

DISTRICT COURT, WATER DIVISION 7, COLORADO

WATER RESUME

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

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications filed in the Office of the Water Clerk during the month of November 2024, for each county affected.

2024CW11 La Plata County. Applicant: Justin S. Walker, 8 La Plata Place Durango, CO 81301. Structure: Walker Ditch. Prior Decrees: Case No. 91CW53, 96CW37, 98CW60, 05CW24, 12CW502, 18CW10. Legal Description: 600' bearing S42°0'F from the S/4 corner of Section 7, T37N, R8W, N.M.P.M, in the NW1/4NW1/4NE1/4, Section 18, T37N, R8W, N.M.P.M, La Plata County, Further described as UTM Coordinates Zone 13S, Northing 4151856, Easting 253518. Source: Bear Creek, a tributary of the Animas River. App. Date: 9/15/91. Amount: .75 cfs. Uses: Irrigation for up to 30 acres. See application for further details. (9 pages including exhibits)

2024CW3035 La Plata County; Application to Make Absolute in Part or in the Alternative for a Finding of Reasonable Diligence; 1. Applicant: TND 4028 Durango LLC c/o Kimberly C. Perdue, Southwest Water and Property Law LLC, 679 E. 2nd Ave. Unit 10, Durango, CO 81301; (970) 422-5510; kperdue@swpropertylaw.com. 2. Structure: Barr Well #1 and Barr Pond #1; i. Lot 1, East of Centerline of C.R. 234 and C.R. 225 in Section 30, Township 35 North, Range 8 West, N.M.P.M., also known as 4028 C.R. 225, La Plata County, Colorado, now known as Lot 2A Self Subdivision, according to the plat recorded at reception no. 1049076 and ratified at reception no. 1054964; ii. Source of water: Groundwater tributary to the Florida River; iii. Appropriation date: June 2, 2011; iv. Amount: Well: 15 gpm up to 1.33 acre feet annually; Pond: 0.5 acre feet for filling and re-filling; v. Use: Well: Residential in-house use; irrigation of up to 5,000 square feet, storage, fire protection, piscatorial, recreation, and aesthetics; Pond: Recreation, aesthetics, fire protection, piscatorial, stock watering, augmentation on the property ; 3. Applicant is the owner of the land upon which these structures are located. See map filed with application. (8 pages including exhibits)

2024CW3036 **LA PLATA COUNTY, WATER DISTRICT NO. 33: 1) Applicants:** D'Aleo River Park, LLC; **2) Attorneys:** Adam T. Reeves, Maynes, Bradford, Shipps & Sheftel, LLP, 835 E. Second Avenue, Suite 123, Durango, CO 81301. **3) Type of Application: Application for Finding of Reasonable Diligence;** **4) Applicants request entry of a decree for the following conditional underground and storage water rights: Original Decree:** 11CW29, Diligence Decree 18CW 3013; Division 7; **Groundwater right.** **(a) Name of Structure:** Barr Well #2. Well permit #286495 was obtained and the well has been drilled. **(b) Legal Description:** Well will be located on a tract of land located in La Plata County, Colorado, described as Tract in W/2 NW/4, Section 30, Township 35 North, Range 8 West, NMPM, now known as Lot 1A Self Subdivision, per Plat recorded 1049076 and ratified at Reception Number 1054964 (the Property); **(c) Source:** groundwater tributary to the Florida River; **(d) Date of appropriation:** June 2, 2011; **(e) Amount.** 15 gpm, conditional, total annual volume 1.33 acre feet; **(f) Uses:** residential in-house, irrigation of up to 5000 square feet, and filling and re-filling of the Barr Pond #2 for the uses set forth below. All uses shall occur on the Property. **Storage Rights:** **(a) Name of Reservoir:** Barr Pond #2; **(b) Legal Description:** Well is located on a tract of land located in La Plata County, Colorado, described as Tract in W/2 NW/4, Section 30, Township 35 North, Range 8 West, NMPM, now known as Lot 1A Self Subdivision, per Plat recorded 1049076 and ratified at Reception Number 1054964; **(c) Source:** Groundwater from Well described above will be used to fill the pond. This source will be used to fill and re-fill the pond, subject to the terms of the decree; **(d) Date of appropriation:** June 2, 2011; **(e) Amount:**

0.5 acre feet filling and re-filling of pond, conditional; (f) Proposed Uses: recreation; aesthetics; fire protection; piscatorial; stockwatering; augmentation on the Property; irrigation (as described above); (g) Surface area: The surface area of the pond shall not exceed 0.16 acre. **Outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed:** (a) Applicant acquired the property and water rights associated with this application in 2022; (b) In the intervening period, Applicant has pumped the well to evaluate its productivity; (c) Applicant has evaluated development opportunities for the property that would utilize the water rights applied for here. Applicant is the owner of the land upon which any new diversion or storage structure is or will be constructed. (3 pages)

2024CW3038 Archuleta County. APPLICATION TO MAKE ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE. Applicant: Hidden Valley Ranch Association, P.O. Box 4490, Pagosa Springs, CO 81157, frontdesk@pagosalandcompany.com. Please direct all correspondence counsel for Applicant: LAW OF THE ROCKIES, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO, 81230, (970) 641-1903, kburgemeister@lawoftherockies.com. Name of structure: Mountain View Dam and Reservoir (WDID 2903849) Original decree: Case No. 93CW82 (April 19, 1995), District Court, Water Div. No. 7. Subsequent decrees: Case Nos. 01CW22 (February 28, 2003), 09CW15 (February 28, 2012), 18CW3005 (November 1, 2018), all in Dist. Court, Water Div. No. 7. Legal Description: Mountain View Dam and Reservoir is constructed at the location of the "Alternate Mountain View Dam and Reservoir," decreed in 93CW82 to be located in Section 34, Township 36 North, Range 2 West, New Mexico P.M. in Archuleta County, the axis of which is more particularly described as follows: Beginning at the proposed southerly dam axis point from whence the Southeast 1/16 corner of Section 34, Township 36 North, Range 2 West, New Mexico P.M. bears South 5 degrees, 52 minutes, 35 seconds East a distance of 2,878 feet, thence along the proposed axis North 22 degrees, 57 minutes, 53 seconds East a distance of 500 feet, more or less, to the proposed northerly dam axis point. A map showing the location of Mountain View Dam and Reservoir was filed with this Application as Exhibit A. The location is reported to be at UTM Zone 13, 318961E, 4132077N, NAD 83. Source of water: Hidden Valley Creek, tributary to the San Juan River. The reservoir will also store water from Four Mile Creek carried through the Four Mile Ditch and the Four Mile Irrigation Ditch under the 1902 adjudication for the Four Mile Ditch. Date of Appropriation: December 15, 1993. Amount: 925 acre-feet initial fill and 925 acre-feet refill. 925 acre-feet first fill is absolute for all decreed beneficial uses listed below. 925 acre-feet refill is absolute in the amount of 18 acre-feet for all decreed beneficial uses listed below, and conditional in the amount of 907 acre-feet. Uses: Domestic, residential, environmental, irrigation, stock watering, cattle ranching, commercial, fish culture, firefighting, dust suppression, recreational, piscatorial, exchange and augmentation for Applicant's land and recreational development. Application to Make Absolute in Part. "Available capacity for a refill right in a reservoir is created by evaporative and seepage losses in addition to actual storage releases." General Administration Guidelines For Reservoirs, Colorado Division of Water Resources. In 18CW3005, 18 acre-feet of the refill right was made absolute based on refill to replace diversions from the reservoir for beneficial uses. However, to date, no portion of the refill right has been made absolute based on refilling to replace evaporative loss. The normal high water line of the reservoir is at an elevation of 7540.6 above sea level, and has a surface area of 52.5 acres. During the diligence period, the reservoir has generally been maintained at the normal high water line. Applicant will defer to the Division of Water Resources' reasonable assessment of evaporative loss, but would suggest the following calculation: The reservoir is located approximately 15,000 feet below the 40" gross evaporation isoline and 45,000 feet above the 45" isoline. Therefore, 42" is a reasonable estimate of gross evaporation. The reservoir is roughly equidistant from the 20" and 25" average annual precipitation isolines. Therefore, 22" is a reasonable estimate of annual precipitation. Effective precipitation is 70% of gross precipitation, or 15.4". See Division of Water Resources Guideline 2019-03, Reservoir Accounting Guideline. 26.6" (42-15.4) is a reasonable estimate of annual net evaporation. 116.375 acre-feet (26.6/12*52.5) is a reasonable estimate of annual refill to replace evaporation. In 2019, Applicant diverted 17.2 acre-feet from the reservoir for beneficial use, and refilled the reservoir to replace such diversions. This is 0.8 acre-feet less than the amount of the refill right already

made absolute. Applicants seek to make the conditional refill right absolute in the additional amount of 115.575 acre-feet, for a total amount absolute of 133.575 acre-feet. Application for Finding of Reasonable Diligence. The Applicant seeks a finding of reasonable diligence with respect to any portion of the conditional refill right that is not made absolute in this case. During the diligence period, the Applicant completed the following activities that demonstrate diligence towards completing the appropriation: Continued to fill and re-fill the reservoir as allowed given available water supply and storage space. Submitted to Division of Water Resources annual reports regarding volumes of water diverted from Mountain View Dam and Reservoir for various beneficial uses. Paid annual assessments to Four Mile Ditch Company (\$657 in 2024); Incurred expenses upgrading domestic water treatment system, and installed an aeration system in the reservoir to improve water quality which protects and enhances fish culture and domestic uses, total expenses for these activities during the diligence period were approximately \$177,000. Incurred expenses irrigating common area with water diverted from reservoir, and repairing and maintaining the irrigation systems, including expenses of \$151.13 in 2021, \$430.92 in 2022, and \$1861.30 in 2023. Incurred expenses operating the domestic water system in accordance with CDPHE regulations; Paid expenses to maintain and repair Mountain View Dam and Reservoir and other water supply infrastructure serving the Hidden Valley Ranch subdivision, including but not limited to \$613.13 in 2021, \$266 in 2022, \$221.47 in 2023, and \$1255.52 in 2024 for repairs and silt removal; Mountain View Dam and Reservoir is on land owned by Applicant. (5 pages including exhibit).

2024CW3039 **LA PLATA COUNTY, WATER DISTRICT NO. 33: 1) Applicant:** La Plata Water Conservancy District, PO Box 71, Marvel, CO 81329 (970)588-3369; **2) Attorneys:** Adam T. Reeves, Maynes, Bradford, Shipp & Sheftel, LLP, 835 E. 2nd Ave., Ste. 123, Durango, CO 81301; **3) Name of Structures: A. LONG HOLLOW RESERVOIR** (Applicant received a conditional storage decree for Long Hollow Reservoir in Case No. 94CW75 for 1,200 AF, due diligence applied for in Case 10CW25 and 19CW3043). **i. Location of dam and reservoir:** the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T33N, R12W, N.M.P.M. The left branch of Long Hollow Dam is located 1,500 feet north of the south section line of Section 32 and 1,900 feet east of the west section line of Section 32; in La Plata County, Colorado; **a. On-stream dam.** Onstream sources include Long Hollow Creek and its tributaries, including but not limited to Government Draw, Church Hollow, Mooney Draw and unnamed tributaries; **b. Off-stream sources,** on the La Plata River include the following ditches with the approximately indicated capacities (based on decrees): H. H. Ditch (85 c.f.s.); Joseph Freed Ditch (30.88 c.f.s.); Pine Ridge Ditch (28 c.f.s.); Revival Ditch (10.87 c.f.s.); Slade Ditch (36.9 c.f.s.); Townsite Ditch (15.50 c.f.s.); Treanor Ditch (67 c.f.s.); and Warren-Vosburgh Ditch (13.209 c.f.s.); **c. Recharge basins** (“Recharge Basins”) in the area described in Exhibit A to the decree in 00CW49 (“Decree”), (See Paragraph 2.B, below); and snowfall and diffuse surface flows. **ii. Sources:** **a.** Long Hollow Creek and its tributaries, and the La Plata River and certain tributaries and the Recharge Basins; **b.** The feeder ditches and sources above are for the full 5,400 acre-foot Reservoir and include feeder ditches and sources in addition to those in the 94CW75 Long Hollow Reservoir decree. **iii. Appropriation Date:** June 30, 2000; **iv. Amount:** 4,200 acre-feet (“AF”) Conditional, with one refill of 4,200 AF in priority in addition to 1,200 AF (pursuant to Case No. 94CW75). (A “refill” is a complete refill of the Reservoir. If a portion of the Reservoir is refilled, it counts toward the refill at issue. If the final Reservoir size is smaller than set forth above because of the results of a feasibility study, a proportionately higher number of refills is requested to reach 12,600 AF.); **v. Uses** for the full 5,400 AF Reservoir, including uses in addition to those decreed in Case No. 94CW75: Domestic, augmentation, exchange for irrigation, recreational, fish and wildlife, municipal, industrial, fire protection other beneficial uses within the District, and delivery of Colorado’s compact obligations to New Mexico under the La Plata River Compact and supplemental irrigation: **a.** by exchange, of up to approximately 21,598 acres of currently irrigated lands within the District under, principally, the Ammons, Big Stick, H. H., Hay Gulch, Joseph Freed, Holder, Keller, La Plata Irrigating, La Plata River and Cherry Creek, Morgan & Stambaugh, Pine Ridge, Revival, Slade, Townsite, Treanor and Warren-Vosburgh Ditches and the Red Mesa Ward Reservoir; but also all other Ditches listed in Exhibit “A” to the Decree, except those set forth in paragraph 4(A)vii)(b) in the Decree, and small unlisted ditches above the La Plata River and Long Hollow confluence;

and **b.** directly, of approximately 600+ acres of lands within the District under the Sooner Valley, Enterprise Enlargement and Spring (Helton) Ditches, together with a number of small diversions, less than 2.0 c.f.s. each, below the confluence of the La Plata River and Long Hollow, together with other smaller ditches. **B. NEW RECHARGE RIGHTS FOR THE FILLING OF LONG HOLLOW RESERVOIR** Applicant applied for new water rights to fill Long Hollow Reservoir from Recharge Basins in the area described in Exhibit "A" to the Decree. Water will be diverted into the Treanor, H&H, Townsite and Slade Ditches, the decrees for which are detailed in Exhibit "A" to the Decree, from the La Plata River, at the ditch head gates and delivered to the recharge sites, where the water will percolate into the underground aquifer, from both the recharge site and ditch seepage. Water will flow underground to the Long Hollow for storage in Long Hollow Reservoir for the uses set forth in Paragraph 4(A)(vii) of the Decree. Before these recharge rights may be made absolute, however, Applicant must provide the Division Engineer with an acceptable engineering study which computes the amount of recharge credit available in Long Hollow, and the timing delay from recharge made available by Applicant into the Ditches described above. If Applicant wishes to file an application to amend this decree to describe any new recharge sites, Applicant shall file a motion to do so with the Court under the Court's continuing jurisdiction at Paragraph 14 of the Decree in Case 00CW49. The condition relating to the provision of an acceptable engineering study also applies to new recharge sites. **D. SOLDIERS DRAW RESERVOIR No. 1** (Decreed for a 1,000 AF conditional storage right in Case No. 80CW233); **i.** Legal description: In the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T34N, R11W, N.M.P.M., 1,300 feet east of the west section line and 3,600 feet south of the north section line of said Section 4; **ii. a. On-stream dam:** Sources are Soldiers Draw and unnamed tributaries thereto; **b. Off-stream sources:** Ammons, Big Stick (only from the La Plata River, not Lightner Creek), Fort Lewis Diversion and Hay Gulch Ditches; **iii. Source:** Soldiers Draw and its tributaries, tributaries of the La Plata River and La Plata River. The sources and feeder ditches are in addition to those decreed in Case No. 80CW233; **iv. Appropriation Date:** June 30, 2000; **v. Amount:** 1,000 AF Conditional, with one refill in priority; **vi. Uses:** Domestic exchange, fish and wildlife, augmentation, municipal and storage for domestic, municipal, industrial, augmentation, exchange and supplemental irrigation Soldiers Draw Reservoir Nos. 1 and 2 together (These uses are in addition to those decreed in case No. 80CW233); **a.** by exchange, for the land under the Ditches listed in Exhibit "A" to the Decree except those listed in paragraph (4)(C)(vi)(b) of the Decree, and **b.** by direct irrigation of acreage under the following Ditches: Big Stick, Enterprise, Greer, Harris, Joseph Freed, Lee, Morgan & Stambaugh, Naranjo, Revival, Slade, Sooner Valley, Spring (Helton), Supply, Townsite, Walker, Warren-Vosburgh and via Red Mesa Ward Reservoir. **E. SOLDIERS DRAW RESERVOIR No. 2:** **i. Point of Diversion:** Protracted SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, T34N, R11W, N.M.P.M., 300 feet east of the west section line and 2,000 feet north of the south section line (irregular section), La Plata River via a feeder ditch; **ii. a. On-stream dam:** sources are Soldiers Draw and unnamed tributaries thereto; **b. Off-stream sources:** Same sources as for Soldiers Draw Reservoir No. 1, see paragraph 4(D)(ii) above (These sources and feeder ditches are in addition to those decreed in Case No. 80CW233); **iii. Source:** Soldiers Draw and its tributaries, tributaries to the La Plata River, and La Plata River **iv. Appropriation Date:** April 2, 1985; **v. Amount:** 1,000 AF Conditional, with one refill in priority; **vi. Use:** Recreation, domestic, exchange, fish and wildlife, augmentation, municipal and storage for municipal, industrial, domestic, augmentation, exchange for irrigation and supplemental irrigation from Soldiers Draw Reservoir Nos. 1 and 2 together via the Ditches listed under Soldiers Draw Reservoir No. 1 (see paragraph 4(C)(vi) of the Decree) (These uses include uses in addition to those decreed in Case No. 80CW233); **a.** by exchange, for the land under the Ditches described in Exhibit "A" of the Decree, except those described in Paragraph 4(E)(vi)(b) of the Decree; **b.** by direct irrigation of the land under the Ditches listed at Paragraph D(vi)(b) of the Decree. **4)** 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: Between December 2010 and December 2024, the following activities took place toward completion of the appropriation for beneficial use as conditionally decreed: **A. ABSOLUTE CLAIM:** On April 7, 2020 The District filled the Long Hollow Reservoir in priority to 5160.9 AF and accordingly claims an absolute right for all decreed uses for the initial 4,200 AF fill and a refill of 960.9 AF with 3,239.1 AF remaining conditional. **B. REMAINING CONDITIONAL CLAIMS:** Long Hollow Reservoir and

Soldiers Draw Reservoirs Nos. 1 and 2 form an integrated system of supply to provide for current and future uses within the La Plata River basin. Accordingly, diligence on one component constitutes diligence on all components. Diligence activities have included: **i.** Operating and maintaining Long Hollow Reservoir and its associated structures, and measurement devices. **ii.** Evaluating coordinated operations of Long Hollow Reservoir, Redmesa Ward Reservoir with future construction of the Soldiers Draw Reservoirs. **iii.** Drafting of easement agreements with ditch companies to facilitate the operation of the Recharge Basins described herein. **iv.** Construction of Recharge Basins to complete the recharge appropriation described herein. **5)** Names and addresses of owners 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: Deems K. Taylor, 9998 C.R. 141, Hesperus, CO 81326; Anna V. Taylor Family Trust, 250 C.R. 122, Hesperus, CO 81326; Trent J. Taylor, 1290 C.R. 102, Hesperus, CO 81326-9437; Merrilyn Taylor, P.O. Box 158, Tolovana Park, OR 97145; Russell F. & Judith A. Shows, P.O. Box 54, Marvel, CO 81329; Carlos & Wilhelm, Suzanne Yllescas, P.O. Box 162, Marvel, CO 81329; James R. & Natalie K. Greer, 7882 C.R. 100, Hesperus, CO 81326; Russell M. & Eva D. Coover, 7260 Oriole Ln., Niwot, CO 80503-8785; Edward L. Sorensen & Marsha Pearlman, P.O. Box 146, Marvel, CO 81329; John H. & Kathy D. McKay, P.O. Box 96, Marvel, CO 81329; Ellison, Michael & Susan Family Revocable Trust, P.O. Box 54000, Phoenix, AZ 85078; Colorado State University, 18683 State Hwy 140, Hesperus, CO 81326; Patricia Ann Compton Revocable Trust, 1129 CR 123, Hesperus, CO 81326. (7 pages)

2024CW3040 La Plata County; Application for Conditional Underground Water Rights, Conditional Storage Rights, and Plan for Augmentation in La Plata County. (1) Applicant: Ashby Holdings, LLC c/o Jeff Kane, Southwest Water and Property Law; jkane@swpropertylaw.com; 970-422-5510. (2) Applicant requests confirmation of water rights and an augmentation plan for uses on 35 acres Applicant is subdividing into two lots; Applicant's land and all structures located in SE1/4, Sec. 35, T38N, R9W, N.M.P.M. (3) Requested conditional rights for three wells: Existing Well, Lot 1 Well and Lot 2 Well. **i.** Source: groundwater tributary to Elbert Creek, Animas River. **ii.** Depth: Existing Well: 220 ft; other wells TBD feet. **iii.** Approp. Date: Existing Well Dec. 9, 2011; other wells Nov. 30, 2024. **iv.** Amount: total combined diversion rate of up to 0.11 cfs (50 gpm), conditional (Existing Well currently has a capacity of 2 gpm). **v.** Use: domestic, irrigation, pond filling, and livestock watering. **vi.** Existing Well has exempt well permit (No. 286750) and Applicant will apply for a new permit; Applicant requests a finding that 600-foot spacing rule in C.R.S. § 37-90-137(2) shall be waived as to any wells located within Applicant's Property. (4) Requested conditional storage right for two ponds: Ashby Lot 1 Pond and Ashby Lot 2 Pond. **i.** Source: surface water and groundwater tributary to Elbert Creek, Animas River. **ii.** Approp. Date: Nov. 30, 2024. **iii.** Area: not to exceed 1.0 ac total combined. **iv.** Max depth: 10 feet. **v.** Capacity: up to 4.0 acre-feet ("AF") combined, with one refill, conditional. **vi.** Filling rate: up to 0.11 cfs from one or more of the Ashby Wells; native snowmelt and surface runoff up to 1.0 cfs. **vii.** Use: irrigation, augmentation, livestock watering, piscatorial, recreation, aesthetic, incidental wildlife, and incidental evaporation. **ix.** Ponds will be lined and will have an adjustable bottom-outlet structure. (5) Requested Augmentation Plan: **A.** Structures to be augmented: Ashby Existing Well, Ashby Lot 1 Well, and Ashby Lot 2 Well, and Ashby Lot 1 Pond and Ashby Lot 2 Pond. **B.** Primary water right to augment out-of-priority depletions: PSCo water rights in Cascade Reservoir, a/k/a Electra Lake under a 50-yr lease with PSCo. Cascade Reservoir is located in sections 1, 12, 13 and 24, T38N, R9W, N.M.P.M. and 6, 7 and 18, T38N, R8W, N.M.P. M., as decreed in Case Nos. 1751B and W-1896, Case No. W131, and Case No. W1896. **C.** Plan: **i.** Applicant will develop a water supply for two residential lots from the Ashby Wells and Ashby Ponds for all developed uses. Applicant will replace out-of-priority depletions with up to five (5.0) AF of augmentation water released from Cascade Reservoir as required by DWR when Elbert Creek is under administration. Release amounts will be based on Applicant's water uses and the annual depletion amounts approved in recent decrees for nearby structures: (1) Domestic with non-evaporative septic systems: 0.059 AF per home; (2) Irrigation: 1.42 AF/ac; (3) livestock: 0.017 AF/animal; (4) Evaporation: 3.083 AF/ac annually, 1.68 AF/ac during typical June 1-Oct. 1 call period, 1.88 AF/ac during very dry call period of May 1-Oct. 1. **ii.** Total

consumptive use: Initial: 0.97 AF/yr for domestic inside two dwellings (0.12 AF) and irrigation of 0.6 ac (0.85 AF/yr); Potential Maximum: 4.99 AF/yr for domestic inside four dwellings (0.24 AF); irrigation of 2.0 ac (2.84 AF); stock water for 2 animals (0.034 AF); evaporation for 1.0 ac of ponds in very dry year (1.88 AF). iii. Total Uses will be allocated between each parcel of the Ashby Subdivision. Applicant anticipates Ashby Ponds will be initially filled in priority and no seepage will occur. If Ponds are filled out of priority, such depletions will be replaced out of Applicant's augmentation water that remains unallocated or by a reduction in other uses. iv. Cascade Reservoir will be the primary source but Applicant seeks to confirm the right to also release water from the Ashby Ponds to replace out-of-priority depletions, provided any released water reaches a stream tributary to Elbert Creek. Applicant will restrict uses as necessary to ensure all out of priority depletions do not exceed available augmentation water. v. Applicant will report by April 1 annually the water uses to occur that water year and related depletions. The Division Engineer will calculate depletions each week and order releases during the call period. Applicant will supply annual metering records and diversion and depletion summaries diversions to DWR by Nov. 15. (6) Applicant is the owner of the land upon which all structures are or will be constructed; see additional details and map with Application. (11 pages including exhibit)

2024CW3041 La Plata County; CONCERNING THE APPLICATION FOR WATER RIGHTS OF CATAMOUNT ENERGY PARTNERS, LLC, IN LA PLATA COUNTY, COLORADO: **APPLICATION TO MAKE ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE.** 1. Name and address of Applicant: Catamount Energy Partners LLC, 1801 Broadway, Suite 1000, Denver, Colorado 80202, Attn: Craig Reid, Phone: (720) 484-2347; *with copies of all pleadings, notices and orders to:* Joseph B. Dischinger, Beth Ann J. Parsons, and Philip Lopez, Fairfield and Woods, P.C., 1801 California Street, Suite 2600, Denver, Colorado 80202, (303) 830-2400, jdischinger@fwlaw.com, bparsons@fwlaw.com, plopez@fwlaw.com. 2. Name of Structures: Lynch 34-6-18 #1, Lynch 34-6-18 #2, Morales 34-6-6U #1, and Morales 34-6-6U #2 (collectively referred to as the "Catamount Tributary Wells"). 3. Description of conditional water rights: A. Through this proceeding, Applicant seeks a finding that the Catamount Tributary Wells have been made partially absolute and a finding of reasonable diligence related to the remaining conditional water right for Catamount Tributary Wells, located in the Northern San Juan (geologic) Basin and completed in the Fruitland Formation. The water withdrawn from the Catamount Tributary Wells is considered tributary to the Pine River under Rule 17.7.D.2 of the Produced Nontributary Ground Water Rules. A map identifying the location of each well and the proposed replacement sources associated with their plan for augmentation is attached hereto as Exhibit A. a. Lynch 34-6-18 #1. i. Location: A point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18U, Township 34 North, Range 6 West, N.M.P.M., approximately 1752 feet from the north section line, and 181 feet from the west section line. The UTM coordinates for the point of diversion are: 273706.1 mE 4119385.3 mN (NAD 83 Zone 13). ii. Source: ground water withdrawn from the Fruitland Formation, tributary to the Pine River. iii. Appropriation Date: May 29, 2015. iv. Amount: 12 gpm, conditional. v. Uses: Commercial and industrial uses, including, but not limited to, coalbed methane development, well maintenance and dust suppression. Water diverted under this right may be fully consumed, whether by initial use, reuse or successive use. b. Lynch 34-6-18 #2. i. Location: A point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18U, Township 34 North, Range 6 West, N.M.P.M., approximately 1712 feet from the north section line, and 178 feet from the west section line. The UTM coordinates for the point of diversion are: 273705.5 mE 4119397.5 mN (NAD 83 Zone 13). ii. Source: ground water withdrawn from the Fruitland Formation, tributary to the Pine River. iii. Appropriation Date: May 29, 2015. iv. Amount: 12 gpm, conditional. v. Uses: Commercial and industrial uses, including, but not limited to, coalbed methane development, well maintenance and dust suppression. Water diverted under this right may be fully consumed, whether by initial use, reuse or successive use. c. Morales 34-6-6U #1. i. Location: A point in Section 6U, Township 34 North, Range 6 West, N.M.P.M., approximately 14 feet from the north section line, and 1685 feet from the east section line. The UTM coordinates for the point of diversion are: 274770.6 mE 4121679.8 mN (NAD 83 Zone 13). ii. Source: ground water withdrawn from the Fruitland Formation, tributary to the Pine River. iii. Appropriation Date: May 29, 2015. iv. Amount: 12 gpm, conditional. v. Uses: Commercial and industrial uses, including, but

not limited to, coalbed methane development, well maintenance and dust suppression. Water diverted under this right may be fully consumed, whether by initial use, reuse or successive use. d. Morales 34-6-6U #2. i. Location: A point in Section 6U, Township 34 North, Range 6 West, N.M.P.M., approximately 27 feet from the north section line, and 1772 feet from the east section line. The UTM coordinates for the point of diversion are: 274743.9 mE 4121677.2 mN (NAD 83 Zone 13). ii. Source: ground water withdrawn from the Fruitland Formation, tributary to the Pine River. iii. Appropriation Date: May 29, 2015. iv. Amount: 12 gpm, conditional. v. Use: Commercial and industrial uses, including, but not limited to, coalbed methane development, well maintenance and dust suppression. Water diverted under this right may be fully consumed, whether by initial use, reuse or successive use. B. Date of Original Decree: November 6, 2018, Case No. 2015CW2019, District Court, Water Division 7, State of Colorado. C. List of Subsequent Diligence Decrees: N/A. D. In the underlying Case No. 15CW3019, District Court, Water Division 7, Applicant also adjudicated a plan for augmentation to replace out of priority depletions associated with the Catamount Tributary Wells. Pursuant to the plan for augmentation, Applicant will use water from its La Boca Pump Enlargement and La Boca Pond well to augment the Catamount Tributary Wells. These water rights were originally adjudicated as conditional water rights in Case No. 15CW3018, District Court, Water Division 7. 4. Detailed outline of what has been done toward completion of the appropriation and application to a beneficial use as conditionally decreed. A. Between November 2018 and November 2024 (the “Diligence Period”) Applicant adjudicated a Finding of Reasonable Diligence for La Boca Pump Enlargement and La Boca Pond well in Case No. 23CW3017, District Court, Water Division 7. B. During the Diligence Period, Applicant has pumped and operated the Lynch 34-6-19 #1, Lynch 34-6-19 #2, and Morales 34-6-6U #1 wells pursuant to the plan for augmentation decreed in Case No. 15CW3019. Applicant’s diversions of the Catamount Tributary Wells during the Diligence Period are as follows: Lynch #1 Annual Water Production Year AF 2018 0.32; 2019 0.28; 2020 0.27; 2021 0.17; 2022 0.17; 2023 0.16; 2024 0.10. Lynch #2 Annual Water Production Year AF 2018 0.83; 2019 0.79; 2020 0.61; 2021 0.55; 2022 0.51; 2023 0.62; 2024 0.48. Morales #1 Annual Water Production Year AF 2018 4.97; 2019 5.16; 2020 4.84; 2021 4.31; 2022 3.81; 2023 4.76; 2024 3.63. Total Annual Production Year AF 2018 6.12; 2019 6.24; 2020 5.72; 2021 5.03; 2022 4.49; 2023 5.45; 2024 4.22. *2024 Volumes are through November 25, 2024. Applicant’s operations have not yet necessitated that it divert from Morales 34-6-6U #2. C. Applicant expended over \$5000 in legal and engineering fees in water rights services related to the Catamount Tributary Wells, the La Boca Pump Enlargement and La Boca Pond Well, and operation of the associated plan for augmentation. 5. Water applied to beneficial use: Applicant has applied the water diverted from the Catamount Tributary Wells to commercial and industrial uses, including, but not limited to, coalbed methane development, well maintenance and dust suppression. 6. Claims to make conditional rights absolute: A. Colorado Revised Statute section 37-92-301 allows that a conditional water right can become an absolute water right by reason of the completion of the appropriation. Section 37-92-103(3)(a), C.R.S. defines an “appropriation” as the application of a specified portion of the waters of the state to a beneficial use pursuant to procedures prescribed by law. Under section 37-92-305(9)(a), C.R.S., an absolute decree for a water right confirms that the waters have been diverted, stored, or otherwise possessed, and controlled and have been applied to a beneficial use. B. One procedure “prescribed by law” for making a water right absolute is by obtaining State Engineer approval of a Substitute Water Supply Plan or the water court’s approval of a plan for augmentation to increase the supply of water available for beneficial use. *See* section 37-92-103(9), C.R.S. Plans for augmentation may provide a mechanism to divert water rights when they would otherwise be curtailed in accordance with the priority system. Therefore, a conditional water right may become an absolute water right by completing the appropriation by applying water to beneficial use under a decreed plan for augmentation. *See also* Frees v. Tidd, 349 P.3d 259 (Colo. 2015), Buffalo Park Dev. Co. v. Mountain Mut. Reservoir Co., 195 P.3d 674 (Colo. 2008), and 37-92-301(4)(e), C.R.S. C. Because Applicant pumped the Catamount Tributary Wells pursuant to an approved Substitute Water Supply Plan and the plan for augmentation decreed in Case No. 15CW2019, the following Catamount Tributary Wells have been made absolute in the following amounts: a. Lynch 34-6-19 #1: 4.8 gpm; b. Lynch 34-6-19 #2: 4.3 gpm; c. Morales 34-6-6U #1: 12.0 gpm; d. Morales 34-6-6U #2: N/A. D. The Catamount Tributary Wells water rights remain conditional in the following amounts: a. Lynch 34-6-19 #1: 7.2 gpm;

b. Lynch 34-6-10 #2: 7.7 gpm; c. Morales 34-66U #1: 0 gpm; d. Morales 34-66U #2: 12 gpm. 7. Name(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: N.A. The structures associated with the Catamount Tributary Wells are either existing, not new, diversion structures or the decreed location of the structure has not changed. There was, and is, no need to modify said diversion structures in order to divert the Catamount Tributary Wells. On information and belief, there are no current plans to modify the existing diversion structures at this time. WHEREFORE, Applicant requests the Court to enter its decree and ruling as follows: 1. Confirm the Catamount Tributary Wells have been made absolute within the terms of the decree in Case No. 15CW2019, as described in this Application; and 2. The Applicant further requests the Court continue the balance of the rates of diversion of the Catamount Tributary Wells remain conditional; and 3. To the extent the Catamount Tributary Wells are not held to be absolute, to make a finding of reasonable diligence with respect to the Catamount Tributary Wells that were conditionally decreed in Case No. 2015CW3019, and providing that a subsequent showing of diligence on the right be made six years from the date of entry of a decree of diligence; and 4. To find that any diligence activities that the Applicant performs during the adjudication of this case will count as diligence toward the next application for a finding of reasonable diligence; and 5. Any other ruling the Court deems appropriate in the above-captioned matter. (9 pages including exhibits)

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

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of January 2025, to file with the Water Clerk, a verified Statement of Opposition, setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing fee: \$192.00; Forms are available through the Office of the Water Clerk or on the Judicial web site at www.coloradojudicial.gov; Jason Poyer, Water Court Specialist, 1060 E. 2nd Ave., Room 106, Durango, CO 81301; 970-247-2304)

Published: before December 31, 2024

/s/ Jason Poyer
Water Court Specialist