

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 December 2024.

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.

**SUBSTITUTE WATER SUPPLY PLAN AND PRODUCED NONTRIBUTARY
GROUNDWATER NOTIFICATION LIST**

Section 37-92-308(6), C.R.S. directs the State Engineer to establish a notification list for each water division for the purpose of notifying interested parties of requests for the State Engineer's approval of substitute water supply plans ("SWSPs") filed in that water division pursuant to section 37-92-308, C.R.S. The SWSP Notification List is also used to provide notice of proposed water right loans to the Colorado Water Conservation Board for use as instream flows under section 37-83-105(2)(b)(II), C.R.S., notice of applications for the State Engineer's approval of interruptible water supply agreements under section 37-92-309(3)(a), C.R.S., notice of applications for fallowing and leasing pilot projects under section 37-60-115(8)(e)(II), C.R.S., notice of fire suppression ponds under section 37-80-124(10)(a)(II)(E), C.R.S., and notice of storm water detention and infiltration facilities under section 37-92-602(8)(d), C.R.S.

Pursuant to Rule 17.5(B)(2) of the Rules and Regulations for the Determination of the Nontributary Nature of Ground Water Produced Through Wells in Conjunction with the Mining of Minerals, at 2 CCR 402-17 ("Rules"), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5(B)(2) of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division this invitation to be included on the Produced Nontributary Ground Water Notification List for the applicable water division.

This notice is an invitation to be included on the SWSP and/or Produced Nontributary Groundwater Notification Lists. Sign up for these or other notification lists maintained by the State Engineer at: <https://dwr.colorado.gov/public-information/notification-lists>. Additional information is available on the Division of Water Resources' website at: <https://dwr.colorado.gov/>.

CASE NO. 2024CW31 (REF NO. 18CW58). Applicant: Alan B. Ridgway, P.O. Box 1448, Paonia, CO 81428. Application for Finding of Reasonable Diligence: Ridgway Pipeline – NW1/4NE1/4SW1/4 of Section 5, T14S, R9W, 6th P.M., Easting: 275591, Northing: 4304806, Zone 13. Source: Minnesota Creek, Gunnison River. Appropriation Date: 11/30/2018. Amount Claimed: .10 c.f.s. conditional for irrigation. The Application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

CASE NO. 2024CW3050; Gunnison County - Gunnison River; Simmons Mountain Ranch, LLC; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION TO MAKE CONDITIONAL RIGHTS PARTIALLY ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE; Name, address, and telephone number of Applicant: Simmons Mountain Ranch, LLC; c/o Chad J. Simmons, Manager; 2 West Beach Lagoon Road; Hilton Head Island, SC 29928; (913) 568-7747; Request for finding of diligence: Name of structure: Simmons Pond 1; Describe conditional water right: Date of Original Decree: March 8, 2012; Case No.: 2009CW141; Subsequent decrees awarding diligence: 2018CW3003; Legal description: SE/4, NW/4 of Section 36, T48N, R6W of the N.M.P.M. at a point 1,473 feet from the north section line and 2,480 feet from the west section line; Source of water: Tributary to the Little Cimarron River, tributary to the Big Cimarron River and to the Gunnison River; Appropriation Date: June 8, 2009; Amount: 2.3 a.f.; Use: Stock, wildlife, recreational, piscatorial, irrigation; Outline of work 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: Applicant is developing the Simmons Ponds 1, 3, and 4 as part of a system of storage structures to serve its irrigation needs on the northwestern portion of its property. Applicant has developed and improved ditches and storage structures beginning on the southern end of its property and is progressing to the north as that work is completed. Applicant has constructed a new series of laterals and ditches to carry water that will eventually be stored in Simmons Ponds 1, 3, and 4. Initially, that ditch construction was performed by a contractor hired at an approximate cost of \$6,000. After that initial work, Applicant purchased a mini excavator at a cost of more than \$80,000 so that ongoing work could be performed by ranch staff. An example of the work performed on storage structures on the southern end of Applicant's property includes the Westview Pond, which was enlarged and improved by installation of an agridrain; Request for finding of diligence: Name of structure: Simmons Pond 3; Describe conditional water right: Date of Original Decree: March 8, 2012; Case No.: 2009CW141; Subsequent decrees awarding diligence: 2018CW3003; Legal description: SW/4, NE/4 of Section 36, T48N, R6W of the N.M.P.M. at a point 1,455 feet from the north section line and 2,633 feet from the east section line; Source of water: Tributary to the Little Cimarron River, tributary to the Big Cimarron River and to the

Gunnison River; Appropriation Date: June 8, 2009; Amount: 5.0 a.f.; Use: Stock, wildlife, recreational, piscatorial, irrigation; Outline of work 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: see outline of work toward completion, above; Request to make partially absolute and for finding of diligence: Name of structure: Simmons Pond 4; Describe conditional water right: Date of Original Decree: March 8, 2012; Case No.: 2009CW141; Subsequent decrees awarding diligence: 2018CW3003; Legal description: SW/4, NE/4 of Section 36, T48N, R6W of the N.M.P.M. at a point 1,916 feet from the north section line and 1,966 feet from the east section line; Source of water: Tributary to the Little Cimarron River, tributary to the Big Cimarron River and to the Gunnison River; Appropriation Date: June 8, 2009; Amount: 5.0 a.f.; Use: Stock, wildlife, recreational, piscatorial, irrigation; Outline of work 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: Simmons Pond 4 has been partially constructed and has impounded 0.2 acre-feet of water which has been used beneficially for stock watering. Additionally, as discussed above, Simmons Pond 4 is part of a system of storage structures that will serve Applicant's irrigation needs on the northwestern portion of its property. Also see outline of work toward completion, above. If claim to make absolute in whole or in part: Date water applied to beneficial use: June 1, 2024; Amount: 0.2 acre-feet; Use: The Simmons Pond 4 is decreed for stock water, wildlife, recreational, piscatorial, and irrigation use. Applicant requests to make 0.2 a.f. absolute for stock water and wildlife watering use; Request for finding of diligence: Name of structure: Simmons Pond 11; Describe conditional water right: Date of Original Decree: March 8, 2012; Case No.: 2009CW141; Subsequent decrees awarding diligence: 2018CW3003; Legal description: SE/4, SE/4 of Section 25, T48N, R6W of the N.M.P.M. at a point 497 feet from the south section line and 557 feet from the east section line. Source of water: Tributary to the Little Cimarron River, tributary to the Big Cimarron River and to the Gunnison River; Appropriation Date: August 25, 2009; Amount: 5.0 a.f.; Use: Stock, wildlife, recreational, piscatorial, irrigation; Outline of work 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: During the diligence period, Applicant has improved the inflow and outflow structures from Simmons Pond 10, which was necessary to deliver water to the location where Simmons Pond 11 will be constructed. That work included the expenditure of approximately \$6,000 for excavation and installation of two agridrain outlet structures with screens, as well as the purchase and installation of approximately 300 feet of pipe. As discussed with regard to Simmons Ponds 1, 2, and 4 above, the Simmons Pond 11 is part of a system of storage structures that will serve Applicant's irrigation needs on the northwestern portion of its property. Applicant has developed and improved ditches and storage structures beginning on the southern end of its property and is progressing to the north as that work is completed. Applicant has constructed a new series of laterals and ditches to carry water that will eventually be stored in Simmons Pond 11. Also, see outline of work toward completion, above. Request for finding of diligence: Name of structure: Simmons Pipeline 1; Describe conditional water right: Date of Original Decree: March 8, 2012; Case No.: 2009CW141; Subsequent decrees awarding diligence: 2018CW3003; Legal description: NE/4, NE/4 of Section 36, T48N,

R6W of the N.M.P.M. at a point 902 feet from the north section line and 581 feet from the east section line; Source of water: Tributary to the Little Cimarron River, tributary to the Big Cimarron River and to the Gunnison River; Appropriation Date: June 1, 2010; Amount: 0.11 c.f.s.; Use: Irrigation, stock, wildlife, recreation, and filling of Ponds 12 and D; Outline of work 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: The Simmons Pipeline No. 1 is part of a system of structures that will serve Applicant's irrigation needs on the northwestern portion of its property. Applicant has developed and improved ditches and storage structures beginning on the southern end of its property and is progressing to the north as that work is completed. Applicant has constructed a new series of laterals and ditches to carry water that will eventually be delivered through the Simmons Pipeline 1. Also, see outline of work toward completion, above. Request for finding of diligence: Name of structure: Simmons Pond 10 Outlet Pipeline; Describe conditional water right: Date of Original Decree: March 8, 2012; Case No.: 2009CW141; Subsequent decrees awarding diligence: 2018CW3003; Legal description: SE/4, SE/4 of Section 25, T48N, R6W of the N.M.P.M. at a point 33 feet from the south section line and 341 feet from the east section line; Source of water: Tributary to the Little Cimarron River, tributary to the Big Cimarron River and to the Gunnison River; Appropriation Date: June 1, 2010; Amount: 0.11 c.f.s.; Use: Irrigation, stock, wildlife, recreation, and filling of Ponds 12 and D; Outline of work 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: The Simmons Pond 10 Outlet Pipeline will be used to deliver water to irrigated fields on the northwestern portion of Applicant's property. As a necessary precursor to the construction of the Simmons Pond 10 Outlet, during the diligence period, Applicant installed an agridrain and screen at the southern outlet on Simmons Pond 10. Applicant also has constructed a series of ditches downgradient of the Simmons Pond 10 Outlet Pipeline which will be necessary to efficiently deliver water for irrigation. (9 pages) **GUNNISON COUNTY.**

CASE NO. 2024CW3051 GUNNISON COUNTY – GUNNISON RIVER OR ITS TRIBUTARIES. Town of Crested Butte c/o Scott Miller and Lauren Hoover, Patrick, Miller & Noto, P.C., 229 Midland Ave. Basalt, CO 81621. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. First Claim: For Finding of Reasonable Diligence. Name of structure: Crested Butte Town Pipeline. Description of water right: Original Decree: Case No. W-2084, Division 4 Water Court, April 19, 1974. Subsequent Decrees: Case No. W-2084(78); Case No. 82CW274; Case No. 17CW3054. Legal description: The NE ¼ SW ¼, Section 34, Township 13 South, Range 86 West of the 6th P.M., approximately 1,900 feet from the south section line and 2,000 feet from the west section line (Gunnison County). A map is on file with the Court as Exhibit A. Source: Slate River, tributary to the East and Gunnison Rivers. Appropriation date: November 3, 1969. Amount: 15.0 c.f.s., conditional. Use: Municipal. A detailed application of the work performed toward completion of the appropriation and application of the water right to beneficial use is on file with the Court as Exhibit B. The name and address of the owner of the land upon which the structure will be located and upon which water will be used: The point of diversion of the Crested Butte Town Pipeline is located on the property identified as

Gunnison County Parcel No. 3177-000-01-005 owned by: Ruby Ridge Holdings LLC, 2140 Linden Ave, Boulder, CO 80304. Diverted water will be used within Applicant's municipal water system. Applicant respectfully requests the Court to confirm a finding of reasonable diligence for the Crested Butte Town Pipeline described above. **GUNNISON COUNTY.**

CASE NO. 2024CW3052. Applicants: KSS WCR 3 LLC; KSS WCR 4 LLC; KSS WCR 5 LLC; KSS WCR 6 LLC; KSS WCR 9 LLC; and KSS WCR 10 LLC; P.O. Box 566, Bird City, KS 67731; 866-626-2818. Please direct all correspondence to counsel for Applicants: 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 CONDITIONAL SURFACE WATER RIGHTS AND WATER STORAGE RIGHTS.** Name of Structure: WCR Pond 1. Location: In the NESE Section 11, T47N, R4W, NMPM (all PLSS references in this Application are to the same Township and Range), at approximately 300466E, 4245754N, UTM Zone 13S (NAD 83). See Exhibit A as filed with this Application. Name of Structure Used to Fill Pond: WCR Pipeline. Capacity: 80 gallons per minute. Point of Diversion: In the SWSE Section 11, at approximately 299705E, 4245659N, UTM Zone 13S (NAD 83). Source: Willow Creek, tributary to the Lake Fork of the Gunnison River, tributary to the Gunnison River. Amount: 0.15 acre-feet, with the right to fill and re-fill at a rate of up to 80 gpm. Surface Area: 1600 square-feet. Height and Length of Dam: Less than 10 feet high, and less than 80 feet in length. Capacity: 0.15 acre-feet (dead). Use: Livestock watering, wildlife watering, fire protection, irrigation of up to 1 acre in the NESE of Section 11. Name of Structure: WCR Pond 2. Location: In the SWSW Section 12, at approximately 300675E, 4245240N, UTM Zone 13S (NAD 83). See Exhibit A as filed with this Application. Structure Used to Fill Pond and Capacity: WCR Pipeline, as described above. Amount: 0.15 acre-feet, with the right to fill and re-fill at a rate of up to 80 gpm. Surface Area: 1600 square-feet. Height and Length of Dam: Less than 10 feet high, and less than 80 feet in length. Capacity: 0.15 acre-feet (dead). Use: Livestock watering, wildlife watering, fire protection. Name of Structure: WCR Pond 3. Location: In the SENE Section 14, at approximately 300398E, 4244750N, UTM Zone 13S (NAD 83). See Exhibit A as filed with this Application. Structure Used to Fill Pond and Capacity: WCR Pipeline, as described above. Amount: 0.15 acre-feet, with the right to fill and re-fill at a rate of up to 80 gpm. Surface Area: 1600 square-feet. Height and Length of Dam: Less than 10 feet high, and less than 80 feet in length. Capacity: 0.15 acre-feet (dead). Use: Livestock watering, wildlife watering, fire protection. Name of Structure: WCR Pond 4. Location: In the NESW Section 13, at approximately 301231E, 4244254N, UTM Zone 13S (NAD 83). See Exhibit A as filed with this Application. Structure Used to Fill Pond and Capacity: WCR Pipeline, as described above. Amount: 0.3 acre-feet, with the right to fill and re-fill at a rate of up to 80 gpm. Surface Area: 3200 square-feet. Height and Length of Dam: Less than 10 feet high, and less than 200 feet in length. Capacity: 0.3 acre-feet (dead). Use: Livestock watering, wildlife watering, fire protection. Name of Structure: WCR Pond 5. Location: In the NESE Section 14, at approximately 300447E, 4244082N, UTM Zone 13S (NAD 83). See Exhibit A as filed with this Application. Structure Used to Fill Pond and Capacity: WCR Pipeline, as described above. Amount: 0.22 acre-feet, with the right to fill and re-fill at a rate of up to 80 gpm. Surface Area: 2400 square-feet. Height and

Length of Dam: Less than 10 feet high, and less than 150 feet in length. Capacity: 0.22 acre-feet (dead). Use: Livestock watering, wildlife watering, fire protection. Name of Structure: WCR Pond 6. Location: In the NENW Section 24, at approximately 301017E, 4243311N, UTM Zone 13S (NAD 83). See Exhibit A as filed with this Application. Structure Used to Fill Pond and Capacity: WCR Pipeline, as described above. Amount: 0.15 acre-feet, with the right to fill and re-fill at a rate of up to 80 gpm. Surface Area: 1600 square-feet. Height and Length of Dam: Less than 10 feet high, and less than 80 feet in length. Capacity: 0.15 acre-feet (dead). Use: Livestock watering, wildlife watering, fire protection. Name of Structure: WCR Pond 7. Location: In the NWNW Section 24, at approximately 300580E, 4243216N, UTM Zone 13S (NAD 83). See Exhibit A as filed with this Application. Structure Used to Fill Pond and Capacity: WCR Pipeline, as described above. Amount: 0.2 acre-feet, with the right to fill and re-fill at a rate of up to 80 gpm. Surface Area: 2100 square-feet. Height and Length of Dam: Less than 10 feet high, and less than 80 feet in length. Capacity: 0.2 acre-feet (dead). Use: Livestock watering, wildlife watering, fire protection. Name of Structure: Blue Mesa Spring No. 11 WCR Enlargement. Location: In the SWNW Section 24, at approximately 300666E, 4242882N, UTM Zone 13S (NAD 83). See Exhibit A as filed with this Application. Structure Used to Fill Pond and Capacity: WCR Pipeline, as described above. Amount: 0.31 acre-feet, with the right to fill and re-fill at a rate of up to 80 gpm. Surface Area: 3400 square-feet. Height and Length of Dam: Less than 10 feet high, and less than 80 feet in length. Capacity: 0.31 acre-feet (dead). Use: Livestock watering, wildlife watering, fire protection. Name of Structure: Sandy's Spring and Pond #3, WCR Enlargement. Location: In the SWSE Section 11, at approximately 299988E, 4245477N, UTM Zone 13S (NAD 83). See Exhibit A as filed with this Application. Structure Used to Fill Pond and Capacity: WCR Pipeline, as described above. Amount: Amount: 0.15 acre-feet, with the right to fill and re-fill at a rate of up to 80 gpm. Surface Area: 1600 square-feet. Height and Length of Dam: Less than 10 feet high, and less than 80 feet in length. Capacity: 0.15 acre-feet (dead). Use: Livestock watering, wildlife watering, fire protection. Appropriation Date and How Appropriation Was Initiated: For all structures listed above, December 19, 2024, by performing site reconnaissance, developing a plan to construct the pump, pipeline, and ponds, hiring a contractor to construct the intake, pipeline and ponds, and by filing this Application. All structures are on land owned by Applicants. **GUNNISON COUNTY.**

CASE NO. 2024CW3053 (98CW171, 2011CW45, and 18CW3026). SAN MIGUEL COUNTY-SKUNK CREEK, TURKEY CREEK, VANCE CREEK, ALL TRIBUTARY TO SAN MIGUEL RIVER. WEST MEADOWS MUTUAL DITCH COMPANY, Attn: Bruce Evans, President, PO Box 1452, Telluride, CO 81435, (970) 497-5263, with copy to: Brian Wallin, Manager, P.O. Box 267, Ridgway, CO 81432, c/o Edward B. Olszewski, Olszewski & Massih, P.C., P.O. Box 916, Glenwood Springs, CO 81602. **Application for Finding of Reasonable Diligence and To Make Conditional Water Rights Absolute.** Applicant has requested entry of a decree finding that it has shown reasonable diligence towards completing the appropriation of water pursuant to the following-described water rights and for awarding absolute water rights and also continuing the remaining subject conditional water rights in full force and effect for an additional 6-year diligence period. All subject conditional pond water rights are non-jurisdictional, off-channel ponds filled and re-filled and maintained from either the Wager Ditch, Agricultural

Ditch, Agricultural Ditch Enlargement, Kinnick Ditch, Kinnick No. 1 Ditch and/or Kinnick Waste and Seepage Ditch and associated ditch laterals on the West Meadows (historic water rights associated with the Daniels Ditch to be included as part of the Wagner Ditch diversion) and by inflow from runoff and precipitation under the 1998 storage rights decreed in Case No. 98CW171. These subject remaining conditional water rights were continued conditional by the diligence decrees entered in Case Nos. 2011CW45 and 18CW3026. The conditionally decreed uses of water stored in all the Skyfield Lot Ponds are: irrigation, recreation, wildlife habitat and watering, stock watering, piscatorial and fire protection. The conditionally decreed uses of water stored in on-site Skyfield Augmentation Ponds A-D are: augmentation, recreation, wildlife habitat and watering, stock watering, piscatorial and fire protection. The appropriation date for all subject conditional pond water rights is September 15, 1994. The lands upon which, the subject conditional water rights are located are owned by shareholders of the West Meadows Mutual Ditch Company and are more particularly described in the Application. The subject conditional water rights are described as follows: (1) Skyfield Lot 1 Pond, 3.0 acre-feet ("af"), conditional, all of which, is subject to Applicant's request that this conditional water right be continued in full force and effect throughout an additional 6-year diligence period for all decreed beneficial uses, being within Lot 1 of Skyfield (n/k/a West Meadows) North; also described as being located in portion(s) of SW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T.43N., R.9W., N.M.P.M. (2) Skyfield Lot 2 Pond. 3.0 af, conditional of which, a cumulative total of 0.61 a-f has been constructed and was awarded absolute for all decreed beneficial uses in Case No. 2011CW45. The remaining 2.39 af, conditional, is subject to Applicant's request to be continued in full force and effect throughout an addition 6-year diligence period for all decreed beneficial uses. Developed according to the decree entered in Case No. 98CW171 as 3 ponds all located within Lot 2 of Skyfield (n/k/a West Meadows) North; also described as being located in portion(s) of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Sec. 32, and NW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, T.42N., R.9W., N.M.P.M. Skyfield Lot 2 Pond 1: Pond outlet located N88°19'31"W a distance of 1752.4 feet to the NW corner of said Sec. 5. Also described as being located at the section line between the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Sec. 32 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Sec. 5 approximately 1768 feet East of the West line of Sec. 5 and on the section line between Sec. 5 and 32 described above. Skyfield Lot 2 Pond 2: Pond outlet located S6°56'22"W a distance of 1860.39 feet to the NW corner of said Sec. Also described as being located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Sec. 32, approximately 152 feet North of the South line and 1860 feet East of the West line. Skyfield Lot 2 Pond 3: Pond outlet located S89°07'18"W a distance of 1955.96 feet to the NW corner of said Sec. 5. Also described as being located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Sec. 32, approximately 82 feet North of the South line and 1965 feet East of the West line. (3) Skyfield Lot 5 Pond. 3.0 af, 1.4 af of which, was made absolute in Case No. 2011CW45 and the remaining 1.6 af is subject to Applicant's request that this conditional water right be continued in full force and effect throughout an addition 6-year diligence period. Pond outlet located N24°26'59"W a distance of 4370.15 feet to the NW corner of Sec. 8, T.42N., R.9W., N.M.P.M. Also described as being located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Sec. 8 approximately 1355 feet North of the South line and 1890 feet East of the West line. This as-built location is within 200 feet from the decreed location which is, within Lot 5 of Skyfield (n/k/a West Meadows) South; Phase 2; also described as being located in portion(s) of E $\frac{1}{2}$ SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$, said Sec. 8. (4) Skyfield Lot 7 Pond.

3.0 af, conditional 1.16 af of which, were awarded absolute by the Water Court in Case No. 2011CW45 for all decree beneficial uses. The remaining 1.84 af, conditional, is subject to Applicant's request to be continued in full force and effect throughout an addition 6-year diligence period for all decreed beneficial uses. Pond outlet located N29°40'48"W a distance of 3732.18 feet to the NW corner of said Sec. 8. Also described as being located in the NE¼SW¼, said Sec. 8, approximately 2093 feet North of the South line and 1918 feet East of the West line. This as-built location is within 200 feet from the decreed location, which is within Lot 7 of Skyfield (n/k/a West Meadows) South, Phase 2; also described as being located in portion(s) of SE¼NW¼; SW¼NE¼; NE¼SW¼; NW¼SE¼, said Sec. 8. (5) Skyfield Lot 8 Pond. 1.8 af, conditional of which, 1.42 af is subject to Applicant's request to be awarded absolute for all decreed beneficial uses and the remaining 0.38 af continued conditional in full force and effect throughout an addition 6-year diligence period for all decree beneficial uses. Located within Lot 8 of Skyfield (n/k/a West Meadows) North, Planned Unit Development ("P.U.D.") with the as-built outlet location from Foley & Associates UTM coordinates is: Zone 13 S, Easting 246073 meters; Northing 4,202,509 meters; also described as being located in portion(s) of NE¼NW¼; SE¼NW¼, said Sec. 5. (6) Skyfield Lot 9 Pond. 1.8 af, conditional of which, 1.0 af is subject to Applicant's request to be awarded absolute for all decreed beneficial uses and the remaining 0.8 af continued conditional in full force and effect throughout an addition 6-year diligence period for all decree beneficial uses. Located within Lot 9 of Skyfield (n/k/a West Meadows) North, P.U.D.; also described as being located in portion(s) of NE¼NW¼; S½NW¼, said Sec. 5. (7) Skyfield Lot 10 Pond. 1.8 af, conditional, all of which, is subject to Applicant's request to be continued in full force and effect throughout an addition 6-year diligence period for all decree beneficial uses. Located within Lot 10 of Skyfield (n/k/a West Meadows) North, P.U.D.; also described as being located in portion(s) of S½NW¼; NE¼SW¼, said Sec. 5. (8) Skyfield Lot 11 Pond. 1.8 af, conditional, of which, 0.54 af is subject to Applicant's request to make absolute for all decreed beneficial uses. The remaining 1.26 af are subject to Applicant's request to be continued in full force and effect throughout an addition 6-year diligence period for all decreed uses. Constructed as 2 ponds according to the decree in Case No. 98CW171 all located within Lot 11 of Skyfield (n/k/a West Meadows) North, P.U.D.; also described as being located within the S½NW¼ and N½SW¼, said Sec. 5. Lot 11 - Pond 1. Pond outlet located S24°44'54"W a distance of 2633.23 feet to the NW corner of said Sec. 8. Also described as being located in the NW¼SW¼, said Sec. 5, approx. 2425 feet North of the South line and 1050 feet East of the West line. This as-built location is within 200 feet from the decreed location. Lot 11 Pond 2. Pond outlet located S36°07'19"W a distance of 2855.36 feet to the NW corner of said Sec. 8. Also described as being located in the NE¼SW¼, said Sec. 5, approx. 2353 feet North of the South line and 1638 feet East of the West line. This as-built location is within 200 feet from the decreed location. (9) Skyfield Lot 12 Pond. 1.8 af, conditional, of which, 0.6 af was awarded absolute in Case No. 2011CW45 for all decreed beneficial uses and the remaining 1.2 af are subject to Applicant's request to be continued in full force and effect throughout an addition 6-year diligence period for all decreed beneficial uses. Pond outlet located S29°45'41"W a distance of 2101.84 feet to the NW corner of said Sec. 8. Also described as being located in the NW¼SW¼, said Sec. 5, approx. 1857 feet North of the South line and 1025 feet East of the West line. This as-built location is within 200 feet from the decreed location

within Lot 12 of Skyfield (n/k/a West Meadows) North, P.U.D. (10) Skyfield Core Ponds 14 through 22; 27 af in the aggregate, conditional, for all 9 ponds. Decreed locations described as being within portions of SE $\frac{1}{4}$ SW $\frac{1}{4}$ & S $\frac{1}{2}$ SE $\frac{1}{4}$, said Sec. 32, together with portions of the E $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, all in said Sec. 5, and portions of the N $\frac{1}{2}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ NE $\frac{1}{4}$, of said Sec. 8. The as-built locations described below are within 200 feet from the decreed locations. Lot 14 Skyfield Core Pond. As-built capacity is 0.0 af. 3.0 af remain conditional and subject to Applicant's request to be continued in full force and effect throughout an additional 6-year diligence period for all decreed beneficial uses. Lot 15 Skyfield Core Pond. As-built capacity is 2.63 af of a total of 3.0 af for all decreed beneficial uses. 0.37 af remain conditional and subject to Applicant's request to be continued in full force and effect throughout an addition 6-year diligence period for all decreed beneficial uses. Lot 16 Skyfield Core Pond. As-built cumulative capacity is 2.83 af and was awarded absolute for all decreed beneficial uses by the Water Court in Case No. 2011CW45. The remaining 0.17 af, conditional, is subject to Applicant's request to be continued in full force and effect throughout an addition 6-year diligence period for all decreed beneficial uses. Lot 16 - Pond 1: Pond outlet located N42°19'18"W a distance of 3528.86 feet to the NW corner of said Sec. 5. Also described as being located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 5, approx. 2545 feet South of the North line and 2445 feet East of the West line of said Sec. 5. This as-built location is within 200 feet from the decreed location. Lot 16 - Pond 2: Pond outlet located S43°45'19"W a distance of 3509.26 feet to the NW corner of said Sec. 8. Also described as being located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Sec. 5, approx. 2600 feet North of the South line and 2380 feet East of the West line. This as-built location is within 200 feet from the decreed location. Lot 16 - Pond 3: Pond outlet located S44°57'49"W a distance of 3490.79 feet to the NW corner of said Sec. 8. Also described as being located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 5, approx. 2543 feet North of the South line and 2430 feet East of the West line of said Sec. 5. This as-built location is within 200 feet from the decreed location. Lot 16 - Pond 4: Pond outlet located S45°06'06"W a distance of 3470.77 feet to the NW corner of said Sec. 8. Also described as being located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Sec. 5, approx. 2520 feet North of the South line and 2412 feet East of the West line. This as-built location is within 200 feet from the decreed location. Lot 16 - Pond 5: Pond outlet located S44°38'48"W a distance of 3080.76 feet to the NW corner of said Sec. 8. Also described as being located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 5, approx. 2253 feet North of the South line and 2125 feet East of the West line. This as-built location is within 200 feet from the decreed location. (11) Lot 17 Skyfield Core Pond. As-built capacity is 0.66 af and was awarded absolute for all decreed beneficial uses in Case No. 2011CW45. The remaining 2.34 af, conditional, are subject to Applicant's request to be continued in full force and effect throughout an addition 6-year diligence period for all decreed beneficial uses. Pond outlet located S57°09'52"W a distance of 2119.77 feet to the NW corner of said Sec. 8. Also described as being located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ said Sec. 5, approx. 1198 feet North of the South line and 1769 feet East of the West line. This as-built location is within 200 feet from the decreed location. (12) Lot 18 Skyfield Core Pond. As-built capacity is 0.7 af., **Applicant claims to make 0.7af absolute by reason of its construction and use for all decreed uses**, 2.30 af remain conditional and are subject to Applicant's request to be continued in full force and effect throughout an addition 6-year diligence period for all decreed

beneficial uses. The as-built outlet location from Foley & Associates UTM coordinates is: Zone 13 S, Easting 245890 meters; Northing 4,201,540 meters. (13) Lot 19 Skyfield Core Pond. As-built capacity is 3.0 af, **Applicant claims to make 3.0 af absolute by reason of its construction and use for all decreed uses**, any water not deemed made absolute herein is subject to Applicant's request to be continued in full force and effect throughout an addition 6-year diligence period for all decreed beneficial uses. The as-built outlet location from Foley & Associates UTM coordinates is: Zone 13 S, Easting 246287 meters; Northing 4,201,543 meters. (14) Lot 20 Skyfield Core Pond. As-built capacity is 0.0 af. 3.0 af, conditional, are subject to Applicant's request to be continued in full force and effect throughout an addition 6-year diligence period for all decreed beneficial uses. See, general location hereinabove at (10). (15) Lot 21 Skyfield Core Pond. As-built capacity is 0.49 af which, was awarded absolute by the Water Court in Case No. 2011CW45 for all decreed beneficial uses. **Applicant claims to make an additional 2.46 af absolute by reason of its construction and use for all decreed uses**. The remaining 0.05 af, conditional, are subject to Applicant's request to be continued in full force and effect throughout an additional 6-year diligence period for all decreed beneficial uses. Lot 21 – Pond 1. The pond outlet is located at N 88°47'55" W a distance of 2,591.26 feet to the NW corner of said Section 8 also described as being located at the intersection of the SE¼SW¼; SW¼SE¼ of said Section 5 and the NE¼NW¼; NW¼NE¼ of said Section 8, approximately 16 feet North of the South line of said Section 5 and 2,607 feet East of the West line of said Section 8. This as-built location is within 200 feet from the decreed location. The as-built outlet location from Foley & Associates UTM coordinates is: Zone 13 S, Easting 246320 meters; Northing 4,201,233 meters. Lot 21 – Pond 2. The as-built outlet location from Foley & Associates UTM coordinates is: Zone 13 S, Easting 246519 meters; Northing 4,201,346 meters. (16) Lot 22 Skyfield Core Pond. As-built capacity is 2.11 af cumulative in 5 ponds which, were awarded absolute by the Water Court in Case No. 2011CW45 for all decreed beneficial uses. The remaining 0.89 af, conditional, is subject to Applicant's request to be continued in full force and effect throughout an addition 6-year diligence period for all decreed beneficial uses. Lot 22 – Pond 1: Pond outlet located N76°49'41"W a distance of 2259.34 feet to the NW corner of said Sec. 8. Also described as being located in the NE¼NW¼, said Sec. 8 approximately 457 feet South of the North line and 2225 feet East of the West line. Lot 22 – Pond 2: Pond outlet located N73°07'33"W a distance of 2186.85 feet to the NW corner of said Sec. 8. Also described as being located in the NE¼NW¼, said Sec. 8, approx. 575 feet South of the North line and 2116 feet East of the West line. Lot 22 – Pond 3: Pond outlet located N70°40'13"W a distance of 2049.43 feet to the NW corner of said Sec. 8. Also described as being located in the NE¼NW¼, said Sec. 8, approx. 625 feet South of the North line and 1960 feet East of the West line. Lot 22 – Pond 4: Pond outlet located N70°57'47"W a distance of 2124.28 feet to the NW corner of said Sec. 8. Also described as being located in the NE¼NW¼ of said Sec. 8 approx. 640 feet South of the North line and 2035 feet East of the West line. Lot 22 – Pond 5: Pond outlet located N69°24'51"W a distance of 2191.46 feet to the NW corner of said Sec. 8. Also described as being located in the NE¼NW¼, said Sec. 8 approx. 715 feet South of the North line and 2080 feet East of the West line. (17) Skyfield Augmentation Ponds A through D. 22.8 af in the aggregate, conditional, for all 4 ponds. None of these augmentation ponds have been constructed and are subject to Applicant's request to be continued in full force and effect throughout

an addition 6-year diligence period for all decreed beneficial uses and augmentation. Previously decreed locations described as being located within portions of SE $\frac{1}{4}$ SW $\frac{1}{4}$ & S $\frac{1}{2}$ SE $\frac{1}{4}$, said Sec. 32, together with portions of the E $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, all in said Sec. 5. and portions of the N $\frac{1}{2}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Sec. 8. Also, potentially at locations described as follows: NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Sec. 8, approx. S62°19'09"W a distance of 2803.95 feet from the NE corner; the N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Sec. 5, approx. N59°50'15"W a distance of 2345 feet from the SE; on a tract along and west of the western boundary of the tract known as the Zoline Remainder, due west of the terminus of the Patzel Ditch Lateral, in the W $\frac{1}{2}$ of said Sec. 8 and the E $\frac{1}{2}$ of Sec. 7, T.42N., R.9W., N.M.P.M. Application contains details of expenses and efforts during the previous 6-year diligence period towards completing the appropriation of water pursuant to the subject conditional water rights previously decreed in Case No. 98CW171 and continued conditional in Case Nos. 2011CW45 and 18CW3026. (25 pages with exhibits). **SAN MIGUEL COUNTY.**

CASE NO. 2024CW003054 (REF NOS. 05CW124; 12CW14; AND 18CW3032). APPLICATION TO MAKE ABSOLUTE IN PART AND FOR A FINDING OF REASONABLE DILIGENCE. Name, mailing address, and telephone number of applicant(s): Ruby Peak L.L.C., a Delaware limited liability company ("Ruby Peak"), c/o Grassy Creek CO, 221 North Hogan Street, Suite 403, Jacksonville, Florida 32202, and Little Jackson, LLC, a Colorado limited liability company ("Little Jackson") P.O. Box 1365, Crested Butte, CO 81224. Please send all correspondence to: Marcus J. Lock, Law of the Rockies, LLC, 525 North Main Street, Gunnison, Colorado 81230, telephone: 970-641-1903. **Description of Conditional Water Rights in Original and Subsequent Decrees:** **Name of Structure:** Mary Ann's Pipeline. **Location:** As decreed, the legal description for the point of diversion is: 171 feet south of the north section line and 770 feet west of the east section line, NW 1/4 NE 1/4 NE 1/4, Section 33, Township 13 South, Range 87 West, 6th P.M. **Source:** Tributary to Ruby Anthracite Creek, which is tributary to Anthracite Creek, which is tributary to North Fork Gunnison River. **Amount:** 0.50 c.f.s. conditional **Use:** Irrigation of 17 acres, domestic use in three single family dwellings, wildlife and fire protection. **Appropriation Date:** August 12, 2005. **Original and Subsequent Decrees:** 05CW124, entered on February 2, 2006, by the District Court, Water Division 4; 12CW14, entered on July 18, 2012, by the District Court, Water Division 4; and 18CW3032, entered on December 3, 2018, by District Court, Water Division 4. **Detailed outline of what has been done toward completion of appropriation:** A detailed outline of Applicant's diligence activities is included in the Application. Accordingly, please refer to the Application for additional information. Under C.R.S. § 37-92-301(4)(b), "[w]hen a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." The activities and expenditures listed in the Application do not reflect each and every activity undertaken by Applicant to place the conditional water right described herein to beneficial use, but are illustrative of Applicant's reasonable diligence in applying such water rights to a beneficial use in accordance with the standards set forth in C.R.S. § 37-92-301(4). Additional work may be performed and additional expenses

may be incurred between the date the Application is filed and the entry of any decree in this matter. **Application to make Mary Ann's Pipeline absolute in part: Date water applied to beneficial use:** December 12, 2024. **Evidence that diversion of water was made in priority and applied to beneficial use:** Applicants installed a pump in the spring box associated with Mary Ann's Pipeline and pumped 30 gallons per minute (0.067 c.f.s.) of water into a tank on a snowcat and delivered the water to the existing residence on the Hopewell Lode. The total amount of water delivered was approximately 125 gallons, which was then used for domestic purposes (sinks, toilets, and shower) within the residence. Applicants are in possession of multiple photographs and videos showing the application of the water from Mary Ann's Pipeline to beneficial uses within the existing residence on the Hopewell Lode. The water was applied to a beneficial during free river conditions or when Mary Ann's Pipeline was in priority. In addition, the piping and other infrastructure serving the spring box is capable of producing, and is ready and able to produce, at least 224.40 gallons per minute of water (0.5 c.f.s.) for fire protection purposes. In 2021, a pump was installed temporarily in the spring box so that it was available for fire suppression during the use of a nearby burn pit, and Applicants believe that Mary Ann's Pipeline and the associated infrastructure is likely capable of meeting the Crested Butte Fire Protection District's onsite water requirements in place of a separately installed cistern. **Description of place of use where water is applied to beneficial use:** The water was used for domestic purposes within the existing residence located on the Hopewell Lode. **Ownership Information** The point of diversion and easement for Mary Ann's Pipeline is located on land owned by Applicant Little Jackson, LLC. WHEREFORE, Applicants respectfully request that the Court: (a) make Mary Ann's Pipeline absolute in the amount of 0.50 c.f.s. for fire protection purposes; (b) make Mary Ann's Pipeline absolute in the amount of 0.067 c.f.s. for domestic use; and (c) enter a finding of reasonable diligence and continue the remainder of the subject water right in full force and effect on a conditional status. **GUNNISON COUNTY.**

CASE NO. 2024CW3055 GPS LAND, LLC, DELTA COUNTY, COLORADO. **Applicant:** GPS Land, LLC c/o Anthony Ho, Manager, 5142 Hollister Avenue # 506, Santa Barbara, CA 93111, Telephone: (970) 921-3454. Please direct all correspondence concerning this Application to: David L. Kueter, Esq., and Kent Holsinger, Esq., Holsinger Law, LLC, 1800 Glenarm Place, Suite 500, Denver, CO 80202, (303)722-2828, dkueter@holsingerlaw.com, kholsinger@holsingerlaw.com. **APPLICATION FOR WATER RIGHTS OF GPS LAND, LLC IN THE GUNNISON RIVER, DELTA COUNTY, COLORADO.** **Name of exchange:** Supplemental Crawford Reservoir Exchange. **Location of structures and description of exchange reach:** Applicant seeks the right to exchange reservoir releases from Crawford Reservoir, made at the location described as the downstream terminus, below, into the Smith Fork, upstream to the confluence with Second Creek, then upstream on Second Creek to the point of diversion at the upstream terminus described below. A map of the Crawford Reservoir Exchange is attached as **Exhibit A.** The upstream terminus for the Crawford Reservoir Exchange is the point of diversion from Second Creek located in the NE/4 SW/4 of Section 24, T15S, R91W, 6th P.M. at a point which is 1,952 feet from the west section line and 1,358 feet from the south section line. UTM coordinates: Northing 4289869.96 meters – Easting 281556.52 meters, Zone 13. The downstream terminus for the Crawford Reservoir Exchange is the Crawford

Reservoir Dam, located in the NW/4 NW/4 of Section 13, T51N, R7W, N.M.P.M., 895 feet from the west section line and 1070 feet from the north section line. Source of Substitute Supply: Reservoir releases from Crawford Reservoir pursuant to Applicant's allotment from the Crawford Water Conservancy District. Rate of Exchange Flow: 0.22 c.f.s. absolute. Operations of the Supplemental Crawford Reservoir Exchange combined with the Crawford Reservoir Exchange decreed in Case No. 09CW178 shall not exceed 10 a.f. annually. Appropriation Date: August 1, 2020. How appropriation as initiated: By operation of the exchange. Date water was applied to beneficial use: August 1, 2020. Use: Irrigation. Place of Use: 16.5 acres in Sections 23 and 24, Township 15 South, Range 91 West of the 6th P.M., as shown on **Exhibit B** hereto. Name and address of owner of land on which point of diversion and place of use are located: Applicant. Comments: Applicant acknowledges that the Colorado Water Conservation Board holds an instream flow right in the Smith Fork and that such instream flow right is senior to the Crawford Reservoir Exchange requested in this Application. 4 pages and 2 pages of exhibits. **DELTA COUNTY.**

CASE NO. 2024CW3056; San Miguel County – San Miguel River; 1700 Trout Lake LLC; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR GROUNDWATER RIGHTS, STORAGE RIGHT, SURFACE RIGHT, APPROVAL OF PLAN FOR AUGMENTATION, AND APPROPRIATIVE RIGHT OF EXCHANGE; Name, address, and telephone number of Applicant: 1700 Trout Lake LLC; c/o Brad Casebier; 18106 Travis Circle; Lago Vista TX 78645; (512) 789-4715; Request for groundwater right: Name of well: Casebier Pit Well No. 1; Location: Easting: 247883m, Northing: 4188222m, UTM Zone 13 NAD83, in the NW¼ of the NE¼, Section 21, Township 41 North, Range 9 West of the New Mexico Principal Meridian; Source: Groundwater tributary to Lake Fork and the Casebier Recharge Diversion, requested below. The Casebier Recharge Diversion will provide freshening flows through the Casebier Pit Well No. 1 as well as groundwater recharge to raise the surface water elevation of the structure 2-3 feet. The groundwater recharge requested is merely to raise the pit well elevation and Applicant does not request any credit from groundwater recharge as part of its augmentation plan; Information regarding appropriation: Date of appropriation: December 31, 2024; How appropriation was initiated: By filing the Application in this case; Amount: 0.001 c.f.s., 0.26 a.f. annually absolute; Uses: Piscatorial, recreation, wildlife watering directly from pit well, fire protection; Surface area at high water line: 0.1 acres; Height and length of berm: The Casebier Pit Well No. 1 is an existing pit well built primarily by excavation, to the extent there will be an above-ground impoundment it will be less than 10 feet high; Request for groundwater right: Name of reservoir: Casebier Pit Well No. 2; Location: Easting: 247856m, Northing: 4188225m, UTM Zone 13 NAD83, in the NW¼ of the NE¼, Section 21, Township 41 North, Range 9 West of the New Mexico Principal Meridian; Source: Groundwater tributary to Lake Fork, outflows from Casebier Pit Well No. 1, and flows from the Casebier Recharge Diversion. The Casebier Recharge Diversion will provide freshening flows through the Casebier Pit Well No. 2 as well as groundwater recharge to raise the surface water elevation of the structure 2-3 feet. The groundwater recharge requested is merely to raise the pit well elevation and Applicant does not request any credit from groundwater recharge as part of its augmentation plan; Information regarding

appropriation: Date of appropriation: December 31, 2024; How appropriation was initiated: By filing the Application in this case; Amount: 0.001 c.f.s., 0.26 a.f., annually absolute; Uses: Piscatorial, recreation, wildlife watering directly from pit well, fire protection; Surface area at high water line: 0.1 acres; Height and length of berm: The Casebier Pit Well No. 2 is an existing pit well built primarily by excavation, to the extent there will be an above-ground impoundment it will be less than 10 feet high; Request for groundwater right: Name of reservoir: Casebier Pit Well No. 3; Location: Easting: 247687m, Northing: 4188171m, UTM Zone 13 NAD83, in the NW¼ of the NE¼, Section 21, Township 41 North, Range 9 West of the New Mexico Principal Meridian; Source: Groundwater tributary to Lake Fork, outflows from Casebier Pit Well No. 2, and flows from the Casebier Recharge Diversion. The Casebier Recharge Diversion will provide freshening flows through the Casebier Pit Well No. 3 as well as groundwater recharge to raise the surface water elevation of the structure 2-3 feet. The groundwater recharge requested is merely to raise the pit well elevation and Applicant does not request any credit from groundwater recharge as part of its augmentation plan; Information regarding appropriation: Date of appropriation: December 31, 2024; How appropriation was initiated: By filing the Application in this case; Amount: 0.004 c.f.s., 1.23 a.f., annually conditional; Uses: Piscatorial, recreation, wildlife watering directly from pit well, fire protection; Surface area at high water line: 0.5 acres; Height and length of berm: The Casebier Pit Well No. 3 will be built primarily by excavation, to the extent there will be an above-ground impoundment it will be less than 10 feet high; Request for surface water right: Casebier Recharge Diversion; Name of structure: Casebier Recharge Diversion; Location: Easting: 247883m, Northing: 4188227, UTM Zone 13 NAD83, in the NW¼ of the NE¼, Section 21, Township 41 North, Range 9 West of the New Mexico Principal Meridian; Source: Surface flows from unnamed tributary to Lake Fork and two small unnamed tributaries of Lake Fork; Information regarding appropriation: Date of appropriation: December 31, 2024; How appropriation was initiated: By filing the Application in this case; Amount: 0.25 c.f.s. conditional; Uses: Filling and refilling the Casebier Pit Well No. 1, Casebier Pit Well No. 2, and Casebier Pit Well No. 3; Request for water storage right: Name of water right: Trout Lake Reservoir, Casebier Enlargement; Location: NE¼ of the SW¼ of Section 8, Township 41 North, Range 9 West of the New Mexico Principal Meridian, UTM Zone 13 NAD83, 245807mE, 4190829m N; Source: Lake Fork of the San Miguel River; Information regarding appropriation: Date of appropriation: December 31, 2024; How appropriation was initiated: By filing the Application in this case; Amount claimed: 2.0 a.f., conditional; Use: Augmentation and exchange pursuant to the plan for augmentation and exchange project requested in this case, or pursuant to such plans for augmentation or exchange projects as may be decreed in future cases; Request for approval of plan for augmentation: Summary: Applicant seeks to augment out-of-priority depletions from Lake Fork with a two-acre-foot water storage right in Trout Lake Reservoir, requested above, and made available through a contract with Public Service Company of Colorado (dba Xcel Energy). The augmentation plan will include an exchange project, requested below, which will exchange water from the Trout Lake releases up the Lake Fork to the point of depletion. It will operate to protect against calls by all other water users downstream from the Casebier Pit Wells Nos. 1-3. Applicant acknowledges that the Colorado Water Conservation Board ("CWCB") holds an instream flow right on the Lake Fork, decreed for 2.5 c.f.s. in Case No. 84CW0431. Historically,

flows on the Lake Fork have only dropped below the CWCB 2.5 c.f.s. instream flow right during periods when the Casebier Pit Wells would have been frozen. As a result, this augmentation plan does not protect against a call by the CWCB on the Lake Fork. In the event that such a call occurs in the future when the Casebier Pit Wells are not frozen, Applicant acknowledges that it will need to amend this augmentation plan to add an additional source of augmentation water appropriately located to prevent injury to the CWCB; Name of structures to be augmented: Casebier Pit Wells Nos. 1-3; Water right to be used for augmentation: Trout Lake Reservoir, Casebier Enlargement; Statement of plan for augmentation: This plan for augmentation provides the replacement water required to offset potential out-of-priority depletions attributed to Casebier Pit Wells Nos. 1, 2, and 3 during the periods of the year in which the surface of the Pit Wells will not be frozen. Applicant has requested a two-acre-foot water storage right in Trout Lake, above, and will obtain a water supply contract from Public Service Company of Colorado (dba Xcel Energy). The replacement obligation for potential out-of-priority depletions is 1.75 acre-feet per year. The augmentation plan will include an exchange project requested below (1700 Trout Lake LLC Exchange Project) in the amount of 0.006 c.f.s. The 1700 Trout Lake LLC Exchange Project will transfer water released from the Trout Lake Reservoir, Casebier Enlargement (lower terminus), to the point of depletion on Lake Fork (upper terminus). Applicant acknowledges that the CWCB holds an instream flow right on the Lake Fork, decreed for 2.5 c.f.s. in Case No. 84CW0431. Historically, flows on the Lake Fork have only dropped below the CWCB 2.5 c.f.s. instream flow right during periods when the surface of the Casebier Pit Wells would have been frozen. As a result, this augmentation plan does not protect against a call by the CWCB on the Lake Fork. In the event that such a call occurs in the future when the Casebier Pit Wells are not frozen, Applicant acknowledges that it will need to amend this augmentation plan to add an additional source of augmentation water appropriately located to prevent injury to the CWCB.; Request for exchange project associated with an augmentation plan: Name of exchange project: 1700 Trout Lake LLC Exchange Project; Location: The downstream terminus of the 1700 Trout Lake LLC Exchange Project is the Trout Lake Reservoir, Casebier Enlargement, which is in the NE ¼ of the SW ¼ of Section 8, Township 41 North, Range 9 West of the New Mexico Principal Meridian; UTM Zone 13, NAD83; 245807m E; 4190829m N. The upstream terminus of the 1700 Trout Lake LLC Exchange Project is at the point of depletion on Lake Fork which is in the SW ¼ of NE ¼ Section 21, Township 41 North, Range 90 West, New Mexico Principal Meridian (UTM Zone 13, NAD83; 247705m E; 4188025m N); Source: Releases of water stored under the Trout Lake Reservoir, Casebier Enlargement, pursuant to water supply contract with Public Service Company of Colorado; Information regarding appropriation: Date of appropriation: December 31, 2024; How appropriation was initiated: By filing the Application in this case; Amount: 0.006 c.f.s.; Uses: Augmentation to support the augmentation plan decreed in this case. (8 pages) **SAN MIGUEL COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of February 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 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 [Division 4 | Colorado Judicial Branch](#) This publication can be viewed in its entirety on the state court website at: [Division 4 | Colorado Judicial Branch](#).) FRED CASTLE, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401