

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 July 2023.

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. 2023CW19 (REF NO. 17CW12). Applicant: Elisabeth and Joshua Kress, PO Box 177, Eagle, CO 81631. Application For Finding of Diligence: Hanson Valley Spring – NW1/4NW1/4SE1/4 of Section 30, T14S, R92W, 6th P.M., 1,998 feet from the south line and 2,347 feet from the east section line, Easting 264263, Northing 4298584, Zone 13. Source: North Fork of the Gunnison River, Gunnison River. Appropriation Date: 03/31/2017. Amount Claimed: 0.033 c.f.s. conditional for irrigation of one acre of lawn and garden, domestic use in one single-family dwelling and stockwater. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2023CW20. Applicant: M.C. deWys, 12271 W US Hwy 50, Gunnison, CO 81230. Application for Absolute Surface Water Rights: BMP 1 Diitch – NE1/4NW1/4 of Section 5, T48N, R4W, NMPM., Easting 294937.5, Northing 4257851.6, Zone 13. Amount Claimed: 20 gpm absolute for irrigation, domestic, commercial, and stockwater. BMP 2 Diitch – SE1/4NW1/4 of Section 5, T48N, R4W, NMPM., Easting 294826.8, Northing 4257610.8, Zone 13. Amount Claimed: 20 gpm absolute for irrigation, domestic, commercial, and stockwater. Source: Snelson Creek, Pine Creek, Gunnison River. Appropriation Date: 8/31/2006. **GUNNISON COUNTY.**

CASE NO. 2023CW21 (REF NO. 17CW18). Applicant: Ronnie Collins, 65517 Solar Rd, Montrose, CO 81403. Application for to Make Absolute Surface Water Right: Deloris Creek Ranch Pipeline – SW1/4SW1/4NE1/4 of Section 21, T48N, R9W, NMPM, Easting 250138, Northing 4254128. Source: Deloris Creek, Happy Canyon Creek, Uncompahgre River. Appropriation Date: 05/05/2017. Amount Claimed: 0.21 cfs absolute for irrigation of 8.4 acres. The application on file with the Water Court contains an outline of the work performed during the diligence period. **MONTROSE COUNTY.**

CASE NO. 2023CW22 16CW73 (REF NO. 16CW73, 09CW162). Applicant: Grosse-Rhode Family Ranch, c/o Stephen Grosse-Rhode, 3649 Evergreen Parkway, #1224, Evergreen, CO 80437. Application for Finding of Reasonable Diligence: Grosse-Rhode Elk Spring – NW1/4NW1/4NE1/4 of Section 4, T13S, R92W, 6th PM., Easting: 268611, Northing: 4315470, zone 13. Source: North Fork of the Gunnison River, Gunnison River. Appropriation Date: 11/11/2009. Amount Claimed: 0.03 c.f.s. conditional for stockwater, wildlife and to fill Elk Pond. Bear Trap Spring and Stock Pond No. 5 aka Grosse-Rhode Spring Pipeline No. 5 – NW1/4SE1/4NE1/4 of Section 4, T13S, R92W, 6th PM., Easting: 268914, Northing: 4314995, zone 13. Source: Gunnison River. Appropriation Date: 1/18/1979. Amount Claimed: 0.05 c.f.s. conditional for stockwater. Landmark Spring and Stock Pond No. 8 aka Grosse-Rhode Spring Pipeline No. 8 –SE1/4SE1/4SNE1/4 of Section 4, T13S, R92W, 6th PM., Easting: 269072, Northing: 4313938, zone 13. Source: North Fork of the Gunnison River, Gunnison River. Appropriation Date: 1/18/1979. Amount Claimed: 0.05 c.f.s. conditional for stockwater.

Bog Spring and Stock Pond No. 11 aka Grosse-Rhode Spring Pipeline No. 11 – SW1/4SE1/4SE1/4 of Section 4, T13S, R92W, 6th PM., Easting: 268790, Northing: 4313917, zone 13. Source: Gunnison River. Appropriation Date: 1/18/1979. Amount Claimed: 0.05 c.f.s. conditional for stockwater. Lookout Spring and Stock Pond No. 12 aka Grosse-Rhode Spring Pipeline No. 12 – NE1/4NW1/4NW1/4 of Section 4, T13S, R92W, 6th PM., Easting: 268012, Northing: 4315458, zone 13. Source: North Fork of the Gunnison River, Gunnison River. Appropriation Date: 1/18/1979. Amount Claimed: 0.05 c.f.s. conditional for stockwater. Elk Lake (Pond) – NW1/4NW1/4NE1/4 of Section 4, T13S, R92W, 6th PM., Easting: 268611, Northing: 4315470, zone 13. Source: Gunnison River. Appropriation Date: 11/11/2009. Amount Claimed: 0.37 acre-feet conditional for stockwater and wildlife. Castle Dale Spring No. 1 – SE1/4NW1/4NW1/4 of Section 3, T13S, R92W, 6th PM., Easting: 269497, Northing: 4315094, zone 13. Source: Gunnison River. Appropriation Date: 6/16/1988. Amount Claimed: 0.01 c.f.s. conditional for domestic use and stockwater. Castle Dale Spring No. 2 – NE1/4SW1/4NW1/4 of Section 3, T13S, R92W, 6th PM., Easting: 269551, Northing: 4315032, zone 13. Source: Gunnison River. Appropriation Date: 6/16/1988. Amount Claimed: 0.01 c.f.s. conditional for domestic use and stockwater. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2023CW23. Applicant: Cory Potter and Breana Bennetts, 2277 L Rd., Grand Junction, CO 81505. Application for Absolute Surface Water Rights: Valley Spring – NE1/4SE1/4 of Section 19, T13S, R101W, 6th PM., Easting 698143, Northing 4308886, Zone 12. Amount Claimed: 0.10 cfs absolute for fire protection, wildlife, recreation, irrigation, and to fill and refill pond. Source: Ladder Creek, Gunnison River. Appropriation Date: 8/6/2020. Application for Conditional Surface Water Rights: Valley Ditch – NE1/4SE1/4 of Section 19, T13S, R101W, 6th PM., Easting 698089, Northing 4308876, Zone 12. Amount Claimed: 0.30 cfs conditional for fire protection, wildlife, recreation, irrigation, and to fill and refill pond. Source: Ladder Creek, Gunnison River. Appropriation Date: 8/6/2020. Application for Conditional Storage Water Rights: Valley Pond – NE1/4SE1/4 of Section 19, T13S, R101W, 6th PM., Easting 698140, Northing 4308892, Zone 12 and Easting 698143, Northing 4308886, Zone 12. Amount Claimed: 1 acre foot conditional for fire protection, wildlife, recreation, irrigation, and stockwater. Source: Ladder Creek, Gunnison River. Appropriation Date: 8/6/2020. **MESA COUNTY.**

CASE NO. 2023CW24. Applicant: Richard C. and Kristine McCormick, 1486 LakeView Rd., Crawford. CO 81415. Application for Conditional Surface Water Rights: Coyote Canyon Spring #1 – SE1/4NW1/4SW1/4 of Section 24, T51N, R7W, NMPM., Easting 273091.3, Northing 4283210.5, Zone 13. Amount Claimed: 0.0022 cfs conditional for domestic, irrigation, stockwater, and wildlife. Source: Iron Creek, Smith Fork, Gunnison River. Appropriation Date: 9/30/2022. **DELTA COUNTY.**

CASE NO. 2023CW3041. COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 6060 Broadway, Denver, CO 80216 (Please address all correspondence and inquiries regarding this matter to: Elizabeth M. Joyce 720-508-6761 and Ema I. G. Schultz 720-508-6307, Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, CO 80203.) APPLICATION FOR CONDITIONAL SURFACE WATER RIGHTS AND CONDITIONAL WATER STORAGE RIGHTS, in DELTA COUNTY, COLORADO. Applicant, the Colorado Division of Parks and Wildlife and the Parks and Wildlife Commission (“CPW”), hereby files this application for water rights. **1. Name, mailing address, e-mail address, and telephone number of Applicant:** Colorado Division of Parks and Wildlife (“CPW”), Attn: Rob Harris, Water Resources Section Manager, 6060 Broadway, Denver, Colorado 80216, 303-291-7550; rob.harris@state.co.us. **2. Background:** The Escalante State Wildlife Area (SWA)

consists of 1,064 acres in Delta County. The SWA supports recreation, hunting, fishing, wildlife viewing, and is actively managed to support wildlife habitat. The water rights that are the subject of this Application include new diversions from Cottonwood Creek and Roubideau Creek to support a native fish brood pond on the SWA near the confluence of Cottonwood Creek and Roubideau Creek.

3. Claim for Surface Water Right: KT Ditch

A. Name of Structure: KT Ditch. B. Location of Structure: See **Exhibit A** for a map of structures. i. Legal Description: SE1/4, SW1/4, Section 29, Township 15S, Range 96W, 6TH PM. ii. UTM Coordinates: Zone 13, 225925.9 Easting, 4289710.7 Northing, estimated from CDSS mapping software. C. Source: Cottonwood Creek, a tributary to Roubideau Creek, a tributary to the Gunnison River. D. Appropriation Date: June 5, 2023. i. How appropriation initiated: Staff investigations, performing a site visit, and filing of this application. ii. Date applied to beneficial use: n/a. E. Amount: 2 cfs, conditional. F. Uses: The KT Ditch water right will be used for direct flow purposes, and the KT Ditch structure will also be used to fill the KT Brood Pond, described in Paragraph 5 below. Direct flow uses include irrigation for wetlands and creation and maintenance of wildlife habitat, fish propagation, and to provide flow through or freshening flows to the KT Brood Pond for piscatorial, fish propagation, wildlife, and waterfowl purposes when the KT Brood Pond is holding stored water. i. Description of Irrigation: a. Proposed to be irrigated: approximately 3 acres. b. Description of irrigated acreage: Irrigation will occur within the footprint of the KT Brood Pond and on approximately one additional acre of land surrounding the pond, as shown on **Exhibit A**. Irrigation of the footprint of KT Brood Pond and land surrounding the pond will occur when the KT Brood Pond is operating on a direct flow basis or as a fill and drain event. During a fill and drain event, sufficient water will be diverted through the ditch to irrigate wetlands vegetation, and may be temporarily detained and allowed to drain out naturally to mimic natural wetland functions in a riparian corridor.

4. Claim for Surface Water Right: Hooley Ditch

A. Name of Structure: Hooley Ditch B. Location of Structure: See **Exhibit A** for a map of structures. i. Legal Description: SE1/4, SW1/4, Section 29, Township 15S, Range 96W, 6th PM. ii. UTM Coordinates: Zone 13, 226168.5 Easting, 4289602.3 Northing, estimated from CDSS mapping software. C. Source: Roubideau Creek, a tributary to the Gunnison River. D. Appropriation Date: June 5, 2023. i. How appropriation initiated: Staff investigations, performing a site visit, and filing of this application. ii. Date applied to beneficial use: n/a. E. Amount: 2 cfs, conditional. F. Uses: The Hooley Ditch water right will be used for direct flow purposes, and the Hooley Ditch structure will also be used to fill the KT Brood Pond, described in Paragraph 5 below. Direct flow uses include irrigation for wetlands and creation and maintenance of wildlife habitat, fish propagation, and to provide flow through or freshening flows to the KT Brood Pond for piscatorial, fish propagation, wildlife, and waterfowl purposes when the KT Brood Pond is holding stored water. i. Description of Irrigation: a. Proposed to be irrigated: approximately 3 acres. b. Description of irrigated acreage: Irrigation will occur within the footprint of the KT Brood Pond and on approximately one additional acre of land surrounding the pond, as shown on **Exhibit A**. Irrigation of the footprint of KT Brood Pond and land surrounding the pond will occur when the KT Brood Pond is operating on a direct flow basis or as a fill and drain event. During a fill and drain event, sufficient water will be diverted through the ditch to irrigate wetlands vegetation, and may be temporarily detained and allowed to drain out naturally to mimic natural wetland functions in a riparian corridor.

5. Claim for Storage Water Right: KT Brood Pond

A. Name of Structure: KT Brood Pond. B. Location of Pond: See **Exhibit A** for a map of structures. i. Legal Description: The KT Brood Pond is located in the SE1/4, SW1/4, Section 29, Township 15S, Range 96W, 6th PM. ii. UTM coordinates: Zone 13, 226085.9 Easting, 4289639.2 Northing, estimated from CDSS mapping software. C. Points of Diversion: The KT Brood Pond will be filled by diversions from the KT Ditch or the Hooley Ditch, described above. D. Source: Cottonwood Creek and Roubideau Creek, tributaries to the Gunnison River. E. Appropriation Date: June 5, 2023. i. How appropriation initiated: Staff investigations, performing a site visit, and filing of this application. ii. Date applied to beneficial use: n/a. F. Amount: 8

acre-feet, with the right to continuous fill and refill when in priority, conditional. i. Rate: 4 cfs, maximum. The KT Brood Pond will be filled by the KT Ditch or the Hooley Ditch, or by both ditches at the same time, at a rate of up to 2 cfs from each ditch, for a combined total maximum of 4 cfs. ii. Once the KT Brood Pond has filled initially, CPW may continuously refill when in priority to keep the pond full. To meet the seasonal needs for fish development and wetlands habitat, CPW may also release stored water and successively refill the KT Pond to develop wetlands vegetation and support fish production seasonally. iii. The maximum depth of the KT Brood Pond will be 4 feet, and the areal extent of the KT Brood Pond is expected to be approximately 2 acres. If the KT Brood Pond is constructed to a depth of less than 4 feet, the areal extent may be increased to allow storage of a maximum of 8 acre-feet. G. Uses: piscatorial, fish propagation, wildlife, waterfowl, recreation, irrigation to support wetland habitat and creation and maintenance of wildlife habitat. i. Description of irrigation: Irrigation will occur within the footprint of the KT Brood Pond and on approximately one additional acre of land surrounding the pond, as shown on **Exhibit A**. Irrigation of the footprint of the KT Brood Pond will occur when the KT Brood Pond is operating on a direct flow basis, by irrigating with water stored in the pond, or when water is released from storage to mimic natural wetland functions in a riparian corridor. **6. Remarks.** The KT Ditch, Hooley Ditch, and KT Brood Pond will operate as an integrated system with the primary purpose to support native fish growth and production and to provide a native fish brood source for the western slope. The targeted native fish include three species of greatest conservation need in Colorado (i.e., Roundtail Chub, Flannelmouth Sucker, and Bluehead Sucker). CPW will begin diverting water from Cottonwood and Roubideau Creeks in late winter and early spring to create and enhance wetland and native fish brood rearing habitats, operating the system as either a flow-through diversion or a storage system based on seasonal needs. Irrigated wetland habitat will support submergent, emergent, semi-emergent and wetland meadow vegetation. Diversions into the KT Ditch are junior to the Colorado Water Conservation Board's instream flow water right on Cottonwood Creek, decreed in 06CW166, Water Division 4. **7. Name of owners of land upon which structures are located:** Applicant. WHEREFORE, CPW respectfully requests this Court enter a decree adjudicating the water rights as described herein, and for such other relief as this Court deems just and proper. (6 pages) **DELTA COUNTY.**

CASE NO. 2023CW3042 (Ref. 10CW19, 2017CW3010). **Applicant:** Deutsch Domestic Water Company, P.O. Box 45, Crawford, CO 81415. **Attorney:** James D. Brown, Brown & Camp, P.O. Box 43, Delta, CO 81416. **Structures and Conditional Water Rights:** Saddle Mountain Seep Ditch and Needle Rock Pond. Conditional decrees entered February 22, 2011, in Case No. 10CW0019 and continued by diligence decree entered in Case No. 2017CW3010, in District Court for Water Division No. 4. **Legal Descriptions:** Saddle Mountain Seep Ditch: W1/4SW1/4SE1/4 of Section 29, Township 15 South, Range 91 West, 6th P.M. approximately 550 feet north of the south section line and 2248 feet west of the east section line. UTM 13, 275396.3, 4288168; Needle Rock Pond: SW1/4SW1/4SE1/4 of Section 29, Township 15 South, Range 91 West, 6th P.M. approximately 396 feet north of the south section line and 2222 feet west of the east section line. UTM 13, 275320.6, 4288080. **Source:** Smith Fork of the Gunnison River, tributary to the Gunnison River, in Water District No. 40. **Date of Appropriation:** Saddle Mountain Seep Ditch, April 30, 2009; Needle Rock Pond, April 30, 2008. **Information about structures:** Saddle Mountain Seep Ditch conditional decree for 0.10 c.f.s. as filling right for storage; Needle Rock Pond conditional decree for 0.922 acre feet of storage for domestic and livestock use through Applicant's domestic water pipeline system. **Outline of Efforts to Complete Appropriation:** Applicant's efforts to complete appropriation are more particularly described in the application on file with the Water Court. Such efforts include substantial expenditures in the development of a Drought Management Plan and engineering for the installation of strategically located water storage facilities to improve Applicant's domestic

water pipeline system, including plan for full development of Needle Rock Pond. **DELTA COUNTY.**

CASE NO. 2023CW3043. (Ref. Case Nos. 02CW188, 10CW9, 17CW3011). Names and addresses of Applicants: Cottonwood Meadows Association of Gunnison and Ponderosa Park Association of Gunnison, c/o Jo Darcy, PO Box 513, Gunnison, CO, 81230. Please direct all correspondence to LAW OF THE ROCKIES, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO 81230, (970) 641-1903, kburgemeister@lawoftherockies.com. APPLICATION TO MAKE CONDITIONAL RIGHTS ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE. Original and relevant subsequent decrees: Case No. 02CW188, Decree entered January 26, 2004; Case No. 10CW9, Decree entered March 14, 2011; Case No. 17CW3011, Decree entered July 30, 2017, all in Water Division 4. Name of right: Cottonwood Park Well No.1 (aka Cottonwood Meadows Well No. 1), Permit No. 6130-F. Decreed location: In the SW1/4NE1/4 Section 24, Township 50 North, Range 1 West, N.M.P.M. at a point approximately 1960 feet from the north section line and 1400 feet from the east section line of said Section 24. The Consultation Report in 17CW3011 indicated that the well is 1977 feet south of the north section line and 1467 feet west of the east section line (NAD83, Zone 13, Easting 0332914m, Northing 4272197m). Source: Gunnison River Alluvium. Depth: 12 feet. Amount: 100 gpm. Use: The 100 gpm is decreed absolute for domestic in-house use in 33 units and lawn and garden irrigation of 4 acres in the Ponderosa Mobile Home Park and Cottonwood Meadows subdivisions, located in the NE1/4 of Section 24, Township 50 North, Range 1 West, N.M.P.M., and is decreed conditional for domestic in-house use in 8 additional units in the Ponderosa Mobile Home Park and Cottonwood Meadows subdivisions. Appropriation Date: July 1, 1963. Adjudication Date: 2002. Name of Structure: Cottonwood Park Well No.2 (aka Cottonwood Meadows Well No. 2), Permit No. 57742-F. Decreed location: in the SE1/4NE1/4 Section 24, Township 50 North, Range 1 West, N.M.P.M. at a point approximately 1525 feet from the north section line and 800 feet from the east section line of said Section 24. The Consultation Report in 02CW188 was consistent with this location. The Consultation Report in 17CW3011 indicated that the well is 1586 feet south of the north section line and 764 feet west of the east section line (NAD83, Zone 13, Easting 0333130m, Northing 4272312m). Source: Gunnison River Alluvium. Depth: 108 feet. Amount: 100 gpm. Use: The 100 gpm is decreed absolute for domestic in-house in 33 units and lawn and garden irrigation of 4 acres in the Ponderosa Mobile Home Park and Cottonwood Meadows subdivisions, located in the NE1/4 of Section 24, Township 50 North, Range 1 West, N.M.P.M., and is decreed conditional for domestic in-house use in 8 additional units in the Ponderosa Mobile Home Park and Cottonwood Meadows subdivisions. Appropriation Date: May 14, 2002. Adjudication Date: 2002. Pursuant to previous decrees, the cumulative instantaneous rate of diversion for COTTONWOOD PARK WELL NOS. 1 and 2 shall not exceed 100 gpm, and COTTONWOOD PARK WELL NO.2 shall serve only as a backup for COTTONWOOD PARK WELL NO. 1, and the two wells shall not be operated concurrently. When COTTONWOOD PARK WELL NO.2 is operating as a backup for COTTONWOOD PARK WELL NO. 1, it shall operate under the COTTONWOOD PARK WELL NO. 1's priority. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: The subject water rights are part of an integrated system to supply all beneficial uses of water within the Ponderosa Mobile Home Park and Cottonwood Meadows subdivisions. During the most recent diligence period, two additional dwelling units were connected to the water system served by the subject water rights. Additionally, the Applicants have spent significant resources maintaining the water system. In particular, the Applicants pay a certified operator to operate the public water system, and pay for water quality testing, both as required by CDPHE regulations. Applicants may have completed additional tasks toward completion of the appropriation and reserve the right to

supplement the information provided herein. Relief Requested. Applicant seeks to make the conditional water right absolute for use in two additional dwelling units, and a finding of reasonable diligence with respect to the balance of the conditional water rights, which would be the right to serve the 6 remaining dwelling units. **GUNNISON COUNTY.**

CASE NO. 2023CW3044. (Ref. Case Nos. 08CW166, 16CW3090). Name, address, and telephone number of Applicants: Sheila Ewing Browne and Katherine Browne, 800 Sierra Vista Way, Gunnison, CO, 81230, 970-209-0225. Please direct all correspondence to LAW OF THE ROCKIES, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO 81230, (970) 641-1903, kburgemeister@lawoftherockies.com. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. In Case No. 08CW166, Applicants' predecessor obtained conditional water rights for the Spritzer Pond, Spritzer Pond Diversion, and Spritzer Well Nos. 1-4. In 16CW3090, Spritzer Pond and Spritzer Pond Diversion were made absolute. In this case, Applicants seek a finding of reasonable diligence with respect to the Spritzer Well Nos. 1-4. Name of rights: Spritzer Wells Nos. 1-4. Original and Subsequent Decrees: 08CW166, entered October 20, 2009; and 16CW3090, entered June 5, 2017, both by the District Court, Water Division 4. The Court granted a one-month extension, through July 2023, for the filing of this application. Decreed Locations: In the NESWNW of Section 13, Township 50 North, Range 1 West, NMPM: Spritzer Well No. 1: 1675 feet from the north section line, 936 feet from the west section line. Spritzer Well No. 2: 1941 feet from the north section line, 949 feet from the west section line. Spritzer Well No. 3: 1639 feet from the north section line, 1323 feet from the west section line. Spritzer Well No. 4: 1915 feet from the north section line, 1298 feet from the west section line. See Exhibit A filed with this Application. Source: Groundwater tributary to Ohio Creek, tributary to the Gunnison River. Appropriation Date: November 27, 2008. Amount: 15 gpm per well / 0.536 acre-feet per well per year. Uses: Each well is decreed for domestic use inside one single-family dwelling, irrigation of 2500 square feet of landscaping, and stock water. Relief Requested: Applicants seek a finding of reasonable diligence with respect to the Spritzer Well Nos. 1-4. The Spritzer Pond, Spritzer Pond Diversion, and Spritzer Wells are part of an integrated project, in that the Pond and Diversion are used to augment the use of water from the wells. During the diligence period, Applicants replaced the headgate on the ditch that supplies the Spritzer Pond. The cost of that project was approximately \$6,000. The Applicants also repaired the embankment of the pond, and routinely cleaned and burned the ditch feeding Spritzer Pond. The owner of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: Applicants. **GUNNISON COUNTY.**

CASE NO. 2023CW3045 (Ref. Case No.: 16CW3035). Name, address, and telephone number of Applicant: Whetstone Industrial Park Lot Owners Association, Inc., PO Box 1202, Crested Butte, Colorado, 81224, (970) 349-5010. Please direct all correspondence to LAW OF THE ROCKIES, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO 81230, 970-641-1903, kburgemeister@lawoftherockies.com. APPLICATION TO MAKE CONDITIONAL RIGHTS ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE. Original Decree for All Structures: 16CW3035, District Court, Water Division 4, July 13, 2017. Structures: WHETSTONE INDUSTRIAL PARK POND. Decreed Location: A point in the SW1/4NW1/4 Section 18, T14S, R85W, 6thPM, 1945 feet from the north section line and 1076 feet from the west section line. (UTM coordinates, Zone 13, Northing 4300665, Easting 331586, NAD 83). Source: The Slate River, tributary to the East River, tributary to the Gunnison River. Structures used to fill reservoir: Whetstone Industrial Park Pump and Pipeline, as described below. Volume: 11.5 acre-feet, with the right to fill, refill, and refresh the same (conditional). Maximum Rate of Diversion: 1.16 cfs. Proposed Use: Recreational, fishery, fire

protection, and replacement of depletions for commercial, industrial, domestic, irrigation, and livestock watering uses pursuant to the plan for augmentation decreed in 16CW3035. Appropriation Date: May 31, 2016. WHETSTONE INDUSTRIAL PARK PUMP AND PIPELINE. Decreed Point of Diversion: A point in the SE1/4NW1/4 Section 18, T14S, R85W, 6thPM, 2345 feet from the north section line and 1327 feet from the west section line. (UTM coordinates, Zone 13, Northing 4300543, Easting 331661, NAD 83). Source: The Slate River, tributary to the East River, tributary to the Gunnison River. Amount: 1.16 cfs (conditional). Use: Filling, refilling, and refreshing of the Whetstone Industrial Park Pond for subsequent recreational, fishery, and fire protection uses, and replacement of depletions from commercial, industrial, domestic, irrigation, and livestock watering uses pursuant to the plan for augmentation decreed in 16CW3035. Appropriation Date: May 31, 2016. WHETSTONE INDUSTRIAL PARK WELL NO. 1. Decreed Point of Diversion: A point in the NW1/4NW1/4 Section 18, T14S, R85W, 6th PM, 1250 feet from the north section line, and 1054 feet from the west section line (UTM coordinates: Zone 13, Northing 4300877, Easting 331582, NAD 83). Source: Groundwater tributary to the Slate River, tributary to the East River, tributary to the Gunnison River. Amount: 0.167 cfs (75 gallons per minute), 30.5 acre-feet per year (conditional). Uses: Commercial, industrial, domestic, irrigation of 2.3 acres in the W1/2NW1/4 Section 18 and E1/2NE1/4 Section 13, T14S, R85W, 6th PM, fire protection, and livestock watering purposes. Appropriation Date: May 31, 2016. WHETSTONE INDUSTRIAL PARK WELL NO. 2. Decreed Point of Diversion: A point in the SW1/4NW1/4 Section 18, T14S, R85W, 6th PM, 2037 feet from the north section line, and 1195 feet from the west section line (UTM coordinates: Zone 13, Northing 4300637, Easting 331622, NAD 83). Source: Groundwater tributary to the Slate River, tributary to the East River, tributary to the Gunnison River. Amount: 0.167 cfs (75 gallons per minute), 30.5 acre-feet per year (conditional). Uses: Commercial, industrial, domestic, irrigation of 2.3 acres in the W1/2NW1/4 Section 18 and E1/2NE1/4 Section 13, T14S, R85W, 6th PM, fire protection, and livestock watering purposes. Appropriation Date: May 31, 2016. Alternate points of diversion. WHETSTONE INDUSTRIAL PARK WELL NOS. 1 and 2 are alternate points of diversion, the 75 gallons per minute and 30.5 acre-feet per year diversion limits are cumulative limits that apply to the combined operations of the two wells. WHETSTONE INDUSTRIAL PARK EXCHANGE. Lower Terminus: The outlet works of Crystal Dam, located in the SE1/4 SE1/4 NW1/4, Section 14, Township 49 North, Range 7 West, N.M.P.M. Upper Terminus: The point of diversion of Whetstone Industrial Park Pump and Pipeline, as described above. Source of Substitute Supply: Water stored in Blue Mesa Reservoir and leased from the United States Department of the Interior, Bureau of Reclamation. Amount: 1.16 cfs (conditional). Maximum volume exchanged per year: 11.660 acre-feet per year. Proposed beneficial uses: Recreational, fishery, fire protection, and replacement of depletions for commercial, industrial, domestic, irrigation, and livestock uses through filling and refilling of the Whetstone Industrial Park Pond and pursuant to the plan for augmentation decreed in 16CW3035. Appropriation Date: May 31, 2016. The locations of the structures are illustrated on the map filed with this Application as Exhibit A. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use: The Whetstone Industrial Park Well No. 1 and Well No. 2 were drilled. The Whetstone Industrial Park Pond was constructed. The Whetstone Industrial Park Pump and Pipeline was installed. A water system was installed delivering water from the Wells to each of the lots within the Whetstone Industrial Park. All lots within the Whetstone Industrial Park were sold by the developer. The Applicant, a property owners association for the development, was formed. The common areas and water rights associated with the development were transferred from the developer to the Applicant. A survey and stage-area-capacity table for the pond were ordered. An application for a water service contract was submitted to the Bureau of Reclamation. One lot owner has connected to the water system but has not yet started applying water to the decreed beneficial uses. Two additional lot owners have commenced construction and are anticipated to connect to the

system in the near future. Relief Requested: The Applicant seeks to make absolute the Whetstone Industrial Park Pump and Pipeline and Whetstone Industrial Park Pond in their entirety. The Applicant seeks a finding of reasonable diligence for any portions of the subject conditional water rights that are not made absolute in this proceeding. The structures are on land owned by Applicant. **GUNNISON COUNTY.**

CASE NO. 2023CW3046 Montrose County. Horsefly Creek, trib. to San Miguel River. **Application for Finding of Reasonable Diligence.** Applicant: Eldred Colorado Family, LP c/o Mark Rumbaugh, c/o Sara M. Dunn, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Summary of Application: Applicant seeks finding of reasonable diligence. Structure: Eldred Spring 3 Enlargement. Original Decree: Case No. 08CW194, 12/27/2010 Dist. Ct., Water Div. No. 4. Amended Decree Case No. 08CW194, 2/3/2011, *nunc pro tunc* 12/27/20210, Dist. Ct. Water Div. No. 4. Subsequent Diligence Decree: Case No. 16CW3080, 7/17/2017, Dist. Ct. Water Div. No. 4. Decreed location: NW1/4 NE1/4 NW1/4, Sec. 17, T. 45 N., R. 10 W., N.M.P.M., 665 ft. from N. Sec. line and 1806 ft. from W. Sec. line of said Sec. 17. GPS coordinates in NAD 83:13 Easting 237483, Northing 4227583 (points were averaged, Garmin Map 76CS). Source: Spring trib. to Horsefly Creek, trib. to San Miguel River. Approp. Date: 4/14/2006. Use: Irr., Dom. Decreed amt. remaining conditional: 0.0168 c.f.s. for use in one single family dwelling. Subject water right is part of an integrated water supply for Applicant's property, as decreed in Case No. 08CW194. C.R.S. § 37-92-301(4)(b). In the diligence period preceding the filing of this Application, Applicant has diligently pursued the development of the subject conditional water right. Application filed with the Ct. contains a detailed outline of the work performed during the diligence period. Owner of land on which structure is located: Applicant. (4 pages of original application, Ex. A Map) **MONTROSE COUNTY.**

CASE NO. 2023CW3047: Application for Absolute and Conditional Surface Water Rights. 1. Applicant: Michael P. Samsok, c/o Jeffrey M. Kane, Southwest Water and Property Law LLC, 10 Town Plaza, No. 422, Durango, CO 81301; (970) 422-5510; jkane@swpropertylaw.com. 2. Structure: Bar M Spring; i. Location: in the SE4 NE4 of Sec. 30, T43N, R11W, N.M.P.M.; X: 226212 Y: 4206104 UTM Zone 13; ii. Source: spring, tributary to Saltado Creek, tributary to the San Miguel River; iii. Appropriation date: July 5, 1999, by prior adjudication, Case No. 99CW248; iv. Amount: 0.15 cfs; v. Uses: absolute for stock watering and wildlife; conditional for domestic, irrigation, and fire protection; vi. Irrigated area: 5 acres on Applicant's land, Lot F, Top of the World Subdivision; vii. Bar M Spring arises on Applicant's land and is confined to a small pool used by livestock and wildlife. 3. Applicant is the owner of the land upon which this structure is located. See map filed with Application. **SAN MIGUEL COUNTY.**

CASE NO. 2023CW3048, APPLICATION FOR FINDING OF REASONALBE DILIGENCE FOR WATER RIGHTS OF APPLICANT DALWHINNIE GROUP LLC, A COLORADO LIMITED LIABILITY COMPANY, In the Uncompahgre River or its Tributaries, IN OURAY COUNTY,
1.Applicant: Dalwhinnie Group LLC, a Colorado Limited Liability Company, 6154 County Road 23, Ridgway, CO 81432, send all pleadings and correspondence to: David Liberman, Esq., 1099 Main Street, Suite 312, Durango, Colorado 81301, 970-375-6265, davidlibermanlaw@gmail.com. **2.Name of structure:** Y.B. Box Ditch **3.Date of Original Decree:** July 17, 2017 **4. Original Case No.:** 17CW10 in Water Division 4 **5. Legal description of location:** Located within the NE1/4SE1/4SW1/4 of Section 21, Township 45 North, Range 8 West, N.M.P.M., at point 845 feet from the south section line and 2659 feet from the west section line (Zone 13, NAD 83, Easting 0258975.28m, Northing 4224126.86m). See Figure 1 to application **6.Source of water:** Kettle Gulch a tributary to Uncompahgre River **7. Appropriation Date:** September 5, 2016 **8.Amount:** 0.10 c.f.s. **9.Use:** Irrigation of four acres and wildlife use

10.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: Since the original decree in July 2017, the following has been completed by the current owner Dalwhinnie Group LLC. Dalwhinnie Group LLC took ownership of the property associated with the Y.B. Box Ditch on January 10, 2020. Any diligence of prior owner is tacked onto by applicant. This property is adjoined to other parcels owned by Dalwhinnie Group LLC creating Dalwhinnie Ranch, which is supplied water by an integrated water supply system. The applicant has completed considerable work to develop water supply wells, an augmentation pond, a water supply irrigation pond, dry-up of historical irrigated acreage, substitute water supply plans, water rights decrees and prepared and submitted accounting that integrates all of the existing water rights structures to the Division of Water Resources for Dalwhinnie Ranch during the diligence period. Dalwhinnie Group LLC has also expended funds with Wright Water Engineers, Inc. in accomplishing the same, and in the filing of this application, and in mapping this water right. Wright Water Engineers, Inc. has also started engineering design services for a conceptual sketch of a proposed diversion box for the Y.B. Box Diversion under an agreement with Dalwhinnie Group LLC. Dalwhinnie Group LLC has expended funds with its attorney in the filing of this application for finding of reasonable diligence and in its change of ownership for this water right. Dalwhinnie Group LLC has ordered/purchased a parshall flume, galvanized distribution gate, elbow gated pipe, and gaskets for this water right at the time of the filling of this application.**11.The names and addresses of owner 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:** Dalwhinnie Group LLC, 6154 County Road 23, Ridgway, CO 81432 **WHEREFORE**, the Applicant requests this Court enter a decree making a finding of reasonable diligence and continue this water right in full force and effect. **OURAY COUNTY.**

CASE NO. 2023CW3049 San Miguel County **Application for Finding of Reasonable Diligence, Change of Water Rights, and to Make Absolute in Part.** Applicant: Gray Head at Telluride Property Owners Association, Inc., c/o Christopher L. Geiger & Andrea J. Hall, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant is the Property Owners Association for Gray Head at Telluride and owns and operates water rights and related infrastructure for the benefit of its members, who are property owners within the Gray Head at Telluride Development. Applicant requests a finding of reasonable diligence for the subject conditional water rights confirmed to Applicant in 99CW247 and continued conditional 08CW83 and 17CW3003. These conditional water rights include six wells, seven springs, six ditches, thirty-nine ponds, and two appropriative rights of exchange. Applicant also requests that portions of fourteen conditional water rights be confirmed as absolute. Applicant requests a change for water rights that include alt. storage locations, and alt. locations to conform decreed locations to as-built locations. All the water rights that are the subject of this Application are part of an integrated water supply system that provides water service to the Gray Head at Telluride Development, which includes twenty-five lots, each approximately 35 acres in size. Each lot will eventually contain one principal residence and one guest residence. The Gray Head at Telluride Development property, locations of all conditional water rights first decreed in 99CW247, and alt. locations for some of these water rights as decreed in 08CW83, are depicted on Exhibit A on file with the Water Ct. First Claim for Findings of Reasonable Diligence: the application on file with the Ct. contains a detailed outline of the work performed during the diligence period. Original Decree: 99CW247, Dist. Ct, entered on 7/18/2002. Subsequent Decrees: 08CW83 entered on 1/18/2011 and 17CW3003 entered on 7/17/2017. A tabular summary of these rights is included in Exhibit B on file with the Water Ct.

Groundwater Rights - Wells: In 99CW247, the Ct. confirmed conditional water rights for the following six well structures, each with an approp. date of 07/31/1997. Each well is decreed as an alt. point of diversion for the other five well structures described herein, and for the water rights decreed to the springs described herein and ditches described below. 99CW247 Decree, ¶13. Each of the six wells below are decreed for dom., irr., stock watering, and fire protection purposes, and for use through storage in and later release from the ponds described below for irr., pisc., stock watering, rec., and fire protection purposes. Irr. use, directly and through storage, is for up to 15 acres in San Miguel Cty., CO, located generally within the E1/2 NE1/4 and the NE1/4 SE1/4 of Sec. 22, within all of Sec. 23, and within the NE1/4 NW1/4 and the N1/2 NE1/4 of Sec. 26, all sects. in T. 43 N., R. 10 W., N.M.P.M. Certain of these wells may also supply water to a non-potable water system that will fill the ponds described herein. Structure: Gray Head Well No. 1. Location: SW1/4 NW1/4 SE1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., 1,931 ft from the S. sec. line and 2,631 ft from the E. sec. line of Sec. 23, as changed by decree entered in 08CW83. UTM Zone 13, NAD83, Easting 241766.93, Northing 4206766.48. Source: Groundwater tributary to Summit Creek, to Willow Creek, and to unnamed drainage, all tributary to San Miguel River. Decreed Amt.: 50 gpm, of which: 27 gpm was confirmed and decreed absolute in 08CW83 for dom, irr., and stock watering uses and for storage in the ponds described herein for subsequent use for the uses decreed to said ponds; 27 gpm remains conditional for fire protection; and 23 gpm remains conditional for all decreed uses and manners of use. Structure: Gray Head Well No. 2. Location: NW1/4 NE1/4 SW1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 51° 11'24.00" W. 4,674 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241436.62, Northing 4206986.37. Source: Groundwater tributary to Willow Creek, tributary to San Miguel River. Decreed Amt.: 50 gpm, conditional. Structure: Gray Head Well No. 3. Location: NW1/4 SW1/4 NE1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 52° 12'53.55" W. 3,106 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241817.89, Northing 4207275.25. Source: Groundwater tributary to Willow Creek, tributary to San Miguel River. Decreed Amt.: 50 gpm, conditional. Structure: Gray Head Well No. 4. Location: SE1/4 NW1/4 SE1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 28° 42'16.30" W. 3,974 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241952.87, Northing 4206783.25. Source: Groundwater tributary to Willow Creek and to unnamed drainage, all tributary to San Miguel River. Decreed Amt.: 50 gpm, conditional. Structure: Gray Head Well No. 5. Location: the SW1/4 SE1/4 SW1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 40° 51'40.61" W. 6,080 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241301.80, Northing 4206485.39. Source: Groundwater tributary to Willow Creek and to unnamed drainage, all tributary to San Miguel River. Decreed Amt.: 50 gpm, conditional. Structure Gray Head Well No. 6. Location: the SW1/4 NE1/4 SE1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 12° 04'12.25" W. 3,307 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 242327.99, Northing 4206836.12. Source: Groundwater tributary to Willow Creek, tributary to San Miguel River. Decreed Amt.: 50 gpm, conditional. Surface Rights - Springs: In 99CW247, the Ct. confirmed conditional water rights for the following seven spring structures, each with an Approp. date of 07/31/1997. Each spring is decreed as an alt. point of diversion for the other six spring structures described below, and for the water rights decreed to the wells described herein and ditches described herein. 99CW247, ¶13. Each of the seven springs is decreed for dom, irr., and stock watering purposes, and for storage in and later release from the ponds described herein for irr., pisc., stock watering, rec., and fire protection purposes. Irr. use, both directly and through storage, is for up to 15 acres in San Miguel Cty., CO, located generally within the E1/2 NE1/4 and the NE1/4 SE1/4 of Sec. 22, within all of Sec. 23, and within the NE1/4 NW1/4 and the N1/2 NE1/4 of Sec. 26, all sects. in T. 43 N., R. 10 W., N.M.P.M. These springs are diverted through the Gray Head at Telluride Development to various ponds described herein for use through storage for the purposes decreed to each of these ponds and for augmentation and

exchange. Structure: Lot 10 Spring. Location: NW1/4 SW1/4 SW1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 46°43'32.19" W. 6,381 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241102.88, Northing 4206566.78. Source: Spring tributary to unnamed drainage, tributary to San Miguel River. Decreed Amt.: 0.30 c.f.s, conditional.

Structure: Lot 11A Spring. Location: NE1/4 NW1/4 NW1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 85°11'37.24" W. 4,227 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241317.60, Northing 4207737.85. Source: Spring tributary to Summit Creek, tributary to San Miguel River. Decreed Amt.: 0.15 cfs, conditional.

Structure: Lot 11C Spring. Location: NW1/4 SE1/4, NW1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 66° 18'38.50" W. 3,944 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241485.85, Northing 4207348.73. Source: Spring tributary to Willow Creek, tributary to San Miguel River. Decreed Amt.: 0.10 cfs, conditional.

Structure: Lot 22 Spring. Location: SW1/4 NE1/4 SE1/4, Sec. 22, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 61° 42'49.25" W. 7,116 ft from the NE Corner of Sec. 23 T. 43 N., R. 10 W., N.M.P.M. UTM Zone 13, NAD83, Easting 240629.79, Northing 4206903.17. Source: Spring tributary to Summit Creek, tributary to San Miguel River. Decreed Amt.: 0.20 cfs, conditional.

Structure: Twin Aspens Spring. Location: SW1/4 NW1/4 NW1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 81°18'08.98" W. 4,749 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241093.32, Northing 4207582.74. Source: Spring tributary to Summit Creek, tributary to San Miguel River. Decreed Amt.: 0.25 cfs, conditional.

Structure: Upper Twin Springs. Location: NW1/4 SW1/4 NE1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 57° 38'40.43" W. 2,842 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241841.81, Northing 4207390.38. Source: Spring tributary to Willow Creek, tributary to San Miguel River. Decreed Amt.: 0.50 cfs, conditional.

Structure: Lower Twin Springs. Location: NW1/4 SW1/4 NE1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 57° 31'34.61" W. 2,934 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241818.04, Northing 4207375.41. Source: Spring tributary to Willow Creek, tributary to San Miguel River. Decreed Amt.: 0.50 cfs, conditional.

Surface Rights – Ditches: 99CW247, the Ct. confirmed conditional water rights for the following six ditch structures, each with an Approp. date of 07/31/1997. Except for the Summit Creek Diversion No. 2, each of these ditches is decreed as an alt. point of diversion for the other ditch structures described below, and also for the water rights decreed to the wells described herein and springs described herein. 99CW247, ¶¶6.f and 13. Each ditch is decreed for irr. and stock watering purposes and for use through storage in and later release from the ponds described herein for rec., pisc., fire protection, and irr.; the Willow Creek Sawmill Ditch, First Enlargement and the Willow Creek Diversion No. 1 are also decreed for fire protection purposes. Irr. use, both directly and through storage, is for up to 15 acres in San Miguel Cty., CO, located generally within the E1/2 NE1/4 and the NE1/4 SE1/4 of Sec. 22, within all of Sec. 23, and within the NE1/4 NW1/4 and the N1/2 NE1/4 of Sec. 26, all sects. in T. 43 N., R. 10 W., N.M.P.M. These six ditches will be diverted through the Gray Head at Telluride Development to the ponds described herein for use through storage for the purposes decreed to each of these ponds.

Structure: Willow Creek Sawmill Ditch, First Enlargement. Location: SW1/4 SW1/4 NE1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 45°57'32.15" W 2,950 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241938.55, Northing 4207195.97. Source: Willow Creek, tributary to San Miguel River. Decreed Amt.: 1.5 cfs, conditional.

Structure: Willow Creek Diversion No. 1. Location: NW1/4 SW1/4 NE1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 50°57'39.05" W. 2,719 ft from the NE Corner of Sec. 23, also be described as a point in the NW1/4 SW1/4 NE1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., 1,502 ft from the N. sec. line and 2,163 ft from the E. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 241925.88, Northing 4207326.48. Source: Willow Creek, tributary to San Miguel River. Decreed Amt.: 1.0 cfs, of which: 0.05 cfs was decreed absolute in 08CW83 for use through storage in and later release from the ponds

described herein for the purposes decreed to each of these ponds; 0.95 cfs remains conditional for such uses through storage; and 1.0 cfs remains conditional for irr., stock watering and firefighting purposes. Structure: Willow Creek Diversion No. 2. Location: SW1/4 NW1/4 SE1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 32°51'26.54" W. 4,540 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241777.80, Northing 4206694.33. Source: Willow Creek, tributary to San Miguel River. Decreed Amt.: 1.0 cfs, conditional. Structure: Willow Creek Diversion No. 3. Location: NW1/4 SW1/4 SE1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 27°54'31.80" W. 4,878 ft from the NE Corner of Sec. 23, a point in the NW1/4 SW1/4 SE1/4, Sec. 23, T. 43 N., R. 10 W., N.M.P.M., 1,192 ft from the S. sec. line and 2,344 ft from the E. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 241848.09, Northing 4206538.03. Source: Willow Creek, tributary to San Miguel River. Decreed Amt.: 1.5 cfs, of which: 1.0 cfs was decreed absolute in 08CW083 for use through storage in and later release from the ponds described below for rec. purposes; 0.5 cfs remains conditional for rec. use through storage; 1.5 cfs remains conditional for all other uses decreed through storage; and 1.5 cfs remains conditional for irr. and stock watering purposes. Structure: Willow Creek Diversion No. 4. Location: NE1/4 NW1/4 NE1/4, Sec. 26, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 19°04'20.01" W. 5,887 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241907.45, Northing 4206151.50. Source: Willow Creek, tributary to San Miguel River. Decreed Amt.: 1.0 cfs, conditional. Structure: Summit Creek Diversion No. 2. Location: SW1/4 NE1/4, Sec. 22, T. 43 N., R. 10 W., N.M.P.M., at a point that bears S. 78°50'W. 7,200 ft from the NE Corner of Sec. 23, as changed by decree entered in 05CW108. UTM Zone 13, NAD83, Easting 240456.79, Northing 4207420.89. Source: Summit Creek, tributary to San Miguel River. Decreed Amt.: 1.5 cfs, of which: 0.05 cfs was confirmed and decreed absolute in 17CW3003 for irr. and stock watering purposes and for storage in and later release from the ponds described herein for irr. of 15 acres, pisc., rec., stock watering, and fire protection purposes; 1.45 c.f.s remains conditional for all decreed uses. Storage Rights - Ponds: In 99CW247, the Ct. confirmed conditional water rights for the following 39 pounds, each with an approp. date of 07/31/1997. The legal description for each structure is for the center point of each dam. Each pond is decreed for irr. use, for up to 15 acres in San Miguel Cty., CO, located generally within the E1/2 NE1/4 and the NE1/4 SE1/4 of Sec. 22, within all of Sec. 23, and within the NE1/4 NW1/4 and the N1/2 NE1/4 of Sec. 26, all sects. in T. 43 N., R. 10 W., N.M.P.M. Other uses decreed to each pond are described below. Structure: Gray Head Lot 1 Pond. Location: NE1/4 NW1/4 SW1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 54°57'36"W. 5,470 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241178.05 and Northing, 4206938.58. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Decreed Amt.: 1.5 AF, conditional. Use: Irr., pisc., stock watering, fire protection, and aug. Structure: Gray Head Lot 2 Pond. Location: the NW1/4 SW1/4 NW1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 73°00'36" W. 4,976 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241125.89 and Northing, 4207457.05. The following alt. storage locations were decreed in 08CW83: Structure: Gray Head Lot 2 Pond 1. Location: SW1/4 SW1/4 NW1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., 2,022 ft from the N. sec. line and 624 ft from the W. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 241165.62, Northing, 4207197.11. Structure: Gray Head Lot 2 Pond 2. Location: SE1/4 SW1/4 NW1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., 2,030 ft from the N. sec. line and 687 ft from the W. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 241184.58 and Northing, 4207193.88. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Decreed Amt.: 2.22 AF, of which: 0.189 AF was confirmed absolute for all decreed purposes in 08CW83; and 2.031 AF remains conditional. The absolute Amt. is apportioned to the alt. storage locations as follows: Gray Head Lot 2 Pond 1: 0.155 AF, Gray Head Lot 2 Pond 2: 0.034 AF Use: Irr., pisc., stock watering, fire protection. Structure: Gray Head Lot 3 Pond. Location: SW1/4 SE1/4 NW1/4, Sec.

23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 54°03'48" W. 4,211 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241516.34, Northing 4207121.12. Source: Local run-off and springs tributary to, and surface diversions from, both Summit Creek and Willow Creek, tributary to San Miguel River. Decreed Amt.: 3.24 AF, conditional. Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 5 North Pond. Location: NW1/4 SW1/4 NE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 59°03'22" W. 2,750 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241856.69, Northing 4207422.14. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 0.06 AF, conditional. Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 5 South Pond. Location: NW1/4 SW1/4 NE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 55°47'10" W. 2,938 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241800.61, Northing 4207406.05. The following alt. storage location was decreed in 08CW83: Structure: Gray Head Lot 5 South Pond Alt.: Location: NW1/4 SW1/4 NE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., 1,464 ft from the N. sec. line and 2,348 ft from the E. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 241870.15, Northing 4207339.86. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 0.30 AF, of which: 0.084 AF was confirmed absolute for all decreed purposes in 08CW83 at the alt. storage location approved therein; and 0.216 AF remains conditional. Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 6 Pond. Location: NE1/4 NE1/4 NW1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 76°27'36" W. 2,710 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241788.02, Northing 4207664.64. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Decreed Amt.: 0.90 AF, conditional. Use: Irr., pisc., stock watering, fire protection, and aug. Structure: Gray Head Lot 7 Central Pond. Location: NW1/4 NW1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 33°58'33" W. 3,569 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241937.06, Northing 4206944.92. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 0.42 AF, conditional. Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 7 East Pond. Location: NE1/4 NW1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 32°54'03" W., 3,575 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241952.24, Northing 4206931.13. The following alt. storage locations were decreed in 08CW83: Structure: Gray Head Lot 7 East Pond 1: Location: SE1/4 NW1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., 2,038 ft from the S. sec. line and 2,030 ft from the E. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 241951.96, Northing 4206793.52. Structure: Gray Head Lot 7 East Pond 2. Location: SE1/4 NW1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., 2,038 ft from the S. sec. line and 2,030 ft from the E. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 241951.96, Northing 4206793.52. Structure: Gray Head Lot 7 East Pond 3. Location: SE1/4 NW1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., 2,038 ft from the S. sec. line and 2,030 ft from the E. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 241951.96, Northing 4206793.52. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 0.30 AF, of which: 0.048 AF was confirmed absolute for all decreed purposes in 08CW83; and 0.252 AF remains conditional. The absolute Amt. is apportioned to the alt. storage locations as follows: Gray Head Lot 7 Pond 1: 0.001 AF; Gray Head Lot 7 Pond 2: 0.014 AF; Gray Head Lot 7 Pond 3: 0.033 AF Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 7 South Pond. Location: SE1/4 NW1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 24°36'18" W. 4,300 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241980.54, Northing 4206651.99. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 1.50 AF, conditional. Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 7 West

Pond. Location: NW1/4 NW1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 35°32'03" W. 3,632 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241901.80, Northing 4206948.40. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 0.66 AF, conditional. Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 8 North Pond. Location: NW1/4 SW1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 30°50'29" W. 4,850 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241763.94, Northing 4206588.15. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 1.86 AF, conditional. Use: Irr., pisc., stock watering, fire protection, and aug. Structure: Gray Head Lot 8 South Pond. Location: NW1/4 SW1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 29°00'45" W. 5,102 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241761.70, Northing 4206497.42. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 2.10 AF, conditional. Use: Irr., pisc., stock watering, fire protection, and aug. Structure: Gray Head Lot 9 East Pond. Location: the NW1/4 SW1/4 SW1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 47°47'09" W. 6,587 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241031.18, Northing 4206555.51. The following alt. storage location was decreed in 08CW83: Structure: Gray Head Lot 9 East Pond Alt.. Location: SE1/4 SW1/4 SW1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., 272 ft from the S. sec. line and 876 ft from the W. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 241206.38, Northing 4206278.06. Source: Local run-off and springs tributary to unnamed drainage, tributary to San Miguel River. Decreed Amt.: 0.66 AF, of which: 0.299 AF was confirmed absolute for all decreed purposes in 08CW83 at the alt. storage location approved therein; and 0.361 AF remains conditional. Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 9 West Pond. Location: NW1/4 SW1/4 SW1/4, Sec. 23, T. 43 N. R. 10 W., at a point that bears S. 47°06'46" W. at 6,544 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241056.15, Northing 4206545.41. Source: Local run-off and springs tributary to unnamed drainage, tributary to San Miguel River. Decreed Amt.: 0.48 AF, conditional. Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 10 North Pond. Location: NE1/4 SW1/4 SW1/4, Sec. 23, T. 43 N. R. 10 W., at a point that bears S. 43°39'47" W. 6,025 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241251.15, Northing 4206561.85. The following alt. storage location was decreed in 08CW83: Structure: Gray Head Lot 10 Pond. Location: SE1/4 SW1/4 SW1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., 690 ft from the S. sec. line and 1,207 ft from the W. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 241311.54, Northing 4206401.92. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Decreed Amt.: 0.18 AF, of which: 0.104 AF was confirmed absolute for all decreed purposes in 08CW83 at the alt. storage location approved therein; and 0.076 AF remains conditional. Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 10 East Pond. Location: NE1/4 SW1/4 SW1/4, Sec. 23, T. 43 N. R. 10 W., at a point that bears S. 42°20'21" W. 6,075 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241269.30, Northing 4206520.38. The following alt. storage location was decreed in 08CW83: Structure: Gray Head Lot 10 Pond. Location: SE1/4 SW1/4 SW1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., 690 ft from the S. sec. line and 1,207 ft from the W. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 241311.54, Northing 4206401.92. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Decreed Amt.: 0.18 AF, of which 0.104 AF was confirmed absolute for all decreed purposes in 08CW83 at the alt. storage location approved therein, and of which 0.076 AF remains conditional. Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 10 West Pond. Location: NE1/4 SW1/4 SW1/4, Sec. 23, T. 43 N. R. 10 W., at a point that bears S. 43°33'17" W. 6,125 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241231.05, Northing 4206538.69. The following alt.

storage location was decreed in 08CW83: Structure: Gray Head Lot 10 Pond. Location: SE1/4 SW1/4 SW1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., 690 ft from the S. sec. line and 1,207 ft from the W. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 241311.54, Northing 4206401.92. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Decreed Amt.: 0.18 AF, of which: 0.104 AF was confirmed absolute for all decreed purposes in 08CW83 at the alt. storage location approved therein; and 0.076 AF remains conditional. Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 11a Pond. Location: SE1/4 NW1/4 NW1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 78°50'00" W. 4,174 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241340.46, Northing 4207640.41. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Decreed Amt.: 1.50 AF, conditional. Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 11b Pond. Location: NW1/4 NE1/4 NW1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 81°01'12" W. 3,490 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241542.64, Northing 4207707.98. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Decreed Amt.: 0.90 AF, conditional. Use: Irr., pisc., stock watering, fire protection, and aug. Structure: Gray Head Lot 11c Pond. Location: NW1/4 SE1/4 NW1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 65°04'57" W. 3,794 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241523.91, Northing 4207387.28. Source: Local run-off and springs tributary to, and surface diversions from, both Summit Creek and Willow Creek, tributary to San Miguel River. Decreed Amt.: 1.50 AF, conditional. Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 14a Pond. Location: SW1/4 NE1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 14°18'07" W. 3,617 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 242261.23, Northing 4206757.47. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 1.80 AF, conditional. Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 14c Pond. Location: SW1/4 NE1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 14°26'44" W. 3,842 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 242237.40, Northing 4206693.12. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 1.98 AF, conditional. Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 15a Pond. Location: SW1/4 NW1/4 NW1/4, Sec. 22, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 81°43'58" W. 5,001 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241082.45, Northing 4207684.33. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Decreed Amt.: 1.74 AF, conditional. Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 15b Pond. Location: NE1/4 NW1/4 SW1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 57°12'09" W. 5,370 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241171.78, Northing 4207009.85. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Decreed Amt.: 0.9 AF, conditional. Use: Irr., pisc., stock watering, fire protection, and aug. Structure: Gray Head Lot 15c South, Pond a. Location: NW1/4 NE1/4 SE1/4, Sec. 22, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 62°24'02" W. 6,950 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 240665.29, Northing 4206947.56. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Decreed Amt.: 2.04 AF, conditional. Use: Irr., pisc., stock watering, fire protection, and rec. Structure: Gray Head Lot 15c North, Pond a. Location: NW1/4 SE1/4 NE1/4, Sec. 22, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 77°16'39" W. 6,713 ft from the NE corner of Sec. 23. UTM Zone 13, NAD83, Easting 240581.16, Northing 4207484.84. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Decreed Amt.: 3.42 AF,

conditional. Use: Irr., pisc., stock watering, fire protection, and aug. Structure: Gray Head Lot 15c North, Pond b. Location: NW1/4 NE1/4 SE1/4, Sec. 22, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 65°24'25" W. 6,690 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 240696.99, Northing 4207078.49. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Decreed Amt.: 1.8 AF, conditional. Use: Irr., pisc., stock watering, fire protection, and aug. Structure: Gray Head Lot 16a East Pond. Location: SW1/4 SE1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 14°28'39" W. 5,260 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 242101.87, Northing 4206282.74. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 1.56 AF, conditional. Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 16a West Pond. Location: SW1/4 SW1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 24°16'18" W. 5,216 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241856.28, Northing 4206401.86. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 0.02 AF, conditional. Use: Stock watering, rec., and fire protection. Structure: Gray Head Lot 16b Pond. Location: SW1/4 NE1/4 NE1/4, Sec. 26, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 07°13'23" W. 6,024 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 242254.06, Northing 4206003.18. The following alt. storage locations were decreed in 08CW83: Structure: Gray Head Lot 14b Pond 1. Location: SE1/4 NE1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., 1,959 ft from the S. sec. line and 186 ft from the E. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 242512.49, Northing 4206750.96. Structure: Gray Head Lot 14b Ponds 2-4. Location: SE1/4 NE1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., 1,953 ft from the S. sec. line and 252 ft from the E. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 242492.18, Northing 4206749.58. Structure: Willow Creek Pond. Location: SW1/4 SW1/4 NE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., 1,992 ft from the N. sec. line and 2,093 ft from the E. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 241942.65, Northing 4207176.42. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 2.7 AF, of which: 0.439 AF was confirmed absolute for all decreed purposes in 08CW83 at the alt. storage locations decreed therein; and 2.261 AF remains conditional. The absolute Amt. is apportioned at the alt. storage locations as follows: Gray Head Lot 14b Pond 1: 0.416 AF; Gray Head Lot 14b Ponds 2-4: 0.006 AF; Willow Creek Pond: 0.017 AF Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 16c East Pond. Location: NE1/4 NW1/4 NE1/4, Sec. 26, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 17°33'05" W. 6,174 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241919.96, Northing 4206052.11. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 4.38 AF, conditional. Use: Irr., pisc., stock watering, fire protection, and aug. Structure: Gray Head Lot 16c West Pond. Location: NE1/4 NE1/4 NW1/4, Sec. 26, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 27°25'41" W. 6,250 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241617.28, Northing 4206175.21. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 1.8 AF, conditional. Use: Irr., pisc., stock watering, fire protection, and aug. Structure: Gray Head Lot 16d Pond. Location: NE1/4 NE1/4 NW1/4, Sec. 26, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 28°10'58" W. 6,460 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 241562.14, Northing 4206133.93. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Decreed Amt.: 0.9 AF, conditional. Use: Irr., pisc., stock watering, fire protection, and aug. Structure: Gray Head Lot 21 Pond a. Location: SE1/4 SE1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., at a point that bears S. 02°15'02" W. 5,150 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 242439.25, Northing 4206244.77. The following alt. storage locations were decreed in 08CW83:

Structure: Gray Head Lot 21 Pond 1. Location: Located in the SE1/4 SE1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., 398 ft from the S. sec. line and 144 ft from the E. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 242510.62, Northing 4206274.87. Gray Head Lot 21 Pond 2: Located in the SE1/4 SE1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., 398 ft from the S. sec. line and 144 ft from the E. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 242512.94, Northing 4206685.63. Gray Head Lot 21 Pond 3: Located in the SE1/4 SE1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., 398 ft from the S. sec. line and 144 ft from the E. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 242510.46, Northing 4206781.08. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Decreed Amt.: 0.72 AF, of which: 0.564 AF was confirmed absolute for all decreed purposes in 08CW83 at the alt. storage locations described above; and 0.156 AF remains conditional. The absolute Amt. is apportioned at the alt. storage locations as follows: Gray Head Lot 21 Pond 1: 0.5343 AF; Gray Head Lot 21 Pond 2: 0.0059 AF; Gray Head Lot 21 Pond 3: 0.0237 AF Use: Irr., pisc., stock watering, fire protection, and rec. Structure: Gray Head Lot 21 Pond b. Location: SE1/4 SE1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., at a point that bears S. 02°15'23" W. 5,075 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 242441.52, Northing 4206267.51. The following alt. storage locations were decreed in 08CW83: Structure: Gray Head Lot 21 Ponds 1, 2 and 3. Location: at the location described above. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 0.006 AF, absolute for all decreed purposes at the alt. storage locations decreed in 08CW83 and described above; and 0.054 AF remains conditional for all decreed uses. The absolute Amt. is apportioned at the alt. storage locations as follows: Gray Head Lot 21 Pond 1: 0.0568 AF; Gray Head Lot 21 Pond 2: 0.0001 AF; Gray Head Lot 21 Pond 3: 0.0003 AF Use: Irr., pisc., stock watering, fire protection, and rec. Structure: Gray Head Lot 21 Pond c. Location: SE1/4 SE1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 01°42'50" W. 5,025 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 242457.61, Northing 4206281.23. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 0.01 AF, conditional. Use: Irr., pisc., stock watering, fire protection, and rec. Structure: Gray Head Lot 21 Pond d. Location: SE1/4 SE1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 02°45'36" W. 4,975 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 242510.62, Northing 4206274.87. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 0.06 AF, conditional, of which: 0.006 AF was confirmed and decreed absolute for all decreed purposes in 08CW38; and 0.054 remains conditional. Use: Irr., pisc., stock watering, fire protection, and rec. Structure: Gray Head Lot 21 Pond e. Location: SE1/4 SE1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 02°30'03" W. 4,850 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 242440.41, Northing 4206319.03. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 0.01 surface acres, 0.06 AF, conditional. Use: Irr., pisc., stock watering, fire protection, and rec. Structure: Gray Head Lot 21 Pond f. Location: SE1/4 SE1/4 SE1/4, Sec. 23, T. 43 N. R. 10 W., N.M.P.M., at a point that bears S. 02°08'36" W. 4,750 ft from the NE Corner of Sec. 23. UTM Zone 13, NAD83, Easting 242510.62, Northing 4206274.87. Source: Local run-off and springs tributary to, and surface diversions from, Willow Creek, tributary to San Miguel River. Decreed Amt.: 0.12 AF, conditional, of which: 0.024 AF was confirmed and decreed absolute in 08CW38; and 0.096 AF remains conditional. Use: Irr., pisc., stock watering, fire protection, and rec. Appropriative Rights of Exchange: The following exchanges are operated in conjunction with the augmentation plan approved in 99CW247. Structure: Gray Head Summit Creek Exchange. Downstream Terminus: confluence of Summit Creek and San Miguel River. Upstream Terminus: locations of wells, springs, surface diversions (each of which are alt. points of diversion for each other), and ponds within the Willow Creek drainage identified above. Rate

of Exchange: 2.5 cfs, (max of 60 AF annually). Date of Approp.: 5/8/1998. Structure: Gray Head Willow Creek Exchange. Downstream Terminus: confluence of Willow Creek and San Miguel River. Upstream Terminus: locations of each of the wells, springs, and surface diversions (each of which are alt. points of diversion for each other), and ponds within the Summit Creek drainage identified above. Rate of Exchange: 5.0 cfs, conditional (maximum of 60 AF annually), of which 1.2 cfs was decreed absolute in 08CW83, with 3.8 cfs remaining conditional. Date of Approp.: 5/8/1998. Second Claim for Changes of Water Rights. Applicant seeks changes of water rights for the structures described below to conform decreed locations to match actual as-built locations. Total storage and pond surface area will not exceed amt. approved in 99CW247. No other changes, including use or timing of the water right will result by granting the change requested herein. The changes sought are as follows: Surface Rights - Springs. Structure: Lot 11a Spring. Original info. and decreed location described above. Proposed Change: An alt. decreed location for 0.15 cfs at the location for the Lot 11a Spring Alt. location described below. The cumulative rate of diversion under Lot 11a Spring water right at its original decreed location and the alt. place of diversion will be limited to 0.15 cfs at any time. Alt. Place of Diversion: Lot 11a Spring Alt. Location: NW 1/4 NW1/4, Sec. 23, T. 43 N., Range 10W., N.M.P.M. UTM Zone 13, NAD83, Easting 241359, Northing 4207853. Source: Spring tributary to Summit Creek, tributary to San Miguel River. Amt.: 0.15 cfs Storage Rights- Ponds. Structure: Gray Head Lot 1 Pond. Original info. and decreed location described above. Proposed Change: An alt. place of storage for the remaining 1.5 AF conditional right at the Gray Head Lot 1 Pond 1 and Gray Head Lot 1 Pond 2 alt. locations described below. Total storage under the Lot 1 Pond water right will be limited to 1.5 AF at any time. Alt. Storage Location: Gray Head Lot 1 Pond 1. Location: NE1/4 SW1/4, Sec. 23, T. 43 N., Range 10 W., N.M.P.M. UTM Zone 13, NAD 83, Easting 241375, Northing 4206832. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Amt.: 1.5 AF, of which: 0.368 AF has been constructed at this alt. location. Alt. Storage Location: Gray Head Lot 1 Pond 2. Location: NE1/4 SW1/4, Sec. 23, T. 43 N., Range 10 W., N.M.P.M. UTM Zone 13, NAD 83, Easting 241372, Northing 4206819. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Amt.: 1.5 AF, of which: 0.072 AF has been constructed at this alt. location. Structure: Gray Head Lot 2 Pond. Original info. and decreed location described above. Proposed Change: An alt. place of storage for the remaining 2.031 AF conditional right at the Gray Head Lot 2 Pond 3 as an alt. location described below. Total storage under the Lot 2 Pond water right will be limited to 2.22 AF at any time. Alt. Storage Location: Gray Head Lot 2 Pond 3. Location: SW1/4 SW1/4 NW1/4, Sec. 23, T. 43 N., Range 10 W., N.M.P.M. UTM Zone 13, NAD 83, Easting 241164, Northing 4207167. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Amt.: 2.031 AF, of which: 0.324 AF has been constructed at this alt. location. Structure: Gray Head Lot 9 West Pond. Original info. and decreed location described above. Proposed Change: An alt. place of storage for the remaining 0.48 AF conditional right at the Gray Head Lot 9 Pond as an alt. location described below. Total storage under the Gray Head Lot 9 Pond West water right will be limited to 0.48 AF at any time. Alt. Storage Location: Gray Head Lot 9 Pond. Location: SE1/4 SW1/4 SW1/4, Sec. 23, T. 43 N., Range 10W., N.M.P.M., 272 ft from the S. sec. line and 876 ft from the W. sec. line of Sec. 23. UTM Zone 13, NAD83, Easting 241206.38, Northing 4206278.06. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Amt.: 0.48 AF, all of which has been constructed at this alt. location. Structure: Gray Head Lot 11a Pond. Original info. and decreed location described above. Proposed Change: An alt. place of storage for the remaining 1.50 AF conditional right at the Gray Head Lot 11a Pond 1, Gray Head Lot 11a Pond 2, Gray Head Lot 11a Pond 3, and Gray Head Lot 11a Pond 4 alt. locations described below. Total storage under the Gray Head Lot 11a Pond water right will be limited to 1.50 AF at any time. Alt. Storage Location: Gray Head Lot 11a Pond 1. Location: NW1/4 NW1/4, Sec. 23, T. 43 N.,

Range 10 W., N.M.P.M. UTM Zone 13, NAD 83, Easting 241368, Northing 4207758. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Amt.: 1.5 AF, of which: 0.719 AF has been constructed at this alt. location. Alt. Storage Location: Gray Head Lot 11a Pond 2. Location: NE1/4 NW1/4, Sec. 23, T. 43 N., Range 10 W., N.M.P.M. UTM Zone 13, NAD 83, Easting 241408, Northing 4207757. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Amt.: 1.5 AF, of which: 0.230 AF has been constructed at this alt. location. Alt. Storage Location: Gray Head Lot 11a Pond 3. Location: NW1/4 NW1/4, Sec. 23, T. 43 N., Range 10 W., N.M.P.M. UTM Zone 13, NAD 83, Easting 241393, Northing 4207810. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Amt.: 1.5 AF, of which: 0.003 AF has been constructed at this alt. location. Alt. Storage Location: Gray Head Lot 11a Pond 4. Location: NW1/4 NW1/4, Sec. 23, T. 43 N., Range 10 W., N.M.P.M. UTM Zone 13, NAD 83, Easting 241376, Northing 4207792. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Amt.: 1.5 AF, of which: 0.002 AF has been constructed at this alt. location. Structure: Gray Head Lot 21 Pond c. Original info. and decreed location described above. Proposed Change: An alt. place of storage for the remaining 0.010 AF conditional right at the Gray Head Lot 21 Pond c alt. location described below. Total storage under the Gray Head Lot 21 Pond c water right will be limited to 0.010 AF at any time. Alt. Storage Location: Gray Head Lot 21 Pond c. Location: SE1/4 SE1/4, Sec. 23, T. 43 N., Range 10 W., N.M.P.M. UTM Zone 13, NAD 83, Easting 242508, Northing 4206336. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Amt.: 0.01 AF, of which: 0.002 AF has been constructed at this alt. location. Structure: Gray Head Lot 21 Pond e. Original info. and decreed location described above. Proposed Change: An alt. place of storage for the remaining 0.060 AF conditional right at the Gray Head Lot 21 Pond e alt. location described below. Total storage under the Gray Head Lot 21 Pond e water right will be limited to 0.060 AF at any time. Alt. Storage Location: Gray Head Lot 21 Pond e. Location: SE1/4 SE1/4, Sec. 23, T. 43 N., Range 10 W., N.M.P.M. UTM Zone 13, NAD 83, Easting 242517, Northing 4206311. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Amt.: 0.060 AF, of which: 0.002 AF has been constructed at this alt. location. Structure: Gray Head Lot 15c South Pond a. Original info. and decreed location described above. Proposed Change: An alt. place of storage for up to 2.04 AF of the conditional portion of this right at the Gray Head Lot 15c South Pond a alt. location described below. Total storage under the Gray Head Lot 15c South Pond a water right will be limited to 2.04 AF at any time. Alt. Storage Location: Gray Head Lot 15c South Pond an Alt.. Location: NE1/4 SE1/4, Sec. 22, T. 43 N., Range 10 W., N.M.P.M. UTM Zone 13, NAD 83, Easting 240713, Northing 4206728. Source: Local run-off and springs tributary to, and surface diversions from, Summit Creek, tributary to San Miguel River. Amt.: 2.04 AF of which 0.70 AF has been constructed at this alt. location. Third Claim to Make Absolute in Part. Applicant requests a finding that conditional water rights decreed to the structures described below have been made absolute by their application to beneficial use as stated. A summary of the absolute portions for each right below is included in Exhibit B on file with the Water Ct. Date of Beneficial Use for all structures: 6/15/2023. Records maintained by the CO DWR reflect that no administrative calls were in effect that would curtail in priority diversion by the water rights on this date. Surface Rights - Springs. Structure: Lot 10 Spring. Amt. Claimed Absolute: 0.004 cfs Amt. to Remain Conditional: 0.296 cfs. Use: Dom, irr. and stock watering purposes, and for storage in and later release from the ponds described herein for irr., pisc., rec., stock watering, fire protection purposes. Structure: Lot 11a Spring. Amt. Claimed Absolute: 0.016 cfs Amt. to Remain Conditional: 0.134 cfs Use: Dom, irr. and stock watering purposes, and for storage in and later release from the ponds described herein for irr., pisc., rec., stock watering, fire protection purposes. Surface Rights - Diversions. Structure: Willow Creek Sawmill Ditch, First

Enlargement. Amt. Claimed Absolute: 0.074 cfs Amt. to Remain Conditional: 1.43 cfs. Use: Irr., stock watering, and fire protection and storage in and later release for irr., pisc., rec., and fire protection. Irr. use both directly and through storage is for up to 15 acres in San Miguel Cty., CO, located generally within the E1/2 NE1/4 and the NE 1/4 SE1/4 of Sec. 22, within all of Sec. 23, and within the NE1/4 NW1/4 and the N1/2 NE1/4 of Sec. 26, all sects. in T. 43 N. R. 10 W., N.M.P.M. Storage Rights - Ponds. Date of Beneficial Use for all ponds: 06/15/2023. Records maintained by the CO DWR reflect that no administrative calls were in effect that would curtail in priority diversion by the water right on this date. Each pond described below achieved a fill priority on this date. Structure: Gray Head Lot 1 Pond. Amt. Claimed Absolute: 0.44 AF, of which: 0.368 AF is stored in Gray Head Lot 1 Pond 1 as an alt. storage location described above, and 0.072 AF is stored in Gray Head Lot 1 Pond 2 as an alt. storage location as described above. Amt. to Remain Conditional: 1.06 AF Use: Irr., pisc., stock watering, fire protection, rec., and aug. Structure: Gray Head Lot 2 Pond. Amt. Claimed Absolute: 0.324 AF, all of which is stored in Gray Head Lot 2 Pond 3 as an alt. storage location as described above. Amt. to Remain Conditional: 1.707 AF Use: Irr., pisc., stock watering, fire protection, rec., and aug. Structure: Gray Head Lot 9 East Pond. Amt. Claimed as Absolute: 0.361 AF, all of which is stored in Gray Head Lot 9 Pond as an alt. storage location as described above. Amt. to Remain Conditional: 0.0 AF Use: Irr., pisc., stock watering, fire protection, and rec. Structure: Gray Head Lot 9 West Pond. Amt. Claimed as Absolute: 0.48 AF, all of which is stored in Gray Head Lot 9 Pond as an alt. storage location as described above. Amt. to remain Conditional: 0.0 AF Use: Irr., pisc., stock watering, fire protection, and rec. Structure: Gray Head Lot 10 East Pond. Amt. Claimed Absolute: 0.076 AF, all of which is stored in Gray Head Lot 10 Pond as an alt. storage location as described above. Amt. to Remain Conditional: 0.0 AF Use: Irr., pisc., stock watering, fire protection, and rec. Structure: Gray Head Lot 10 West Pond. Amt. Claimed Absolute: 0.076 AF, all of which is stored in Gray Head Lot 10 Pond as an alt. storage location as described above. Amt. to Remain Conditional: 0.0 AF Use: Irr., pisc., stock watering, fire protection, and rec. Structure: Gray Head Lot 11a Pond. Amt. Claimed Absolute: 0.954 AF, of which: 0.719 AF is stored in Gray Head Lot 11a Pond 1 as an alt. storage location described above, 0.230 AF is stored in Gray Head Lot 11a Pond 2 as an alt. storage location described above, 0.003 AF is stored in Gray Head Lot 11a Pond 3 as an alt. storage location described above, and 0.002 AF is stored in Gray Head Lot 11a Pond 4 as an alt. storage location described above. Amt. to Remain Conditional: 0.546 AF Use: Irr., pisc., stock watering, and fire protection. Structure: Gray Head Lot 15c South Pond a. Amt. Claimed Absolute: 0.70 AF, all of which is stored in Gray Head Lot 15c South Pond an Alt. described above. Amt. to Remain Conditional: 1.34 AF Use: Irr., pisc., stock watering, fire protection, and rec. Structure: Gray Head Lot 21 Pond a. Amt. Claimed Absolute: 0.100 AF, all of which is stored in Gray Head Lot 21 Pond which is an alt. storage location as described above. Amt. to Remain Conditional: 0.056 AF Use: Irr., pisc., stock watering, fire protection, and rec. Structure: Gray Head Lot 21 Pond c. Amt. Claimed Absolute: 0.002 AF Amt. to Remain Conditional: 0.008 AF Use: Irr., pisc., stock watering, fire protection, and rec. Structure: Gray Head Lot 21 Pond e. Amt. Claimed Absolute: 0.002 AF Amt. to Remain Conditional: 0.058 AF Use: Irr., pisc., stock watering, fire protection, and rec. Structure: Lot 16 b Pond. Amt. Claimed Absolute: 0.009 AF, all of which was stored in Willow Creek Pond as an alt. storage location described above. Amt. to Remain Conditional: 2.252 AF Use: Irr., pisc., stock watering, and fire protection. Name and address of owners of land upon which structures are located, or upon which water is or will be placed to beneficial use: Applicants and Applicant's members. (36 pages of original application, Exhibit A & B) **SAN MIGUEL COUNTY.**

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