

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 November 2025.

The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows:

The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division, and owners of affected rights must appear to object and protest within the time provided by statute, or be forever barred.

Case No. 25CW23 Applicant: Brandon J Hockenberry 751 CO RD 265 Somerset, CO 81434. Application for Absolute Surface Water Right: Hockenberry 2 (WW Ditch) – SE1/4NE1/4 Section 19 T11S R89W 6th. UTM 294740.1 Easting 4329055.6 Northing. Source: Wastewater from neighbor's field above, tributary to the East Muddy, tributary to the Muddy, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. Appropriation date: 06/30/2019. Amount claimed: 0.13 cfs absolute for irrigation of 2.6 acres; Application for Conditional Water Storage Right: Conner's Pond – SW1/4NE1/4 Section 19 T11S R89W, 6th. UTM 294609.0 Easting 4329018.9 Northing. Source: Hockenberry Ditch, unnamed tributary of the East Muddy Creek, tributary to Muddy Creek, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. Appropriation date: 12/31/2022 Amount claimed: 1.0 af conditional, if filled from ditch 0.08 cfs conditional for irrigation, recreation, stock water, wildlife, fire. **GUNNISON COUNTY.**

Case No. 25CW24 Applicant Fred E Ferganchick 17249 Red Tail Rd Eckert CO 81418. Application for Absolute Surface Water Right: Hecoma Spring – SW1/4SW1/4 Section 23 T13S R95W 6th. UTM 240866 Easting 4310393 Northing. Source: Hecoma Draw to George Creek to Tongue Creek to Gunnison River. Appropriation Date: 1923. Amount claimed: 15 gpm for domestic. **DELTA COUNTY.**

Case No. 25CW3052 Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Mackenzie T. Herman, Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 10th Floor, Denver, Colorado 80203. Telephone: (720) 508-6317. Email: mackenzie.herman@coag.gov APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE 1. **Name & Address of Applicant:** Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718 Denver, CO 80203, (303) 866-3441 Please direct

communications regarding this case to the attorney listed in the caption. **2. Name of water right:** Canyon Creek Instream Flow Water Right. **3. Legal Description:** The Canyon Creek Instream Flow Water Right is located in the natural stream channel of Canyon Creek from the headwaters to the confluence with Tomichi Creek, a distance of approximately 8.64 miles. A map depicting the approximate location of the Canyon Creek Instream Flow Water Right reach is attached as **Exhibit 1. A. Upstream Terminus:** headwaters in the vicinity of: 1. UTM: Northing: 4271923.34; Easting: 377118.23 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 35' 14.25" N; Longitude 106° 24' 39.24" W B. **Downstream Terminus:** confluence with Tomichi Creek: 1. UTM: Northing: 4264096.23; Easting: 375818.37 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 30' 59.74" N; Longitude 106° 25' 27.95" W C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). **4. Source:** Canyon Creek, tributary to Tomichi Creek, tributary to the Gunnison River, tributary to the Colorado River. **5. A. Date of initiation of appropriation:** January 27, 2025. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 27, 2025, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. **C. Date applied to beneficial use:** January 27, 2025. **6. Amount of water claimed in cubic feet per second, cfs:** Instream flow of 1.5 (09/01 - 03/31), 4.5 (04/01 - 08/31), absolute. **7. Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. **8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S., to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. See *Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **9. Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) & (4) and 37-92-103(3), (4) & (10), C.R.S. The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 21, 2025, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S., that the natural environment of Canyon Creek will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights. **GUNNISON COUNTY.**

Case No. 25CW3054 Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Savannah Hook, Assistant Attorney General, Water Conservation Unit, Natural

Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 10th Floor, Denver, Colorado 80203. Telephone: (720) 508-6205. Email: savannah.hook@coag.gov

APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE

1. Name & Address of Applicant: Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718 Denver, CO 80203, (303) 866-3441 Please direct communications regarding this case to the attorney listed in the caption.

2. Name of water right: Cabin Creek Instream Flow Water Right.

3. Legal Description: The Cabin Creek Instream Flow Water Right is located in the natural stream channel of Cabin Creek from the headwaters to Van Tuyl State Wildlife Boundary, a distance of approximately 7.92 miles. A map depicting the approximate location of the Cabin Creek Instream Flow Water Right reach is attached as **Exhibit 1**.

A. Upstream Terminus: headwaters in the vicinity:

1. UTM: Northing: 4275441.22; Easting: 348233.39 (NAD 1983 Zone 13 North)

2. Lat/Long: Latitude 38° 36' 52.24" N; Longitude 106° 44' 35.47" W

B. Downstream Terminus: Van Tuyl State Wildlife Boundary:

1. UTM: Northing: 4267761.80; Easting: 342571.46 (NAD 1983 Zone 13 North)

2. Lat/Long: Latitude 38° 32' 39.68" N; Longitude 106° 48' 23.25" W

C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD).

4. Source: Cabin Creek, tributary to Tomichi Creek, tributary to the Gunnison River, tributary to the Colorado River.

5. A. Date of initiation of appropriation: January 27, 2025.

B. How appropriation was initiated: Appropriation and beneficial use occurred on January 27, 2025, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S.

C. Date applied to beneficial use: January 27, 2025.

6. Amount of water claimed in cubic feet per second, cfs: Instream flow of 1.0 (04/01 - 06/30), absolute.

7. Proposed Uses: Instream flow to preserve the natural environment to a reasonable degree.

8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located: The notice required by section 37-92-302(2)(b), C.R.S., to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. See *Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well.

9. Remarks: This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) & (4) and 37-92-103(3), (4) & (10), C.R.S. The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 21, 2025, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S., that the natural environment of Cabin Creek will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and

that such environment can exist without material injury to water rights. **GUNNISON COUNTY.**

Case No. 25CW3055 Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Emilie B. Polley, Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 10th Floor, Denver, Colorado 80203. Telephone: (720) 508-6314. Email: emilie.polley@coag.gov

APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE

1. Name & Address of Applicant: Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718 Denver, CO 80203, (303) 866-3441 Please direct communications regarding this case to the attorney listed in the caption.

2. Name of water right: Goat Creek Instream Flow Water Right.

3. Legal Description: The Goat Creek Instream Flow Water Right is located in the natural stream channel of Goat Creek from the confluence with Galloway Creek to the confluence Beaver Creek, a distance of approximately 2.01 miles. A map depicting the approximate location of the Goat Creek Instream Flow Water Right reach is attached as **Exhibit 1**.

A. Upstream Terminus: confluence with Galloway Creek at: 1. UTM: Northing: 4204525.69; Easting: 218205.63 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 37° 56' 40.74" N; Longitude 108° 12' 24.41" W

B. Downstream Terminus: confluence with Beaver Creek at: 1. UTM: Northing: 4207527.06; Easting: 219199.36 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 37° 58' 19.07" N; Longitude -108° 11' 47.97" W

C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD).

4. Source: Goat Creek, tributary to Beaver Creek, tributary to San Miguel River, tributary to Dolores River.

5. A. Date of initiation of appropriation: January 27, 2025.

B. How appropriation was initiated: Appropriation and beneficial use occurred on January 27, 2025, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S.

C. Date applied to beneficial use: January 27, 2025.

6. Amount of water claimed in cubic feet per second, cfs: Instream flow of 0.35 (11/01 - 03/31), 0.95 (04/01 - 06/15), 0.6 (06/16 - 10/31), absolute.

7. Proposed Uses: Instream flow to preserve the natural environment to a reasonable degree.

8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located: The notice required by section 37-92-302(2)(b), C.R.S., to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. See *Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well.

9. Remarks: This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-

102(3) & (4) and 37-92-103(3), (4) & (10), C.R.S. The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 21, 2025, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S., that the natural environment of Goat Creek will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights. **SAN MIGUEL COUNTY.**

Case No. 25CW3056 Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Savannah K. Hook, Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 10th Floor, Denver, Colorado 80203. Telephone: (720) 508-6205. Email: savannah.hook@coag.gov

APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE

1. Name & Address of Applicant: Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718 Denver, CO 80203, (303) 866-3441 Please direct communications regarding this case to the attorney listed in the caption. **2. Name of water right:** Red Creek Instream Flow Water Right. **3. Legal Description:** The Red Creek Instream Flow Water Right is located in the natural stream channel of Red Creek from the confluence with West Fork Red Creek to the confluence with Blue Mesa Reservoir, a distance of approximately 6.73 miles. A map depicting the approximate location of the Red Creek Instream Flow Water Right reach is attached as Exhibit 1. A. Upstream Terminus: confluence with West Fork Red Creek at: 1. UTM: Northing: 4270658.46; Easting: 307592.84 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 33' 48.81" N; Longitude 107° 12' 30.15" W B. Downstream Terminus: confluence with Blue Mesa Reservoir at: 1. UTM: Northing: 4261255.08; Easting: 305437.15 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 28' 42.28" N; Longitude 107° 13' 49.75" W C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). **4. Source:** Red Creek, tributary to Gunnison River, tributary to Colorado River. **5. A.** Date of initiation of appropriation: January 27, 2025. **B.** How appropriation was initiated: Appropriation and beneficial use occurred on January 27, 2025, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. **C.** Date applied to beneficial use: January 27, 2025. **6. Amount of water claimed in cubic feet per second, cfs:** Instream flow of 1 cfs (08/01 - 09/30) and 2.5 cfs (05/01 - 07/31), absolute. **7. Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. **8. Increase to previously decreed ISF Water Right:** The CWCB has an existing ISF Water Right on Red Creek from the confluence with West Fork Red Creek to the confluence with Blue Mesa Reservoir, in the amount of 1.5 cfs (01/01 – 12/31), decreed in Case No. 84CW0379 with an appropriation date of May 4, 1984. The flow rates sought herein are in addition to the amount of the existing instream flow water rights.

9. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located: The notice required by section 37-92-302(2)(b), C.R.S., to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. See Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd., 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **9. Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) & (4) and 37-92-103(3), (4) & (10), C.R.S. The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 21, 2025, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S., that the natural environment of Red Creek will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights. **GUNNISON COUNTY.**

Case No. 25CW3057 (Ref No. 19CW3033, 12CW133) Delta County - Gunnison River; Harold A. Matteson and Deborah L. Matteson; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; **APPLICATION FOR FINDING OF REASONABLE DILIGENCE;** Name and address of applicants: Harold A. Matteson and Deborah L. Matteson; 30000 J Road; Hotchkiss, CO 81419; (970) 589-3013; Request for finding of diligence: Name of structure: Little Mary Ditch, Second Enlargement; Describe conditional water right: Original Decree: Case No. 2012CW133; June 24, 2013; Subsequent decrees awarding diligence: 2019CW3033, November 26, 2019 – Division 4 Water Court; Legal description: SW/4 SW/4 NE/4 of Section 32, Township 14 South, Range 93 West, 6th P.M., at a point 2,179 feet from the east section line and 2,109 feet from the north section line (NAD83, Zone 13, Easting 0256118m, Northing 4297718m); Source of water: Allen Gulch, tributary to the North Fork of the Gunnison River; Appropriation Date: June 1, 2012; Amount: 1.5 c.f.s. conditional; Use: Hydroelectric power generation; Outline of work toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: During the most recent diligence period, Applicants continued to diligently work toward development and beneficial use of the conditional right, but due to economic conditions have not completed construction. Applicants have installed a portion of the piping and buried cable necessary for the installation of the hydroelectric turbine and generator. Photos and a map of that activity are attached to the application. Applicants have planned the installation of the penstock and uphill power cabling. Applicants also have reached an informal agreement with a neighboring property owner regarding access rights and improvements necessary for the powerhouse construction. (3 pages) The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

Case No. 25CW3058 (Ref No 19CW3040, 12CW154, 06CW14, 98CW190)

APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHT ABSOLUTE, FOR AMENDMENT TO AUGMENTATION PLAN, AND FOR CONDITIONAL WATER RIGHTS 1. Name, Address and Telephone Number of Applicant: DOUBLE JG, LLLP c/o Double JG Management Company, LLC, General Partner, 8044 Montgomery Road, Suite 480, Cincinnati, Ohio 45036, (513) 459-1085 c/o Thomas W. Korver, David S. Hayes, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. 2. Overview. This Application includes claims for a finding of reasonable diligence and to make water rights absolute. Pursuant to Uniform Water Court Rule 3(c), Applicant has filed a separate motion (in Case No. 19CW3040) for leave to combine these claims with a claim to amend Applicant's existing augmentation plan described in paragraphs 7-8 below. The amended plan will operate by adding a source augmentation water to replace depletions from one of the subject conditional water rights. This application also includes a claim for associated conditional storage and exchange water rights as described in paragraphs 9-10 below. **Claim for Findings of Reasonable Diligence** 3. Name of Structures: a. Blackbird Spring and Pipeline. Type: Direct Flow. b. Hethea's Pond. Type: Storage. 4. Description of Conditional Water Rights: a. Date of original decree: January 7, 2000, Case No. 98CW190, District Court, Water Division No. 4 (the "Water Court"). Subsequent decrees confirming the exercise of reasonable diligence were entered by the Water Court in Case No. 6CW14 on December 27, 2006, in Case No. 12CW154 on July 1, 2013, and in Case No 19CW3040 on November 26, 2019. b. Blackbird Spring and Pipeline. i. Location: The spring is located 400 feet from the west section line and 2000 feet from the south section line in section 29, Township 45 North, Range 10 West of the N.M.P.M. in the NWNWSW of section 29. ii. Source: Naturally occurring spring tributary to the San Miguel River. iii. Date of Initiation of Appropriation: September 30, 1998. iv. Conditional Amount: 20 g.p.m. (0.044 c.f.s.). v. Conditional Uses: Piscatorial, recreation, wildlife, and firefighting. vi. Remarks: In Case No. 06CW14, 10 g.p.m. (0.022 c.f.s.) of the 30 g.p.m. (0.066 c.f.s.) Blackbird Spring and Pipeline water right was made absolute for all decreed purposes. Applicant is not seeking a further finding of reasonable diligence for the remaining conditional amount of 20 g.p.m. (0.045 c.f.s.). c. Hethea's Pond. i. Location: The middle of the dam of Hethea's Pond is located 800 feet from the west section line and 2500 feet from the south section line in section 29, Township 45 North, Range 10 West of the N.M.P.M. in the NENWSW of section 29. ii. Source: Blackbird Spring and Pipeline. iii. Date of Initiation of Appropriation: July 1, 1998. iv. Conditional Amount: 1.10 acre-feet. v. Conditional Use: Augmentation. vi. Remarks: In Case No. 06CW14, 0.26 acre-feet of the 1.10 acre-feet Hethea's Pond water right was made absolute for piscatorial, recreation, wildlife and firefighting purposes, and Applicant's predecessor in interest consented to the termination of the remaining 0.84 acre-feet of the Hethea's Pond conditional water right for said uses. In Case No. 07CW2, 0.84 acre-feet of the 1.10 acre-feet conditional water right for augmentation use was changed for storage in Applicant's Big Pond structure for augmentation use, with 0.26 acre-feet of storage in Hethea's Pond remaining conditional for augmentation use. Pursuant to the 07CW2 Decree, augmentation use in Big Pond is limited to 0.26 acre feet per year, with the remaining amount to serve as carryover storage in Big Pond to augment out-of-priority evaporative depletions from Hethea's Pond that may occur in subsequent years.

5. Detailed Outline of Work Done to Complete Project and Apply Water to Beneficial Use: During the diligence period, Applicant has invested considerable resources toward perfecting its conditional water rights. The integrated water rights and related features on Applicant's property have historically been used to support ranching, piscatorial and recreational uses, and to supply domestic needs on Applicant's approximately 1,000-acre ranch. Applicant has conducted improvements and maintenance toward utilizing the amounts and uses of the subject water rights in order to maximize agricultural and recreational opportunities on Applicant's ranch. The application contains a list of specific activities that demonstrate diligence toward the application of water to the decreed beneficial uses and is available for inspection at the office of the Division 4 Water Clerk or via CCE. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. **Claim to Make Conditional Right Absolute** 6. **Absolute Amount**. As indicated in paragraph 4.C.vi above, in Case No. 06CW14, 0.26 acre-feet of the 1.10 acre-feet Hethea's Pond water right was made absolute for piscatorial, recreation, wildlife and firefighting purposes. Accordingly, Applicant requests that the 1.10 acre-feet Hethea's Pond water right described in paragraph 4.C, above, including as changed for storage in Big Pond, be made absolute for augmentation purposes pursuant to C.R.S. § 37-92-301(4)(e). **Claim for Amendment of Augmentation Plan** 7. **Name of structure to be augmented**: Hethea's Pond. A. Previous Decrees: Hethea's Pond was decreed by the Water Court on January 7, 2000 in Case No. 98CW190. In Case No. 07CW2, 0.84 acre-feet of the 1.10 acre-feet Hethea's Pond water right decreed for augmentation use was changed for storage in Applicant's Big Pond structure for augmentation use to replace evaporative depletions in Hethea's Pond, the monthly depletions from which are included in the Case No. 07CW2 Decree. B. Legal Description: See legal description in paragraph 4.C above. C. Source: Blackbird Spring and Pipeline. D. Appropriation date: July 1, 1998. 8. **Additional source of water for replacement**: Trout Lake Reservoir, Double JG Enlargement, as more fully described in Paragraph 10, below. 9. **Statement of amended plan for augmentation**: The purpose of the amended augmentation plan is to provide an additional augmentation source that will provide replacement water to satisfy downstream mainstem calls, and to keep Hethea's Pond full during times when the sources for the pond would be out-of-priority. Augmentation will be necessary only when a valid downstream call exists, and only to the extent of depletions to the calling water rights. Applicant is in the process of obtaining a water storage lease with Public Service Company of Colorado for storage space in Trout Lake Reservoir enabling Applicant to store the maximum amount of 1.0 acre-feet of storage capacity per year in Trout Lake Reservoir for later release to the San Miguel River to augment out-of-priority evaporative depletions in Hethea's Pond. Applicant's proposed water storage lease with Public Service Company contemplates Applicant seeking a conditional water storage right in Trout Lake Reservoir in the maximum amount 1.0 acre-feet, which, once decreed, may be used for augmentation and exchange purposes according to the terms of the proposed water storage lease and this Decree. The location of Trout Lake Reservoir is described in paragraph 10.A below. **Claim for Water Storage Right and Conditional Right of Exchange** 10. **Water Storage Right**: Trout Lake Reservoir, Double JG Enlargement. Type: Reservoir. A. Location: An on-stream reservoir located in the upper reach of the Lake Fork of the San Miguel River. The initial point of survey is

at a point whence the NW corner of the SW1/4 of Section 8, Township 41 North, Range 9 West, N.M. P.M., bears North 89°15' West 976 feet, in San Miguel County. See map attached as Figure 1. B. Source: Lake Fork of the San Miguel River, tributary to the South Fork of the San Miguel River, tributary to the San Miguel River. C. Appropriation date: November 25, 2025, by filing this Application. D. Conditional amount: 1.0 acre-foot. E. Conditional uses: augmentation, exchange and hydroelectric power generation. F. Surface area of high water line: 138 acres. G. Total capacity of reservoir: 3,314 acre feet. 11. Water Exchange Right. As part of the amendment to the plan for augmentation described above Applicant claims the following water exchange pursuant to C.R.S. §§ 37-92-103(9), 37-92-302(5), 37-92-305(3)(a), 37-92-305(5), and 37-92-305(8)(a). Water will be delivered from the source identified in Paragraphs 8 and 10, above, to the San Miguel River in exchange for water diverted at the structures described in Paragraph 7 above. A. Conditional Exchange Rate. The exchange will operate at a maximum rate of 0.5 cfs. B. Source of Replacement Water. The source identified in Paragraphs 8 and 10, above. C. Exchange-From Point. The downstream exchange-from point is at the confluence of the South Fork San Miguel River and the San Miguel River which can also be described as, a point situated in San Miguel County, NW1/4 of the SE1/4, Section 31, Township 43 North, Range 9 West of the New Mexico Prime Meridian at a distance of 1,506 feet from the south section line and 1,615 feet from the east section line. D. Exchange-To Point. The upstream exchange-to point is the decreed location of the Hethea's Pond water right described in Paragraph 4.C.i above. E. Uses. The uses of the water exchanged shall be the same as the uses decreed for Hethea's Pond described in Paragraph 4.C.v above. 11. Ownership: The structures described in Paragraphs 2-3 above and the land upon which they are located are owned by the Applicant. A map depicting the location of said structures and the approximate boundaries of Applicant's property where the subject water rights are used is attached to the application as Exhibit A, available for inspection at the office of the Division 4 Water Clerk or via CCE. Trout Lake Reservoir is owned by Public Service Company of Colorado (d/b/a Xcel Energy), 4653 Table Mountain Drive, Coors Technology Center, Golden, CO 80383. WHEREFORE, Applicant respectfully requests that this Court enter a decree making the Hethea's Pond water right absolute for augmentation purposes; finding that Applicant has exercised reasonable diligence toward making absolute any amounts and uses of the Hethea's Pond conditional water rights not made absolute in this matter; granting an amendment to Applicant's augmentation plan decreed in Case Nos. 98CW190 and 07CW2; granting a conditional storage water right and exchange right in connection with the augmentation plan amendment sought by Applicant; and for such other relief as the Court deems just and proper. The application on file with the Water Court contains an outline of the work performed during the diligence period. **SAN MIGUEL COUNTY.**

Case No. 25CW3059 WATER DIVISION 4, GUNNISON COUNTY – EAST MUDDY CREEK OR ITS TRIBUTARIES. Applicant: Buck Creek LLC, c/o Jason M. Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave. Basalt, CO 81621, (970) 920-1030. APPLICATION FOR SURFACE WATER RIGHT. Structure name: Streber Ditch, Second Enlargement. Legal description: SE ¼ NW ¼ of Section 33, Township 11 South, Range 89 West of the 6th P.M. UTM coordinates: (Zone 13) Easting 297282, 4325925 (UTM

Source: CDSS). Source: Buck Creek, tributary to East Muddy Creek, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. Appropriation date: November 1, 2004. How appropriation was initiated: By diverting water in priority and applying it to beneficial use. Date of beneficial use: November 1, 2004. Amount: 1.5 c.f.s., absolute. Uses: Livestock watering (year-round). Landowner information: The Streber Ditch headgate is located on land owned by the United States Forest Service, 2250 South Main Street, Delta, CO 81416. Applicant owns the land where the water is put to beneficial use. Remarks: The Streber Ditch structure also carries Applicant's water rights decreed in C.A. 2563 and Case No. 80CW245, Water Division 4. A map and supporting evidence are on file with the court. **GUNNISON COUNTY.**

Case No. 25CW3060 (Ref No. 19CW23, 12CW134, 05CW239) 1. Applicant: **Nancy Haueisen and Aspen Leaf Real Estate LLLP**, by Nancy Haueisen, General Partner, 3000 Clear Fork Road, Maher, CO 81421; (970) 921-7171, by their attorney Camp & Skarka, LLC, 415 Palmer St., Delta CO 81416, 970-874-9777. APPLICATION TO MAKE ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE. 2. Name of Structure: **Haueisen/Lynch Spring Nos. 1 and 2; Haueisen/Laird Ditch Spring Nos. 1 through 4; Haueisen/McClough Spring Nos. 1 through 5; and Haueisen/Ferrior Spring Nos. 1 and 2**, decreed November 21, 2005, case no. 05CW239 in Water Division 4. 3. Source of water: Springs tributary to Iron Creek and the Smith Fork of the Gunnison River. 4. Legal Description of decreed point of diversion: These rights are located in Township 51 North, N.M.P.M. (UTM NAD83) as follows: **Haueisen/Lynch No. 1 Spring**, SW4 NE4 NE4 Sec. 34, R6W, 280565.2 UTM x / 4280660.1 UTM y; **Haueisen/Lynch No. 2 Spring**, SW4 NE4 NE4, Sec. 34, R6W, 280663.3 UTM x / 4280499 UTM y; **Haueisen/Laird No. 1 Ditch Spring**, SE4, SW4, SE4, Sec. 35, R6W, 281988.6 UTM x / 4279243.1 UTM y; **Haueisen/Laird No. 2 Ditch Spring**, SE4 SW4 SE4, Sec. 35, R6W, 282042.7 x / 4279249.2 UTM y; **Haueisen/Laird No. 3 Ditch Spring**, NW4 NE4 NE4 Sec. 2, R6W, 282456.8 UTM x / 4278827 UTM y; **Haueisen/Laird No. 4 Ditch Spring**, NW4 SW4 NW4, Sec. 1, R6W, 282665.1 UTM x / 4278662.7 UTM y; **Haueisen/McClough No. 1 Spring**, NE4 SE4 SW4, Sec. 36, R6W, 283268.4 UTM x / 4279469.3 UTM y; **Haueisen/McClough No. 2 Spring**, NW4 SE4 SE4, Sec. 36, R6W, 283861.7 UTM x / 4279367.3 UTM y; **Haueisen/McClough No. 3 Spring**, SW4 NW4 SE4, Sec. 36, R6W, 283420.6 UTM x / 4279585.4 UTM y; **Haueisen/McClough No. 4 Spring**, SE4 SW4 NE4, Sec. 36, R6W, 283548.8 UTM x / 4280024.6 UTM y; **Haueisen/McClough No. 5 Spring**, SW4 NW4 NE4, Sec. 36, R6W, 283495.6 UTM x / 4280405.9 UTM y; **Haueisen/Ferrior No. 1 Spring**, SE4 SE4 NE4, Sec. 35, R5.5W, 284453.5 UTM x / 4279956.6 UTM y; **Haueisen/Ferrior No. 2 Spring**, NE4 SE4 SE4, Sec. 35, R5.5W, 284403 UTM x / 4279456 UTM y. 5. Date of Appropriation: October 6, 2005. 6. Amount and Use: **Haueisen/Lynch No. 1 Spring**, 0.125 c.f.s., irrigation of 200 acres and domestic in one SFD (single family dwelling); **Haueisen/Lynch No. 2 Spring**, 0.125 c.f.s., irrigation of 200 acres and domestic in one SFD; **Haueisen/Laird No. 1 Ditch Spring**, 0.250 c.f.s., irrigation of 200 acres and stockwater; **Haueisen/Laird No. 2 Ditch Spring**, 2.000 c.f.s., irrigation of 200 acres and stockwater; **Haueisen/Laird No. 3 Ditch Spring**, 1.000 c.f.s., irrigation of 200 acres and stockwater; **Haueisen/Laird No. 3 Ditch Spring**, 1.000 c.f.s., irrigation of 200 acres and stockwater; **Haueisen/Laird No. 4 Ditch Spring**, 1.000 c.f.s., irrigation of 200 acres and stockwater; **Haueisen/McClough No. 1 Spring**, 0.125 c.f.s.,

irrigation of 200 acres, domestic in one SFD and stockwater; **Haueisen/McClough No. 2 Spring**, 0.125 c.f.s., irrigation of 200 acres, domestic in one SFD and stockwater; **Haueisen/McClough No. 3 Spring**, 1.000 c.f.s., irrigation of 200 acres, domestic in one SFD and stockwater; **Haueisen/McClough No. 4 Spring**, 0.500 c.f.s., irrigation of 200 acres and domestic in one SFD; **Haueisen/McClough No. 5 Spring**, 0.125 c.f.s., irrigation of 200 acres, domestic in one SFD and stockwater; **Haueisen/Ferrior No. 1 Spring**, 0.125 c.f.s., irrigation of 200 acres, domestic in one SFD and stockwater; **Haueisen/Ferrior No. 2 Spring**, 0.500 c.f.s., irrigation of 200 acres. 7. Statement of work done toward completion of the water right: *Since the last diligence period, Applicant has purchased and installed approximately 7 miles of pipe and constructed 9 stockwater tanks. With equipment rental, construction costs and material purchases, Applicant has spent approximately \$135,000.00 toward development of these water rights since the last diligence period. Applicant requests to make the Haueisen/Laird Nos. 1 through 4 Ditch Springs, the Haueisen/McClough Nos. 1 through 5 Springs, and the Haueisen/Ferrior No. 1 Spring absolute for stockwater purposes, and for a finding of reasonable diligence on the balance of the remaining water rights and decreed uses.* 9. Name and address of owner of the land upon which the structure is located: Applicant. The application on file with the Water Court contains an outline of the work performed during the diligence period. **MONTROSE COUNTY**

Case No. 25CW3061 Montrose CTY. Application for Cond. Groundwater Right, Cond. Storage Water Right, and Approval of Plan for Aug. Town of Mountain Village, c/o Balcomb & Green, P.C.; P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546. Applicant requests a cond. groundwater right for the TMV Workforce Housing Wellfield and a cond. storage water right for Trout Lake Reservoir, TMV Ilium Enlargement. The wellfield will provide water supplies for Dom., Irr. and fire protection uses at and within a planned workforce housing development near Ilium, CO. Applicant further requests approval of a plan for Aug. utilizing the Trout Lake enlargement storage right to replace the out-of-priority depletions resulting from the operation of the wellfield to prevent injury to other vested water rights. **First Claim for Cond. Groundwater Right.** The TMV Workforce Housing Wellfield ("Wellfield") will consist of up to three wells which may cumulatively divert 200 g.p.m.. Located within a 2100' radius circle with its center located in Sec. 31, T. 43 N., R. 9 W., of the N.M.P.M., also described as UTM Zone 13, NAD 83, E. 244,270 m. and N. 4,203,785 m. A map depicting the wellfield's boundary Exhibit A. Remark: Applicant may utilize the wells constructed to divert the priorities confirmed to Ilium Well Nos. 1, 2 and 3 in Case No. 93CW161, Dist. Ct., Water Div. No. 4, to divert the TMV Workforce Housing Wellfield water right priority requested herein. Ilium Well No. 1: Located in Sec. 31, T. 43 N., R. 9 W., N.M.P.M., at a pt. from whence corner one of the San Miguel Placer M.S. 2068 bears S. 40 deg.s 30 minutes E. 880'; Approx. 1, 970' from the W. Sec. line and 2, 540' from the N. Sec. line of said Sec. 31 (SE NW, Sec. 31, San Miguel Cty.) Ilium Well No. 2: Location: Located in Sec. 31, T. 43 N., R. 9 W., N.M.P.M., at a pt. from whence corner one of the San Miguel Placer M.S 2068 bears S. 51°30" E. a distance of 1,100'; Approx. 1,680' from the W. Sec. line and 2, 520' from the N. Sec. line of said Sec. 31 (SE NW, Sec. 31, San Miguel Cty.) Existing Location: Located in the SE1/4 of the NW1/4, Sec. 31, T. 43 N., R. 9 W., of the N.M.P.M. UTM Zone 13, NAD83, E. 244,568 m. and N. 4,203,775 m. Ilium Well

No. 3: Decreed Location: Located in Sec. 31, T. 43 N., R. 9 W., N.M.P.M., at a pt. from whence corner one of the San Miguel Placer M.S. 2068 bears S. 59°15" E. a distance of 1,640'; Approx. 1, 140' from the W. Sec. line and 2,340' from the N. Sec. line of said Sec. 31 (SW NW, Sec. 31, San Miguel Cty.) Existing Location: In the SW1/4 of the NW1/4, Sec. 31, T. 43 N., R. 9 W., of the N.M.P.M. UTM Zone 13, NAD83, E. 244,431 m. and N. 4,203,798 m. Source: Groundwater tributary to San Miguel River. Depth: Up to 400' Approp. date: 11/26/25. Filing this application. Amt. Claimed: 200 g.p.m, cond., 108.32 AF annually. Use or Proposed Use: Dom. uses for up to 318.66 EQR in Approx. 350 residential dwelling units and a childcare facility, fire protection, and Irr. of up to 1/2 acre. 600 Foot Spacing Statement: N/A. Owner of Land Upon Which the Wells Are or Will Be Located: Applicant. **Second Claim for Storage Water Right.** Trout Lake Reservoir, TMV Ilium Enlargement. An on-stream reservoir located in the upper reach of the Lake Fork of the San Miguel River, more specifically located in the NE1/4 SW1/4 of Sec. 8, T. 41 N., R. 9 W., N.M.P.M. Also described as UTM Zone 13, NAD83, E. 0245807 m. and N. 4190829 m. A map showing the location of Trout Lake Reservoir is Exhibit B. Source: Lake Fork of the San Miguel River, tributary to the S. Fork of the San Miguel River, tributary to the San Miguel River. Approp. date: 11/26/25. How Approp. was Initiated: Filing this application. Amt. Claimed: 3.0 AF, cond. Use or Proposed Use: Aug. of Dom., Irr., and fire protection uses; hydropower generation. Remarks: Applicant will apply for a water storage lease with Xcel Energy, the owner and operator of Trout Lake Reservoir, to allow Applicant to store up to 3.0 acre-' of water each year in Trout Lake Reservoir for later release for Aug. and hydropower generation purposes. Hydropower generation is an incidental non-consumptive beneficial use resulting from Aug. releases of water stored under the water right. **Third Claim for Approval of Plan for Aug.** Name of structure to be augmented: TMV Workforce Housing Wellfield, as described above. Water Supplies to be Used for Aug.: Trout Lake Reservoir, TMV Ilium Enlargement, as described above. Treated sewage effluent resulting from Dom. use of water diverted through TMV Workforce Housing Wellfield that remains under Applicant's dominion and control and that will be delivered to the San Miguel River at or above the pt. of impact for TMV Workforce Housing Wellfield wells. Plan for Aug.: Applicant requests approval of a plan to augment out-of-priority depletions resulting from the use of the TMV Workforce Housing Wellfield in connection with the phased development, described as Phase 1a, Phase 1b and Phase 2, of year-round workforce housing (the "Project"). The analysis of water requirements and depletions is based on projected interim and full buildout water use scenarios. At full buildout, the Project will comprise Approx. 350 dwelling units, a childcare facility, and up to 1/2 acre of Irr. Applicant intends to construct a mix of studio, one-bedroom, two-bedroom, three-bedroom, and four-bedroom units, and reserves the right to vary the mix of such units provided that the total Project demands at full build out do not exceed 318.66 EQR of Dom. service. A water requirements projection for the Project with associated depletions, and a schedule of predicted replacement releases under the plan for Aug. is referenced below to demonstrate that the plan is capable of operating to prevent injury to vested and cond. senior water rights. Water Demands: The TMV Workforce Housing Wellfield will provide Dom. and fire protection supply for up to 318.66 EQR in Approx. 350 residential units and a childcare facility to be developed in three phases, and Irr. of up to 1/2 acre of land. Wastewater will be processed through a central treatment system through which

ninety-five (95) percent of water diverted for Dom. use will be returned to the San Miguel River and five (5) percent will be consumed as a depletion to the river. Estimated monthly diversions, return flows, depletions and Aug. releases for Dom. and Irr. uses are detailed in Exhibit C. Residential Dom.: Applicant's water budget assumes that studio and 1-bedroom units will have an average of 1.5 occupants each using 70 gallons per person per day, 2-bedroom units will have an average of 3 occupants each using 80 gallons per person per day, 3-bedroom units will have an average of 4.5 occupants each using 85 gallons per person per day, and 4-bedroom units will have an average of 6 occupants each using 85 gallons per person per day. Applicant's water budget assumes the Childcare Facility will support 4 employees supervising 25 children, resulting in 29 people each using 20 gallons per day per CDPHE Regulation 43. Applicant contemplates supplying 2.03 EQR of Dom. service to the Childcare Facility under this plan for Aug. Phasing of Dom. Use: Phase 1a: Applicant expects to develop 66.5 EQR of Dom. service in Phase 1a for 23 studio units, 23 one-bedroom units, 46 two-bedroom units, and 8 four-bedroom dormitory units. The currently planned allocation of Phase 1a EQR values is detailed in Exhibit D. Total annual diversions to support these 66.5 EQR are estimated at 22.35 AF with resulting depletions of 1.12 AF per year. Phase 1b: Applicant expects to develop 13.53 EQR of Dom. service in Phase 1b for 2 studio units, 8 one-bedroom units, 10 two-bedroom units, and the childcare facility. The currently planned allocation of Phase 1b EQR values is detailed in Exhibit E. Total annual diversions to support these 13.53 EQR are estimated at 4.57 AF with resulting depletions of 0.22 AF per year, as detailed in Exhibit F. Phase 2: Applicant plans to develop an additional 238.63 EQR of Dom. service in Phase 2 for 115 one-bedroom and 115 two-bedroom units. Upon completion of Phase 2, the total planned No. of units is 25 studio units, 31 one-bedroom units, 171 two-bedroom units, 115 three-bedroom units, 8 four-bedroom units, and the childcare facility. The currently planned allocation of full build out EQR values is detailed in Exhibit G. Total annual diversions to support these 318.66 EQR are estimated at 107.11 AF with resulting depletions of 5.36 AF per year as detailed in Exhibit C. Irr.: Applicant may irrigate up to 1/2 acre of trees, bushes, grass areas, and flower beds within the Project. The Irr. crop requirement is 2.42 AF per acre at 80 percent efficiency, resulting in 1.93 AF of consumption using the Pochop Method adjusted for Bluegrass. Applicant's Irr. diversions for 1/2 acre will total 1.21 AF annually, with resulting depletions of 0.96 AF. The schedule and volume of Irr. diversions, return flows and depletions is detailed in Exhibit C. Operation of Plan for Aug.: The San Miguel River is over-appropriated, and the TMV Workforce Housing Well Field water right will at times be subject to senior administrative calls that would otherwise result in its curtailment absent an approved plan for Aug. Senior Irr. rights located near Norwood, CO regularly place administrative calls on the San Miguel River in average and drier years. The TMV Workforce Housing Well could also be subject to other local calls including calls placed by instream flow water rights held for public benefit by the CWCB. The plan for Aug. requested herein will operate to replace out-of-priority depletions to the San Miguel River, including diversions that are 100 percent depletive within short segments of the river, to prevent injury to senior vested and cond. water rights. The plan for Aug. will operate differently depending on the location of the administrative call that requires its operation. Downstream Call: At times when the TMV Workforce Housing Well Field water right would otherwise be subject to administrative curtailment to satisfy a call for a water right located below the locations

where return flows from Irr. and treated effluent return to the San Miguel River, water stored under the Trout Lake Reservoir, TMV Ilium Enlargement priority will be released from storage in Trout Lake Reservoir in an Amt. sufficient to offset the lagged out-of-priority depletions resulting from Irr. and Dom. uses of the TMV Workforce Housing Well Field water right impacting the San Miguel River. Applicant designed its plan based on the 2002 water year, during which downstream Irr. calls were in effect for 134 days between June and October. The 3.0 AF cond. Trout Lake, TMV Ilium Enlargement water right requested in this Application is sufficient to replace cumulative estimated out-of-priority depletions resulting from the Dom. and Irr. uses of the TMV Workforce Housing Well Field water right at full build out after completion of Project Phase 2. Intervening Call: At times when the TMV Workforce Housing Well Field water right would otherwise be subject to administrative curtailment to satisfy a call for a water right located on or in the San Miguel River between the locations where the TMV Workforce Housing Well Field water right impacts the San Miguel River and return flows from Irr. and treated effluent return to the San Miguel River (an "Intervening Call"), Applicant may need to replace the entire diversion Amt. to prevent injury to the water right placing the Intervening Call. Applicant may make this full diversion replacement in the following ways: Applicant may release water stored under the Trout Lake Reservoir, TMV Ilium Enlargement priority in an Amt. sufficient to replace the lagged out-of-priority diversions (including resulting depletions resulting from Irr. and Dom. uses) of the TMV Workforce Housing Well Field water right impacting the San Miguel River during the time the call is in effect. Applicant may also deliver, to a pt. at or above the upstream location where the TMV Workforce Housing Well Field water right impacts the San Miguel River, treated sewage effluent that remains under Applicant's dominion and control in Amt. sufficient to replace the balance of the lagged out-of-priority diversion not met by releases from Trout Lake Reservoir then resulting from operation of the TMV Workforce Housing Wellfield water right. The combination of release of water from Trout Lake Reservoir and delivery of sewage effluent to the San Miguel River above the location where operation of the TMV Workforce Housing Well Field water right impacts the San Miguel River will ensure that any water rights placing an Intervening Call are protected from injury. Non-injury: Operation of the plan for Aug. as described above and subject to the terms and conditions proposed herein will prevent injury to the vested or decreed cond. water rights of others. Integrated System: The TMV Workforce Housing Well Field and Trout Lake, TMV Ilium Enlargement water rights comprise an integrated water supply. WHEREFORE, the Applicant respectfully requests the Ct. enter a Decree (1) granting the cond. underground water right in the TMV Workforce Housing Wellfield; (2) granting the cond. storage water right for Trout Lake, TMV Ilium Enlargement; (3) approving the proposed plan for Aug.; and (4) for such further relief that the Ct. may deem appropriate. **SAN MIGUEL COUNTY.**

Case No. 25CW3062 (Ref No. 19CW3027, 12CW122, W581) Application for Findings of Reasonable Diligence. Applicant: Bull Run Ranch 2V LLC, c/o Sara M. Dunn, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970)945-6546; www.balcombgreen.com. Applicants request the Ct. enter findings of reasonable diligence with respect to the conditional Granite Creek Spring, Pipeline, and Pond No. 2 water right ("Subject Water Right"). The Subject Water Right's location is depicted on Exh. 1, on file with the Water Ct. **Claim for Finding of Reasonable Diligence.** Structure: Granite Creek Spring, Pipeline, and Pond No. 2. Original Decree: Case No. W-581, Dist.

Ct. Water Div. 4 entered on 2/16/1973. Subsequent Decrees Awarding Diligence: Case No. 2012CW122, Dist. Ct. Water Div. 4, entered on 5/28/2013; and Case No. 2019CW3027 District Ct., Water Div. 4, entered on 11/4/2019. Legal Description: The point of diversion was decreed in Case No. W-581 to be "at a point 10 ft. N. and 1200 ft. E. of the SW corner of Sec. 6, T. 14 S., R. 103 W. of the 6th P.M." also described as a point in the SW/4 SW/4 of Sec. 6, T. 14 S., R. 103 W., 6th P.M., 10 ft. from the S. Sec. line and 1,200 ft. from the W. Sec. line. Source: Surface flows trib. to Granite Creek, trib. to the Dolores River. Date of Approp. 5/16/1972. Amt. and Uses: 0.5 c.f.s., cond., for piscatorial and fish culture incl. filling and circulating water through the Granite Creek Spring Pond No. 2. A list of diligence activities performed in the six years preceding the filing of this Appl. is on file with this Ct. Name and address of owners of land on which structures are or will be located, upon which water is or will be stored or upon which water is or will be placed to beneficial use: Applicant. (5 pgs. incl. Exh. 1). The application on file with the Water Court contains an outline of the work performed during the diligence period. **MESA COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of January 2026 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](#).) JODI HANSON, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401

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