zone 13 North, are Northing: 4204691, Easting: 266065. Source of Substitute Supply: Red Mountain Ditch First Enlargement, and water diverted by the Red Mountain Ditch under free river conditions. Appropriation Date: December 30, 2013. Amount claimed: 3.0 c.f.s. max, conditional to augment the structures and water rights described in Paragraph 6 and to store water for later municipal uses by the City of Ouray. **OURAY COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of January 2023 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). (This publication can be viewed in its entirety on the state court website at: www.courts.state.co.us). FRED CASTLE, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401