

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 March 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. 2022CW6 (REF NO. 15CW36, 09CW64). Kennedy Family Trust, 15820 Rimrock Road, Cedaredge, CO 81413. Application for Finding of Reasonable Diligence: Misty Spring – SW1/4NW1/4NW1/4 of Section 31, T13S, R93W, 6th PM., Easting 253948, Northing 4307803, Zone 13, 1,021 feet from the north section line and 14 feet from the west section line. Source: Dry Creek, Currant Creek, Gunnison River. Appropriation Date: 05/29/2009. Amount Claimed: .25 c.f.s conditional for domestic use in one single family dwelling, and hydropower use. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2022CW7 (REF NO. 15CW3073, 05CW244). Applicants: Wayne and Shirley Greenhill Trust, 1556 S. Helena Circle, Aurora, Colorado 80017, Matthew D. Kumpar, 40 Houck Road, Westminster, MD 21157, Maria C. Miller, 525 Yellow Lily Court, Westminster, MD 21158, Michael J. Kumpar, 724 Hughes Shop Road, Westminster, MD 21158, Paul A. Kumpar, 38 Houck Road, Westminster, MD 21158. Application for Finding of Reasonable Diligence: G-K Well No. 1 - Section 20, T13S, R91W, 6th P.M., Easting 276656, Northing 4309020, Zone 13, 1,100 feet from the east section line and 500 feet from the south section line. G-K Well No. 2 - Section 20, T13S, R91W, 6th P.M., Easting 276848, Northing 4308944, Zone 13, 448 feet from the east section line and 450 feet from the south section line. Source: Terror Creek, North Fork of the Gunnison River, Gunnison River. Appropriation Date: 11/15/2005. Amount Claimed: 0.033 c.f.s. (15 g.p.m.), 0.655 acre feet per year, for a total of 1.310 acre feet per year, conditional for household purposes for one single family residence, irrigation of up to 3,700 square feet of lawn and garden, watering of up to 2 horses, and fire protection. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2022CW3016 MONTROSE COUNTY, Groundwater tributary to the lower San Miguel River, tributary to the Dolores River. Application for Finding of Reasonable Diligence. Name and address of Applicant: Richards & Richards, a Colorado general Partnership, c/o Mark E. Hamilton, Esq., Susan M. Ryan, Esq., Holland & Hart LLP, 600 E. Main Street, Suite 104, Aspen, CO 81611, (970)925-3476, mehamilton@hollandhart.com, smryan@hollandhart.com. Previous Decrees: Original decree: 06CW247, Water Division 4, decree entered on March 1, 2008. Subsequent decrees awarding findings of diligence: 14CW3022, Water Division 4. Name of Structure: Arrowhead Well No. 1. Legal description: SE1/4 SW1/4 SW 1/4 of Section 21, T. 47 N., R. 17 W., N.M.P.M., at a point approximately 206 feet North of the South Section line and 1085 feet East of the West Section Line (NAD83, Zone 13 Converted 0172498m, Northing 4246341m). Source: Groundwater tributary to the lower San Miguel River, tributary to the Dolores River. Appropriation Date: December 28, 2006. Amount: 250 gpm of which 250 gpm (0.557 cfs) is Absolute for industrial and livestock watering uses and 250 gpm remains conditional for domestic and irrigation uses. Uses: Domestic use at the

Umetco Minerals facility, irrigation of 20 acres, stock water, and industrial. Well Depth: 100 feet. 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 Exhibit A. (4 pages with Exhibit) **MONTROSE COUNTY.**

CASE NO. 2022CW3017 – REJECTED.

CASE NO. 2022CW3018 APPLICATION FOR CONDITIONAL WATER RIGHTS (SURFACE).

1. Name, mailing address, email address, and telephone number of applicant: Harlan Smith, 3950 Hockaday Dr., Dallas, TX 75229 with all pleadings and correspondence to Martha P. Whitmore, Hockersmith & Whitmore, LLC, PO Box 646, Ouray, CO 81427-0646, marti@ouraylaw.com, 970-325-4414; FIRST CLAIM: SLADE SPRING POND ENLARGEMENT. 2. Name of structure: Slade Spring Pond Micro-hydropower. Pond decreed with Slade Spring Pond. Slade Spring was decreed for a conditional right of 0.033 c.f.s. for domestic use, irrigation, and the filling of a pond and wildlife use in Case No. 12CW98. A portion of the conditional right was made absolute, and the remainder was continued for diligence in Case No. 19CW13. Applicant is requesting the addition of non-consumptive hydropower use from overflow from the pond for use in generating approximately 4 KW of electrical power for residential use on the property. No other change or alteration in the decree water use is requested by this application. 3. Legal description of point of diversion: Ouray County, lying in the NE1/4SE1/4SW1/4 of irregular Section 12, Township 43 North, Range 8 West, N.M.P.M. at a point 696 feet from the south section line and 2644 feet from the east section line. Also described in the UTM Zone 13 format as follows: Easting 0263185 and Northing 4208690m. 4. Source of water: Water tributary to Thistledown Creek, which is tributary to Canyon Creek and the Uncompahgre River. a. Date of appropriation: November 16, 2021. b. How appropriation was initiated: By inquiry to water commissioner about process for adding hydropower as a beneficial use to the decree water right for Slade Spring. c. Date water applied to beneficial use: N/A 5. Amount claimed: .033 cfs 6. Use: The only additional use being requested is non-consumptive hydropower to generate electricity for residential use on the property owned by Applicant. All other uses decreed in 12CW98 and 19CW13 remain the same. a. If irrigation, complete the following: N/A b. If non-irrigation, describe purpose fully. Generation of non-consumptive hydropower for residential use on the property owned by Applicant. 7. All structures are on land of the Applicant. SECOND CLAIM: NON-CONSUMPTIVE HYDROPOWER FROM CANYON CREEK AND THISTLEDOWN CREEK. 8. Name of Structure: Canyon Creek Hydropower Diversion. 9. Legal description of point of diversion: UTM Zone 13 Easting 263068.91 and Northing 4208754.42 10. Source of water: Canyon Creek and Thistledown Creek, tributaries to the Uncompahgre River. a. Date of appropriation: November 16, 2021, b. How appropriation was initiated: By inquiry to water commissioner about process for appropriating water for hydropower purposes. c. Date water applied to beneficial use: N/A 11. Amount claimed: 2.5 cfs 12. Use: Non-consumptive hydropower generation. a. If irrigation, complete the following: N/A b. If non-irrigation, describe purpose fully. The water will be diverted through an 18" pipe from the river with a slide gate on the river side. The water will power two (2) 2000 watt hydroelectric turbines and then will be returned to the stream(s). The hydroelectric power generated will be used for residential purposes on Applicant's property. 13. All structures are on land of the Applicant. **OURAY COUNTY.**

CASE NO. 2022CW3019 Gunnison County - Gunnison River; Mt. Crested Butte Water and Sanitation District; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE AND REQUEST FOR FINDING OF REASONABLE DILIGENCE; Name, mailing address, and telephone number of applicant: Mt. Crested Butte Water and Sanitation

District, a Colorado special district; PO Box 5740; Mt. Crested Butte, CO 81225; (970) 349-7575; Name of structure: Malensek Ditch No. 5, Second Enlargement; Description of conditional water right: Original Decree: Case No. 14CW3113; Legal description: The headgate for the Malensek Ditch No. 5, Second Enlargement (which is the same as the original headgate for the Malensek Ditch No. 5, Original Decree, as well as the headgate for the Malensek No. 5 Ditch, First Enlargement) is located in the SE/4 SE/4 NE/4 of Section 14, Township 13 South, Range 86 West, 6th P.M., at a point 2,475 feet from the north section line and 490 feet from the east section line (NAD83, Zone 13, Easting 0329675m, Northing 4310353m). PLSS based on BLM section lines; Source of water: Surface flows in an unnamed tributary to the East River, tributary to the Gunnison River; Appropriation Date: August 14, 1996, for municipal, domestic, lawn irrigation, commercial, industrial, and fire protection uses. December 31, 2008, for snowmaking; Amount: Total of 2.0 c.f.s., of which some is absolute and some is conditional as set forth below; Use: 1.6 c.f.s. absolute for municipal, domestic, lawn irrigation, commercial, industrial, and fire protection uses, with an additional 0.4 c.f.s. conditional for those uses, for a total of 2.0 c.f.s. 2.0 c.f.s., conditional, for snowmaking; Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use: Applicant has continued to make diversions from the Malensek Ditch No. 5, Second Enlargement, for municipal, domestic, lawn irrigation, commercial, industrial, and fire protection uses and believes that total diversions have reached 2.0 c.f.s. during peak flow periods during the spring. Additionally, Applicant plans to improve the collection and diversion structure for the Malensek No. 5, Second Enlargement, to improve the rate of diversion during both high and low flow periods. Accordingly, Applicant requests that the remaining 0.4 c.f.s. decreed conditionally for municipal, domestic, lawn irrigation, commercial, industrial, and fire protection uses be made absolute. Applicant further requests a finding of diligence with regard to the 2.0 c.f.s. decreed conditionally for snowmaking purposes. Finally, if Applicant's claim to make conditional rights absolute should be denied in whole or in part, Applicant requests a finding of diligence with regard to such remaining conditional water right. (4 pages) **GUNNISON COUNTY.**

CASE NO. 2022CW3020; SAN MIGUEL COUNTY, WATER DIVISION NO.4: **1) Applicant:** Lilylands Canal and Reservoir Company; **2) Attorney:** Adam T. Reeves, Maynes, Bradford, Shipp & Sheftel, LLP., 835 East 2nd Avenue, Ste. 123, Durango, CO 81301; **3) Application for Finding of Reasonable Diligence for Lilylands Reservoir and Lilylands Reservoir Enlargements 1 and 2**, previously decreed in Case No. 95CW186 and continued in Case Nos. 15CW3085, 02CW192, and 09CW48; **4) Source:** An unnamed draw tributary to the West Fork of Naturita Creek, the West Fork of Naturita Creek, Middle Naturita Creek, East Branch of Naturita Creek, Roaring Fork of Naturita Creek, Adzes Gulch, Galloway Gulch and Hugh Johnson Gulch, all tributary to the San Miguel River; **5) Location:** in the W1/2W1/2 of Section 7, T42N, R13W, N.M.P.M., and the E1/2 of Section 12, T42N, R14W, N.M.P.M. **6) Use:** Irrigation, livestock watering, domestic, fire protection and augmentation; **7) Appropriation Date:** September 1989; **8) Amount:** 1,700 AF Cond. for supplemental irrig of 1,900 acres, stock watering, domestic use, fire protection augmentation, exchange, and substitution. **9) Filling Source:** Lilylands Canal. 89 cfs Ab (See Decrees in Case Nos. 2533 (39cfs) and 4641 (50 cfs)). Headgate No. 1, at a point on the left bank of West Naturita Creek, whence the NW corner of Section 7, T42N, R13W, N.M.P.M., bears N 56° 56" W, 4,131 feet; thence the canal runs northwesterly to Station 9585, where it intersects Adzes Gulch and derives an additional water supply; thence in a northwesterly direction to Station 149, where it intersects Galloway Gulch and derives an additional water supply; thence in a northwesterly direction to Station 166, where it intersects Hugh Johnson Gulch and derives an additional water supply. Reasonable Diligence: Between March, 2016 and March, 2022 the Company has expended in excess of \$80,000 in direct costs and labor to maintain and improve the Lilylands Canal, including headgate replacement to accommodate greater flows, cleaning, maintenance. Repairs were

accomplished on two additional headgates to facilitate the completion of the appropriation. Spillways were maintained as well. Because the Lilylands Canal is approximately 29 miles long, maintaining and improving the Canal is essential to developing the conditional water right described herein. **SAN MIGUEL COUNTY.**

CASE NO. 2022CW3021 (15CW3069) (08CW128). In The Matter of The Application for Water Rights Of The Lange Family Trust, In San Miguel County, Colorado. District Court, Water Division 4, State of Colorado, Montrose County Justice Center, 1200 N. Grand Avenue, Bin A, Montrose, Colorado 81401. Attorneys for Applicant: Stephen C. Larson #23275, Adam K. Alexander #53543, JOHNSON & REPUGGI LLP, 850 W. South Boulder Road, #100, Louisville, CO 80027, Telephone: (303) 442-1900, Facsimile: (303) 442-0191, Email: sclarson@j-rlaw.com; akalexander@j-rlaw.com. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. Applicant, The Lange Family Trust, by and through its undersigned counsel, respectfully submits this application for a finding of reasonable diligence for the conditional water rights originally decreed in Case No. 08CW128, and continued by the decree in Case No. 15CW3069, subsequently Water Division 4. 1. Name and Address of Applicant. The Lange Family Trust, 6015 E Joshua Tree Lane, Paradise Valley, AZ 85253, (602) 309-3993; E-mail: davelange@me.com; Copies of all pleadings to: Stephen C. Larson, Adam K. Alexander, Johnson & Repucci LLP, 850 W. South Boulder Road #100, Louisville, CO 80027 (303) 442-1900 2. Overview. Applicant owns Parcels A and B of Sunnyside Reserve, a residential property, in Township 43 North, Range 9 West of the New Mexico Principal Meridian. The above-captioned application seeks a finding of reasonable diligence with respect to water rights decreed in Case No. 08CW128 for the Badger Spring, and three (3) lined ponds located on Parcel B, named Badger Pond 2, Badger Pond 3, and Badger Pond 4 (the "Parcel B Ponds"). Applicant also owns the up-gradient Badger Pond, originally decreed in Case No. 06CW58 and made absolute in Case No. 14CW3006, Water Division 4, located on Parcel A. Water will be delivered in priority from Badger Spring and surface water tributary to Remine Creek, through Badger Pond, to fill the Parcel B Ponds. The three Parcel B Ponds will be arranged in a down-gradient single flow path. A general location map submitted in Case No. 08CW128 depicting Applicant's water system is attached hereto as Exhibit A. Badger Pond 2 may be drawn down to regulate the pond levels in the other Parcel B Ponds when water cannot be diverted to the Parcel B Ponds because they are out of priority. All out-of-priority inflows to the Parcel B Ponds will be released. 3. Description of Conditional Water Rights from Prior Decrees. Badger Spring: Name of Structure. Badger Spring. Legal Description of Point of Diversion. Badger Spring is located in the Northeast 1/4 of the Southwest 1/4 of Section 28, Township 43 North, Range 9 West of the New Mexico Principal Meridian, 2,529 feet north of the South section line and 2,365 feet east of the West section line of Section 28. Source. Spring water tributary to Remine Creek, tributary to the San Miguel River. Date of Appropriation. October 27, 2008. Amount. 1.0 cfs, conditional. Uses. Badger Spring may be collected in an infiltration gallery down-gradient from the point of diversion and subsequently used for filling Badger Pond (as decreed in Case No. 06CW58) and the Parcel B Ponds described below, for subsequent fire protection, recreational, piscatorial, fish habitat, and wildlife uses. The Parcel B Ponds: Legal Descriptions of the Parcel B Ponds. Badger Pond 2. Badger Pond 2 is located in the Northeast 1/4 of the Southwest 1/4 of Section 28, Township 43 North, Range 9 West of the New Mexico Principal Meridian, 1,900 ft from the South section line and 1,975 ft from the West section line of Section 28. Badger Pond 3. Badger Pond 3 is located in the Northeast 1/4 of the Southwest 1/4 of Section 28, Township 43 North, Range 9 West of the New Mexico Principal Meridian, 1,470 ft from the South section line and 1,600 ft from the West section line of Section 28. Badger Pond 4. Badger Pond 4 is located in the Northeast 1/4 of the Southwest 1/4 of Section 28, Township 43 North, Range 9 West of the New Mexico Principal Meridian, 1,600 ft from the South section line and 1,435 ft from the West section line of Section 28. Sources of the Parcel B Ponds. An unnamed tributary

of Remine Creek, sometimes locally referred to as the East Fork of Remine Creek (the "Remine Tributary"), which diverts at the Conley Ditch headgate, legally described in section 3(B)(c)(i) below. Badger Spring, a spring tributary to Remine Creek, which diverts at the location legally described in section 3(A)(b) above and 3(B)(c)(ii) below. Natural runoff and surface drainage tributary to Remine Creek, tributary to the San Miguel River. Legal Descriptions of Diversion Points. Conley Ditch Headgate. The Conley Ditch headgate is located in the Northwest 1/4 of the Northeast 1/4 of Section 28, Township 43 North, Range 9 West of the New Mexico Principal Meridian, within 200 feet of a point located 100 feet from the North section line and 1,335 feet from the East section line of Section 28. Badger Spring. Badger Spring is located in the Northeast 1/4 of the Southwest 1/4 of Section 28, Township 43 North, Range 9 West of the New Mexico Principal Meridian, 2,529 feet north of the South section line and 2,365 feet east of the West section line of Section 28. Date of Appropriation. October 27, 2008. Amounts Decreed. Total capacity for the Parcel B Ponds shall be 2.0 acre-feet, and generally allocated as described below. Applicant's appropriation is limited to the contemplated draft of 5.02 acre-feet annually, as more particularly set forth in Section III.13 of the decree entered in Case No. 08CW128. Badger Pond 2. 0.5 acre-feet, conditional, with the right to fill and refill in priority. 100% of this capacity is active storage. Badger Pond 3. 1.0 acre-feet, conditional, with the right to fill and refill in priority. 100% of this capacity is active storage. Badger Pond 4. 0.5 acre-feet, conditional, with the right to fill and refill in priority. 100% of this capacity is active storage. Maximum Rate of Fill. 1.0 cfs, conditional, from Remine Tributary and/or Badger Spring. Surface Areas. Badger Pond 2. 0.1 acres. Badger Pond 3. 0.15 acres. Badger Pond 4. 0.1 acres. Uses. Fire protection, recreational, piscatorial, fish habitat and wildlife. 4. Name and Address of Owners Upon Whose Land Structures are Located. Applicant owns the land on which the Parcel B Ponds are located. The Badger Spring is located on land owned by the Tarr Family Trust, 30240 Rancho Vieja Rd. STE B, San Juan Capistrano, CA 92675. The Tarr Family Trust previously granted an easement for the Badger Spring, which is recorded at Reception No. 406610 in the deed records of San Miguel County, Colorado. 5. Integrated System. Badger Pond, Badger Pond 2, Badger Pond 3 and Badger Pond 4 are each components on an integrated water supply system as decreed in Case No. 08CW128, Section II.5 (the "Integrated System"). 6. Claim for a Finding of Reasonable Diligence. Applicant seeks a finding of reasonable diligence for the Badger Spring and the Parcel B Ponds. Work on one feature of the Integrated System shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system, pursuant to C.R.S. § 37-92-301(4)(b). The following activities were undertaken during the diligence period toward completion and application of all the subject conditional water rights to their decreed beneficial uses: During the subject diligence period, Applicant performed substantial maintenance and improvements to the Badger Pond and Parcel B Ponds, including maintenance and improvements on the ditch used to deliver water from the existing pond to the Badger Pond 2 area and drainage near Badger Ponds 3 and 4. Specifically, between the summer of 2018 and the summer of 2019, Applicant engaged in an extensive project that included landscaping work and recirculation improvements in the area of the Badger Pond and Parcel B Ponds. As part of the work, Applicant engaged a contractor to perform maintenance and improvements to the ditch between the Badger Pond and the Parcel B Ponds. Applicant also performed drainage work in the area of Badger Pond 3 and Badger Pond 4. The total cost of these improvements to the Parcel B Ponds and its Integrated System was approximately \$200,000. During the subject diligence period, Applicant engaged BBA Water Consultants ("BBA") for consulting services associated with Badger Pond, Badger Spring, and the Parcel B Ponds. BBA performed engineering work and general water resource and water rights consulting services including water rights planning assistance related to the subject conditional water rights, and operational assistance related to the Integrated System. During the subject diligence period, Applicant incurred several hundred dollars for these engineering services. During the subject diligence

period, Applicant also incurred approximately \$3,610.00 for legal services relating to the Parcel B Ponds and the integrated system. (6 pages plus exhibit) **SAN MIGUEL COUNTY.**

CASE NO. 2022CW3022 Montrose County, Horsefly Creek, tributary to the San Miguel River. **Application for Findings of Reasonable Diligence and to Make Absolute, In Part.** Applicant: Eldred Colorado Family, LP, c/o Sara M. Dunn, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. In this Application, Applicant seeks a finding of reasonable diligence in the development of the S.J. Springs F, G, H1, H2, H3, J, S.J. Springs and Ponds I, K, L and M. Applicant further requests Springs and Ponds I, K, L and M be made absolute. The Subject Water Rights are depicted on Figure 1 on file with the Water Ct. Original Decree: Case No. 94CW260 in Dist. Ct., Water Div. No. 4 on 12/07/1995. Diligence Decrees: At regular intervals as required by law, the Div. 4 Water Ct. has entered findings of reasonable diligence in the development of the conditional water rights described herein: Case No. 01CW268, entered on 09/07/2002; Case No. 08CW120, entered on 06/04/2009; and Case No. 15CW3047, entered on 03/07/2016. **Claim for Finding of Reasonable Diligence.** Subject Water Right: **S.J. Spring F.** Location: A spring reach located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3 and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 45 N., R. 10 W., N.M.P.M., in; beginning at a point N. 88° 40' W. a distance of 2,000 ft. from the NE corner of said Sec. 10 and ending at a point due W. a distance of 2,500 ft. from the NE corner of said Sec. 10. Source: Springs and runoff tributary to Horsefly Creek, tributary to the San Miguel River. Amt.: 0.022 c.f.s. (10 g.p.m), conditional. Uses: dom. and aug. purposes. Approp. Date: 07/01/1949. Subject Water Right: **S.J. Spring G.** Location: A spring reach located in the N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 3, T. 45 N., R. 10 W., N.M.P.M., in; beginning at a point located N. 38° 20' W. a distance of 1,830 ft. from the SE corner of said Sec. 3 and ending at a point located N. 50° 30' W. a distance of 2,380 ft. from the SE corner of said Sec. 3. Source: Springs and runoff tributary to Horsefly Creek, tributary to the San Miguel River. Amt.: 0.10 c.f.s. (45 g.p.m), conditional. Uses: dom. and aug. purposes. Approp. Date: 05/04/1992. Subject Water Right: **S.J. Spring H1.** Location: A spring reach located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2 and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T. 45 N., R. 10 W., N.M.P.M., in; beginning at a point located N. 8° 15' E. a distance of 2,350 ft. from the SE corner of said Sec. 3 and ending at a point N. 31° 00' W. a distance of 2,550 ft. from the SE corner of said Sec. 3. Source: Springs and runoff tributary to Horsefly Creek, tributary to the San Miguel River. Amt.: 0.05 c.f.s. (22.5 g.p.m), conditional. Uses: dom. and aug. purposes. Approp. Date: 05/04/1992. Subject Water Right: **S.J. Spring H2.** Location: A spring reach located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T. 45 N., R. 10 W., N.M.P.M.; beginning at a point located N. 18° 15' W. a distance of 2,770 ft. from the SE corner of said Sec. 3 and ending at a point N. 31° 00' W. a distance of 2,550 ft. from the SE corner of said Sec. 3. Source: Springs and runoff tributary to Horsefly Creek, tributary to the San Miguel River. Amt.: 0.03 c.f.s. (13.5 g.p.m), conditional. Uses: dom. and aug. purposes. Approp. Date: 05/04/1992. Subject Water Right: **S.J. Spring H3.** Location: A spring reach located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 3, T. 45 N., R. 10 W., N.M.P.M.; beginning at a point located N. 21° 50' W. a distance of 3,080 ft. from the SE corner of said Sec. 3 and ending at a point N. 31° 00' W. a distance of 2,550 ft. from the SE corner of said Sec. 3. Source: Springs and runoff tributary to Horsefly Creek, tributary to the San Miguel River. Amt.: 0.03 c.f.s. (13.5 g.p.m), conditional. Uses: dom. and aug. purposes. Approp. Date: 05/04/1992. Subject Water Right: **S.J. Spring J.** Location: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 46 N., R. 10 W., N.M.P.M.; located at a point N. 79° 00' E. a distance of 3,880 ft. from the SW corner of said Sec. 34. Source: Springs and runoff tributary to Horsefly Creek, tributary to the San Miguel River. Amt.: 0.022 cfs (10 g.p.m), conditional. Uses: dom. and aug. purposes. Approp. Date: 05/04/1992. Subject Water Right: **S.J. Spring and Pond I.** Location: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 45 N., R. 10 W., N.M.P.M.; located at a point S. 72° 30' E. a distance of 1,200 ft. from the NW corner of said Sec. 3. Source: Springs and runoff tributary to Horsefly Creek, tributary to the San Miguel River. Spring Flow Amt.: 0.10 c.f.s. (45 g.p.m), conditional. Uses: dom. and aug.

purposes. Storage Amt.: 3.0 A.F., conditional. Uses: Livestock, rec., wildlife propagation, dom. and aug. purposes. Approp. Date: 05/04/1992. Subject Water Right: **S.J. Spring and Pond K.** Location: N½ NE¼, Sec. 3, T. 45 N., R. 10 W., N.M.P.M.; located at a point S. 76° 18' E. a distance of 3,950 ft. from the NW corner of said Sec. 3. Source: Springs and runoff tributary to Horsefly Creek, tributary to the San Miguel River. Spring Flow Amt.: 0.022 c.f.s. (10 g.p.m), conditional. Uses: dom. and aug. purposes. Storage Amt.: 0.40 A.F., conditional. Uses: dom. and aug. Storage Amt.: 1.60 A.F., conditional. Uses: Livestock, rec., wildlife propagation, dom. and aug. purposes. Approp. Date: 06/01/1981. Subject Water Right: **S.J. Spring and Pond L.** Location: W½ NW¼, Sec. 2, T. 45 N., R. 10 W., N.M.P.M.; located at a point S. 75° 20' E. a distance of 5,680 ft. from the NW corner of Sec. 3, T. 45 N., R. 10 W., N.M.P.M. Source: Springs and runoff tributary to Horsefly Creek, tributary to the San Miguel River. Spring Flow Amt.: 0.022 c.f.s. (10 g.p.m), conditional. Uses: dom. and aug. purposes. Storage Amt.: 0.70 A.F., conditional. Uses: dom. and aug. Storage Amt.: 1.30 A.F., conditional. Uses: livestock, rec., wildlife propagation, dom., and aug. purposes. Approp. Date: 06/01/1981. Subject Water Right: **S.J. Spring and Pond M.** Location: NE¼ NE¼, Sec. 3, T. 45 N., R. 10 W., N.M.P.M.; located at a point N. 44° 15' E. a distance of 7,680 ft. from the SW corner of said Sec. 3. Source: Springs and runoff tributary to Horsefly Creek, tributary to the San Miguel River. Spring Flow Amt.: 0.20 c.f.s. (90 g.p.m), conditional. Uses: dom. and aug. purposes. Storage Amt.: 0.25 A.F., conditional. Uses: dom. and aug. Storage Amt.: 5.75 A.F., conditional. Uses: livestock, rec., wildlife propagation, dom., and aug. purposes. Approp. Date: 06/01/1981. Remarks: Sec. 2 and 3, T. 45 N., R. 10 W., N.M.P.M., are irregular sections. The conditional dom. use was decreed pursuant to C.R.S. § 37-92-103(14)(b), for spring discharge to be captured by a near-surface structure less than 10 ft. in depth within 50 ft. of the spring's natural discharge point, pursuant to the owner's water right for such a structure. Integrated System: The water rights described herein are component parts of Applicant's integrated legal water supply plan for its property which includes adjacent lands and water rights owned by Eldred Ranch which are managed as one unified ranch. In the six years preceding the filing of the Application, Applicant has diligently pursued development of the subject water rights. The application on file with the Court contains a detailed outline of the work performed during the diligence period.

CLAIM TO MAKE ABSOLUTE. Name of Structure: **S.J. Spring and Pond I.** Date water applied to beneficial use: 06/07/2016. Uses: livestock, rec., wildlife propagation, dom. and aug. purposes. Description of place of use: In the vicinity of S.J. Spring and Pond I. Amt.: 0.20 A.F. for all uses. Amt. remaining conditional: 2.8 A.F. Name of Structure: **S.J. Spring and Pond K.** Date water applied to beneficial use: 08/07/2013, for storage capacity confirmed in Case No. 94CW260 and 11/23/2020, for enlarged capacity. Uses: livestock, rec., wildlife propagation, dom. and aug. purposes. Description of place of use: In the vicinity of S.J. Spring and Pond K. Amt.: 0.40 A.F. for dom. and aug. (original capacity) and an additional 0.40 A.F. for all uses (enlarging capacity). Amt. remaining conditional: 0.80 A.F. for all uses. Name of Structure: **S.J. Spring and Pond L.** Date water applied to beneficial use: 08/07/2013, for storage capacity confirmed in Case No. 94CW260 and 05/20/2021, for enlarged capacity. Uses: livestock, rec., wildlife propagation, dom. and aug. purposes. Description of place of use: In the vicinity of S.J. Spring and Pond L. Amt.: 0.70 A.F. for dom. and aug. (original capacity) and 1.0 A.F. for all uses (enlargement capacity). Amt. remaining conditional: 0.30 A.F. for all uses. Name of Structure: **S.J. Spring and Pond M.** Date water applied to beneficial use: 08/07/2013. Uses: livestock, rec., wildlife propagation, dom. and aug. purposes. Description of place of use: In the vicinity of S.J. Spring and Pond M. Amt.: 0.25 A.F. for domestic and augmentation (original capacity). Amt. remaining conditional: 5.75 A.F. for all uses. (11 pages of original application, Figure 1) **MONTROSE COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of May, 2022 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