Case No. 2024CW3017 (2003CW37 and 2017CW3041). APPLICATION TO MAKE WATER RIGHTS ABSOLUTE OR IN THE ALTERNATIVE FOR A FINDING OF REASONABLE DILIGENCE IN JACKSON COUNTY. MPDP FINANCIAL, LLC, 891 Kings Point Dr., Canyon Lake, TX 78133, (970) 978-3238. Direct all pleadings to: Andrea L. Benson and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80304, (303) 894-8191. 2. Name of structures: Hofmann Pond No. 1, Hofmann Pond No. 2, Hofmann Pond. No. 3, Hofmann Pond No. 4, Hofmann Pond No. 5, Hofmann Pond No. 6, and No Name Creek Ditch. 3. Describe conditional water right giving the following from the Referee’s ruling and judgment and decree. (a) Original Decree: Case No. 2003CW37, decreed by the District Court for Water Division 1, State of Colorado, on September 4, 2007. (b) First Diligence Decree: Case No. 2017CW3041, decreed by the District Court for Water Division 1, State of Colorado, on October 24, 2018. 4. Description of Subject Water Rights. (a) Hofmann Pond No. 1. (i) Location: The pond is located on the No Name Creek in the S ½ of the NE ¼ of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. The outlet from Pond NO. 1 discharges to the No Name Creek at a point approximately 1,604 feet west and 1,427 feet south of the northeast corner of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. The attached Figure 1 shows the approximate location of Hofmann Pond No. 1 and the other five (5) Hofmann ponds on Applicant’s property. (ii) Appropriation Date: August 22, 2002. (iii) Amount: 54.15 acre-feet, conditional with the right to fill and refill. (iv) Use: Domestic (one existing residence, one potential future residence, and up to one acre of landscaping and gardens), irrigation, aesthetic, piscatorial, stock watering, fire protection, recreational, storage, wildlife and fisheries, augmentation, and dust suppression. The location of irrigated acreage on the Applicant’s property is shown in Figure 2. (v) Name and location of sources: No Name Creek, tributary to the South Fort of Michigan River, tributary to the North Platte River. (b) Hofmann Pond No. 2. (i) Location: The pond is an off-channel pond location in the NW ¼ of the NE ¼ of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. The pond was excavated below the natural ground and has no fam embankment. The outlet from Pond No. 2 discharges to a point that is approximately 250 feet west of the South Fork of the Michigan River, or 1,514 feet west and 821 feet south of the northeast corner of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. Pond No. 2 filler ditch headgate is located on No Name Creek at a point approximately 1,821 feet west and 1,259 feet south of the northeast corner of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado.(ii) Appropriation Date: June 1, 2001. (iii) Amount: 10.3 acre-feet, conditional with the right to fill and refill. The rate of diversion for filling Hofmann Pond No. 2 is 5.0 cfs, conditional. (iv) Use: Irrigation, aesthetic, piscatorial, stock watering, augmentation, fire protection, recreational, storage, wildlife and fisheries, and dust suppression. The location of irrigated acreage on the Applicant’s property is shown in Figure 2. (v) Name and location of sources: No Name Creek, tributary to the South Fort of Michigan River, tributary to the North Platte River. (c) Hofmann Pond No. 3. (i) Location: The pond is located on the No Name Creek in the NW ¼ of the NE ¼ of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. The outlet from Pond No. 3 discharges to the No Name Creek at a point approximately 2,261 feet west and 667 feet south of the northeast corner of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. (ii) Appropriation Date: August 22, 2002. (iii) Amount: 4.1 acre-feet, conditional with the right to fill and refill. (iv) Use: Irrigation, aesthetic, piscatorial, stock watering, fire protection, recreational, storage, wildlife and fisheries, augmentation, and dust suppression. The location of irrigated acreage on the Applicant’s property is shown in Figure 2. (v) Name and location of sources: No Name Creek, tributary to the South Fort of Michigan River, tributary to the North Platte River. (d) Hofmann Pond No. 4. (i) Location: The pond is located on the No Name Creek in the SW ¼ of the SE ¼ of Section 4, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. The outlet from Pond No. 4 discharges to the No Name Creek at a point approximately 2,433 feet west and 709 feet north of the southeast corner of Section 4, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. (ii) Appropriation Date: September 1, 2000. (iii) Amount: 2.7 acre-feet, conditional with the right to fill and refill. (iv) Use: Irrigation, aesthetic, piscatorial, stock watering, fire protection, recreational, storage, wildlife and fisheries, augmentation, and dust suppression. The location of irrigated acreage on the Applicant’s property is shown in Figure 2. (v) Name and location of sources: No Name Creek, tributary to the South Fort of Michigan River, tributary to the North Platte River. (e) Hofmann Pond No. 5. (i) Location: The pond is located on the No Name Creek in the SW ¼ of the SE ¼ of Section 4, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. The outlet from Pond No. 5 will discharge to the No Name Creek at a point approximately 2,200 feet west and 1,087 feet north of the southeast corner of Section 4, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. (ii) Appropriation Date: June 1, 1976. (iii) Amount: 1.1 acre-feet, conditional with the right to fill and refill. (iv) Use: Domestic, irrigation, aesthetic, piscatorial, stock watering, fire protection, recreational, storage, wildlife and fisheries, augmentation, and dust suppression. The location of irrigated acreage on the Applicant’s property is shown in Figure 2. (v) Name and location of sources: No Name Creek, tributary to the South Fort of Michigan River, tributary to the North Platte River. (f) Hofmann Pond No. 6. (i) Location: The pond is an off-channel pond located in the SW ¼ of the SE ¼ of Section 4, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. The Pond No. 6 filler ditch headgate is located on No Name Creek at a point approximately 1,821 feet west and 1,2559 feet south of the northeast corner of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. (ii) Appropriation Date: July 28, 2003. (iii) Amount: 14.0 acre-feet, conditional with the right to fill and refill. Flow rate of 5 cfs. (iv) Use: Domestic (one future residence, and up to one acre of landscaping and gardens), irrigation, aesthetic, piscatorial, stock watering, fire protection, recreational, storage, wildlife and fisheries, augmentation, and dust suppression. The location of irrigated acreage on the Applicant’s property is shown in Figure 2. (v) Name and location of sources: No Name Creek, tributary to the South Fort of Michigan River, tributary to the North Platte River. (g) Pond Specifications:

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| Hofmann Pond. No. | Total Storage Capacity (a/f) | Active Storage Capacity (a/f) | Dead Storage Capacity (a/f) | Surface Area at HWL (acres) | Maximum Dam Height (feet) | Dam Length (feet) |
| 1 | 54.15 | 43.65 | 10.5 | 6.2 | 8 | 750 |
| 2 | 10.3 | 10.1 | 0.2 | 1.4 | n/a | n/a |
| 3 | 4.1 | 4.1 | 0 | 0.45 | 7 | 150 |
| 4 | 2.7 | 2.7 | 0 | 0.43 | 9 | 130 |
| 5 | 1.1 | 1.1 | 0 | 0.33 | 10 | 95 |
| 6 | 14.0 | 10.0 | 4.0 | 1.0 | 10.0 | 200.0 |

(5) No Name Creek Ditch: (a) Legal Description of Point of Diversion: This direct flow right diverts water from the No Name Creek at a point located approximately 2,322 feet south and 990 feet west of the northeast corner of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado, or approximately 550 feet upstream of the proposed Wait Ditch headgate location. (b) Source: No Name Creek. (c) Date of Appropriation: February 3, 2003. (d) Amount: 1.5 cfs, conditional. (e) Use: Irrigation of 18.4 acres as shown on Figure 2. (6) Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use. (a) Applicant has diligently pursued the development and use of the subject water rights and, as detailed in Paragraph 7 below, during the last diligence period has diverted the subject water rights in priority and placed them to beneficial use. (b) The Hofmann Pond Nos. 1-6 and No Name Creek Ditch are part of an integrated water system serving an approximately 160-acre parcel of land owned by Applicant (hereinafter “Ranch Property”). The water system serving the Ranch Property includes, but is not limited to, surface and storage water rights and a plan for augmentation. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. During this diligence period, Applicant undertook the work described in the following paragraphs, all of which is integral and prerequisite to the orderly development of these conditional water rights. (i) The Hofmann Ponds and No Name Creek Ditch have been used for irrigation of the property depicted on Figure 2 attached. In addition, the Hofmann Ponds have been filled and refilled and water stored and subsequently used for all purposes described in paragraph 4 above. (ii) Applicant has operated the plan for augmentation for the ponds in accordance with the decree entered in Case No. 03CW37. (iii) In order to facilitate use of the Ponds and Ditch, Applicant performed yearly ditch cleaning and maintenance of the feeder ditches and Ponds on the Ranch Property. In addition, Applicant maintained and developed the irrigable land on the Ranch Property, including but not limited to installing new measurement and diversion structures, cleaning and maintaining the ditches, removing and maintaining willows and trees, and irrigation of the property. Applicant incurred approximately $57,297.00 during this diligence period in costs to complete these projects. Applicant has expended approximately $7,400 to stock the Hofmann Ponds with fish. (iv) In addition, Applicant has participated in multiple meetings and conference calls with the Division Engineer and other personnel in the State and Division Engineers’ offices concerning operation and accounting of its water rights on the Ranch Property. Applicant has incurred approximately $6,500 in legal fees to assist in these matters. (7) Claim to Make Absolute: (a) Hofmann Pond No. 1. (i) Date water applied to beneficial use: Various dates during the diligence period, including but not limited to June, 2023. (ii) Amount: 54.15 acre-feet, plus one refill. (iii) Use: All decreed uses. (b) Hofmann Pond No. 2. (i) Date water applied to beneficial use: Various dates during the diligence period, including but not limited to June, 2023. (ii) Amount: 10.3 acre-feet, plus one refill. (iii) Use: All decreed uses. (c) Hofmann Pond No. 3. (i) Date water applied to beneficial use: Various dates during the diligence period, including but not limited to June, 2023. (ii) Amount: 4.1 acre-feet, plus one refill. (iii) Use: All decreed uses. (d) Hofmann Pond No. 4. (i) Date water applied to beneficial use: Various dates during the diligence period, including but not limited to June, 2023.(ii) Amount: 2.7 acre-feet, plus one refill. (iii) Use: All decreed uses. (e) Hofmann Pond No. 5. (i) Date water applied to beneficial use: Various dates during the diligence period, including but not limited to June, 2023. (ii) Amount: 1.1 acre-feet, plus one refill. (iii) Use: All decreed uses. (f) Hofmann Pond No. 6. (i) Date water applied to beneficial use: Various dates during the diligence period, including but not limited to June, 2023. (ii) Amount: 5.0 acre-feet, plus one refill. Hofmann Pond No. 6 was decreed for 14.0 acre-feet. The current capacity of the pond is 5.0 acre-feet. Therefore, Applicant only seeks to make 5.0 acre-feet of this storage right absolute in this Application, and confirms that it wishes to cancel the remaining 9.0 acre-feet of this storage right. (iii) Use: All decreed uses. (g) No Name Ditch. (i) Date water applied to beneficial use: Various dates during the diligence period, including but not limited to June 25, 2023, on which date Applicant diverted at the rate of 1.5 cfs for flood irrigation. (ii) Amount: 1.5 c.f.s. (iii) Use: Irrigation of 18.4 acres shown on Figure 2. (h) Description of place of use where water is applied to beneficial use. At the locations described above in paragraphs 4 and 5 and depicted on the attached Figures 1 and 2. (i) General statement concerning in-priority diversions and storage of the subject water rights: During the last diligence period, all of the Hofmann Ponds remained full from year to year, either via in priority diversions and storage of the water rights in the ponds or operation of the plan for augmentation decreed in Case No. 03CW37. However, the plan for augmentation is not frequently needed because there is rarely a call on No Name Creek. During 2023, for example, the Hofmann Ponds were in priority for the duration of the year, water was pumped out of the ponds for irrigation purposes, and in August 2023 the ponds remained full. There was also no call on the No Name Creek Ditch water right in 2023. Attached are: (1) copies of call records for each structure for the year 2023 to date showing that there were “0” days of call on these water rights (Exhibit A); (2) a copy of the June and July 2023 diversion records for the No Name Creek Ditch water right, which shows a diversion of 1.5 c.f.s. on June 25, 2023 (Exhibit B); and (3) copies of records of pumping irrigation water out of Hofmann Ponds (Exhibit C). Applicant reserves the right to base a claim to make any or all amounts absolute in this case based on diversions made during the course of this case. (8) Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Applicant. WHEREFORE, Applicant having demonstrated that it has diverted the subject water rights in priority and has placed the water rights to beneficial use, and has steadily applied effort to complete the appropriation of these water rights in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully requests this Court to find that the Applicant has made the subject water rights absolute in the amounts claimed above, that the remaining 9.0 acre-feet of the Hofmann Pond No. 6 is canceled. In the event any portion of these water rights are not made absolute, Applicant seeks a finding that Applicant has exercised reasonable diligence in putting to beneficial use the water rights conditionally decreed and to continue the conditional decree for another six years, or such period as may otherwise be permitted by law.