

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 September 2025, for each county affected.

2023CW3054 San Juan County, DISTRICT COURT, WATER DIVISION NO. 7, STATE OF COLORADO. 1060 East Second Avenue, Durango, CO 81301. CONCERNING THE APPLICATION FOR WATER RIGHTS OF BONANZA BOY, LLC IN SAN JUAN COUNTY, COLORADO. **SECOND AMENDED APPLICATION FOR CONDITIONAL SURFACE WATER RIGHTS, CONDITIONAL GROUNDWATER RIGHTS, CONDITIONAL WATER STORAGE RIGHTS, AND PLAN FOR AUGMENTATION.** 1. Name, Address, and Telephone Number of Applicant: Bonanza Boy, LLC (“Bonanza Boy”). P.O. Box 992. Montrose, CO 81402. Phone: (303) 909-6083. 2. Description of Application: Bonanza Boy seeks new conditional surface water rights, conditional groundwater rights, conditional water storage rights, and a plan for augmentation for beneficial uses associated with the Silver Cloud Lodge located in Chattanooga, Colorado. Bonanza Boy filed the original application on November 30, 2023. The company amended its application on December 1, 2023, to correct the legal description of the proposed Silver Cloud Ice Park in Paragraph 5.B.i. On September 30, 2025, Bonanza Boy filed the second amended application to address changes to its project plans since filing the original application, adding a conditional surface water right for the Mill Creek Alternate Point of Diversion (Paragraph 3.C.), adding a conditional groundwater right for the Artist Cabin Well Alternate Point of Diversion (Paragraph 4.B.), modifying the conditional storage right claim for the Silver Cloud Ice Park (Paragraph 5.B.), and revising aspects of the prior claims to address the aforementioned changes and respond to the Division Engineer’s consultation report dated February 20, 2024. Together, the original application, amended application, and second amended application are the “Application.” 3. Conditional Surface Water Rights: A. Silver Cloud Mine Adit: i. Legal Description: NE¼ of the SE¼ of the NE¼ of Section 28, Township 42 North, Range 8 West, N.M.P.M., in San Juan County, Colorado. *See Exhibit A.* ii. Source: Surface water tributary to Mill Creek, a tributary of the Animas River. iii. Appropriation Date: June 27, 2023, the date Bonanza Boy filed an application for a planned unit development and a land use permit for the Silver Cloud Lodge with the San Juan County Planning Commission. 1. How Initiated: By formation of an intent to appropriate; filing an application for a planned unit development and a land use permit; and developing engineering plans for the Silver Cloud Mine Adit and site plans for the Silver Cloud Lodge. 2. Date Water Applied to Beneficial Use: N/A, conditional appropriation. iv. Amount: 0.25 c.f.s, conditional. v. Uses: Commercial, domestic, fire fighting, power, ice making, storage, and wildlife (incidental), with the right to reuse and successively use to extinction. B. Mill Creek Diversion: i. Legal Description: NE¼ of the SE¼ of the NE¼ of Section 28, Township 42 North, Range 8 West, N.M.P.M., in San Juan County, Colorado. *See Exhibit A.* ii. Source: Mill Creek, a tributary of the Animas River. iii. Appropriation Date: June 27, 2023, the date Bonanza Boy filed an application for a planned unit development and a land use permit for the Silver Cloud Lodge with the San Juan County Planning Commission. 1. How Initiated: By formation of an intent to appropriate; filing an application for a planned unit development and a land use permit; and developing engineering plans for the Mill Creek Diversion and site plans for the Silver Cloud Lodge. 2. Date Water Applied to Beneficial Use: N/A, conditional appropriation. iv. Amount: 3.0 c.f.s, conditional (3.0 c.f.s. is the total diversion amount shared between the Mill Creek Point of Diversion and the Mill Creek Alternate Point of Diversion described in Paragraph 3.C.). v. Uses: Commercial, domestic, fire fighting, power, wildlife (incidental), storage, ice making, and recreation, with the right to reuse and

successively use to extinction. C. Mill Creek Alternate Point of Diversion: i. Legal Description: S½ of the NE¼ of Section 28, Township 42 North, Range 8 West, N.M.P.M., in San Juan County, Colorado. *See Exhibit A.* ii. Source: Surface water tributary to Mill Creek, a tributary of the Animas River. iii. Appropriation Date: September 30, 2025. 1. How Initiated: By formation of an intent to appropriate and developing engineering plans for the Mill Creek Alternate Point of Diversion and site plans for the Silver Cloud Lodge. 2. Date Water Applied to Beneficial Use: N/A, conditional appropriation. iv. Amount: 3.0 c.f.s, conditional (3.0 c.f.s. is the total diversion amount between the Mill Creek Point of Diversion described in Paragraph 3.B. and the Mill Creek Alternate Point of Diversion). v. Uses: Commercial, domestic, fire fighting, power, wildlife (incidental), storage, ice making, and recreation, with the right to reuse and successively use to extinction. 4. Conditional Groundwater Rights: A. Bonanza Boy Well: i. Legal Description: NE¼ of the NE¼ of Section 27, Township 42 North, Range 8 West, N.M.P.M., in San Juan County, Colorado. *See Exhibit A.* ii. Source: Groundwater tributary to Mill Creek, a tributary of the Animas River. iii. Appropriation Date: June 27, 2023, the date Bonanza Boy filed an application for a planned unit development and a land use permit for the Silver Cloud Lodge with the San Juan County Planning Commission. 1. How Initiated: By formation of an intent to appropriate; filing an application for a planned unit development and a land use permit; and developing engineering plans for the Bonanza Boy Well and site plans for the Silver Cloud Lodge. 2. Date Water Applied to Beneficial Use: N/A, conditional appropriation. iv. Amount: Cumulative annual pumping between the Bonanza Boy Well and the Artist Cabin Well Alternate Point of Diversion (described in Paragraph 4.B.) will not exceed 1.5 acre-feet, and the pumping rate will not exceed 15 gallons per minute per well. v. Uses: Commercial, domestic, and fire fighting. vi. Permit No.: Not applicable. Bonanza Boy will apply for a well permit at a later date. B. Artist Cabin Well Alternate Point of Diversion: Bonanza Boy will re-permit the existing “Artist Cabin Well” (Permit No. 147727) to a non-exempt commercial well and use the Artist Cabin Well as an alternate point of diversion for the Bonanza Boy Well (described in Paragraph 4.A.). i. Current Well Permit Information: 1. Well Permit No. 147727 issued on May 5, 1987. 2. Maximum pumping rate: 15 gpm. 3. Permitted for domestic use, no more than one acre of lawn or garden. ii. Legal Description: NE¼ of the NE¼ of Section 27, Township 42 North, Range 8 West, N.M.P.M., in San Juan County, Colorado. *See Exhibit A.* iii. Source: Groundwater tributary to Mill Creek, a tributary of the Animas River. iv. Appropriation Date: September 30, 2025. 1. How Initiated: By formation of an intent to appropriate and developing engineering plans for the Artist Cabin Well Alternate Point of Diversion and site plans for the Silver Cloud Lodge. 2. Date Water Applied to Beneficial Use: N/A, conditional appropriation. v. Amount: Cumulative annual pumping between the Bonanza Boy Well (described in Paragraph 4.A.) and the Artist Cabin Well Alternate Point of Diversion will not exceed 1.5 acre-feet, and the pumping rate will not exceed 15 gallons per minute per well. vi. Uses: Commercial, domestic, and fire fighting. 5. Conditional Storage Rights: A. Silver Cloud Pond: i. Legal Description: NE¼ of the SE¼ of the NE¼ of Section 28, Township 42 North, Range 8 West, N.M.P.M., in San Juan County, Colorado. *See Exhibit A.* ii. Source: Mill Creek and tributaries to Mill Creek. iii. Points of Diversion: Silver Cloud Mine Adit (*see* Paragraph 3.A.), Mill Creek Diversion (*see* Paragraph 3.B.), and Mill Creek Alternate Point of Diversion (*see* Paragraph 3.C.). iv. Surface Area: 0.3 surface acres. v. Total Capacity: 0.65 acre-feet. vi. Type: Lined with bentonite, off-channel. vii. Appropriation Date: June 27, 2023, the date Bonanza Boy filed an application for a planned unit development and a land use permit for the Silver Cloud Lodge with the San Juan County Planning Commission. 1. How Initiated: By formation of an intent to appropriate; filing an application for a planned unit development and a land use permit; and developing engineering plans for the Silver Cloud Pond and site plans for the Silver Cloud Lodge. 2. Date Water Applied to Beneficial Use: N/A, conditional appropriation. viii. Amount: 0.65 acre-feet per year, conditional, subject to as-built storage capacity, with a right to fill and successively refill at a rate of 3.0 c.f.s. ix. Uses: Commercial, piscatorial, recreation, fire fighting, energy, and augmentation. B. Silver Cloud Ice Park: i. Legal Description: E½ of the NE¼ of Section 28, Township 42 North, Range 8 West, N.M.P.M., in San Juan County, Colorado. *See Exhibit A.* ii. Source: Mill Creek and tributaries to Mill Creek. iii. Points of Diversion: Mill Creek Diversion and Mill Creek Alternate Point of Diversion (*see* Paragraphs 3.B. and 3.C.). iv. Silver Cloud Ice Park Operation: Bonanza Boy will divert water from

Mill Creek and pump the water to the Silver Cloud Ice Park. Bonanza Boy will use a system of up to 10 sprinklers between October and March to make artificial ice, and will store the Mill Creek water in the artificial ice until it melts. Bonanza Boy will successively use the return flows that accrue to Mill Creek as a source of augmentation water, as explained in Paragraph 6. v. Appropriation Date: September 30, 2025. 1. How Initiated: By formation of an intent to appropriate; developing engineering plans for the Mill Creek Diversion, Mill Creek Alternate Point of Diversion, and the Silver Cloud Ice Park; and developing site plans for the Silver Cloud Lodge. 2. Date Water Applied to Beneficial Use: N/A, conditional appropriation. vi. Amount: 0.06 c.f.s., for a total of 5.7 acre-feet of storage. vii. Uses: Recreation, ice making, storage, and augmentation. 6. Plan for Augmentation: A. Purpose: The purpose of the plan for augmentation is to permit out-of-priority diversions of the Silver Cloud Mine Adit, Mill Creek Diversion, Mill Creek Alternate Point of Diversion, Bonanza Boy Well, Artist Cabin Well Alternate Point of Diversion, and to replace depletions caused by out-of-priority diversions for artificial ice making at the Silver Cloud Ice Park, and evaporation from the Silver Cloud Pond. B. Structures to be Augmented: Silver Cloud Adit, Mill Creek Diversion, Mill Creek Alternate Point of Diversion, Bonanza Boy Well, Artist Cabin Well Alternate Point of Diversion, depletions caused by out-of-priority diversions for artificial ice making at the Silver Cloud Ice Park, and evaporation from the Silver Cloud Pond. C. Water Rights to be Used for Augmentation: i. Silver Cloud Pond: See description in Paragraph 5.A. ii. Silver Cloud Ice Park Return Flows: Bonanza Boy proposes to replace a portion of its out-of-priority depletions with the return flows generated by the production and subsequent melting of artificial ice formed in the Silver Cloud Ice Park. Bonanza Boy will quantify the return flows generated by artificial ice making and will successively use the return flows for the purpose of augmenting out-of-priority depletions. iii. Animas Service Area Water Right: Bonanza Boy intends to use an increment of the Animas Service Area (“ASA”) water right decreed in Case No. 06CW127 to cover out-of-priority depletions from the following uses: pumping from the Bonanza Boy Well if drilled and utilized pursuant to a non-exempt well permit, pumping from the Artist Cabin Well, and surface diversions for domestic uses, pond evaporation, commercial uses, power, and piscatorial uses, ice making, recreation, and fire fighting. The increment of the ASA water right referenced herein is jointly owned and controlled by the Southwestern Water Conservation District (“SWCD”) and La Plata County. Bonanza Boy acknowledges that any use of the ASA water right shall occur only with the written approval of SWCD and La Plata County, and in a manner that is consistent with the terms and conditions of such approval and the 06CW127 Decree. D. Approximate Replacement Requirements: 1.55 acre-feet per year, subject to further analysis, as well as actual diversions and return flows. E. General Operation of the Plan for Augmentation: Historically, water right calls on the Animas River and its tributaries have been rare. This plan for augmentation is a proactive effort designed to ensure the continuous diversion and use of water by Bonanza Boy to the extent there may be future calls by water rights senior to the conditional water rights described in this Application. 7. Name and address of owners of the land on which the structures are or will be located, upon which water is or will be stored, and upon which water is or will be placed to beneficial use: Applicant Bonanza Boy is the owner of land on which all points of diversion and structures are and will be located, water will be stored, and upon which water will be placed to beneficial use. Bonanza Boy’s address is listed in Paragraph 1. 8. Requests for Relief: A. Bonanza Boy requests a decree granting the new conditional surface water rights, groundwater rights, and water storage rights described in Paragraphs 3, 4, and 5 of this Application. For any conditional water rights requested by this Application that are put to beneficial use during the pendency of this application, Applicant seeks a decree awarding absolute water rights for those water rights as to the completed beneficial uses. B. Bonanza Boy requests a decree approving the plan for augmentation described in Paragraph 6 of this Application. C. Bonanza Boy further requests such additional relief as the Court deems necessary and appropriate to further the purposes of the rights requested herein. (10 pages including exhibit)

2025CW12

La Plata County. Applicants: Ernest R. Mathers and Kathleen J. Mathers, 2856 CR 523, Bayfield CO 81122. Structure: Mathers Spring 1 (spring). Legal Description: SE1/4, SW1/4, Section 19, T34N, R6W, NMPM, being 353 feet from the South section line and 2091 feet from the West section

line of said Section 19, GPS location Northing 4116772, Easting 274195, UTM NAD 83, Zone 13. Source: Spring waters tributary to Ute Creek tributary to Pine River. Date of Appropriation: 10/01/25. Amount: 3.0 (gpm) absolute. Use: Watering livestock, cows. Structure: Mathers Spring 2 (spring). Legal Description: SW1/4, SW1/4, Section 19, T34N, R6W, NMPM, being 180 feet from the South section line and 171 feet from the West section line of said Section 19, GPS location Northing 4116731, Easting 273604, UTM NAD 83, Zone 13. Source: Spring waters tributary to Ute Creek tributary to Pine River. Date of Appropriation: 10/01/25. Amount: 1.5 (gpm) absolute. Use: Watering livestock, cows. Applications for Absolute Water (Surface). Structure: Mathers Pond 1. Legal Description: SE1/4, SW1/4, Section 19, T34N, R6W, NMPM, being 353 feet from the South section line and 2091 feet from the West section line of said Section 19, GPS location Northing 4116772, Easting 274195, UTM NAD 83, Zone 13. Source: Spring waters tributary to Ute Creek tributary to Pine River. Filled from Mathers Spring 1. Date of Appropriation: 10/01/25. Amount: 3.0 (gpm) absolute. Use: Watering livestock, cows. Structure: Mathers Pond 2. Legal Description: SE1/4, SW1/4, Section 19, T34N, R6W, NMPM, being 353 feet from the South section line and 2091 feet from the West section line of said Section 19, GPS location Northing 4116772, Easting 274195, UTM NAD 83, Zone 13. Source: Spring waters tributary to Ute Creek tributary to Pine River. Filled from Mathers Spring 1. Date of Appropriation: 10/01/25. Amount: 3.0 (gpm) absolute. Use: Watering livestock, cows. Structure: Mathers Pond 3. Legal Description: SW1/4, SW1/4, Section 19, T34N, R6W, NMPM, being 180 feet from the South section line and 171 feet from the West section line of said Section 19, GPS location Northing 4116731, Easting 273604, UTM NAD 83, Zone 13. Source: Spring waters tributary to Ute Creek tributary to Pine River. Filled from Mathers Spring 2. Date of Appropriation: 10/01/25. Amount: 1.5 (gpm) absolute. Use: Watering livestock, cows. Applications for Absolute Water Storage. See Applications for further details. (36 pages including exhibits)

2025CW3025 Dolores County, Application for Findings of Reasonable Diligence. Applicant: Dolores County, Colorado, by and through its Board of County Commissioners, 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; 1) Structure: A. Disappointment County Diversion and Shop; i. Loc: NE1/4 NE1/4 of Section 13, T41N, R14W, NMPM, Dolores County, Colorado, at a point approximately 196 feet from the north section line and 517 feet from the east section line; ii. Source: Unnamed tributary, tributary to Disappointment Creek; iii. Appropriation date: July 1, 2010 as to Absolute uses and February 26, 2019 as to Conditional uses; iv. Amt: 15 gpm; v. Use: Road and ridge maintenance and repair, including road building, gravel mining for road construction and maintenance purposes, watering, grading, constructing roads throughout Dolores County and maintaining such roads, and firefighting (Absolute); piscatorial, recreation including fishing, augmentation, municipal and industrial (Conditional); B. Buckhorn Lodge Diversion and Pump (a/k/a Lone Cone Mountain Resort); i. Loc: NE1/4 SE1/4 of Section 7, T41N, R13W, NMPM, Dolores County, Colorado, at a point approximately 2,738 feet from the north section line and 754 feet from the east section line; ii. Source: Disappointment Creek; iii. Appropriation Date: July 1, 2010 as to Absolute uses and February 26, 2019 as to Conditional uses; iv. Amt: 15 gpm; v. Uses: Road and ridge maintenance and repair, including road building, gravel mining for road construction and maintenance purposes, watering, grading, constructing roads throughout Dolores County and maintaining such roads, and firefighting (Absolute); piscatorial, recreation including fishing, augmentation, municipal and industrial (Conditional); C. Black Snag Diversion and Pump; i. Loc: NE1/4 SE1/4 of Section 25, T42N, R16W, NMPM at a point approximately 3,277 feet from the north section line and 803 feet from the east section line; ii. Source: Disappointment Creek; iii. Appropriation Date: July 1, 2010 as to Absolute uses and February 26, 2019 as to Conditional uses; iv. Amt: 15 gpm; v. Uses: Road and ridge maintenance and repair, including road building, gravel mining for road construction and maintenance purposes, watering, grading, constructing roads throughout Dolores County and maintaining such roads, and firefighting (Absolute); piscatorial, recreation including fishing, augmentation, municipal and industrial (Conditional); D. Ryman Creek Diversion and Pump; i. Loc: NE1/4 SE1/4 of Section 33, T42N, R15West, NMPM, Dolores County, Colorado at a point approximately 3,414 feet from the north section line and 207 feet from the east section line; ii. Source: Disappointment Creek; iii. Appropriation Date:

July 1, 2010 as to Absolute uses and February 26, 2019 as to Conditional uses; iv. Amt: 15 gpm; v. Uses: Road and ridge maintenance and repair, including road building, gravel mining for road construction and maintenance purposes, watering, grading, constructing roads throughout Dolores County and maintaining such roads, and firefighting (Absolute); piscatorial, recreation including fishing, augmentation, municipal and industrial (Conditional); E. Cliff Bankston Diversion and Pump; i. Loc: NW1/4 SE1/4 of Section 33, T42N, R14W, NMPM, Dolores County, Colorado at a point approximately 3,610 feet from the north section line and 2,298 feet from the east section line; ii. Source: Disappointment Creek; iii. Appropriation Date: July 1, 2010 as to Absolute uses and February 26, 2019 as to Conditional uses; iv. Amt: 15 gpm; Uses: Road and ridge maintenance and repair, including road building, gravel mining for road construction and maintenance purposes, watering, grading, constructing roads throughout Dolores County and maintaining such roads, and firefighting (Absolute); piscatorial, recreation including fishing, augmentation, municipal and industrial (Conditional); 2. No new diversion or storage structure nor any modification to any existing diversion or storage structure is proposed. (6 pages)

2025CW3026 San Juan County. Application for Finding of Reasonable Diligence. Applicant: Town of Silverton, Colorado (the "Town") c/o John Zarkis, Public Works Director P.O. Box 250 Silverton, CO 81433, (970) 946-6839, jzarkis@silverton.co.us. Please direct all correspondence to Applicant's counsel: Peggy E. Montano, pmontano@troutlaw.com; Michael A. Kopp, mkoppp@troutlaw.com; 1120 Lincoln St. Denver, CO 80203; (303) 861-1963; and Clayton Buchner, cbuchner@silverton.co.us; P.O. Box 3855 Pagosa Springs, CO 81147 (970) 507-0227. 2. Name of structures: Silverton Expansion Diversion. 3. Description of conditional water rights: A. Date of original decree: March 11, 2013, District Court, Water Division No. 7, Case No. 05CW87. B. Legal Description of point of diversion: On the Town's street right-of-way under the 14th Street bridge over the Animas River, more particularly described as follows: SW1/4 NE1/4, Section 17, T41N, R7W, N.M.P.M.; 2,150' west of the East Section line and 2,700' north of the South Section line of Section 17 (North 37° 48.668', West 107° 39.548'). See map attached. C. Source of water: Animas River D. Date of Appropriation: 2000. E. Use: Municipal, including but not limited to, residential domestic (household use, lawn and garden watering and domestic animal watering), commercial, industrial, manufacturing, piscatorial, fire protection and irrigation of Town facilities, including, but not limited to, Town Parks and ball fields. F. Amount: 5.2 cfs, Conditional with a volumetric limitation of 805 acre feet annually. 4. Detailed outline of work performed, and expenditures made toward completion of the appropriation during the diligence period: A. During the diligence period Town staff have studied snowmaking from this source for areas of problems with lack of snow cover at select locations at Kendall ski area, a town facility. Trenching alignments for electrical and water supply conduits which are both necessary, have been studied. Limited snowmaking using a mobile unit has been evaluated. Water from this water right would be used. B. During the diligence period installation of a hydrant to pull water from the Animas river at this location was evaluated and repairs to the bridge which are necessary for hydrant installation were performed. C. During the diligence period the Town of Silverton applied for and was awarded a grant from the Colorado Water Conservation Board to drill wells at Kendall Mountain. The Town paid SGM engineering and consulting \$6,800 in connection with the Kendall Exploration Wells project. The Project continued from June 2021 to December of 2022. Two bids were received for the drilling, however due to water quality concerns, the wells were not drilled. For this reason, water from the Silverton Expansion would be a logical solution if electrical power can be made available at the site. D. The Town has sought 2026 Congressionally Designated Spending authorization through Colorado's two Senators for a portion of its water supply development which is the Augmentation Ponds and Lagoon Deconstruction. In summary form, the Town is seeking to repurpose its lagoon wastewater treatment system into raw water augmentation holding ponds. The Town owns and operates a lagoon wastewater treatment plant which is being replaced by a new modern plant adjacent to the existing lagoons. USDA Rural Development funding is being used to decommission the lagoons. Repurposing the lagoons is an opportunity to invest in water resiliency by retrofitting the existing lagoons for a new water storage purpose. The stored water can be released for augmentation when needed. 5. Claim for finding of reasonable diligence: A. Applicant

seeks a finding of reasonable diligence for the conditional right of 5.2 cfs, with a volumetric limitation of 805 acre feet annually, as decreed in Case No. 05CW87. B. The Silverton Expansion Diversion is part of the Town's integrated water system. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system constitutes reasonable diligence in the development of water rights for all features of the system. 6. Name and address of owners or reputed owners of the land upon which any new diversion storage structure will be constructed or upon which water is or will be stored: Applicant. (5 pages including exhibit)

2025CW3027 LA PLATA COUNTY, CONCERNING THE APPLICATION FOR WATER RIGHTS OF BOARD OF COUNTY COMMISSIONERS, LA PLATA COUNTY IN THE ANIMAS RIVER AND ITS TRIBUTARIES IN LA PLATA COUNTY; APPLICATION FOR FINDING OF REASONABLE DILIGENCE - 1. NAME, MAILING ADDRESS, AND TELEPHONE NUMBER OF APPLICANT ("APPLICANT"): Board of County Commissioners, La Plata County, 1101 East Second Avenue, Durango, CO 81301, (970) 382-6200. Please address all correspondence to: Kathleen L. Moore, La Plata County Attorney's Office, 1060 East 2nd Avenue, Suite 140, Durango, CO 81301, (970) 382-8600, moore@lpcattorney.org. **2. NAME OF STRUCTURE(S):** Fairgrounds Irrigation Pump; Type: Other (See description of the seven (7) decreed points of diversion in Section 3(C) below). **3. DESCRIBE CONDITIONAL WATER RIGHT (AS TO EACH STRUCTURE) INCLUDING THE FOLLOWING INFORMATION FROM THE DECREE:** **A. Date of Original Decree:** April 28, 1986; Case No. 84CW258; Court: District Court, Water Division 7; Amount of Water: 2.0 cfs. **B. Subsequent decrees (case No. and date of decree):** **i.** The Fairgrounds Irrigation Pump water right was originally decreed in 84CW258 for three points of diversion on the Animas River. These points were abandoned, however, and a new point of diversion was decreed in Case No. 87CW2, at a point on the West bank of the Animas River near the La Plata County Fairgrounds identified below ("Fairgrounds Irrigation Pump" or "Fairgrounds point of diversion"). **ii.** In Case No. 90CW35, the Court approved the County's application for a finding of reasonable diligence with regard to the entire Fairgrounds Irrigation Pump 2.0 cfs conditional water right. **iii.** The Court, in Case No. 95CW97 decreed a second and alternate point of diversion for 0.38 cfs of the 2.0 cfs Fairgrounds Irrigation Pump water right at a point on the West bank of the Animas River near Rank Park ("Fairgrounds Ballpark Pump" or "Ball Fields point of diversion" or "Rank Park point of diversion"). **iv.** In Case No. 96CW116, the Court entered a finding of reasonable diligence for the entire 2.0 cfs conditional water right. **v.** In Case No. 03CW38, the Court decreed the following five additional alternate points of diversion: (1) Trimble Lane County Road ("CR") 252 point of diversion; (2) Animas River Bridge County Road ("CR") 213 point of diversion; (3) La Plata County Road and Bridge Shop point of diversion; (4) Gun Club at Animas River point of diversion; and (5) Animas River Bridge Highway ("Hwy") 550 point of diversion. The aforementioned decree specified that water may be diverted by means of truck mounted pumps at any combination of one or more of the five additional alternate points of diversion; however, no more than three water trucks may divert simultaneously and, in the aggregate, the total rate of diversion at the five alternate points cannot exceed 1.32 cfs. Further, the decree limited the total rate of diversion at both the Fairgrounds Irrigation Pump and Fairgrounds Ballpark Pump points of diversion to no more 0.68 cfs. **vi.** In Case No. 03CW81, the Court continued the entire 2.0 cfs conditional water right for another six-year diligence period. **vii.** On January 31, 2013, in Case No. 10CW72, the Court made the water right for the Animas River Bridge Hwy 550 point of diversion (aka "County Divr Hwy 550 Bridge") absolute for 0.44 cfs for dust control purposes, and otherwise continued the rest of the of the 2.0 cfs conditional water right (i.e., 1.56 cfs conditional water right) for another six-year diligence period. However, the names of the structures were changed in error and the amounts decreed were erroneously limited from the amounts decreed in the 03CW38 case. **viii.** In Case No. 19CW3003, the Court corrected the decreed amounts of water, in conformance with the 03CW38 decree, with respect to the amount of water decreed as absolute and the recitation of the amount of water for the Animas River Bridge Highway 550 point of diversion, as such corrections were set forth in the 19CW3003 decree. The remaining conditional water rights were also continued in their entirety for another six-year diligence period. **C. Legal description:** All points of diversion are in La Plata County, Colorado. See *Attachment*

A of the Application filed with the Court and legal descriptions below: *Diversion Point - Legal Description:* (1) Fairgrounds Irrigation Pump (Fairgrounds point of diversion) – West side of the Animas River whence the NE corner of Section 20, T35N, R9W, N.M.P.M. bears N 50° 16' E, a distance of 1,570.0, feet more or less, Animas River; (2) Fairgrounds Ballpark Pump (Rank Park point of diversion) – N 64° 30' E, a distance of 1,160 feet from the center of Section 20, Township 35 North, Range 9 West, N.M.P.M.; (3) Trimble Lane County Road 252 – A point on the West bank of the Animas River in Section 15, T36N, R9W, N.M.P.M., 2,040 feet from the South line and 1,510 feet from the East line of said Section 15; (4) Proposed Animas River Bridge County Road 213 – A point on the West bank of the Animas River in Section 9, T34N, R9W, N.M.P.M., 1,990 feet from the North line and 1,590 feet from the West line of said Section 9; (5) La Plata County Road and Bridge Shop – A point on the East bank of the Animas River in Section 9, T34N, R9W, N.M.P.M., 2,100 feet from the North line and 2,270 feet from the West line of said Section 9; (6) Gun Club at Animas River – A point on the West bank of the Animas River in Section 5, T34N, R9W, N.M.P.M., 990 feet from the South line and 600 feet from the East line of said Section 5; (7) Animas River Bridge Highway 550 (County Divr Hwy 550 Bridge) – A point on the East bank of the Animas River in Section 5, T34N, R9W, N.M.P.M., 2,470 feet from the North line and 640 feet from the East line of said Section 5. **D. Source of water:** Animas River. **E. Appropriation Date:** November 1, 1984; **Amount:** 2.0 cfs total. **Absolute:** i. Animas River Bridge Hwy 550 APOD: 0.44 cfs absolute (the combined diversion from the Trimble Lane CR 252 APOD, Animas River Bridge CR 213 APOD, La Plata County Road & Bridge Shop APOD, Gun Club at Animas River APOD, and Animas River Bridge Hwy 550 APOD may not exceed 1.32 cfs); **Conditional:** ii. Fairgrounds Irrigation Pump/Fairgrounds point of diversion: 0.68 cfs conditional; iii. Fairground Ballpark Pump: 0.38 cfs conditional (the combined diversion from the Fairgrounds Irrigation Pump and the Fairgrounds Ballpark Pump may not exceed 0.68 cfs); iv. Trimble Lane CR 252 APOD: 1.32 cfs conditional (the combined diversion from the Trimble Lane CR 252 APOD, Animas River Bridge CR 213 APOD, La Plata County Road & Bridge Shop APOD, Gun Club at Animas River APOD, and Animas River Bridge Hwy 550 APOD may not exceed 1.32 cfs); v. Animas River Bridge CR 213 APOD: 1.32 cfs conditional (the combined diversion from the Trimble Lane CR 252 APOD, Animas River Bridge CR 213 APOD, La Plata County Road & Bridge Shop APOD, Gun Club at Animas River APOD, and Animas River Bridge Hwy 550 APOD may not exceed 1.32 cfs); vi. La Plata County Road & Bridge Shop APOD: 1.32 cfs conditional (the combined diversion from the Trimble Lane CR 252 APOD, Animas River Bridge CR 213 APOD, La Plata County Road & Bridge Shop APOD, Gun Club at Animas River APOD, and Animas River Bridge Hwy 550 APOD may not exceed 1.32 cfs); vii. Gun Club at Animas River APOD: 1.32 cfs conditional (the combined diversion from the Trimble Lane CR 252 APOD, Animas River Bridge CR 213 APOD, La Plata County Road & Bridge Shop APOD, Gun Club at Animas River APOD, and Animas River Bridge Hwy 550 APOD may not exceed 1.32 cfs); viii. Animas River Bridge Hwy 550 APOD: 0.44 cfs absolute; 0.88 remains conditional (the combined diversion from the Trimble Lane CR 252 APOD, Animas River Bridge CR 213 APOD, La Plata County Road & Bridge Shop APOD, Gun Club at Animas River APOD, and Animas River Bridge Hwy 550 APOD may not exceed 1.32 cfs). **F. Use:** i. Fairgrounds Irrigation Pump and Ballfield Irrigation Pump points of diversion: irrigation, dust control and stock watering purposes; ii. Trimble Lane CR 252 APOD, Animas River Bridge CR 213 APOD, La Plata County Road & Bridge Shop APOD, Gun Club at Animas River APOD, and Animas River Bridge Hwy 550 APOD: dust control only. See *Attachment B* to the Application filed with the Court for location of proposed area to be irrigated. **G. Depth:** Well near Fairgrounds Irrigation Pump point of diversion is 100' deep. **4. DILIGENCE ACTIVITIES: DURING THE DILIGENCE PERIOD, APPLICANT HAS COMPLETED THE FOLLOWING TASKS:** **A.** Diverted water by means of truck mounted pump from the Animas River Bridge Highway 550 alternative point of diversion (“ADOP” or “APODs”) for dust control purposes in conjunction with road maintenance purposes by the Road & Bridge Department. Specifically, the applicant pumped 1 load of water, or approximately 3,300 gallons, in 2022. Based on more refined calculations related to truck capacity and pump rates that have become available over time, the maximum pumping rate for this diversion is 0.49 cfs. **B.** In 2012, Applicant completed construction of a vertical infiltration gallery and associated pumping system near the La Plata County Road and Bridge Shop alternate point of diversion, at a cost of approximately \$23,562.55. Since completion of

the gallery and water intake pipeline, Applicant has expended approximately \$250 to \$500 per year on maintenance to the gallery, and a new pump was installed in 2024 at a cost of \$8,500. Additionally, water has been withdrawn from the gallery each year for dust control use. The following numbers are approximate: 162,000 gallons were pumped from November 1, 2019 through October 31, 2020; 597,000 gallons were pumped from November 1, 2020 to October 31, 2021; 382,800 gallons were pumped from November 1, 2021 through October 31, 2022; 135,300 gallons were pumped from November 1, 2022 through October 31, 2023; 128,700 gallons were pumped from November 1, 2023 through October 31, 2024; and 75,900 gallons have been pumped from November 1, 2024 through August 31, 2025. C. Applicant's legal counsel consistently reviewed Water Court to protect the County's subject water rights. D. County staff and their engineering consultant met with the Division Engineer via video conference to discuss measuring devices, water record improvements and other matters related to structures under the 2019CW3003 decree. The County's proposed alternative water measurement plan was approved by the Division Engineer in March 2025. E. Water diverted from the seven APODs for dust control is part of an integrated water system used by the County for Road & Bridge Department to supply water for road and bridge purposes and maintenance and improvements throughout La Plata County. Thus, work conducted on one supply point supports all points of diversion as an integrated water supply system operated by the County. The Applicant has demonstrated that water can and will be diverted or otherwise captured, possessed and controlled and the project can and will be completed with diligence within a reasonable time.

5. NAME(S) AND ADDRESS(ES) OF OWNER(S) OR REPUTED OWNERS OF THE LAND: N/A. Applicant does not anticipate construction of any new diversion or storage structures or modifications to existing diversion or storage structures or existing storage pools. **WHEREFORE**, Applicant respectfully requests that the Court enter a finding of diligence for the Fairgrounds Irrigation Pump water rights described herein. (8 pages including exhibits)

2025CW3028 MONTEZUMA COUNTY: 1) Applicant: Dolores Water Conservancy District, c/o Kenneth W. Curtis III, General Manager, P.O. Box 1150, Cortez, CO 81321; **2) Attorneys:** Adam T. Reeves, Maynes, Bradford, Dolores Water Conservancy District, c/o Kenneth W. Curtis III, General Manager, P.O. Box 1150, Cortez, CO 81321; **2) Attorneys:** Adam T. Reeves, Maynes, Bradford, Shipp & Sheftel, LLP, 835 East 2nd Avenue, Ste. 123, Durango, CO 81301; Dolores Water Conservancy District, c/o Kenneth W. Curtis III, General Manager, P.O. Box 1150, Cortez, CO 81321; **2) Attorneys:** Adam T. Reeves, Maynes, Bradford, Shipp & Sheftel, LLP, 835 East 2nd Avenue, Ste. 123, Durango, CO 81301;

3) Application for a Finding of Reasonable Diligence: Plateau Creek Dam and ("Afterbay"): Location: West abutment located 1,200 feet from SW corner of Section 27, T39N, R15W, N.M.P.M., on an angle of 78° East of North. Dam extends 1,000 feet across the stream bed bearing 69° East of South to the east abutment. Afterbay is located in portions of Sections 11, 14, 22, 23, 27 and 34, T39N, R15W, N.M.P.M. (CDWR Tabulation, SW1/4 SE1/4 SW1/4, Section 27, T39N, R15W); Source: Plateau Creek, tributary of Beaver Creek and then Dolores River; Uses: Irrigation, stock, domestic, municipal, industrial (including, but not limited to, pump back generation of electricity), recreation, fish and wildlife, flood control and other beneficial uses. Original Afterbay Right: i. Decreed: September 25, 1989, Case No. 86CW19; ii. Appropriation ("Approp") Date: Sept. 10, 1940; Sept. 22, 1982; iii. Amount: 14,900 AF, Cond., with a 14,900 AF cond. refill. Changed Afterbay Right: i. Changed from Ruin Canyon Reservoir decreed in Case No. 86CW19; ii. Original Decree: #967, March 22, 1963 and W-531-76; iii. Approp. Date: Sept. 10, 1940. (1962-18R); iv. Amt: 17,200 AF initial fill, 12,800 AF refill, Cond. **Plateau Creek Dam and Forebay ("Forebay"):** Location: West abutment is located 2,500 feet from the SW corner of Section 28, T39N, R15W, N.M.P.M., on an angle of 40° East of North. Dam extends 2,000 feet bearing 39° East of South, then 2,300 feet bearing 61° East of North, then 900 feet bearing 26° East of North, then 1,400 feet bearing 34° West of North to the east abutment. Forebay is located in portions of Sections 21 and 28, T39N, R15W, N.M.P.M. (CDWR Tabulation - location in the NE1/4 SE1/4 SW1/4, Section 28, T39N, R15W); Sources: Unnamed tributary of Dry Canyon, tributary of Dolores River and Plateau Creek, tributary of Beaver Creek, a tributary of the Dolores River. Uses: Irrigation, stock, domestic, municipal, industrial, including but not limited to generation of electrical energy by pump-back storage, recreation, fish and wildlife, flood control,

and other beneficial uses. Original Decree. i. Sept. 25, 1989, Case No. 86CW19; ii. Approp. Dates: Sept. 22, 1982; Sept. 10, 1940; Oct. 20, 1970 and Sept. 25, 1972; iii. Amt: 9,000 AF Cond, with a refill of 9,000 AF Cond; Changed Right. i. Changed from Cahone Reservoir in Case No. 86CW19; ii. Original Cahone Decree: CA #967, March 22, 1963 and W-531-76; iii. Approp Date: Sept. 10, 1940, 1962-18R; iv. Amt: 7,100 AF with refill of 6,700 AF, Cond; **Monument Creek Reservoir**: Location: Portions of Section 34, T41N, R19W, and Sections 3 and 4, T40N, R19W, N.M.P.M. (CDWR Tabulation: SE1/4 NW1/4 SW1/4, Section 3, T40N, R19W.) Source: Surface flow from Dolores River through McPhee Reservoir, from the Dove Creek Canal and from Monument Creek. d. Approp Date: Sept. 10, 1940; (1962-18R) e. Amt: 5,100 AF with refill of 2,700 AF, Cond. f. Uses: Irrigation, stock, domestic, municipal, industrial, recreation, fish and wildlife, flood control and other beneficial purposes; **Additional, Unnamed Surface Rights**: i. 75 c.f.s. from Little (Cahone) Canyon Creek, using features of the Dolores Project as a conduit; ii. 40 c.f.s. from Monument Creek, using features of the Dolores Project as a conduit; iii. 120 c.f.s. from Ruin Canyon Creek, using features of the Dolores Project as a conduit. The foregoing surface water rights were decreed as conditional in CA No.: 967; Approp. Date: September 10, 1940 (1962-18R), decreed March 22, 1963; Uses: Irrigation, stock, domestic, municipal, industrial, recreation, fish and wildlife, flood control and other beneficial purposes. **4) Activities for Finding of Reasonable Diligence**: Pursuant to Colorado case law, diligence as to one feature of a project is diligence as to all features. *See Application for Water Rights of City of Aurora*, 731 P.2d 665 (Colo. 1987). The Dolores Project, as planned by the Bureau of Reclamation, consisted of, among other structures, McPhee Reservoir, Dawson Reservoir, Cahone Reservoir (described above in ¶ 3(e)), Ruin Canyon Reservoir (described above in ¶ 2(e)), and Monument Creek Reservoir (described above in ¶ 4). To serve the growing Montelores community, the Dolores Project System ("System") also includes Plateau Creek Dam and Afterbay and Campbell Dam and Forebay, as changed from Ruin Canyon and Cahone Reservoirs, Totten Reservoir, Plateau Creek Reservoir, Beaver Reservoir and Bear Creek Reservoir. Between September 2019 and September 2025, Applicant engaged in the following activities and expended the following amounts: Beginning in January of 2018 and continuing through October of 2020, Applicant engaged in regular discussions with Absaroka Energy, LLC on pump back hydropower development. Developing a Letter of Intent with Absaroka Energy expending significant staff and attorney time. Applicant further met with Cross Canyon Engineering, Tetra Tech, Empire Electric Cooperative to explore project feasibility and power markets. Collectively expending in excess of \$3,000 in staff time. Operation and maintenance of gaging for water supply on Plateau Creek of \$6,215.14; **Names and addresses of owners/reputed owners of land upon which 1 any new diversion or storage structure, modification to any existing diversion or storage structure is/will be constructed or upon which water is/will be stored, including modification to existing storage pool**: Mark Martinez, 611 South Valley Road, Cortez, CO 81321; James E. and Wendy L. Speer, 63699 Highway 491, Dove Creek, CO 81324; Robert J., Cindy D. and Dezmond J. Bernhardt, 8359 Road 5.7, Dove Creek, CO 81324; Teresa Barry, P.O. Box 722, Dove Creek, CO 81324; Monie G. and Lanell J. Pribble, P.O. Box 646, Dove Creek, CO 81324; Terence D. and Constance L. Fisher, P.O. Box 82, Dove Creek, CO 81324; Jason A. and Stina Soper, P.O. Box 472, Dove Creek, CO 81324; Russell and Adrienne A. Stowe, P.O. Box 728, Dove Creek, CO 81324; James M. and Karstina L. Poff, P.O. Box 803, Dove Creek, CO 81324; Susan P. Manning, 4588 Road H, Dove Creek, CO 81324; Autumn Renee and Dustin Charles Brown, P.O. Box 205, Dove Creek, CO 81324; Jamie Lyn Graham, P.O. Box 304, Dove Creek, CO 81324; Kenneth Vance, P.O. Box 1107, Dolores, CO 81323; Dore Scott Lee, 4318 Road H, Dove Creek, CO 81324; Tammy Ann Richardson and John Allen, P.O. Box 673, Monticello, UT 84535; Connie J. Oliver, 8494 Road CC, Pleasant View, CO 81331; David and Carolyn McCuskey, 4026 Road G, Dove Creek, CO 81324; Holly Lee Aarons, P.O. Box 601, Dove Creek, CO 81324; Dove Creek Land & Canyon Co., LLC, 3004 La Villita Place NE, Albuquerque, NM 87111; Douglas R. & Julie A. Stowe Family Trust, P.O. Box 102, Dove Creek, CO 81324; George Herron Trust, c/o James H. Hutchinson, Trustee, P.O. Box 692, Dove Creek, CO 81324; Lawrence and Jo Ann Deremo Family Revocable Trust, P.O. Box 545, Dove Creek, CO 81324; USDA Forest Service, San Juan National Forest, 15 Burnett

Court, Durango, CO 81301. (7 pages)

2025CW3029 Dolores County, Application to Make Absolute in Part and for Findings of Reasonable Diligence. Applicants: Daniel Zaugg and Sabine Zaugg, c/o Kimberly C. Perdue, Southwest Water and Property Law LLC, 679 E. 2nd Ave. Unit 10, Durango, CO 81301; (970) 422-5510; kpedue@swpropertylaw.com; 1) Structure: MoonDance Spring No. 1; i. Loc: SW1/4 SW1/4 NW1/4 of Section 16, Township 39 North, Range 18 West, NMPM, Dolores County, Colorado. UTM Coordinates: Northing 4172823, Easting 160735, Zone 13S (as corrected in case no. 2018CW3041); ii. Source: previously unnamed spring tributary to Cahone Creek, tributary to Cross Canyon, tributary to McElmo Creek; iii. Appropriation date: March 19, 2004; iv. Amt: 0.50 cfs Conditional; iv. Use: Irrigation of 15 acres, livestock watering, and domestic use for one house. MoonDance Spring No. 1 may be applied for such beneficial uses either directly or by filling storage in MoonDance Pond No. 1.; 2) The Applicants are the owners of all lands upon which any diversion or storage structure subject to this Application is constructed. (8 pages including exhibits)

2025CW3030 Dolores County, Colorado, Silver Creek, tributary to the Dolores River. Town of Rico, P.O. Box 9, Rico, CO 81332. Please direct all correspondence to Karl J. Hanlon and Danielle T. Skinner of Karp Neu Hanlon, P.C., P.O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261, counsel for the Applicant. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** FIRST CLAIM: Name of Structure: **Original Rico Flume.** Date of Original Decree: June 11, 1968, in Civil Action No. 2220, District Court, San Miguel County. Subsequent decrees awarding findings of diligence: Case No. W-65 entered on October 20, 1970; Case No. W-629, entered on October 6, 1976; Case No. 80CW85, entered on December 1, 1980; Case No. 84CW91, entered on July 24, 1985; Case No. 88CW24, entered on April 13, 1989; Case No. 94CW42, entered on February 28, 1996; Case No. 02CW09, entered on May 10, 2006; Case No. 12CW19, entered on March 21, 2013; and Case No. 2019CW3010, entered on September 4, 2019, each in the District Court in and for Water Division No. 7. Legal Description: On the South bank of Silver Creek, which points bears N72°28'51"E, a distance of 7897.0 ft from SW corner of Section 25, T40N, R11W, N.M.P.M. The point of diversion may also be described as a point in the NE¼ NW¼ SE¼ of Section 30, T40N, R10W, N.M.P.M., 2013 feet from the south section line and 1460 feet from the east section line of said Section 30, or at a GPS location of Northing, 4177022, Easting 234963, NAD83, Zone 13N. Source: Silver Creek, tributary to the Dolores River. Appropriation Date: April 4, 1882. Amount: 2.72 c.f.s., conditional, and 0.28 c.f.s., absolute, as decreed in Civil Action No. 2220. Uses: Domestic, municipal, industrial, and irrigation. Claim for Diligence: Applicant requests a finding of reasonable diligence for the Original Rico Flume in the amount of 2.72 c.f.s., conditional, for domestic, municipal, industrial, and irrigation uses. Names and addresses of owners of land upon which structures are located: Outlook Resources, Inc. P.O. Box 728, Sandy, UT 84091. Integrated Water System. The Original Rico Flume water right was found in previous cases to be a component part of the Applicant's integrated municipal water system within the meaning of C.R.S. § 37-92-301(4)(b). As such, work performed with respect to any component part of the Applicant's water system constitutes diligence toward development of the subject water right. The following exhibits are on file with the Water Court: a map depicting the location of the structure (Exhibit A) and a list of diligence activities (Exhibit B). (6 pages including exhibits)

2025CW3031 La Plata County, Application for Finding of Reasonable Diligence. Applicants: Almostaranch Homeowners Association, Inc., f/k/a Haviland Lake Ranch Homeowners Association, Thomas M. Hodges, and Lee Drummond, c/o Kimberly C. Perdue, Southwest Water and Property Law LLC, 679 E. 2nd Ave. Unit 10, Durango, CO 81301; (970) 422-5510; kpedue@swpropertylaw.com; 1) Structure: (A) Bear Ranch Pond; i. Loc: the center of Bear Ranch Pond is located in Sec. 25, T38N, R9W, N.M.P.M. from which the South 1/16 corner of Sections 26/25 bears S 36°48'16" West a distance of 378.10 feet, as shown on the final plat of the Bear Ranch Subdivision recorded with the La Plata County Recorder under reception no. 758345 ("Final Plat"); ii. Source: Nary Draw, tributary to Haviland Lake and Elbert

Creek; iii. Appropriation date: May 1996; iv. Amt: 5.1 acre-feet conditional, and two conditional refills in priority. Maximum rate of diversion from Nary Draw to fill pond is 1.0 cfs.; v. Uses: fish culture, recreation, augmentation, and fire protection; (B) BR Well #1; i. Loc: NW1/4 SW1/4, Sec. 25, T38N, R9W, N.M.P.M., more specifically described as Lot 1 on the Final Plat; ii. Source: Groundwater tributary to Elbert Creek; iii. Appropriation dates: Priority of 1997 and an appropriation date of May 1995 for the first 0.33 acre-feet of diversion; priority of 2006 and an appropriation date of December 28, 2006 for the remaining diversion of 1.61 acre-feet; iv. Amt: Maximum flow rate is 30 gpm conditional, diversions not to exceed 1.94 acre-feet, and depletions not to exceed 1.11 acre-feet; v. Use: Domestic use for one primary residence and one guest/caretaker house; filling and refilling of 0.14 surface acres of ponds/water features on Lot 1; irrigation of 0.33 acres of lawns and gardens; stockwatering for 2 animals; and fire protection; (C) BR Well #2; i. Loc: NE1/4 NW1/4 SW1/4, Sec. 25, T38N, R9W, N.M.P.M., more specifically described as Lot 2 on the Final Plat; ii. Source: Groundwater tributary to Elbert Creek; iii. Appropriation dates: Priority of 1997 and an appropriation date of May 1996 for the first 0.32 acre-feet of diversion; priority of 2006 and an appropriation date of December 28, 2006 for the remaining diversion of 1.54 acre-feet; iv. Amt: Maximum flow rate is 30 gpm conditional, diversions not to exceed 1.86 acre-feet and depletions not to exceed 0.68 acre-feet; v. Use: Domestic use for 2 primary residences and one guest/caretaker house; irrigation of 0.33 acres of lawns and gardens; stock watering for 6 animals in the summer season; and fire protection; (D) BR Well #3; i. Loc: SW1/4 NW1/4 SW1/4, Sec. 25, T38N, R9W, N.M.P.M., more specifically described as Lot 3 on the Final Plat; ii. Source: Groundwater tributary to Elbert Creek; iii. Appropriation dates: Priority of 1997 and an appropriation date of May 1995 for the first 1.81 acre-feet of diversion in combination with BR Well B; priority of 2006 and appropriation date of December 28, 2006 for remaining diversion of 1.04 acre-feet or such additional amount if BR Well B is also used; iv. Amt: Maximum flow rate is 30 gpm conditional, diversions not to exceed 2.85 acre-feet and depletions not to exceed 1.21 acre-feet; v. Use: Domestic use for two primary residences, or a 10 bedroom commercial bed and breakfast or other commercial country resort facility; irrigation of 0.33 acres of lawns and gardens; stockwatering for a commercial stable, including 35 animals in summer season and 16 animals in winter season; water use inside the commercial stable; and fire protection; (E) BR Well #4; i. Loc: SW1/4 NW1/4 SW1/4, Section 25, T38N, R9W, N.M.P.M., 1,445 feet from the South section line and 51 feet from the West section line; ii. Source: Groundwater tributary to Elbert Creek, tributary to Animas River; iii. Appropriation dates: October 15, 1997 for absolute uses described in paragraph 3.5(e)(i), below, and August 1, 2005 for conditional uses; iv. Amt: absolute: 10 gpm (0.02233 cfs) for one house, one guest house, 1/3 acre of irrigation, and fire protection on Lot 1; 6 head of livestock and fire protection on for Lot 2; one house, 35 head of livestock, 1/3 acre of irrigation, and fire protection on Lot 3; Conditional: all other uses as described in paragraph 3.5(f) below, plus an additional five (5) gpm conditional for all uses; diversions for BR Well #4 shall not exceed 6.65 acre-feet and the depletions shall not exceed 3.01 acre-feet. The flow rate shall not exceed 15 gpm; v. Use: Domestic use for one primary residence and one guest/caretaker house, filling and refilling of 0.14 surface acres of ponds/water features, irrigation of 0.33 acres of lawns and gardens, stock watering for 2 animals, and fire protection on Lot 1; domestic use for 2 primary residences and one guest/caretaker house, irrigation of 0.33 acres of lawns and gardens, stock watering for 6 animals in summer season, and fire protection on Lot 2; domestic use for 2 primary residences or a 10 bedroom commercial bed and breakfast or other commercial country resort facility, irrigation of 0.33 acres of lawns and gardens, stock watering for a commercial stable, including 35 animals in summer season and 16 animals in winter season, water use inside the commercial stable; and fire protection on Lot 3. (F) BR Well A; i. Loc: NW1/4 NW1/4 SW1/4, Sec. 25, T38N, R9W, N.M.P.M., more specifically described as Phase A on the Final Plat; ii. Source: Groundwater tributary to Elbert Creek; iii. Appropriation dates: Priority of 1997 and an appropriation date of May 1996 for the first 0.85 acre-feet of diversion; priority of 2006 and appropriation date of December 28, 2006 for remaining diversion of 0.82 acre-feet; iv. Amt: Maximum flow rate is 30 gpm conditional, diversions not to exceed 1.67 acre-feet and depletions not to exceed 0.639 acre-feet; v. Use: Domestic use for 4 condominiums; irrigation of 0.05 acres of lawns and gardens; storage in and evaporation from 0.14 surface acres of sewage lagoons in combination with BR Well B and Love's Spring; and fire protection; (G) BR Well B; i. Loc: NE1/4 NE1/4 SE1/4, Sec. 26, T38N, R9W, N.M.P.M., more

specifically described as Phase B on the Final Plat; ii. Source: Groundwater tributary to Elbert Creek; iii. Appropriation dates: Priority of 1997 and an appropriation date of May 1996 for the first 1.81 acre-feet of diversion in combination with BR Well #3; priority of 2006 and an appropriation date of December 28, 2006 for remaining diversion of 3.7 acre-feet or such additional amount if BR Well #3 is also used; iv. Amt: maximum flow rate is 30 gpm conditional, diversions not to exceed 5.51 acre-feet, and depletions not to exceed 1.59 acre feet; v. Use: Domestic use for 8 condominiums and 3 apartments, or 2 residences and 3 apartments; irrigation of 0.23 acres of lawns and gardens; storage in and evaporation from 0.14 surface acres of sewage lagoons in combination with BR Well A and Love's Spring; filling and refilling of 0.21 surface acres of storage ponds and water features on Phase B; and fire protection; (H) BR Lot 1 Pond 1; i. Loc: Lot 1 as described on the Final Plat, located in the NW1/4 NW1/4 SW1/4, Sec. 25, T38N, R9W, N.M.P.M., 319 feet from the West section line and 2339 feet from the South section line; ii. Source: BR Well No. 4; BR Well No. 1; springs and surface flows arising on or entering Lot 1, all tributary to Elbert Creek; iii. Appropriation date: May 1, 2000; iv. Amt: 0.35 acre-feet; v. Use: Absolute: recreation, aesthetics, and fire protection; Conditional: stock watering, piscatorial, and augmentation; (I) BR Lot 1 Pond 2; i. Loc: Lot 1 as described on the Final Plat, located in the NW1/4 SW1/4, Sec. 25, T38N, R9W, N.M.P.M.; ii. Source: BR Well No. 4; BR Well No. 1; springs and surface flows arising on or entering Lot 1, all tributary to Elbert Creek; iii. Appropriation date: August 1, 2005; iv. Amt: 0.35 acre-feet, conditional; v. Use: Stock watering; recreation; aesthetics; fire protection; piscatorial; and augmentation; (J) BR Phase B Ponds; i. Loc: NE 1/4 SE 1/4, Sec. 26, T38N, R9W, N.M.P.M., more specifically described as Phase B on the Final Plat; ii. Source: Love's Spring; BR Well B; springs and surface flows arising or entering Phase B, all tributary to Elbert Creek; iii. Appropriation date: August 1, 2005 iv. Amt: 1.05 acre-feet, conditional; v. Use: Recreation; aesthetics; fire protection; piscatorial; and augmentation; (K) HCS Lot 13 Well; i. Loc: SW 1/4, NW 1/4, NE 1/4 Section 2, T38N, R9W, N.M.P.M., 705 feet from North section line and 2364 feet from East section line of Section 2 on Lot 13, Hermosa Cliffs Subdivision, more particularly described on the Warranty Deed recorded with the La Plata County Recorder under reception no. 1146104 ("HCS Lot 13"); ii. Source: groundwater tributary to Elbert Creek, tributary to Animas River; iii. Appropriation date: August 1, 2005; iv. Amt: Absolute: 15 gpm for one house, irrigation of 3,200 square feet, and fire protection; Conditional: 30 gpm for all other uses; v. Use: domestic use for one primary residence and one guest house; irrigation of 0.33 acres of lawns and gardens, filling and refiling of 0.07 surface acres and 0.35 ace-feet of storage in ponds and water features on HCS Lot 13; (L) HCS Lot 13 Ponds; i. Loc: NW 1/4 NE 1/4, Section 2, T38N, R9W, N.M.P.M., to be located on HCS Lot 13; ii. Source: HCS Lot 13 Well, Elbert Creek, and springs and surface flows arising on or entering HCS Lot 13, all tributary to Elbert Creek ; iii. Appropriation date: August 1, 2005; iv. Amt: 0.35 acre feet, conditional; v. Use: recreation; aesthetics; fire protection; piscatorial; and augmentation; (M) WBA Lot A Well; i. Loc: Lot A, Whiskeman Boundary Adjustment, Project 95-67, according to the plat thereof filed with the La Plata County Recorder under reception no. 725774 ("WBA Lot A"), which is in the NW 1/4 , NE 1/4, Section 2, T38N, R9W, N.M.P.M., UTM coordinates: Northing 4164679, Easting 250727, Zone 13 NAD; ii. Source: groundwater tributary to Elbert Creek, tributary to Animas River; iii. Appropriation date: August 1, 2005; iv. Amt: Absolute: 15 gpm use inside one home; livestock watering of 3 horses; irrigation of 4,300 square feet (0.10 acre); and fire protection; Conditional: 30 gpm conditional for all other uses. The diversions from WBA Lot A Well shall not exceed 1.477 acre-feet and the depletions shall not exceed 0.676 acre-feet; v. Use: Domestic use for one primary residence and one guest house, irrigation of 0.33 acres of lawns and gardens, watering of four stock animals, and fire protection; 2) Applicants are the owners or agents for owners of all lands on which any new or existing structure will be or is located. (14 pages)

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 November 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 October 31, 2025

/s/ Jason Poyer
Water Court Specialist