

IN THE DISTRICT COURT IN AND FOR WATER DIVISION NO. 4

STATE OF COLORADO

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER  
DIVISION NO. 4

Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of December 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.**

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

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

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

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

**Case No. 25CW19 (Ref No 06CW39, 12CW104, 19CW6)** Applicant Scott and Karen Hughes 3543 US Highway 550 Ouray CO 81427. Application for Findings of Diligence and to Make Absolute. Clarkson Spring No 2 – NW1/4SE1/4SE1/4 Section 11 T42N R8W NMPM. Easting 246872 Northing 4264148. Source: Red Mountain Creek Galena Lion Gulch tributary to Uncompahgre River. Appropriation Date: October 1, 2005. Amount claimed: 0.011 cfs for domestic use. Clarkson Pond No 1 – NE1/4NW1/4SE1/4 Section 1 T42N R5W NMPM. Easting 263252 Northing 4201026. Galena Lion Gulch Uncompahgre River. Appropriation Date: October 1, 2005. Amount claimed 0.04 af absolute for augmentation. The application on file with the Water Court contains an outline of the work performed during the diligence period **OURAY COUNTY**

**Case No. 25CW25 (Ref No. 19CW38, 13CW13,05CW83)** Applicant Sperry Land Co LLC c/o Joe Sperry 20215 F Rd Delta CO 81416 Application for Findings of Diligence. Sperry Pond 1 – SW1/4SW1/4 Section 1 T11S R90W 6th. Source: East Muddy of the North Fork of the Gunnison River. Appropriation Date: 2005. Amount claimed: 1.65 af for augmentation, fire protection, fish culture, recreation. Sperry Pond 2 – SE1/4NE1/4 Section 1 T11S R90W 6th. Source: East Muddy of the North Fork of the Gunnison River. Appropriation Date: 2005. Amount claimed: 1.35 af for augmentation, fire protection, fish culture, recreation. Sperry Pond 3 – SE1/4NW1/4 Section 1 T11S R90W 6th. Source: East Muddy of the North Fork of the Gunnison River. Appropriation Date: 2005. Amount claimed: 1.40 af for augmentation, fire protection, fish culture, recreation. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY**

**Case No. 25CW26 (Ref No. 19CW20)** Applicant Ronald Ray Culver 58591 Jig Rd Montrose CO 81403 Application for Findings of Diligence. Graven Ridge Pond – SE1/4SW1/4NE1/4 Section 9 T49N R10W NMPM. Source: small drainage tributary to Spring Creek tributary to Uncompahgre River. Appropriation Date: 10/01/2006. Amount claimed: 1 af for irrigation of 15 acres, wildlife and fish culture. The application on file with the Water Court contains an outline of the work performed during the diligence period. **MONROSE COUNTY**

**Case No. 25CW27 (Ref No. 19CW31, 13CW40, 05CW200)** Applicant Jacobs Family LLLP c/o Dixie Jacobs Luke Box 309 Hotchkiss CO 81419 Application for Findings of Diligence. Jacobs Sagebrush Pond – NW1/4SW1/4NW1/4 Section 20 T11S R89W 6th. Source: Drift Creek tributary to Muddy Creek and the North Fork of the Gunnison River, Gunnison River. Appropriation Date: 03/24/2005. Amount claimed: 5 af for stock, piscatorial, wildlife and recreation. Jacobs Spring No 1 – NE1/4NE1/4NW1/4 Section 20 T11S R89W 6th. Source: Lee Creek tributary to Muddy Creek and the North Fork of the Gunnison River, Gunnison River. Appropriation Date: 08/18/2005. Amount claimed: .030

cfs for domestic use in one single family dwelling, commercial and stockwater. Jacobs Lee Creek Reservoir No 1 – NW1/4NE1/4SW1/4 Section 20 T11S R89W 6th. Source: Lee Creek tributary to Muddy Creek and the North Fork of the Gunnison River, Gunnison River. Appropriation Date: 03/24/2005. Amount claimed: 1000 af for stock, piscatorial, wildlife, recreation, and augmentation. Jacobs Lee Creek Reservoir No 2 – NE1/4SW1/4SE1/4 Section 17 T11S R89W 6th. Source: Lee Creek tributary to Muddy Creek and the North Fork of the Gunnison River, Gunnison River. Appropriation Date: 03/24/2005. Amount claimed: 750 af for stock, piscatorial, wildlife, recreation and augmentation. Jacobs Drift Creek Reservoir – SW1/4NE1/4NW1/4 Section 19 T11S R89W 6th. Source: Drift Creek tributary to Muddy Creek and the North Fork of the Gunnison River, Gunnison River. Appropriation Date: 03/24/2005. Amount claimed: 500 af for stock, piscatorial, wildlife, recreation and augmentation. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY**

**Case No. 25CW3027 – SAGUACHE AND GUNNISON COUNTIES – AMENDED APPLICATION FOR STORAGE RIGHT, APPROPRIATIVE RIGHT OF EXCHANGE, AND APPROVAL OF PLAN FOR AUGMENTATION WITH EXCHANGE PROJECT RIGHT.** **1. Name, Address, Phone Number, and E-Mail Address of Applicant.** Halo Ranch, LLC, an Arizona limited liability company, c/o Jason Cook, Manager, 6611 N. 3rd Drive Phoenix, Arizona 85013; Phone: (602) 501-4017; E-mail: jcook@jcookventures.com. Copies of all pleadings to David F. Bower and Cameron C. Frazier, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027; Phone: (303) 442-1900; E-mail: dfbower@j-rlaw.com and ccfrazier@j-rlaw.com. **2. Overview.** Applicant is the owner of the Halo Ranch located west of Sargents, Colorado. Applicant is planning to build a ~2.25 acre pond on the property for fish and wildlife habitat and fire protection. By this application, Applicant claims (i) a conditional storage right for the Halo Ranch Pond, (ii) a conditional appropriative right of exchange to exchange water from Blue Mesa Reservoir to the Cole Ditch No. 3 as the point of diversion for the Halo Ranch Pond, and (iii) approval of a plan for augmentation to replace the out-of-priority depletions from the Halo Ranch Pond, with a conditional exchange project right for operation of the plan for augmentation. A map of the Halo Ranch Pond is attached hereto as Exhibit A and a map of the replacement supply and exchange reach is attached hereto as Exhibit B. **3. Claim for Conditional Storage Right.** (a) Name of Storage Structure. Halo Ranch Pond. (b) Location. SE1/4 SE1/4 of Section 24 and NE1/4 NE1/4 of Section 25, Township 48 North, Range 4.5 East of the N.M.P.M., the centroid of which is expected to be at a point described as Zone 13, NAD83, Easting 372197, Northing 4250415. (c) Source. Tomichi Creek, tributary to the Gunnison River. (d) Description of Filler Ditch. (i) Name of Structure. Cole Ditch No. 3 [WDID 2800535]. (ii) Location. NE1/4 NE1/4 of Section 25, Township 48 North, Range 4.5 East of the N.M.P.M., the headgate of which is located at a point described as Zone 13, NAD83, Easting 372368, Northing 4250369. (iii) Rate of Fill. 2.6 cfs, with the right to run freshening flows at up to 1.0 cfs. (e) Appropriation Date. Date of application. (f) Uses. Fish and wildlife habitat and fire protection. (g) Amount. 10 acre-feet, conditional, with the right to fill and refill. (h) Surface Area of High Water Line. ~2.25 acres. (i) Height and Length of Dam. The Halo Ranch Pond will be an excavated reservoir that is lined. If a dam is also

constructed, it will be less than 10 feet in height. (j) Remarks. The amount claimed is based on Applicant's estimate of the surface area and volume for the Halo Ranch Pond when constructed; however, the final dimensions of the Halo Ranch Pond are still being determined. 4. **Claim for Conditional Appropriative Right of Exchange**. (a) Name of Exchange. Blue Mesa – Halo Ranch Pond Exchange. (b) Downstream Terminus. The outlet of Blue Mesa Reservoir, located in the NW1/4 NW1/4 of Section 4, Township 48 North, Range 6 West of the N.M.P.M., at a point described as Zone 13, NAD83, Easting 296350, Northing 4258843. (c) Upstream Terminus. The headgate of the Cole Ditch No. 3, as described above. (d) Exchange Rate and Volume. 2.6 cfs, conditional, not to exceed 10 acre-feet/year. (e) Date of Appropriation. Date of application. (f) Uses. Water will be exchanged from Blue Mesa Reservoir, up the Gunnison River, up Tomichi Creek, to fill and refill the Halo Ranch Pond. 5. **Request for Approval of Plan for Augmentation with Exchange Project Right**. (a) Name of Structures to be Augmented. Halo Ranch Pond, as described above. (b) Water Rights to be Used for Augmentation. (i) Blue Mesa Reservoir [WDID 6203532]. Applicant's use of Blue Mesa Reservoir will be pursuant to a contract with the Upper Gunnison Water Conservancy District, through its agreement with the United States Bureau of Reclamation. The Blue Mesa Reservoir was decreed as part of the Wayne N. Aspinall Unit of the Colorado River Storage Project in Case Nos. 5590 and 6981, Gunnison County District Court, for 939,204 acre-feet, with an appropriation date November 11, 1957. An additional 124,253 acre-feet, with the same appropriation date, was transferred to Blue Mesa Reservoir in Case No. 10045, Gunnison County District Court, making the total amount decreed to Blue Mesa Reservoir 1,063,457 acre-feet, all of which is decreed for domestic, municipal, irrigation, stockwatering, industrial, hydropower, piscatorial, wildlife, recreation, and other purposes. (ii) Other Supplies. Additional or alternative sources of replacement water on a temporary or permanent basis, subject to approval by the Water Court and/or the State Engineer's Office pursuant to C.R.S. § 37-92-305(8). (c) Detailed Description of Plan for Augmentation. Applicant will replace all out-of-priority depletions from the Halo Ranch Pond using the augmentation supplies set forth above. The total annual depletion is calculated to be ~5.1 acre-feet/year. Evaporation was distributed monthly based on Senate Bill 120 Guidelines for elevations above 6,500 ft. The gross evaporation rate of 2.9 acre-feet/acre, based on NOAA Technical Report NWS-33, was distributed monthly. Ice cover was assumed from November through March based on the average monthly temperature at the Sargents, CO National Weather Service Cooperative Station (USC00057460-GHCN). The monthly evaporation rate was multiplied by the surface area of 2.25 acres based on the current design drawings for the Halo Ranch Pond and its feeder ditch and overflow structure. The amounts and rates set forth above are calculated based on the current design configuration for the Halo Ranch Pond and the hydrological and other technical assumptions determined by Applicant's water resources consultant. A copy of the technical report from BBA Water Consultants supporting this application is attached as Exhibit C. (d) Exchange Project Right. Because Blue Mesa Reservoir is downstream of the Halo Ranch Pond, the proposed plan for augmentation will operate by exchange at times. Therefore, Applicant claims an exchange project right from the furthest downstream point where replacement water may be released into the Gunnison River, up to the point where flow through water is delivered back to Tomichi Creek from the Halo Ranch Pond. The components of the exchange right are as follows: (i) Downstream

Terminus. The outlet of Blue Mesa Reservoir, as described above. (ii) Upstream Terminus. The outlet of the Halo Ranch Pond outflow ditch, located in the SE1/4 SE1/4 of Section 24, Township 48 North, Range 4.5 East of the N.M.P.M., at a point described as Zone 13, NAD83, Easting 371842, Northing 4250450. (iii) Exchange Rate. 1 cfs, not to exceed 10 acre-feet/year. (iv) Date of Appropriation. Date of application. (v) Uses. Water will be exchanged to augment and replace out-of-priority depletions from the Halo Ranch Pond. (vi) Remarks. Applicant will only operate the requested exchange at such times when deliveries of the replacement water at the downstream exchange terminus will satisfy the downstream calling water right. **6. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located.** The Halo Ranch Pond is located on land owned by Applicant. No other new or modified diversion structures are contemplated by this application. WHEREFORE, Applicant respectfully requests that the Court (1) grant the claim for water rights for the Halo Ranch Pond and the Blue Mesa – Halo Ranch Pond Exchange set forth in paragraphs 3 and 4 above; (2) find that there will be no injury to any owner of or person entitled to use water under a vested water right or conditionally decreed water right as a result of Applicant's requested plan for augmentation described in paragraph 5 above; and (3) approve the plan for augmentation, including exchange project right, described in paragraph 5 above. (6 pages plus Exhibits) **SAGUACHE AND GUNNISON COUNTIES**

**Case No. 25CW3063** The Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Rebecca Crotty, Senior Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 10<sup>th</sup> Floor, Denver, Colorado 80203. Telephone: (720) 508-6260. Email: rebecca.crotty@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:** Main Hubbard Creek Instream Flow Water Right.

**3. Legal Description:** The Main Hubbard Creek Instream Flow Water Right is located in the natural stream channel of Main Hubbard Creek from its headwaters to the Overland Ditch, a distance of approximately 2.5 miles. A map depicting the approximate location of the Main Hubbard Creek Instream Flow Water Right reach is attached as **Exhibit 1. A. Upstream Terminus:** headwaters in the vicinity of: 1. UTM: Northing: 4324943.67; Easting: 269584.73 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 39° 2' 35.51" N; Longitude 107° 39' 44.49" W

**B. Downstream Terminus:** Overland Ditch at: 1. UTM: Northing: 4326413.75; Easting: 272485.73 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 39° 3' 25.89" N; Longitude 107° 37' 45.70" 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:** Main Hubbard Creek, tributary to Hubbard Creek, tributary to the North Fork

Gunnison River, 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:** Instream flow of 0.20 c.f.s. (12/01 - 03/31), 0.60 c.f.s. (04/01 - 04/30), 2.90 c.f.s. (05/01 - 06/30), 2.60 c.f.s. (07/01 - 07/31), 0.80 c.f.s. (08/01 - 08/31), 0.30 c.f.s. (09/01 - 11/30), 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 right, 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 right 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) and (4) and 37-92-103(3), (4) and (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 Main Hubbard 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 right herein, if granted; and that such environment can exist without material injury to water rights. **DELTA COUNTY.**

**Case No. 25CW3064** The Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Rebecca Crotty, Senior Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 10<sup>th</sup> Floor, Denver, Colorado 80203. Telephone: (720) 508-6260. Email: [rebecca.crotty@coag.gov](mailto:rebecca.crotty@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:** West Hubbard Creek Instream Flow Water Right. **3. Legal Description:** The West Hubbard Creek Instream Flow Water Right is located in the natural stream channel of West Hubbard Creek from its headwaters to the Overland Ditch, a distance of approximately 2.32 miles. A map depicting the approximate location of the West Hubbard Creek Instream Flow Water Right reach is attached as **Exhibit 1.** **A. Upstream Terminus:** headwaters in the vicinity of: 1. UTM: Northing: 4322507.68; Easting: 270549.71 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 39° 1' 17.48" N; Longitude

107° 39' 1.44" W B. Downstream Terminus: Overland Ditch at: 1. UTM: Northing: 4323616.26; Easting: 273785.08 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 39° 1' 56.44" N; Longitude 107° 36' 48.35" 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:** West Hubbard Creek, tributary to Hubbard Creek, tributary to the North Fork Gunnison River, tributary to the 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:** Instream flow of 0.40 c.f.s. (10/01 - 04/30), 4.00 c.f.s. (05/01 - 05/14), 6.50 c.f.s. (05/15 - 07/15), 3.20 c.f.s. (07/16 - 07/31), 1.30 c.f.s. (08/01 - 09/30), 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 right, 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 right 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) and (4) and 37-92-103(3), (4) and (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 West Hubbard 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 right herein, if granted; and that such environment can exist without material injury to water rights. **DELTA COUNTY.**

**Case No. 25CW3065** The Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to John Newman, Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 10<sup>th</sup> Floor, Denver, Colorado 80203. Telephone: (720) 508-6860. Email: john.newman@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:** Beaver Dams Creek Instream Flow Water Right. **3. Legal Description:** The Beaver Dams Creek Instream Flow Water Right is located in the natural stream channel of Beaver Dams Creek from the headwaters to the confluence with East Fork Dry Creek, a distance of approximately 3.29 miles. A map depicting the approximate location of the Beaver Dams Creek Instream Flow Water Right reach is attached as **Exhibit 1.** A. Upstream Terminus: headwaters in the vicinity of: 1. UTM: Northing: 4241940.00; Easting: 229120.87 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 17' 4.85" N; Longitude 108° 5' 48.97" W B. Downstream Terminus: confluence with East Fork Dry Creek at: 1. UTM: Northing: 4246758.01; Easting: 229778.94 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 19' 41.66" N; Longitude 108° 5' 28.55" 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:** Beaver Dams Creek, tributary to East Fork Dry Creek, tributary to Dry Creek, tributary to the Uncompahgre River, 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 0.3 (09/01 - 02/29), 0.5 (03/01 - 03/31), 2.6 (04/01 - 04/30), 2.8 (05/01 - 06/30), 1.7 (07/01 - 07/31), 0.6 (08/01 - 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 Beaver Dams 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. **OURAY COUNTY.**

**Case No. 25CW3066** Colorado Water Conservation Board, 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Christopher J. Davis, Assistant Attorney General, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 10th Floor, Denver, Colorado 80203. Telephone: (720) 508-6280. Email: christopher.davis@coag.gov.

**APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL**

**ENVIRONMENT TO A REASONABLE DEGREE. Name & Address of Applicant:**

Colorado Water Conservation Board, 1313 Sherman Street, Suite 718 Denver, CO 80203, (303) 866-3441. **Name of water right:** West Muddy Creek Instream Flow Water Right. **Legal Description:** The West Muddy Creek Instream Flow Water Right is located in the natural stream channel of West Muddy Creek from the confluence with Sheep Creek to the confluence with Muddy Creek, a distance of approximately 8.78 miles. A map depicting the approximate location of the West Muddy Creek Instream Flow Water Right reach is attached to the water court application as **Exhibit 1**.

**Upstream Terminus:** confluence with Sheep Creek at: (1) UTM: Northing: 4325599.99; Easting: 286097.65 (NAD 1983 Zone 13 North); (2) Lat/Long: Latitude 39° 3' 11.89" N; Longitude 107° 28' 18.97" W. **Downstream Terminus:** confluence with Muddy Creek at:

(1) UTM: Northing: 4319399.06; Easting: 295770.58 (NAD 1983 Zone 13 North); (2) Lat/Long: Latitude 38° 59' 59.24" N; Longitude 107° 21' 30.19" W C. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). **Source:** West Muddy Creek, tributary to Muddy Creek, tributary to the North Fork Gunnison River, tributary to the Gunnison River, tributary to the Colorado River. **Date of initiation of appropriation:**

December 3 , 2025. **How appropriation was initiated:** Appropriation and beneficial use occurred on December 3, 2025, in accordance with 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. **Date applied to beneficial use:** December 3, 2025. **Amount of water claimed:** Instream

flow of 5.5 cfs (10/01 - 03/31), 12.9 cfs (04/01 - 06/30), 5.5 cfs (07/01 - 07/15), 2.0 cfs (07/16 - 09/30), absolute. **Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. **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. **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 July 17, 2025, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S., that the natural environment of West Muddy 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. 25CW3067** Gunnison County - Gunnison River; Simmons Mountain Ranch, LLC; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR SURFACE WATER RIGHT; Name, address, and telephone number of Applicant: Simmons Mountain Ranch, LLC; c/o Chad J. Simmons; 2 Bar S Ranch, LLC; 33A Office Park Road; PMB 189; Hilton Head Island, SC 29928; (913) 568-7747; Request for approval of surface water right: Name of structure: Simmons Spring No. 11; Location: NE/4 NW/4 of Section 36, Township 48 North, Range 6 West, NMPM, at a point located at the following UTM coordinates: Easting 284092, Northing 4250999, Zone 13 NAD83; Source: Surface flows from spring, tributary to the Little Cimmaron River; Appropriation date: December 4, 2025; How appropriation was initiated: By filing this application; Amount: 0.25 c.f.s. conditional; Uses: Stock watering, wildlife, irrigation; Location of irrigated acreage: 10 acres located in the NE/4 NW/4 of Section 36, Township 48 North, Range 6 West, NMPM. (3 pages) **GUNNISON COUNTY.**

**Case No. 25CW3068 (Ref No. 19CW3051, 03CW288) IN GUNNISON COUNTY**  
**APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE** 1. Name and address of Applicant: Cockrell Investment Partners, L.P. c/o John Mahoney 770 Riverside Road Almont, CO 81210 c/o David S. Hayes, Thomas W. Korver, Hayes Poznanovic Korver LLC, 700 17<sup>th</sup> Street, Suite 1800, Denver, CO 80202, Phone: (303) 825-1980 2. Conditional Water Rights: A. Preserve Lodge Augmentation Reservoir. B. Imobersteg Ditch Preserve Lodge Enlargement. C. Blue Mesa to Slide Ditch Exchange. D. Blue Mesa to East River No. 1 Ditch Exchange. E. Blue Mesa to Imobersteg Ditch Exchange. F. Blue Mesa to Imobersteg Willow Creek Ditch Exchange. G. Blue Mesa to Lodge Pond Diversion Exchange. 3. Description of the Conditional Water Rights: A. Preserve Lodge Augmentation Reservoir. i. Date of original decree: January 5, 2007, Case No. 03CW288, District Court, Water Division No. 4. ii. Date of subsequent diligence decrees: February 13, 2014, nunc pro tunc August 19, 2013, Case No. 13CW6, Water Division No. 4.; December 23, 2019, Case No. 19CW3051, Water Division No. 4. iii Legal description: Located in the NW1/4 SE1/4 NE1/4, Section 3, T. 15 S., R. 85 W., 6<sup>th</sup> P.M., 2,614 feet from the North section line, and 1005 feet from the East section line. (UTM NAD83, Zone 13, Easting 0337291m, Northing 4293975m). iv. Source: East River. This off-channel reservoir may be filled by any one or combination of the Imobersteg Ditch (as changed and decreed in Case No. W-2134, Water Division No. 4), Imobersteg Willow Creek Ditch (as changed and decreed in Case No. W-2134), Imobersteg Ditch Preserve Lodge Enlargement (as decreed in Case No. 03CW288), or by pumping, the Lodge Pond Diversion (as decreed in Case No. 03CW288). v. Appropriation date: September 30, 2003. vi. Amount: 16.5 acre-feet, conditional. 3.5 acre-feet was decreed absolute in Case No. 13CW6, Water Division No. 4. vii. Use: Piscatorial, augmentation, exchange, recreation, evaporation, stock water, wildlife watering, and fire protection. B. Imobersteg Ditch Preserve Lodge Enlargement. i. Date of original decree: January 5, 2007, Case No. 03CW288, District Court, Water Division No. 4. ii. Date of subsequent diligence decree: February 13, 2014, nunc pro tunc August 19, 2013, Case No. 13CW6, Water Division No. 4; December 23, 2019, Case No. 19CW3051, Water

Division No. 4. iii Legal description: The Imobersteg Ditch diverts from the west bank of the East River in the NE1/4 NW1/4 Section 28, T. 14 S., R. 85W., 6th P.M., at a point 630 feet from the North section line, and 2,470 feet from the West section line. (UTM NAD1927 E:335262, N:4297556). iv. Source: East River. v. Appropriation date: September 30, 2003. vi. Amount: 2.0 c.f.s., conditional. vii. Use: To fill and refill continuously the Preserve Lodge Augmentation Reservoir to maintain full reservoir levels and for the uses described above in paragraph 3.A.vii above. C. Conditional Rights of Exchange: i. Date of original decree: January 5, 2007, Case No. 03CW288, District Court, Water Division No. 4. ii. Date of subsequent diligence decree: February 13, 2014, nunc pro tunc August 19, 2013, Case No. 13CW6, Water Division No. 4; December 23, 2019, Case No. 19CW3051, Water Division No. 4. iii. Exchange from Blue Mesa Reservoir to headgates of Slide Ditch and East River No. 1 Ditch: Said exchange is in the amount of 0.5 c.f.s., with an appropriation date of December 31, 2003. The decreed locations of the structures used by exchange are provided in paragraph 3.C.vi. below. iv. Exchange from Blue Mesa Reservoir to headgates of Imobersteg Ditch, Imobersteg Willow Creek Ditch, and Lodge Pond Diversion: Said exchange is in the amount of 0.5 c.f.s., with an appropriation date of December 31, 2003. The decreed locations of the structures used by exchange are provided in paragraph 3.C.vi. below. v. Exchange from Slide Ditch to headgates of Imobersteg Ditch and Imobersteg Willow Creek Ditch: Said exchange is in the amount of 0.04 c.f.s., with an appropriation date of December 31, 2003. The decreed locations of the structures used by exchange are provided in paragraph 3.C.vi. below. vi. Decreed locations of structures used by exchange: (1) Blue Mesa Reservoir: Sections 1, 2, 3, 4, and 12, Township 48 North, Range 4 West, N.M.P.M.; Sections 8, 9, 14, 15, 16, 21, 22, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35 and 36, Township 49 North, Range 4 West, N.M.P.M.; Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, Township 49 North, Range 3 West, N.M.P.M.; Sections 2, 3, 7, 11, 18, 19, 29 and 30, Township 48 West, Range 3 West, N.M.P.M.; Sections 13, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32 and 34, Township 49 North, Range 2 West, N.M.P.M. and SW1/4 SW1/4, Section 32, Township 49 North, Range 4 West, N.M.P.M. and in the NE1/4 NW1/4, Section 4, Township 48 North, Range 4 West, N.M.P.M. (2) Slide Ditch: As decreed in prior cases, the headgate is located on the left bank of the East River, at a point whence the North Quarter Corner of Section 2, T.15 S., R. 85 W., 6th P.M., bears South 4 degrees 5 Minutes East 2,972 feet. (3) East River No. 1 Ditch: As decreed in prior cases, the headgate is located on the east (left) bank of the East River, at a point whence the East Quarter Corner of Section 3, T. 15 S., R. 85 W., 6th P.M., bears South 11 degrees East 680 feet. (4) Imobersteg Ditch: See paragraph 3.B.iii above. (5) Imobersteg Willow Creek Ditch: Located on the North bank of Willow and Grouse Creeks at a point from which the Southwest corner of Section 34, Township 14 South, Range 85 West, N.M.P.M., bears North 17°30' East 1,385 feet. (6) Lodge Pond Diversion: Located in the SE1/4 NE1/4, Section 3, T. 15 S., R. 85 W., 6th P.M., 1,580 feet from the North section line, and 1,180 feet from the East section line. (UTM NAD1927 E:337432, N:4293881). vii. The maximum combined rate of exchange under paragraphs 3.C.iii and 3.C.iv shall not exceed 0.5 c.f.s. The structures used by exchange and the Blue Mesa Reservoir and Slide Ditch water rights used by exchange are more fully described in the decree entered by the Water Court in Case No. 03CW288. 4. Evidence of Reasonable Diligence: The Conditional Water Rights are part of an integrated water supply project or system. Thus, any work on any one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of all water rights for all features of the entire project or system. See C.R.S. §37-92-

301(4)(b). The application contains a summary of specific projects and work undertaken during the diligence period (December 2019 to present) 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. 5. Can and will. The Conditional Water Rights can and will be diverted, stored, or otherwise captured, possessed, and controlled, and will be beneficially used, with diligence in a reasonable time. C.R.S. § 37-92-305(9)(b). 6. Names, and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: The land on which the Preserve Lodge Augmentation Reservoir water is stored is owned by the Reserve on the East River Association, 770 Riverview Rd., Almont, CO 81210. There are no other new diversion or storage structures or modifications to any existing diversion or storage structures associated with the conditional water rights described in paragraph 3 above. Maps depicting the location of the structures and the property on which the subject water rights are used are attached as Exhibits A and B, and are available for inspection at the office of the Division 4 Water Clerk or via CCE.

WHEREFORE, Applicant respectfully requests that this Court enter Findings of Fact, Conclusions of Law, and a Judgment and Decree: (1) finding that Applicant has been reasonably diligent in the development of the Conditional Water Rights as described in the preceding paragraphs; (2) continuing the Conditional Water Rights in full force and effect; and (3) granting such other relief as may be appropriate. The application on file with the Water Court contains an outline of the work performed during the diligence period.

#### **GUNNISON COUNTY.**

**Case No. 25CW3069** Colorado Water Conservation Board (“CWCB”), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Christopher J. Davis, Assistant Attorney General, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 10th Floor, Denver, Colorado 80203. Telephone: (720) 508-6205. Email: christopher.davis@coag.gov. **APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE.** **Name & Address of Applicant:** Colorado Water Conservation Board, 1313 Sherman Street, Suite 718 Denver, CO 80203, (303) 866-3441. **Name of water right:** East Muddy Creek Instream Flow Water Right. **Legal Description:** The East Muddy Creek Instream Flow Water Right is located in the natural stream channel of East Muddy Creek from the confluence with Lee Creek to the confluence with Muddy Creek, a distance of approximately 6.32 miles. A map depicting the approximate location of the East Muddy Creek Instream Flow Water Right reach is attached as **Exhibit 1.A. Upstream Terminus:** confluencece with Lee Creek at: 1. UTM: Northing: 4327742.52; Easting: 295050.07 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 39° 4' 29.07" N; Longitude 107° 22' 9.15" W B. **Downstream Terminus:** confluence with Muddy Creek at: 1. UTM: Northing: 4319399.06; Easting: 295770.58 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 59' 59.24" N; Longitude 107° 21' 30.19" 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). **Source:** East Muddy Creek, tributary to Muddy Creek, tributary to North Fork Gunnison River, tributary to Gunnison River, tributary to Colorado River. A. Date of initiation of appropriation: December 10, 2025 B. How appropriation was initiated: Appropriation and beneficial use occurred on December 10, 2025, in accordance with 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: December 10, 2025. **Amount of water claimed in cubic feet per second:** Instream flow of 11.2 cfs (11/01 - 02/29), 20 cfs (03/01 - 03/31), 23 cfs (04/01 - 06/30), 14.5 cfs (07/01 - 10/31), absolute. **Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. **Terms and Conditions to be included in water court decree issued in this case:** a) Any conditional water rights that were decreed prior to the filing of a water court application for the East Muddy Creek ISF water right(s) will be administered as senior to the East Muddy Creek ISF water right(s) if such conditional water rights are decreed absolute. b) Should any changes to the natural streambed channel of East Muddy Creek occur due to naturally occurring circumstances outside the control of water rights owners located within the ISF reach, such that it becomes necessary for water rights owner(s) to relocate the decreed point of diversion and related infrastructure to another point of diversion on East Muddy Creek to receive the proper inflow of water to which the water rights holder(s) may be entitled from East Muddy Creek, and such relocation is otherwise consistent with section 37-86-111, C.R.S., then the CWCB shall not rely on the instream flow appropriation decreed herein to prohibit or condition any such relocation of the decreed point of diversion and related diversion infrastructure or to require a change of water right associated with any such relocation of the point of diversion and related diversion infrastructure. c) Paonia Reservoir is experiencing sedimentation and water users may in the future decide to use temporary detention ponds to decrease the amount of sedimentation that flows into the reservoir. The CWCB recognizes that the Colorado Division of Water Resources' General Administration Guidelines for Reservoirs (October 2011, amended February 2016) is a basic guide for reservoir administration. d) Pursuant to section 37-92-102(3)(b), C.R.S., the East Muddy Creek ISF water rights shall be subject to the present uses or exchanges of water being made by other water users pursuant to appropriation or practices in existence on the date of this appropriation whether or not previously confirmed by court order or decree. e) All currently decreed absolute water rights will be administered as senior to the East Muddy Creek ISF water right. f) Acknowledge the existence of the 2,000 AF exchange decree w/correction (05CW0236) and its senior position. g) The CWCB recognizes the Bureau of Reclamation Policy Manual, PEC P05, Page 7, Item G., states the following: Irrigation Use. The use of contract water to irrigate land primarily for the production of commercial agricultural crops or livestock, and domestic and other uses that are incidental thereto. h) The CWCB will not use the East Muddy Creek ISF water rights as a basis to oppose any future storage applications with an appropriation date junior to December 1, 2025. i) Before filing a statement of opposition or motion to intervene in Water Court to oppose any future application to change the water rights, or a portion thereof, identified in Case No. 05CW0236, the CWCB will discuss their concerns with the application with the applicants and potential alternative ways to resolve the CWCB's concerns without filing a statement of opposition or motion to intervene in Water Court. **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. **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 November 18, 2025, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S., that the natural environment of East Muddy 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. 25CW3070** The Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Rebecca Crotty, Senior Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 10<sup>th</sup> Floor, Denver, Colorado 80203. Telephone: (720) 508-6260. Email: [rebecca.crotty@coag.gov](mailto:rebecca.crotty@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:** Middle Hubbard Creek Instream Flow Water Right.

**3. Legal Description:** The Middle Hubbard Creek Instream Flow Water Right is located in the natural stream channel of Middle Hubbard Creek from its headwaters to the Overland Ditch, a distance of approximately 2.37 miles. A map depicting the approximate location of the Middle Hubbard Creek Instream Flow Water Right reach is attached as **Exhibit 1**.

**A. Upstream Terminus:** headwaters in the vicinity of: 1. UTM: Northing: 4324090.67; Easting: 270063.72 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 39° 2' 8.32" N; Longitude 107° 39' 23.55" W **B. Downstream Terminus:** Overland Ditch at: 1. UTM: Northing: 4325516.75; Easting: 273218.73 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 39° 2' 57.50" N; Longitude 107° 37' 14.16" 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:** Middle Hubbard Creek, tributary to Hubbard Creek,

tributary to the North Fork Gunnison River, 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:** Instream flow of 0.25 c.f.s. (11/01 - 03/31), 0.60 c.f.s. (04/01 - 04/30), 4.90 c.f.s. (05/01 - 06/30), 2.90 c.f.s. (07/01 - 07/31), 1.00 c.f.s. (08/01 - 08/31), 0.50 c.f.s. (09/01 - 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 right, 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 right 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) and (4) and 37-92-103(3), (4) and (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 Middle Hubbard 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 right herein, if granted; and that such environment can exist without material injury to water rights.

## **DELTA COUNTY.**

**Case No. 25CW3071** Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Trevor D. Rogan, Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 10<sup>th</sup> Floor, Denver, Colorado 80203. Telephone: (720) 508-6865. Email:

trevor.rogan@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:** East Fork Dry Creek Instream Flow Water Right.

**3. Legal Description:** The East Fork Dry Creek Instream Flow Water Right is located in the natural stream channel of East Fork Dry Creek from the headwaters to the confluence with Beaver Dams Creek, a distance of approximately 3.11 miles. A map depicting the approximate location of the East Fork Dry Creek Instream Flow Water Right reach is attached as **Exhibit 1. A. Upstream Terminus:** headwaters in the vicinity of: 1. UTM: Northing: 4245723.89; Easting: 225416.86 (NAD 1983 Zone 13

North) 2. Lat/Long: Latitude 38° 19' 3.39" N; Longitude 108° 8' 26.50" W B. Downstream Terminus: confluence with Beaver Dams Creek at: 1. UTM: Northing: 4246758.01; Easting: 229778.94 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 19' 41.66" N; Longitude 108° 5' 28.55" 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:** East Fork Dry Creek, tributary to Dry Creek, tributary to the Uncompahgre River, 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 0.6 (11/01 - 02/29), 1.5 (03/01 - 03/31), 2.5 (04/01 - 07/31), 1.2 (08/01 - 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 East Fork Dry 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. **MONROSE AND OURAY COUNTIES.**

**Case No. 25CW3072** Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Trevor D. Rogan, Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 10<sup>th</sup> Floor, Denver, Colorado 80203. Telephone: (720) 508-6865. Email: [trevor.rogan@coag.gov](mailto:trevor.rogan@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:** Unnamed Tributary to East Fork Dry Creek Instream Flow Water Right. **3. Legal Description:** The Unnamed Tributary to East Fork Dry Creek Instream Flow Water Right is located in the natural stream channel of the Unnamed Tributary to East Fork Dry Creek from its headwaters to the confluence with East Fork Dry Creek, a distance of approximately 2.75 miles. A map depicting the approximate location of the Unnamed Tributary to East Fork Dry Creek Instream Flow Water Right reach is attached as **Exhibit 1. A. Upstream Terminus:** headwaters in the vicinity of: 1. UTM: Northing: 4241879.05; Easting: 227553.33 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 38° 17' 1.17" N; Longitude 108° 6' 53.31" W

**B. Downstream Terminus:** confluence with East Fork Dry Creek at:

1. UTM: Northing: 4245975.82; Easting: 227567.86 (NAD 1983 Zone 13 North)  
2. Lat/Long: Latitude 38° 19' 13.91" N; Longitude 108° 6' 58.40" 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:** Unnamed tributary to East Fork Dry Creek, tributary to Dry Creek, tributary to the Uncompahgre River, 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 0.25 (11/01 - 02/29), 0.5 (03/01 - 03/31), 1.6 (04/01 - 04/30), 3.2 (05/01 - 06/30), 1.6 (07/01 - 07/31), 0.5 (08/01 - 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 East Fork Dry 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. **MONTROSE AND OURAY COUNTIES.**

**Case No. 25CW3073 (Ref. No. 19CW3007)** Applicant: Brian Cella and Theresa Cella, Trustees of the First Amended Cella Family Trust dated July 8, 2024, 64 Basque Coast St., Las Vegas, NV, 89138-4669, brianmtsinc@aol.com. Please direct all correspondence to Attorneys for Applicant: LAW OF THE ROCKIES Kendall K. Burgemeister, Atty. Reg. #41593 525 North Main Street Gunnison, CO 81230 (970) 641-1903, kburgemeister@lawoftherockies.com. APPLICATION TO MAKE ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE Description of Conditional Water Rights. In 19CW3007 (Dist. Ct., Water Div. 4, December 16, 2019), conditional storage rights were decreed for the Reese Pond, Jameson Pond, and Lucas Pond, and a conditional appropriative right of exchange was decreed for the Powderhorn Blue Mesa Exchange. The appropriation date for all three ponds is February 5, 2019. The ponds are filled in series by the W.S. Thompson Ditch, which has a decreed capacity of 3.5 c.f.s., and which diverts from Cebolla Creek, tributary to the Gunnison River, at a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 12, Township 45 North, Range 2 West, N.M.P.M., approximately 1965 feet from the north section line and 925 feet from the west section line (UTM Zone 13 320297.5 m Easting, 4226258.6 m Northing). The cumulative rate of diversion for initial filling of all three ponds is 3.5 c.f.s. (conditional), and the cumulative rate of diversion for refilling, for refreshing flows, and replacing evaporative losses is 0.58 c.f.s. (conditional). The beneficial uses of all three ponds are piscatorial, recreation, augmentation, and fire protection. Augmentation use is limited to augmentation of the three structures pursuant to the plan for augmentation approved in 19CW3007. Additional details for each of the ponds are provided in the following three sub-paragraphs. Reese Pond. Legal description of location of dam centerline: Located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 12, Township 45 North, Range 2 West, N.M.P.M., approximately 1278 feet from the north section line and 722 feet from the west section line. UTM Zone 13 320239.77 m Easting, 4226469.12 m Northing. Amount claimed for initial fill: 4 acre-feet, conditional. Jameson Pond. Legal description of location of dam centerline: Located in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 12, Township 45 North, Range 2 West, N.M.P.M., approximately 989 feet from the north section line and 789 feet from the west section line. UTM Zone 13 320261.78 m Easting, 4226556.78 m Northing. Amount claimed for initial fill: 1.04 acre-feet, conditional. Lucas Pond. Legal description of location of dam centerline: Located in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 12, Township 45 North, Range 2 West, N.M.P.M., approximately 668 feet from the north section line and 856 feet from the west section line. UTM Zone 13 320290 m Easting, 4226706 m Northing. Amount claimed for initial fill: 0.67 acre-feet, conditional. Conditional Appropriative Rights of Exchange. Powderhorn Blue Mesa Exchange. Lower Terminus: Blue Mesa Reservoir. The initial point of survey of Blue Mesa Dam is located at a point on the right abutment being the intersection of the center line of the axis of the dam and of the center line of the outlet works tunnel, being a point whence the Southwest corner of Sec. 31, Township 49 North, Range 4 West, N.M.P.M. bears North 78°36'44" West a distance of 3,207.07 feet. Upper Terminus: The point of diversion for the W.S. Thompson Ditch, as described above. Source of Substitute Supply: Water stored in Blue Mesa Reservoir and leased from the United States Department of the Interior, Bureau of Reclamation. Date of Appropriation: February 5, 2019. Maximum rate: 3.5 c.f.s., conditional. Uses: Piscatorial, recreation, augmentation, and fire protection uses through filling and refilling of the Reese, Jameson, and Lucas Ponds and pursuant to

the plan for augmentation decreed in 19CW3007. Application to Make Absolute. All 3 ponds intercept groundwater. In addition, the ponds have been filled to their maximum capacities via the W.S. Thompson Ditch at the maximum rate of 3.5 cfs. The as-built data for the ponds are as follows: Reese Pond Surface Area: 44,286 square-feet Volume: 3.497 acre-feet Maximum Depth: 6.4 feet. Maximum Rate of Groundwater Depletion (evaporation): 3.72 gpm. Jameson Pond Surface Area: 12,639 square-feet Volume: 1.041 acre-feet Maximum Depth: 7.7 feet. Maximum Rate of Groundwater Depletion (evaporation): 1.05 gpm. Lucas Pond Surface Area: 12,245 square-feet Volume: 0.677 acre-feet Maximum Depth: 5.4 feet. Maximum Rate of Groundwater Depletion (evaporation): 1.02 gpm. Application for Finding of Reasonable Diligence. The Applicant seeks a finding of reasonable diligence with respect to any portion of the conditional rights that are not made absolute in this case. A detailed list of activities completed during the diligence period is included in the Application. Reese Pond, Jameson Pond, and Lucas Pond are on land owned by Applicant. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.**

**Case No. 25CW3074** Applicant: Kubler LLC, 1003 Brocade Dr., Highlands Ranch, CO, 80126, 970-218-0321. Please direct all correspondence to counsel for Applicant: LAW OF THE ROCKIES, Kendall K. Burgemeister, Atty. Reg. #41593, Tess R. Peterson, Atty. Reg. #62416, 525 North Main Street, Gunnison, CO, 81230, (970) 641-1903, kburgemeister@lawoftherockies.com, tpeterson@lawoftherockies.com. **APPLICATION FOR CONDITIONAL SURFACE WATER RIGHT.** Name of Structure: Name of Structure: Kubler Ranch Spring 5. Location: In the NWNE Section 9, T15S, R86W, 6th PM; 325818E, 4292989N UTM Zone 13S (NAD 83). See Exhibit A. Source: Tributary to Carbon Creek, tributary to Ohio Creek, tributary to the Gunnison River. Amount: 15 gallons per minute (conditional). Use: Livestock watering and wildlife watering. Appropriation Date: December 31, 2025, by performing site reconnaissance, developing a plan to develop the springs to control the water emanating therefrom and to put the same to beneficial use, contacting a contractor to construct spring improvements, and by filing this application. Kubler Ranch Spring 5 is on land owned by Applicant. **GUNNISON COUNTY.**

**Case No. 25CW3075** Delta County - Gunnison River; Karen L. Good, Willow W. Mannan, and Prima N. Merry; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; **APPLICATION FOR GROUNDWATER RIGHT, STORAGE RIGHT, SURFACE RIGHT, APPROVAL OF PLAN FOR AUGMENTATION, AND APPROVAL OF APPROPRIATIVE RIGHT OF EXCHANGE;** Name, address, and telephone number of Applicants: Karen L. Good, Willow W. Mannan, and Prima N. Merry; 16505 Farmers Mine Road, Paonia, CO 81428, (970) 462-6453; Request for groundwater right: Name of structure: Good Well; Location: SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 30, Township 13 South, Range 91 West of the 6th Principal Meridian (UTM Zone 13 NAD83, 275132m E, 4308169m N); Source: Groundwater tributary to the North Fork of the Gunnison River; Depth: 130 feet; Information regarding appropriation: Date of appropriation: December 12, 2025; How appropriation was initiated: The Good Well is currently permitted as a domestic exempt well, Well Permit No. 318813. This application

requests a new groundwater right for the well; Amount: 8.5 g.p.m. or 0.02 c.f.s., conditional, 1.2 a.f. annually; Related augmentation plan: The Good Well will operate pursuant to the augmentation plan requested below; Uses: Domestic; Request for water storage right: Name of structure: Good Pond; Location: Will be constructed in the southeastern corner of the Applicants' property within the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 30, Township 13 South, Range 91 West of the 6th Principal Meridian. Coordinates for the approximate center of the pond are UTM Zone 13 NAD83, 275259m E, 4308115m N; Source: Surface flows and wastewater from the Good Wastewater Ditch, requested below; Information regarding appropriation: Date of appropriation: December 12, 2025; How appropriation was initiated: By filing the Application in this case; Amount: 0.18 a.f. conditional, with right to refill when in priority; Uses: Augmentation, recreation, fire protection, wildlife watering; Surface area: 0.05 acres; Height of dam: Less than 10 feet above the natural surface of the ground; Total capacity: 0.18 a.f., all active; Request for surface water right: Name of structure: Good Wastewater Ditch; Location: The point of diversion for the Good Wastewater Ditch is on Applicants' property in the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 30, Township 13 South, Range 91 West of the 6th Principal Meridian. Coordinates for the point of diversion are UTM Zone 13 NAD83, 275246m E, 4308117m N; Source: Irrigation return flows collected on Applicants' property; Information regarding appropriation: Date of appropriation: December 12, 2025; How appropriation was initiated: By filing the Application in this case; Amount: 0.25 c.f.s. conditional; Uses: Filling and refilling the Good Pond, recreation, wildlife watering directly from the pond, fire protection; Request for approval of plan for augmentation: Name of structure to be augmented: Good Well, requested above; Water rights to be used for augmentation: To address downstream calls on the main stem of the Gunnison River, this augmentation plan will rely, in part, on a water supply contract from Blue Mesa Reservoir. Additionally, to address downstream senior calls on the North Fork of the Gunnison River, this augmentation plan will rely on one of two alternative sources of augmentation supply. The first of those two is the Good Pond as requested in this Application. The second, to be utilized if Applicants determine that the Good Pond is not efficient and convenient, is a water supply contract from the North Fork Water Conservancy District for releases from East Beckwith Reservoir No. 1; Good Pond, requested above; East Beckwith Reservoir No. 1; Date of original decree and Case No.: 06CW59; Type of water right: Storage; Legal description: The decree in Case No. 06CW59 described the location of the East Beckwith Reservoir No. 1 as in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 3, T 14S, R.88 W, 1,477 feet from the north section line and 1,747 feet from the east section line, 6th P.M.; Source: Middle Creek, tributary to Ruby Anthracite Creek, tributary to the North Fork of the Gunnison River; Appropriation date: March 31, 2006; Amount: 383 a.f.; Decreed use: Irrigation, recreation, fish culture, fire protection, stock water, industrial, commercial, hydroelectric, and augmentation; Note: Because this source of augmentation supply is an alternative to the Good Pond, Applicants will not obtain a water supply contract with the North Fork Water Conservancy District ("District") unless the Good Pond is not a desirable source of augmentation supply to address calls on the North Fork. Nothing in this application or the decree issued in this case will obligate the District to approve or issue a water supply contract to Applicants. The District shall remain free to decide in its absolute discretion whether to issue a water supply contract to Applicants to support this augmentation plan; Blue Mesa Reservoir: Date of original decree and Case Nos.: Blue Mesa Reservoir

(Wayne N. Aspinall unit of the Colorado River Storage Project) was decreed 939,204 acre-feet in C.A. Nos. 5590 and 6981, Gunnison County District Court, with a November 11, 1957, appropriation date. An additional 124,253 acre-feet, with the same appropriation date, was transferred to the reservoir in C.A. No. 10045, making the total amount decreed to Blue Mesa Reservoir 1,063,457 acre-feet.; Type of water right: Storage; Legal description: Blue Mesa Reservoir: The initial point of survey of Blue Mesa Dam is located at a point on the right abutment being the intersection of the center line of the axis of the dam and of the center line of the outlet works tunnel, whence the SW corner of section 31, T49N, R4W, NMPM bears North 78°36'44" West a distance of 3,207.07 feet; Source: Gunnison River; Appropriation date: November 11, 1957; Amount: 1,063,457 a.f.; Decreed use: Domestic, municipal, irrigation, stock watering, industrial, hydropower, piscatorial, wildlife, recreation and other purposes; Do Applicants intend to change a water right to provide a source of augmentation: No; Statement of plan for augmentation: The Good Well will supply water for in-home domestic purposes in up to three homes on Applicants' property. The estimated water demand for that domestic use is 0.1 a.f. per month or 1.2 a.f. per year. Homes supplied by the Good Well will use septic systems, resulting in depletions of 10% of demand, or 0.12 a.f. annually. The Good Well will be subject to an irrigation season call on the North Fork of the Gunnison River by the Short Ditch. Over the last ten years, that call has occurred as early as June 28 and as late as October 4. This augmentation plan will address potential calls on the North Fork during the period of June 15 through October 15. The primary downstream senior calling right on the main stem of the Gunnison River is the Redlands Power Canal ("RPC"). Calls could potentially be placed by the RPC under either its 670 c.f.s. senior right or its 80 c.f.s. junior right. Based on reviews of USGS streamflow data and discussions with the Division of Water Resources, this plan for augmentation addresses potential call. This augmentation plan provides for the release of water stored in the Good Pond or East Beckwith Reservoir No. 1 to offset out-of-priority depletions in response to downstream senior calls on the North Fork, and the release of water stored in Blue Mesa Reservoir to offset out-of-priority depletions in response to downstream senior calls on the Gunnison River. The annual augmentation obligation to offset out-of-priority depletions from the Good Well will equal 0.04 a.f. of water stored in the Good Pond or 0.05 a.f. in Blue Mesa Reservoir. The Good Pond will have a total capacity of 0.18 a.f., all active, which will be sufficient to meet the augmentation obligations under this plan. The annual replacement obligation from Blue Mesa Reservoir equals 0.05 a.f.; however, because the Bureau of Reclamation issues water supply contracts in one acre-foot increments, Applicants will contract for the release of one acre-foot. The excess 0.95 a.f. of augmentation supply available under that contract will be available under this augmentation plan to address any increase in the call period beyond that contemplated based on historical conditions; Exchange project: This augmentation plan will include the Good Well Exchange Project, requested below; Request for approval of appropriative right of exchange: Name of exchange project: Good Well Exchange Project; Introduction: This augmentation plan will include the Good Well Exchange Project in the amount of 0.0002 c.f.s. to exchange water released from Blue Mesa Reservoir from the confluence of the North Fork of the Gunnison River and Gunnison River (lower terminus) to the point of depletion (upper terminus); Location: Downstream terminus: The confluence of the North Fork Gunnison River and the Gunnison River, which is located within the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 6, Township

15 South, Range 93 West, 6th Principal Meridian (UTM Zone 13, NAD83; 253592m E; 4296491m N); Upstream terminus: The point of depletion located within the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 29, Township 13 South, Range 91 West, 6th Principal Meridian (UTM Zone 13, NAD83; 276163m E; 4307349m N); Source: Releases from Blue Mesa Reservoir as described in the plan for augmentation above; Information regarding appropriation: Date of appropriation: December 12, 2025; How appropriation was initiated: By filing the Application in this case; Amount: 0.0002 c.f.s.; Use: Augmentation to support the augmentation plan decreed in this case. (8 pages) **DELTA COUNTY.**

**Case No. 25CW3076** Applicants: C. Gregory Ruffennach and Rebecca M. Ruffennach, 5963 State Highway 149 Powderhorn, CO 81243, greg.ruffennach@gmail.com, 443-521-3027. Please direct all correspondence to LAW OF THE ROCKIES, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO 81230, (970) 641-1903, kburgemeister@lawoftherockies.com. APPLICATION FOR CONDITIONAL WATER RIGHTS. Applicants request a conditional water storage right for a structure to be known as Moose Pond. Location: In the N1/2SW1/4 of Section 18, T46N, R3W, NMPM, at approximately 302144E, 4234348N, UTM Zone 13, NAD 83. See Exhibit A. Structures Used to Fill Pond: Moose Pond Inlet. Capacity: 1 cfs. Point of Diversion: In the S1/2SW1/4 of Section 18, T46N, R3W, NMPM, at approximately 302152 E, 4233987 N, UTM Zone 13, NAD 83. See Exhibit A The pond will also be filled with tailwater after irrigation use of the Johnson Ditch on upgradient irrigated meadows and other diffuse surface waters tributary to the Lake Fork Gunnison River. Source: Trout Creek, tributary to the Lake Fork of the Gunnison River, tributary to the Gunnison River. Amount: 2.5 acre-feet, with the right to fill and re-fill at a rate of up to 0.252 cfs (CONDITIONAL). Surface Area:  $\frac{1}{2}$  acre. Height and Length of Dam: Less than 10 feet high, and less than 80 feet in length. Capacity: 2.5 acre-feet. Use: Livestock watering, wildlife watering, fire protection, recreation, and irrigation. Appropriation Date: December 31, 2025. Manner of Appropriation: Site reconnaissance, engaging legal counsel, consultation with other retained professionals regarding pond design and regulatory requirements, and the drafting and filing of this Application. In the alternative, Applicants request a conditional groundwater right for Moose Pond and a conditional surface right for Moose Pond Inlet, with all of the same attributes set forth above. In addition, groundwater would be appropriated at a rate of up to 1.89 gallons per minute (0.5 feet of evaporation in June x 0.5 acres / 30 days / 1.983 AFD/cfs \* 449 gpm/cfs). If groundwater is intercepted by the construction of Moose Pond, Applicants may choose to not line the pond and to obtain a well permit and augment Moose Ponds' out-of-priority depletions through participation in Upper Gunnison River Water Conservancy District's Lake San Cristobal or Aspinall Unit augmentation plans. In such event, if perfection of a storage right is not allowed by the Water Court, Applicants would seek to perfect Moose Pond as an underground water right and Moose Pond Inlet as a surface right, and would allow the conditional storage right to be cancelled. Moose Pond and the Moose Pond Inlet are on land owned by Applicants. **GUNNISON COUNTY.**

**Case No. 25CW3077 (Ref No 19CW3062, 13CW22)** Name, Address, Telephone  
Number of Applicant: Eagle Ridge Ranch Homeowners Association, 1622 Eagle Hill Road, Gunnison, CO 81230, Type of Application: Application to Make Water Rights

Absolute and to Abandon Conditional water rights. Name of Structure: STEEP SPRING  
Legal Description: In the N1/4SE1/4SW1/4 of Section 28, Township 51North, Range 1 West, N.M.P.M., approximately 1629 feet east of the west line and 1069 feet north of the south line of said Section 28. Gunnison County, Colorado. UTM coordinates NAD83 13S 327555 E 4279677 N. Source: Alluvium of Ohio Creek, tributary of the Gunnison River. Appropriation Date: February 20, 2013. Amount Claimed: 0.011 c.f.s. (5 g.p.m.). Use: Stock watering, wildlife and irrigation of up to one acre. Name of Structure: ERRHOA SOUTH SPRING. Legal Description: In the SE1/4SW1/4SE1/4 of Section 28, Township 51 North, Range 1 West, N.M.P.M., approximately 1,347 feet west of the east line and 504 feet north of the south line of said Section 28. UTM coordinates NAD83 13S 328239 E 4279496 N. Source: Alluvium of Ohio Creek, tributary of the Gunnison River. Appropriation Date: February 20, 2013. Amount Claimed: 0.011 c.f.s. (5 g.p.m.). Use: Irrigation, stock watering, wildlife, and irrigation of up to 1 acre. Name of Structure: LONE PINE DITCH SPRING. Legal Description: In the NE1/4SE1/4SE1/4 of Section 28, Township 51 North, Range 1 West, N.M.P.M., approximately 108 feet west of the east line and 1,177 feet north of the south line of said Section 28. UTM coordinates NAD83 13S 328620 E 4279696 N. Source: Alluvium of Ohio Creek, tributary of the Gunnison River. Appropriation Date: February 20, 2013. Amount Claimed: 0.011 c.f.s. (5 g.p.m.). Use: Stock watering, wildlife and irrigation of up to one acre. The application contains a detailed list of those activities undertaken by Applicant during the diligence period to complete the appropriation of the subject right in a reasonably expedient and efficient manner, and requests the Steep Spring and ERRHOA South Spring be made absolute for stock watering and wildlife, and abandons the conditional water right for irrigation. The conditional water rights for the Lone Pine Ditch Spring are abandoned as the water source has dried up. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.**

**Case No. 25CW3078 GPS LAND, LLC, GUNNISON COUNTY, COLORADO.** Applicant: GPS Land, LLC c/o Anthony Ho, Manager, 5142 Hollister Avenue # 506, Santa Barbara, CA 93111, Telephone: (970) 921-3454. Please direct all correspondence concerning this Application to: David L. Kueter, Esq., and Kent Holsinger, Esq., Holsinger Law, LLC, 1800 Glenarm Place, Suite 500, Denver, CO 80202, (303)722-2828, dkueter@holsingerlaw.com, kholsinger@holsingerlaw.com. **APPLICATION FOR ABSOLUTE WATER RIGHTS (SURFACE) OF GPS LAND, LLC IN THE GUNNISON RIVER, GUNNISON COUNTY, COLORADO.** Name of structure: Sand Mountain Spring North; Sand Mountain Spring South. Location of Structure: Sand Mountain Spring North. Legal Description: Gunnison County SW1/4 of the SW1/4 Section 19 Township 15 S, Range 90 W, 6th Principal Meridian. Point of diversion: UTM coordinates Easting 282982.68; Northing 4289366.64, Zone 13. Source of UTMs: Hand-held GPS. See **Exhibit A** attached hereto. Location of Structure: Sand Mountain Spring South. Legal Description: Gunnison County NW1/4 of the NW1/4 Section 30 Township 15 S, Range 90 W, 6th Principal Meridian. Point of diversion: UTM coordinates Easting 282925.93; Northing 4289263.79 Zone 13. Source of UTMs: Hand-held GPS. See **Exhibit A** attached hereto. Source: Spring water tributary to the Smith Fork. Date of appropriation: December 29, 2025. How appropriation was initiated: By the filing of the application. Date water

applied to beneficial use: n/a. Amount claimed: Spring North: 20 g.p.m., conditional. Spring South: 15 g.p.m., conditional. List All Uses or Proposed Uses: Irrigation, domestic. If irrigation, complete the following: Number of acres to be irrigated: 10 acres of lawns and gardens. Legal description of irrigated acreage: NW1/4 NW1/4 of Section 30 Township 15 South, Range 90 West of the 6th P.M. If non-irrigation, describe purpose fully. Domestic use on Applicant's ranch in the NW1/4 NW1/4 of Section 30 Township 15 South, Range 90 West of the 6th P.M. Name and address of owner or reputed owner of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Spring North: United States Forest Service, 2250 South Main Street, Delta, CO 81416. Spring South: Applicant. 4 pages and 1 page of exhibits. **GUNNISON COUNTY.**

**Case No. 25CW3079 DELTA COUNTY – GUNNISON RIVER OR ITS TRIBUTARIES**  
BSG Land Holdings, LLC c/o Kevin L. Patrick and Jason M. Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030; APPLICATION FOR WATER RIGHTS, CHANGE OF WATER RIGHTS, AND APPROVAL FOR PLAN FOR AUGMENTATION. **First Claim:** BSG Pump and Pipeline. Legal: Easting 751940.7; Northing 4292958.8; Zone 12; Street address: 6454 Graff Road, Delta, CO 81416; Source of UTM: located from aerial map; Accuracy of location displayed on GPS device: Accurate to within 20 feet. Source: Gunnison River, and thence the Colorado River. Appropriation date: January 27, 2025. How appropriation was initiated: Field inspection, digital recording, location, and formulation of intent to apply water to beneficial use. Date water applied to beneficial use: N/A. Amount claimed: 5.0 cfs, conditional. Proposed uses: Direct application for domestic, municipal, recreation, industrial, commercial, fire protection, irrigation, and the filling of storage for the subsequent uses of piscatorial, recreation, industrial, commercial, dust suppression, augmentation and exchange. The municipal use is claimed and will be made absolute only in the event a governmental entity such as a special district or the City of Delta operates this water right. Names and addresses of the owners of the land upon which the structure is located: Applicant. Remarks: This water right is a component of an integrated water supply plan involving each of the water rights described in this application. **Second Claim:** Darter & Hangsted Ditch, BSG Enlargement. Legal: The Darter & Hangsted Ditch is decreed to divert on the West Bank of the Uncompahgre River at a point whence the NE Corner of Sec. 23, Township 15 S., Range 96 W. of the 6th P.M., bears N. 12° East 1,000 feet. UTM coordinates: Easting 753738.8; Northing 4292070.4; Zone 12; Address: 6454 Graff Road, Delta, CO 81416; Source of UTM: location based on DWR location of Darter & Haugsted Ditch which is located by GPS per DWR; Accuracy of location displayed on GPS device: accurate to within 50 feet. Source: Uncompahgre River, a tributary of the Gunnison River, and thence the Colorado River. Appropriation date: January 27, 2025. How appropriation was initiated: Field inspection, digital recording, location, and formulation of intent to apply water to beneficial use. Date water applied to beneficial use: N/A. Amount claimed: 11.45 cfs, conditional. Proposed uses: Direct application for domestic, municipal, recreation, industrial, commercial, fire protection, irrigation, and the filling of storage for the subsequent uses of piscatorial, recreation, industrial, commercial, dust suppression, augmentation and exchange. The municipal use is claimed and will be made absolute

only in the event a governmental entity such as a special district or the City of Delta operates this water right. Names and addresses of the owners of the land upon which the structure is located: John Messano, 6026 Graff Road, Delta, CO 81416. Remarks: This water right is a component of an integrated water supply plan involving each of the water rights described in this application. **Third Claim:** BSG Well Field. Legal: A well field bounded by Delta County Parcel Nos. 34571420029, 34571410001, and 34571420003 within in the NE ¼ and NW ¼ of the SW ¼; NE ¼ and NW ¼ of the SE ¼; the NE ¼; and the NW ¼ of Section 14, Township 15 South, Range 96 West of the 6<sup>th</sup> Principal Meridian consisting of 275.5 acres. Source: Groundwater tributary to the Gunnison River, and thence the Colorado River. Appropriation date: January 27, 2025. How appropriation was initiated: Field inspection, digital recording, location, and formulation of intent to apply water to beneficial use. Date water applied to beneficial use: N/A. Amount claimed: 550 g.p.m (1.22cfs), conditional, cumulatively between all wells within the well field. Proposed uses: Domestic, municipal, industrial, commercial, fire protection, irrigation, and the filling of storage for the subsequent uses of piscatorial, recreation, industrial, commercial, dust suppression, augmentation and exchange. The municipal use is claimed and will be made absolute only in the event a governmental entity such as a special district or the City of Delta operates this water right. Applicant owns the land upon which the structure is located. Remarks: This water right is a component of an integrated water supply plan involving each of the water rights described in this application. **Fourth Claim:** Darter & Hangsted Ditch; George W. Moody Ditch. Previous Decrees: Darter & Hangsted: Civil Action No. 4573, with an adjudication date of December 4, 1941, and an appropriation date of February 16, 1926 for 4.2 cfs. Applicant is the owner of the entire 4.2 cfs in this water right (hereinafter "D&H water right"). Historic use: The irrigation of 168 acres. George W. Moody: Civil Action No. 4573, with an adjudication date of December 4, 1941, and an appropriation date of April 15, 1891, for 7.25 cfs. Applicant is the owner of the entire 7.25 cfs in this water right (hereinafter "GWM water right"). Historic use: The irrigation of 26.4 acres. Source: As to both water rights: Uncompahgre River, tributary to the Gunnison River and thence the Colorado River. Proposed Change: Generally, the Applicant seeks to change the type of use, place of use, and point of diversions of 4.2 cfs of the D&H water right and 0.7 cfs of the GWM water right as follows: To divert the water rights at the alternate point of diversion locations of the structures (BSG Pump and Pipeline) (Darter & Hangsted); To change the place of use to include all land located within the legal description attached as Exhibit A; and to change the use to add the beneficial uses of domestic, municipal, commercial, industrial, recreation, fish and wildlife propagation, wetlands, augmentation and exchange, and the filling of storage in the BSG Pond System described in the Sixth Claim hereof. The D&H water right was historically used for the irrigation of 168 acres of mixed crop depicted in Figure 2. The GWM water right was historically used for the irrigation of 26.3 acres of mixed crop depicted in Figure 2. The name and address of the landowner where the D&H and GWM water rights are diverted is John Messano 6026 Graff Road, Delta, CO 81416. Applicant owns the land where the water has been, is and will be put to beneficial use. **Fifth Claim:** BSG Gravel Pit Wells Legal: A well field bounded by Delta County Parcel Nos. 34571420029, 34571410001, and 34571420003 within in the NE ¼ and NW ¼ of the SW ¼; NE ¼ and NW ¼ of the SE ¼; the NE ¼; and the NW ¼ of Section 14, Township 15 South, Range 96 West of the 6<sup>th</sup> Principal Meridian consisting of 275.5 acres. Source:

Groundwater tributary to the Gunnison River, and thence the Colorado River. Appropriation date: January 27, 2025. How appropriation was initiated: Field inspection, digital recording, location, and formulation of intent to apply water to beneficial use. Date water applied to beneficial use: N/A. Amount claimed: 1.8 cfs, conditional, cumulatively between all wells within the well field. Proposed uses: The use water is for the processing, washing, and exporting of sand, gravel, and rock in conjunction with sand and gravel operations. During the post mining phase, to the extent the wells are not lined as described in the Sixth Claim, below, the water will be used for recreation and fish and wildlife propagation. Applicant owns the land upon which the structure is located. Remarks: Applicant will engage in sand, gravel, and rock mining which may expose groundwater on a temporary basis until the structures are either reclaimed or lined as storage structures pursuant to the Sixth Claim described below. This water right is a component of an integrated water supply plan involving each of the water rights described in this application. **Sixth Claim:** BSG Pond System. Location: The pond is located in the NE ¼ of the NW ¼ and the NW ¼ of the NE ¼ of Section 14, Township 15 South, Range 96 West of the 6th Principal Meridian at a point described by the following UTM Coordinates (Zone 12N): 752601.2 Easting, 4293308.8 Northing. Source: Uncompahgre River via deliveries from the Darter & Hangsted Ditch and/or the BSG Pump and Pipeline described herein. Details: Date of appropriation: January 27, 2025. How appropriation was initiated: Field inspection, digital recording, location, and formulation of intent to apply water to beneficial use. Date water applied to beneficial use: N/A. Amount Claimed: 550 AF Uses: Irrigation, recreation, fire protection, fish and wildlife propagation, augmentation and exchange. If irrigation: Number of acres to be irrigated: 50 acres. Location of irrigation: Within Delta County Parcel Nos. 34571420029, 34571410001, and 345714200003 in Section 14, Township 15 South, Range 96 West of the 6th Principal Meridian. Applicant owns the land upon which structure will be located and where water will be used. Remarks: One or more interconnected ponds formed by the lining of gravel pit wells as described in the Fifth Claim, above will be constructed. Once the ponds are lined to the satisfaction of the Division of Water Resources, the well permits secured for the structures will be abandoned and the structure(s) will operate under the water right applied for herein. This water right is a component of an integrated water supply plan involving each of the water rights described in this application. **Seventh Claim:** Augmented structures: BSG Pump and Pipeline, described more fully in the First Claim, above. Darter & Hangsted Ditch, BSG Enlargement, described more fully in the Second Claim, above. BSG Well Field, described more fully in the Third Claim, above. BSG Gravel Pit Wells, described more fully in the Fifth Claim, above. BSG Pond System, described more fully in the Sixth Claim, above. Names of structures used for augmentation. Applicant's consumptive use associated with the D&H water right decreed. Legal (Delta County): Source: Uncompahgre River. Amounts: 4.2 cfs. Uses: Irrigation. Applicant's consumptive use associated with the GWM water right. Legal description (Delta County): Source: Uncompahgre River. Amount: 7.25 cfs. Uses: Irrigation. BSG Pond System described in the Sixth Claim, above. Contract Water. Applicant is a party to Contract No. Contract No. 25-WC-40-1025, U.S. Bureau of Reclamation Contract for 55.0 acre feet, for augmentation and replacement purposes, described as follows: Blue Mesa Reservoir. Date of original decrees, subsequent decrees, and decreed amounts: Blue Mesa Reservoir was originally decree for 939,204 acre-feet, conditional, in CA 6981, with an

adjudication date of March 3, 1960 and an appropriation date of November 13, 1957, under Priority No. 447. Thereafter, 1,551 acre-feet decreed to the Crystal Reservoir Priority 445 water rights was transferred to Blue Mesa Reservoir and an additional 122,702 acre-feet decreed to the Crystal Reservoir under Priority No. 445 was transferred to Blue Mesa Reservoir in CA10045, as a refill water right. The total now allowed to be stored in Blue Mesa Reservoir is 1,063,057 acre-feet. Type of water right: Storage right. Current decreed legal description: The current decreed legal description is described as an initial survey point located at a point on the right abutment of the dam being the intersection of the center line of the axis of the dam and the center line of the outlet water tunnel, whence the SW corner of Section 31, Township 49 North, Range 4 West, N.M.P.M. bears North 78°36'44" West a distance of 3,207.07 feet. Source: Gunnison River and its tributaries. Appropriation date: As described above. Amount: As described above. Uses: Domestic, municipal, industrial, power, flood control, piscatorial, wildlife protection and preservation, recreation, irrigation, and stock use. Addition of Contract Water. Applicant may increase the contract storage water from Blue Mesa Reservoir to an amount over 55.0 acre feet by entering into an additional contract with the Bureau of Reclamation. Applicant may add additional Blue Mesa Reservoir contract water to its replacement water under this plan without the necessity of amending this plan or filing a supplemental plan under the adaptive approach of this plan for augmentation. Statement of plan for augmentation covering all applicable matters pursuant to C.R.S. § 37-92-103(9), 302(1)(2) and 305(8). Background. Applicant is engaged in the business of mining, processing and sale of rock, gravel, and concrete on the Property. Once mining is complete, Applicant intends to convert the land to a mixed use development described more fully below. Description of water uses. Industrial, commercial, evaporation, dust suppression in conjunction with mineral operations. Post Mining Operations: Mixed use residential, domestic, municipal, commercial, industrial and evaporation. Return flows: Industrial, Commercial, Evaporation, Dust Suppression in Conjunction with Mineral Operations: Return flows will be relatively immediate to the groundwater table. Post Mining Operations: Mixed Use Residential, Domestic, Municipal, commercial, Industrial and Evaporation: Return flows will be at the point of discharge for the City of Delta wastewater treatment plant if served by the City. Land ownership: The structures subject to this augmentation plan are located on or are planned to be located on lands described in the above claims. Beneficial water uses will be made upon property leased, owned, or otherwise controlled by Applicants. MINING PHASE: During the mining phase, water use will consist of dust control, evaporation from open water surfaces, wet rock extraction with offsite transport, and the manufacturing of concrete. Dust control use is estimated to be 2.67 af/acre annually per the monthly schedule. The water requirement for dust control was determined using the gross evaporation rate from the "TR-33" of 45 inches per year. It was assumed that dust control is performed on two acres at any given time and dust control is provided to a reasonable level if water is being applied at a rate equal to the gross evaporation rate for a given month. It was also assumed that dust control would only be applied on work days and there will approximately 260 working days per year (52 weeks with 5 days per week). Dust control requirement (assuming 2 acres of controlled surface at a given time) totals 5.34 AF annually or approximately 6,700 gallons per day (gpd). Gravel, road base, and wet base extraction and transport are estimated at the rates described in the schedule on file with the court as Attachment 6, Table 1B. It is estimated

that up to 500,000 tons of material will be mined per year. Of the 30 feet mined, the top 4 feet is assumed to be overburden or top soil, the next 4 feet is assumed to be unsaturated gravel and sand, and the final 22 feet are assumed to be saturated gravel and sand. Therefore, 73% of the mined material by volume is expected to be saturated. The amount of water lost with the removal of mined material (V) has been calculated based on the table in Section 18 of the SWSP Guidance and the equation:

$$V (\text{AF}) = \frac{\text{Tons mined material} \times 2,000 \text{lbs/ton} \times \% \text{ groundwater}}{\text{Specific weight of water} \times (1 \text{ acre} \times 43,560 \text{ ft}^2)}$$

Assumptions were made that 80% (rounding up 73%) of the mined material is not washed and is designated as “material mined bellowed the groundwater table, but in a dewatered state.” 2% by weight of this mined material below the groundwater table will be accounted for as depletions to the Gunnison River (mined material above the groundwater table is assumed to have no depletions to the river). It was also assumed that the 500,000 tons will be mined annually with operation at full capacity from January to September, three-quarters capacity in October, and half capacity in November through December. The annual retained moisture is estimated at 12.01 AF. Applicant will account for retained moisture on an accounting sheet. Per Section 19 of the SWSP Guidance, the water consumption by the mining operation includes the water removed from the stream system by the first fill of the gravel pit and is equal to the volume previously occupied by the removed sand and gravel below the groundwater table. The equation used to calculate the volume is:  $V_{fif} = (V_{mm} - V_{bf}) * (1 - \text{porosity}) - V_{lp}$ . where  $V_{fif}$  is the volume of the first flow,  $V_{mm}$  is the volume of the mined material below the water table (calculated assuming 71% of total mined material with a specific weight of 120 pounds/cubic foot),  $V_{bf}$  is the volume of material backfilled during the same month (assumed to be 0 AF as backfilling will occur during reclamation), porosity is 0.30, and  $V_{lp}$  is the volume of water retained in the mined material below the groundwater table (calculated in the previous section). Using the formula, the anticipated annual volume of the first fill will be approximately 84.63 AF annually. Because this gravel pit is “mined in the wet”, the first fill is assumed to occur immediately and is accounted for in month after the excavation of material (i.e. depletions are lagged a month). Evaporation from open water surfaces from the Pit Wells described in the Fifth Claim, is estimated at the rate of 3.30 af/acre annually. Gross evaporation (free water surfaces) was determined to be 45-inches annual based upon annual evaporation isopleths in NOAA Technical Report NWS 33 (“TR-33”). The gross evaporation was distributed by month using the monthly percentages published by the State Engineering Office for lakes below 6500 feet mean sea level. In accordance with C.R.S. § 37-80-120(5) and Guideline 2019-1, the monthly gross evaporation from the exposed groundwater surface related to sand and gravel piping ponds may be reduced by the amount of historical natural depletion caused by natural vegetative cover of the area that will be permanently replaced by an open water surface. Net evaporation (39.6-inches annually) was calculated as gross evaporation (45-inches annually) minus the effective precipitation (5.4-inches annually). Because water will be withdrawn from exposed groundwater, the gravel pit will operate like a well and lagged depletions need to be considered in order to determine the proper timing, location and quantity of replacement water. A glover analysis is used to determine the Unit Response Function (URF) to lag the depletions. Based on nearby well completion logs, it is expected that at a depth of 30 feet, the gravel pit will be pulling water from unconsolidated river deposits

of gravel and sand. Values of hydraulic conductivity for sandy gravels range from 1,000 to 10,000 gpd per square foot (gpd/ft<sup>2</sup>) and hydraulic conductivity was assumed to be 2,117 gpd/ft<sup>2</sup> (Freeze and Cherry, 1979). Transmissivity was calculated to be 46,574 gpd/ft based on the hydraulic conductivity and a saturated thickness of 22 feet (30 foot deep well with groundwater found at 8 feet bgs). The specific yield was found to be 0.19, which is consistent with values for alluvial aquifers. For the Glover Analysis, a "No-flow boundary" (which models the maximum deficit to the Gunnison River) was assumed with the distance from the center of the pit to the nearest point on the Gunnison River ("X") equal to 2,493 feet and the distance to the no-flow boundary located on the south side of the pit ("W") equal to 4,095 feet. Figure 6, on file with the court, shows how the lagging factors will be applied to the monthly depletions to determine the monthly lagged depletions occurring in each month. POST-MINING PHASE: Because the exact mix of post-mining uses is not known, diversion and replacement of consumptive uses will be governed by an Equivalent Unit formula and table of anticipated uses which is on file with the court. Lawn, garden and open space irrigation use: Application rate: 3.97 af/acre with an assumed efficiency of 80% resulting in a consumptive use rate of 3.17 af/acre. Open water surfaces will have an assumed evaporation rate of 3.30 af/acre. Post mining uses will be reassessed annually on or before March 1<sup>st</sup> of each year and provided to the Colorado Division of Water Resources. Replacement of depletions during the post-mining phase will occur by an adaptive accounting whereby the EQR ratings of all demand to be serviced in the next ensuing water year shall be provided on or before October 1 of each year for the following year. PLAN OPERATION: The Applicant's senior irrigation water rights, described in the Fourth Claim will be removed from irrigation in whole or in part. These water rights have historically been used to irrigate 194.4 acres of mixed crop. Diversion records for the years 1998 through 2017 were used to determine that diversion rates were 15.6 acre feet per acre of historically irrigated land (20-year average). For each acre of land removed from irrigation, it is assumed that 2.60 acre-feet of water historically consumptively used will be available for replacement purposes. On or before March 1<sup>st</sup> in each year, Applicant will provide the Division Engineer for Water Division No. 4 with a notice of the acreage to be removed from irrigation on or before March 1<sup>st</sup> for that growing season identifying the number and location of such acres. The removal of land from irrigation will have a delayed irrigation return flow effect on the Gunnison River. At times when insufficient historic consumptive use credits are not available from the removal of historically irrigated land, Applicant will replace depletions from Blue Mesa Reservoir releases. Landowner Information: The persons/entities that own the land upon which the structures subject to this application are located are (BSG Pump & Pipeline, BSG Well Field, BSG Gravel Pit Wells, and BSG Pond System): Applicant; (Darter & Hangsted Ditch, George W. Moody Ditch): John Messano, 6026 Graff Rd. Delta, CO 81416; (Blue Mesa Reservoir) US Bureau of Reclamation, 455 W. Gunnison Ave. Grand Junction, CO 81501. Integrated Application. This plan for augmentation applied for in this case is a component part of an integrated water supply system, including all the water rights decreed in the following list: BSG Pump & Pipeline described in Claim 1; Darter & Hangsted Ditch, BSG Enlargement described in Claim 2; BSG Well Field described in Claim 3; BSG Gravel Pit Wells described in Claim 5; and BSG Pond System described in Claim 6. Maps and supporting documentation are on file with the court. **DELTA COUNTY.**

**Case No. 25CW3080 Gunnison County. Application for Water Storage Rights.**

Applicant: MDM Holdings LLC, 2524 W. Pinyon Ave, Grand Junction, CO 81505.

Attorney for Applicant: John T. Howe, Hoskin, Farina & Kampf, Professional Corporation, Post Office Box 40, Grand Junction, Colorado 81502; (970) 986-3400.

Summary of Application: Applicant seeks conditional water storage rights for MDM Pond No. 1 and MDM Pond No. 2. Name of Reservoir: MDM Pond No. 1. Location: UTM Coordinates: Northing 4237464, Easting 281676, Zone 13, NAD 83; PLSS: NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, T 46 N, R 6 W, N.M.P.M. Source of Water: Unnamed Tributary to Van Boxel Creek, tributary to Little Cimarron River, tributary to Big Cimarron River, tributary to Gunnison River. Source of Supply: Closser Ditch, in the amount of .20 c.f.s. Location of Closser Ditch Point of Diversion: UTM Coordinates: Northing 4237464, Easting 281542.8, Zone 13, NAD 83; PLSS: NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, T 46 N, R 6 W, N.M.P.M. Appropriation Date: August 12, 2022. Quantity: 1.0 acre feet conditional, together with the right to repeatedly refill when and if in priority. Use: stock watering, wildlife purposes consistent with a pond and fire protection. Name of Reservoir: MDM Pond No. 2.

Location: UTM Coordinates: Northing 4237445, Easting 281654, Zone 13, NAD 83; PLSS: NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, T 46 N, R 6 W, N.M.P.M. Source of Water: Unnamed Tributary to Van Boxel Creek, tributary to Little Cimarron River, tributary to Big Cimarron River, tributary to Gunnison River. Source of Supply: Closser Ditch, in the amount of .20 c.f.s. Location of Closser Ditch Point of Diversion: UTM Coordinates: Northing 4237464, Easting 281542.8, Zone 13, NAD 83; PLSS: NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, T 46 N, R 6 W, N.M.P.M. Appropriation Date: August 12, 2022. Quantity: .75 acre feet conditional, together with the right to repeatedly refill when and if in priority. Use: stock watering, wildlife purposes consistent with a pond and fire protection. Landowner: Applicant.

Additional Information: Applicant will fill and repeatedly refill the MDM Pond using the Closser Ditch when water is available in priority. Applicant will install an Agri Drain outlet or similar structure in both ponds to bypass water when not in priority. **GUNNISON COUNTY.**

**Case No. 25CW3081 Application for Conditional Water Right-** In the Uncompahgre River or its Tributaries in Montrose County, Colorado. It is a well located next to the property on the maps attached to the Application. Applicant(s): Derrick Linnell and Michelle Linnell, 1660 6400 Rd., Montrose, CO 81403. **FOR FINDING OF REASONABLE DILIGENCE:** The Applicants seek a conditional decree of water rights (surface) for the following water rights: Linnell Well #1; Location: A point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 5, Township 48 North, Range 9 West, N.M.P.M. **UTM Coordinates:** Easting 247829, Northing 4260688; **Source:** Uncompahgre River or its tributaries. It will be used for a residential water well for the purposes of irrigation and domestic use. The location of said well is located on the maps attached to the Application. **Quantity:** 15.0 g.p.m.; **Type of Use:** Irrigation and Domestic Use; **Date of Appropriation:** September 29, 2025 (New Structure) **Name and address of the land owner(s) or reputed owner(s) of the land upon which any new or existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Vaughn & Jennifer Gourdin- 1712 6400 Rd., Montrose, CO 81403, Eric & Candace Archibeque- 814 Oak Grove Rd., Montrose, CO 81403, Frank & Shawna Bell- 1689 6422

Rd., Montrose, CO 81403, River Stone Meadows HOA- P.O. Box 4247, Montrose, CO 81403, Arthur L. Bowman & Lucille P. Bowman Insurance Trust 1992- 17000 6200 Rd., Montrose, CO 81403. This Application of water and its decreed uses has been filed with the Water Clerk for Water Division No. 4, **MONROSE COUNTY**.

**Case No. 25CW3082 MONROSE COUNTY** 1. Applicants: Waterfall Canyon LLC and Matthew J. Miles, both PO Box 239, Montrose, CO 81402; phone: 970-209-7333 c/o Camp & Skarka, LLC, 415 Palmer St., Delta, CO 81416, 970-874-9777. APPLICATION FOR UNDERGROUND WATER RIGHTS, CHANGE OF WATER RIGHTS, AND APPROVAL OF AN AMENDED PLAN FOR AUGMENTATION. 2. Name of Structures: Waterfall Canyon Pit Well E Enlargement (new), Waterfall Canyon Pit Well G Enlargement (new), Waterfall Canyon Pit Well H Enlargement (new), Waterfall Canyon Pit Well F (change - reduction), Waterfall Canyon Pit Well H (change location), decreed April 22, 2022, case no. 21CW3045 in Water Division 4. 3. Source of water: Groundwater tributary to the J-Drain, Happy Canyon Creek and the Uncompahgre River. 4. Legal Description of decreed points of diversion: Waterfall Canyon Pit Well E Enlargement: Montrose County in the NW/4, SE/4, Section 32, Township 49 North, Range 9 West, NMPM; UTM Zone 13, NAD 83, Easting 246813m, Northing 4261393m; Waterfall Canyon Pit Well G Enlargement: Montrose County, in the NW/4, SE/4, Section 32, Township 49 North, Range 9 West, NMPM; UTM Zone 13, NAD 83, Easting 246827m, Northing 4261655m; Waterfall Canyon Pit Well H (new location) and Waterfall Canyon Pit Well H Enlargement: in Montrose County in the NE/4, NW/4, Section 32, Township 49 North, Range 9 West, NMPM; UTM Zone 13, NAD 83, Easting 246577m, Northing 4262155m; Waterfall Canyon Pit Well F: Montrose County, in the NW/4, SE/4, Section 32, Township 49 North, Range 9 West, NMPM; UTM Zone 13, NAD 83, Easting 246827m, Northing 4261530m. 5. Dates of Appropriation: Waterfall Canyon Pit Well E Enlargement: December 31, 2025; Waterfall Canyon Pit Well G Enlargement: December 31, 2025; Waterfall Canyon Pit Well H Enlargement: December 31, 2025; Waterfall Canyon Pit Well F: September 13, 2021. 6. Amounts and Uses: Waterfall Canyon Pit Well E Enlargement: Waterfall Canyon Pit Well E was granted a conditional underground water right in 2021CW3045 for 0.0051 c.f.s. The surface area has been expanded from 0.6304 acres to 1.22 acres. With its enlargement, Applicants seek an additional 0.0051 c.f.s. (1.701 a.f.) conditional for wildlife, recreation and fish culture uses. Waterfall Canyon Pit Well G Enlargement: Waterfall Canyon Pit Well G was granted a conditional underground water right in 2021CW3045 for 0.183 c.f.s. The surface area has been expanded from 2.2512 acres to 2.32 acres. With its enlargement, Applicants seek an additional 0.002 c.f.s. (0.052 a.f.) conditional for wildlife, recreation and fish culture uses. Waterfall Canyon Pit Well H Enlargement: Waterfall Canyon Pit Well H was granted a conditional underground water right in 2021CW3045 for 0.0203 c.f.s. The surface area has been expanded from 2.4933 acres to 5.79 acres. Because the size has more than doubled, a change in the decreed location is sought here. With its enlargement, Applicants seek an additional 0.0269 c.f.s. (9.049 a.f.) conditional for wildlife, recreation and fish culture uses. Waterfall Canyon Pit Well F: Waterfall Canyon Pit Well F was granted a conditional underground water right in 2021CW3045 for 0.0072 c.f.s. The surface area has been reduced from 0.8821 acres to 0.77 acres. With its reduction in size, Applicants seek to change the decreed amount to 0.0063 c.f.s. (2.113 a.f.) for wildlife, recreation and fish culture uses.

7. Statement of Amended Plan of Augmentation: The Uncompahgre Valley Water Users Association (UVWUA) owns numerous water rights decreed in various cases. These water rights used by UVWUA are decreed for every beneficial use, including pond filling and evaporation, which is 100% consumptive. As was decreed in 2021CW3045, Applicants propose to use these UVWUA rights during the irrigation season, April through October, by dedicating and delivering 5.23 shares to be delivered at a location specified and decreed as UTM NAD83 coordinates 13S 247251 mE and 4261658 mN (shown on Map 1). These shares replace the total Pit Well evaporation of 22.596 a.f. This will deliver water into the J-Drain, Happy Canyon Creek, and into the Uncompahgre River to satisfy possible downstream calls. The 1 5/16-inch hole that delivers water into the J-Drain will be increased to 1 11/16-inches to provide for the new augmentation replacement flows as calculated in the attached Tables. A letter from Applicants to the UVWUA will ensure that his 5.23 shares will be delivered at that location. During the non-irrigation season, November through March, Applicants propose to use releases from Blue Mesa Reservoir to satisfy a possible call at the Redlands Canal near Grand Junction. Applicants have already purchased a contract for 2.0 acre-feet from the United States Bureau of Reclamation (USBR). The revised table 4 shows that 2.372 a.f. is needed for non-irrigation replacement of the Pit Wells. Therefore, as soon as the decree is granted, Applicants will immediately apply for another 0.5 acre-feet from the USBR. The USBR only sells augmentation water out of Blue Mesa Reservoir in blocks of 0.5 acre-feet. Applicants will also file for well permits for all 4 Pit Wells. The well permits can only be granted after the decree is finalized. All of the augmentation basics remain the same as decreed in case 2021CW3045. Only the amounts as shown in revised Tables 2 through 5 have changed from the decreased and increased evaporation amounts of the Pit wells. Tables 1 through 5 and revised Map 1 are attached, along with a Supplemental Engineering Report. 8. Name and address of owners of the land upon which the structure is located: Applicants; City of Montrose c/o Scott Murphy, Engineer, 1221 6450 Rd., Montrose, CO 81401. **MONTROSE COUNTY.**

**Case No. 25CW3083 Delta County. Application for Surface Water Rights.**

Applicant: Deutsch Domestic Water Company, Inc. Post Office Box 45, Crawford, Colorado 81415. Attorney for Applicant: John T. Howe, Hoskin, Farina & Kampf, Professional Corporation, Post Office Box 40, Grand Junction, Colorado 81502; (970) 986-3400. Summary of Application: Applicant is requesting two (2) new surface water rights in the Young Ditch from the Smith Fork of the Gunnison River (originally decreed in Civil Action 0036, Delta County District Court) and from a source that contributes to the Young Ditch at a point down ditch from the Young Ditch headgate ("Young Ditch Seep"). Applicant intends to pipe the Young Ditch, including the flows from the Young Ditch Seep, through the Young Ditch Water Tanks (decreed as a conditional storage right in Case No. 2023CW3038, Water Division 4) as a regulating structure, for multiple uses including: (1) supplemental water supply for all uses decreed to the Deutsch Domestic Pipeline, Use Enlargement (decreed in Case No. 2010CW19 and amended augmentation plan approved in Case No. 2017CW35); and (2) use of the combined flow of the Young Ditch and the Young Ditch Seep for hydroelectric power generation at the end of the Young Ditch. Name of Structure: Young Ditch, Deutsch Seep Enlargement. Location: UTM Coordinates: Northing 4287191, Easting 274692, Zone 13, NAD 83;

PLSS: SW1/4 NW1/4 of Section 32, T 15 S, R 91 W, 6<sup>th</sup> P.M. Source of Water: Smith Fork, tributary to the Gunnison River. Appropriation Date: August 18, 2022. Quantity: 1.00 c.f.s. conditional. Uses: All uses decreed to Deutsch Domestic Pipeline, including, but not limited to: Existing irrigation of 1.5 acres lawns and gardens; New irrigation of additional 5.0 acres of lawns and gardens of future Deutsch Domestic Water Company water users on lands owned by customers of Deutsch Domestic Water Company; Supplemental supply for domestic use to be delivered through new pipeline, Young Ditch Water Tanks, and Deutsch Domestic Pipeline to 150 homes, stock water for up to 200 head of cattle, commercial use for convenience store as previously decreed under Case No. 2010CW19 and amended augmentation plan approved in Case No. 2017CW3005; Additional domestic water service up to 100 homes and livestock to be added to Deutsch Domestic Water Company system in the future. Name of Structure: Young Ditch, Deutsch Hydropower Enlargement. Location of the point of diversions for the Young Ditch, Deutsch Hydropower Enlargement are: Young Ditch Seep: UTM Coordinates: Northing 4287191, Easting 274692, Zone 13, NAD 83; PLSS: SW1/4 NW1/4 of Section 32, T 15 S, R 91 W, 6<sup>th</sup> P.M. Young Ditch headgate on Smith Fork: UTM Coordinates: Northing 4287361.5, Easting 274778.7, Zone 13, NAD 83; PLSS: SE1/4 NW1/4 of Section 32, T 15 S, R 91 W, 6<sup>th</sup> P.M. Location of Hydropower Facility: UTM Coordinates: Northing 4286806, Easting 273638, Zone 13, NAD 83; PLSS: SW1/4 SE1/4 of Section 31, T 15 S, R 91 W, 6<sup>th</sup> P.M. Source of Water: Smith Fork, tributary to Gunnison River. Appropriation Date: August 18, 2022. Quantity: 1.85 c.f.s. conditional. Use: hydropower generation. Additional Information: The amount claimed for the Young Ditch, Deutsch Hydropower Enlargement is the combined flow of .85 c.f.s. (1.00 c.f.s. decreed to the Young Ditch in Civil Action 0036 less .15 c.f.s. transferred from the Young Ditch in Case No. 2018CW46) and 1.00 c.f.s. added to the Young Ditch by the Young Ditch Seep described above. The hydropower generation use for the Young Ditch, Deutsch Hydropower Enlargement is nonconsumptive and will be returned to the Smith Fork above any potential calling structures. Landowners: Young Ditch Seep point of diversion and Young Ditch point of diversion: The Crawford Clipper Ditch Company. Young Ditch Water Tanks: Braden F. Todd and Lindsey Family Trust. Proposed hydropower facility location: John Dufon. **DELTA COUNTY.**

**Case No. 25CW3084** DELTA COUNTY, RENZUL GULCH, NORTH FORK of the GUNNISON RIVER, GUNNISON RIVER. Steven Wolcott and Eli Wolcott, Box 6, Paonia, CO 81428 c/o Kirsten M. Kurath, McDonough Law Group, 300 Main St., Suite 102, Grand Junction, Colorado 81501, (970) 776-3311, [kirsten@mcdonoughlawgroup.com](mailto:kirsten@mcdonoughlawgroup.com). APPLICATION FOR CONDITIONAL SURFACE AND STORAGE WATER RIGHTS. Paragraph 0.a: Applicants are the owners and operators of a long-established agricultural and rural residential property in Runzel Gulch, Delta County, Colorado, served by a partially developed system of springs, ponds, pipelines, and appurtenant water facilities. The majority of the structures that are the subject of this Application have decreed senior water rights. See Case Nos. 2013CW3070 and 2000CW0159. Applicants have acquired additional adjacent lands forming part of the same integrated farm, ranch, and rural residential operation. Through this Application, Applicants seek adjudication of additional conditional surface water and storage rights that utilize the same general sources and collection systems previously

decreed, together with certain new collection features, for the purpose of serving newly acquired adjacent lands, additional greenhouse and agricultural uses, and supplemental domestic and stockwater demands. Applicants also seek to supply limited, contract-based supplemental water to a small, existing domestic water system serving approximately twenty-one users on neighboring lands. All points of diversion, ponds, structures, and places of use are shown in the attached aerial photo maps (see Figures 1–14 attached to the Application). Where multiple structures serve the same lands, a single figure reference is used to avoid duplication. Detailed UTM coordinates, PLSS locations, and acreages are provided for each structure and place of use. Paragraph 0.b: b. Beneficial Uses: Applicants claim the following beneficial uses for all the conditional water rights claimed herein: Domestic and stockwater; Landscaping and gardening; Irrigation, including greenhouse, gardens and landscaping; Commercial uses, including, but not limited to, greenhouse irrigation, school, ministry, non-profit and educational activities and events, festivals, concerts, gatherings and other events, aquaculture, piscatorial, and dust suppression; Industrial uses, including, but not limited to, algae biofuel production, metal fabrication, steam cleaning, and pressure washing; Recreation, aquaculture, and piscatorial activities; Storage, including the ponds described herein; and Emergency and fire protection. Claims for Conditional Surface Water Rights: Claim 1. Structure: Eli's Spring and Pond, Second Enlargement. a. Legal description: Eli's Spring and Pond, Second Enlargement, is a water collection facility that collects diffuse spring water surfacing in Runzel Gulch, which is a tributary to the North Fork of the Gunnison River. Eli's Spring and Pond, enlargement, is located the NE1/4 of the NE1/4 of Section 3, Township 14 North, Range 92 West of the 6th P.M., approximately 925 from the north section line, and 1058 feet from the east section line of said section 3 (UTM: Zone 13, Easting 269948, Northing 4305637). The foregoing location is identified in the aerial photo map attached as Figure 1. Water collected from the spring will be delivered into collection areas and/or tank/s and then discharged or pumped at a rate of up to 50 gpm for beneficial use. b. Source: Runzel Gulch, tributary to North Fork of the Gunnison River, tributary to the Gunnison River. c. Appropriation: i. Dates of appropriation: 12/9/2020 for the uses on the land identified in paragraph 1.e.i.4.a, below; 05/22/1997 for the uses on the land identified in paragraph 1.e.i.4.b, below; 01/22/2019 for the uses on the land identified in paragraph 1.e.i.4.c, below; 9/9/2016 for the uses on the land identified in paragraph 1.e.i.4.d, below and 10/28/2021 for the uses identified in paragraph 1.e.ii.1.a, below. ii. Appropriation was initiated by formation of the intent to appropriate water for beneficial uses, a site inspection of the structure locations, staking of the development location with written intent and dates on the stakes, paired with the posting of signs at the spring per paragraph 1.c.i, providing notice of Applicants' appropriation and/or intent to appropriate water, followed by Applicants' installation of piping and measurement structures at the location, and other acts in furtherance of the appropriation. Pumping water from the structure. d. Amount claimed: Conditional, 0.111 cfs (50 gpm), for uses described in 0.b above on the lands described in paragraphs 1.e.i.4.a,b,c, & d below. e. Uses: all those described in paragraph 0.b above. i. Irrigation Uses: 1. Applicants currently use water available and plan to use water pursuant to this water right for irrigation purposes within four (4) existing commercial greenhouses on lands described in paragraph 1.e.i.4 below and as illustrated in the aerial photo map attached as Figure 11.A. 2. Applicants also

will use water available pursuant to this water right for supplemental irrigation of approximately ten (10) acres on the Applicants' property as described in paragraph 1.e.i.4.b below and as illustrated in the aerial photo map attached as Figure 12.A. and approximately 35 acres on the Applicants' property as described in paragraph 1.e.i.4.d below and as illustrated in the aerial photo map attached as Figure 12.B, and approximately 9 acres on the Applicants' property as described in paragraph 1.e..i.4.c below and as illustrated in the aerial photo map attached as Figure 12.C. 3. Applicants will use water from Eli's Spring Enlargement for irrigation and/or supplemental irrigation: a. For irrigation of approximately 26 acres on the Applicants' property as described in paragraph 1.e.i.4.a below and as illustrated in the aerial photo map attached as Figure 13.A. b. For irrigation purposes within eight (8) additional commercial greenhouses on lands described in paragraph 1.e.i.4 below. c. Applicants also will use water available pursuant to this water right for supplemental irrigation of approximately seventy (70) additional acres on the Applicants' property as described in 1.e.i.4.b and as illustrated in the aerial photo map attached as Figure 12.A. 4. Applicants use and will use water on the following lands: a. SEC 3 T: 14S R: 92W Subdivision: HAVOC RANCH MINOR SUBDIVISION Lot: 2, 26.48 Acres, FIGURE 13A b. SW4NE4 SEC 3 T14S R92W 6PM 80 acres, FIGURE 12A. c. SE4NE4 SEC 3 & SW4NW4 SEC 2 ALL IN T14S R92W 6PM BEG E4 COR SEC 3 S89\*41'39"W1290.69', N7\*45'45"E 1309. 51', S81\*06'21"E 961.56', N71\*47'22"E 359.87', N67\*52' 02"E 25.33', N83\*12'03"E 370.17', N57\*01'22"E341.26' S82\*30'55"E 85.29', N38\*49'24"E 69.67', S6\*53'32"W210. 22', S83\*07'58"W 758.97', S9\*51'28"W 984.48' TO POB. 29.82 Acres, FIGURE 12C. d. Parcel A: A parcel of land located within the SE1/4 of the NW1/4 and within the SW1/4 of the NE1/4 of Section 2, Township 14 South, Range 92 West of the 6th P.M., having a description based upon a bearing of N.88°30'43"W. from the C1/4 Corner (monumented by a 3-1/4" aluminum cap PLS25972) to the Stipulated CW1/16 Corner (monumented by a 3-1/4" aluminum cap PLS25972), with all other bearings relative thereto and being more particularly described as Follows: Beginning at said C1/4 Corner and running thence along the south line of said SE1/4 of the NW1/4 N.88°30'43"W. 1319.13 feet to said Stipulated CW1/16 Corner; thence along the west line of said SE1/4 of the NW1/4 N.02°56'46"E. 1381.80 feet to the NW corner of said SE1/4 of the NW1/4, also being the NW1/16 Corner (monumented by a 3-1/4" aluminum cap PLS25972); thence along the north line of said SE1/4 of the NW1/4 S.88°24'17"E. 1048.72 feet (monumented by a 2" aluminum cap PLS38255); thence S.04°15'37"E. 178.49 feet (monumented by a 2" aluminum cap PLS38255); thence N.82°15'38"E. 45.78 feet (monumented by a 2" aluminum cap PLS38255); thence S.04°46'16"E. 568.59 feet (monumented by a 2" aluminum cap PLS38255); thence N.87°20'40"E. 322.69 feet (monumented by a 2" aluminum cap PLS38255); thence S.06°28'11"E. 669.91 feet to the south line of said SW1/4 of the NE1/4 (monumented by a witness corner bearing N.06°28'11"W. 40.00 feet from true corner position and being a 2" aluminum cap PLS38255); thence along said south line N.89°13'29"W. 304.43 feet to the Point of Beginning, containing 42.434 acres, more or less. PARCEL B A parcel of land located within the SE1/4 of the NW1/4 and within the NE1/4 of Section 2, Township 14 South, Range 92 West of the 6th P.M., having a description based upon a bearing of N.88°30'43"W. from the C1/4 Corner (monumented by a 3-1/4" aluminum cap PLS25972) to the Stipulated CW1/16 Corner (monumented by a 3-1/4" aluminum cap PLS25972), with all other bearings relative

thereto and being more particularly described as follows: Beginning at the CN1/16 Corner (monumented by a 3-1/4" aluminum cap PLS38255) and running thence along the west line of said NE1/4 N.02°52'53"E. 1239.62 feet (monumented by a 2" aluminum cap PLS38255); thence leaving said west line S.62°07'06"E. 951.76 feet (monumented by a 2" aluminum cap PLS38255); thence S.01°31'24"W. 812.31 feet (monumented by a 2" aluminum cap PLS38255); thence N.88°45'44"W. 140.00 feet (monumented by a 2" aluminum cap PLS25972); thence N.01°31'24"E. 61.63 feet (monumented by a 2" aluminum cap PLS25972); thence S.89°43'21 W. 396.96 feet (monumented by a 2" aluminum cap PLS38255); thence S.00°16'39"E. 212.07 feet (monumented by a 2" aluminum cap PLS38255); thence S.13°20'14 E. 1252.46 feet to the south line of said NE1/4 (monumented by a witness corner bearing N. 13 20 14"W. 45.75 feet from true corner position and being a 2" aluminum cap PLS38255); thence along said south line N.89 13'29 W. 401.63 feet (monumented by a witness corner bearing N.06 28'11"W. 40.00 feet from true corner position and being a 2" aluminum cap PLS38255); thence N.06 28'11"W. 669.91 feet (monumented by a 2" aluminum cap PLS38255); thence S.87 20 40 W. 322.69 feet (monumented by a 2" aluminum cap PLS38255); thence N.04°46'16 W. 568.59 feet (monumented by a 2" aluminum cap PLS38255); thence S.82°15'38"W. 45.78 feet (monumented by a 2" aluminum cap PLS38255); thence N.04°15'37 W. 178.49 feet to the north line of said SE1/4 of the NW1/4 (monumented by a 2" aluminum cap PLS38255); thence along said north line S.88°24'17"E. 268.79 feet to the Point of Beginning, containing 35.440 acres, more or less. County of Delta, State of Colorado. PARCEL C A parcel of land located within the NW1/4 of the NW1/4 of Section 1 and within the NE1/4 of Section 2, Township 14 South, Range 92 West of the 6th P.M., having a description based upon a bearing of N.88°30'43"W. from the C1/4 Corner (monumented by a 3-1/4" aluminum cap PLS25972) to the Stipulated CW1/16 Corner (monumented by a 3-1/4" aluminum cap PLS25972), with all other bearings relative thereto and being more particularly described as follows: Beginning at the NE1/16 Corner of Section 2 (monumented by a witness corner bearing S.02 37 20 W. 100.00 feet from true corner position and being a 2" aluminum cap PLS25972); thence along the north line of the SW1/4 of the NE1/4 of said Section 2 N.88°45'44"W. 420.54 feet (monumented by a 2" aluminum cap PLS38255); thence leaving said north line N.01°31'24"E. 812.31 feet (monumented by a 2" aluminum cap PLS38255); thence S.62°07'06"E. 497.41 feet (monumented by a 2" aluminum cap PLS25972); thence S.66°07'10"E. 379.02 feet (monumented by a 2" aluminum cap PLS25972); thence S.86 21'39 E. 196.41 feet (monumented by a 2" aluminum cap PLS25972); thence S.65 45'51 E. 663.48 feet (monumented by a 2" aluminum cap PLS25972); thence N.20°34'27"E. 149.88 feet (monumented by a 2" aluminum cap PLS25972); thence N.59°34'58 E. 103.14 feet (monumented by a 2" aluminum cap PLS25972); thence N.22°52'41"E. 268.38 feet (monumented by a 2" aluminum cap PLS25972); thence N.89°58'23 E. 187.73 feet to the west bank of the Fire Mountain Canal (monumented by a 2" aluminum cap PLS25972); thence along said west bank the following nine (9) courses: (1) S.28°58'04 W. 102.08 feet; (2) thence S. 10°56'04"W. 128.84 feet; (3) thence S.04°45'50"E. 141.16 feet; (4) thence S.10°02'33W. 117.99 feet; (5) thence S.23°09'52"W. 98.30 feet; (6) thence S.66°00'13"W. 50.86 feet; (7) thence N.83°55'43 W. 36.36 feet; (8) thence N.58°09'01"W. 68.41 feet; (9) thence N.6758°13"W. 58.54 feet to the section line common to said Sections 1 and 2 (monumented by a 2" aluminum

cap PLS25972); thence along said section line S.02°21'06"W. 930.12 feet (monumented by a 1-1/2" aluminum cap PLS12766); thence N.45°35'27"W. 408.53 feet (monumented by a 1-1/2" aluminum cap PLS12766); thence N.64°25'27 W. 271.05 feet (monumented by a 1-1/2" aluminum cap PLS12766); thence S.60°16'02 W. 159.03 feet to the east bank of the Fire Mountain Canal and Roadway (monumented by a witness corner bearing N.60°16'02 E. 39.20 feet from true corner position and being a 2" aluminum cap PLS25972); thence along said east bank the following three (3) courses: (1) N.75°16'02 "W. 393.19 feet; (2) thence N.30°04'00"W. 90.65 feet; (3) thence N.64 39'07 W. 199.14 feet to the east line of the SW1/4 of the NE1/4 (monumented by a 2" aluminum cap PLS25972); thence along said east line N.02°37'20"E. 273.58 feet to the Point of Beginning. EXCEPTING that parcel conveyed to the Fire Mountain Canal and Reservoir Company under Reception No. 436331. Containing 35.707 acres, more or less. County of Delta, State of Colorado. See FIGURE 12B. ii. Non-irrigation Uses (also including gardens and landscaping): 1. Non-irrigation uses described in 0.b will occur on the Applicants' Property located as described in paragraphs 1.e.i.4.a,b,c, & d and 6.e.iii , 7.e.iii and 8.e.iii. Applicants will also use of water for: a. Supplying supplemental and emergency water for Commercial, Domestic and Stockwater for 16 taps and 5 water users to the area served by Stucker Mesa Domestic Water Company, per an existing executed water use agreement, in the area illustrated in Figure 9, with an appropriation date in accordance with paragraph 1.c. 2. Applicants also currently use and plan to use water pursuant to this water right to supply water for purposes described in 0.b on the lands previously described in paragraphs 1.e.i.4.a,b,c, & d above, including 16 dwellings with appropriation dates in accordance with paragraph 1.c. 3. Additional domestic use will include 20 additional dwelling units located on lands previously described in paragraph 1.e.i.4.a,b,c,d above, including: a. 1.e.i.4.a: 3 dwellings; b. 1.e.i.4.b: 3 dwellings; c. 1.e.i.4.c: 3 dwellings; d. 1.e.i.4.d: 11 dwellings with appropriation dates in accordance with paragraph 1.c. Claim 2. Structure: Wolcott Spring Collection System, First Enlargement a. Legal Description: Applicants will develop a water collection system in Runzel Gulch by installing a 205 foot perforated pipe at a horizontal depth of less than 10 feet at the approximate location illustrated in the aerial photo map attached as Figure 4 for the collection of shallow subsurface flows in Runzel Gulch. The upper point of the pipe collection structure will be located in the NE1/4 of the NE1/4 of Section 3, Township 14 South, Range 92 West of the 6th P.M., at a point approximately 739 feet from the north section line and 834 feet from the east section line of said section (UTM: Zone 13, Easting 270024, Northing 4305690). The lower point of discharge for the pipe collection structure will be located in the NE1/4 of the NE1/4 of Section 3, Township 14 South, Range 92 West of the 6th P.M., at a point approximately 856 feet from the north section line and 979 feet from the east section line of said section (UTM: Zone 13, Easting 269972, Northing 4305656). Water collected from the spring will be delivered into collection areas and/or tank/s and then discharged or pumped at a rate of up to 50 gpm for beneficial use. b. Source: Runzel Gulch, tributary to North Fork of the Gunnison River, tributary to the Gunnison River. c. Appropriation: i. Date of appropriation: per paragraph 1.c.i. ii. Appropriation was initiated by formation of the intent to appropriate water from the spring for beneficial uses, a site inspection of the structure locations, staking of the development location with written intent and dates on the stakes, paired with the posting of signs at the spring per paragraph 1.c.i, providing notice of Applicants'

appropriation and/or intent to appropriate water followed by Applicants' installation of piping and measurement structures at the location, and other acts in furtherance of the appropriation. d. Amount claimed: Conditional, 0.111 cfs (50 gpm). e. Uses: all those described in paragraph 0.b. above. i. Irrigation Uses: Applicants will use water available pursuant to this water right for irrigation and/or supplemental irrigation of approximately 150 acres, including irrigation purposes within four commercial greenhouses. The place of use for irrigation and supplemental irrigation purposes consists of lands previously described in paragraph 1.e.i.. ii. Non-irrigation Uses (also including gardens and landscaping): Applicants will use water available pursuant to this water right for all those uses described in paragraph 0.b. The place of use is the lands previously described in paragraph 1.e.ii. Claim 3: Structure: Island Spring, First Enlargement a. Legal description: i. PLSS: The Island Spring, First Enlargement will be a developed spring located in the SE1/4 of the NE1/4 of Section 3, Township 14 South, Range 92 West of the 6th P.M. The Applicants will utilize a collection system comprised of a perforated pipe installed at a depth not greater than 10 feet below the surface between an upper and a lower point for interception and concentration of water attributable to the spring. Water collected from the spring will be delivered into collection areas and/or tank/s and then discharged or pumped at a rate of up to 25 gpm for beneficial use. ii. UTM (NAD83 Datum): 1. Island Spring upper point: Easting 269911, Northing 4305464, Zone 13. 2. Island Spring lower point: Easting 269896, Northing 4305503, Zone 13. The approximate locations of the upper and lower points of Island Spring are identified in the aerial photo map attached as Figure 5. b. Source: Spring tributary to an unnamed tributary to North Fork of the Gunnison River, tributary to the Gunnison River. c. Appropriation: i. Date of appropriation: per paragraph 1.c.i. ii. Appropriation was initiated by formation of the intent to appropriate water from the spring for beneficial uses, a site inspection of the structure locations, staking of the development location with written intent and dates on the stakes, paired with the posting of signs at the spring per paragraph 1.c.i, providing notice of Applicants' appropriation and/or intent to appropriate water followed by Applicants' installation of piping and measurement structures at the location, and other acts in furtherance of the appropriation. d. Amount: Conditional, 0.056 cfs (25 gpm). e. Uses: all those described in paragraph 0.b. above. i. Irrigation Uses: Applicants will use water available pursuant to this water right for irrigation and/or supplemental irrigation of approximately 150 acres, including irrigation purposes within four commercial greenhouses. The place of use for irrigation and supplemental irrigation purposes consists of lands previously described in paragraph 1.e.i. ii. Non-irrigation Uses (also including gardens and landscaping): Applicants will use water available pursuant to this water right for all those uses described in paragraph 0.b. The place of use is the lands previously described in paragraph 1.e.ii. Claim 4: Structure: Green Marsh Spring, First Enlargement a. Legal description: i. PLSS: The Green Marsh Spring, First Enlargement will be a developed spring located in the SE1/4 of the NE1/4 of Section 3, Township 14 South, Range 92 West of the 6th P.M. The Applicants will utilize a collection system comprised of a perforated pipe installed at a depth not greater than 10 feet below the surface between an upper and a lower point for interception and concentration of water attributable to the spring. Water collected from the spring will be delivered into collection areas and/or tank/s and then discharged or pumped at a rate of up to 25 gpm for beneficial use. ii. UTM (NAD83 Datum): 1. Green Marsh Spring upper

point: Easting 269912, Northing 4305412, Zone 13. 2. Green Marsh Spring lower point: Easting 269862, Northing 4305427, Zone 13. The approximate locations of the upper and lower points of Green Marsh Spring are identified in the aerial photo map attached as Figure 5. b. Source: Spring tributary to an unnamed tributary to North Fork of the Gunnison River, tributary to the Gunnison River. c. Appropriation: i. Date of appropriation: per paragraph 1.c.i. ii. Appropriation was initiated by formation of the intent to appropriate water from the spring for beneficial uses, a site inspection of the structure locations, staking of the development location with written intent and dates on the stakes, paired with the posting of signs at the spring per paragraph 1.c.i, providing notice of Applicants' appropriation and/or intent to appropriate water, followed by Applicants' installation of piping and measurement structures at the location, and other acts in furtherance of the appropriation. d. Amount: Conditional, 0.056 cfs (25 gpm). e. Uses: all those described in paragraph 0.b, above. i. Irrigation Uses: Applicants will use water available pursuant to this water right for irrigation and/or supplemental irrigation of approximately 150 acres, including irrigation purposes within four commercial greenhouses. The place of use for irrigation and supplemental irrigation purposes consists of lands previously described in paragraph 1.e.i. ii. Non-irrigation Uses (also including gardens and landscaping): Applicants will use water available pursuant to this water right for all those uses described in paragraph 0.b. The place of use is the lands previously described in paragraph 1.e.ii. Claim 5. Structure: Bottom Spring, First Enlargement a. Legal description: i. PLSS: The Bottom Spring, First Enlargement will be a developed spring located in the SE1/4 of the NE1/4 of Section 3, Township 14 South, Range 92 West of the 6th P.M. The Applicants will utilize a collection system comprised of a perforated pipe installed at a depth not greater than 10 feet below the surface between an upper and a lower point for interception and concentration of water attributable to the spring. Water collected from the spring will be delivered into collection areas and/or tank/s and then discharged or pumped at a rate of up to 25 gpm for beneficial use. ii. UTM (NAD83 Datum): 1. Bottom Spring upper point: Easting 269928, Northing 4305386, Zone 13. 2. Bottom Spring lower point: Easting 269849, Northing 4305404, Zone 13. The approximate locations of the upper and lower points of Bottom Spring are identified in the aerial photo map attached as Figure 5. b. Source: Spring tributary to an unnamed tributary to North Fork of the Gunnison River, tributary to the Gunnison River. c. Appropriation: i. Date of appropriation: per paragraph 1.c.i. ii. Appropriation was initiated by formation of the intent to appropriate water from the spring for beneficial uses, a site inspection of the structure locations, staking of the development location with written intent and dates on the stakes, paired with the posting of signs at the spring per paragraph 1.c.i, providing notice of Applicants' appropriation and/or intent to appropriate water, followed by Applicants' installation of piping and measurement structures at the location, and other acts in furtherance of the appropriation. d. Amount: Conditional, 0.056 cfs (25 gpm). e. Uses: all those described in paragraph 0.b. i. Irrigation Uses: Applicants will use water available pursuant to this water right for irrigation and/or supplemental irrigation of approximately 150 acres, including irrigation purposes within four commercial greenhouses. The place of use for irrigation and supplemental irrigation purposes consists of lands previously described in paragraph 1.e.i. ii. Non-irrigation Uses (also including gardens and landscaping): Applicants will use water available pursuant to this water right for all those uses

described in paragraph 0.b. The place of use is the lands previously described in paragraph 1.e.ii. Claim 6. Structure: Phoenix Spring #2. a. Legal description: i. PLSS: The Phoenix Spring #2 will be a developed spring located in the SE4NE4 SEC 3 & SW4NW4 SEC 2 ALL IN T14S R92W 6PM. The Applicants will utilize a collection system comprised of an approximately 200ft perforated pipe installed at a depth not greater than 10 feet below the surface between an upper and a lower point for interception and concentration of water attributable to the spring. Water collected from the spring will be delivered into collection areas and/or tank/s and then discharged or pumped at a rate of up to 25 gpm for beneficial use. ii. UTM (NAD83 Datum): 1. Phoenix Spring #2 upper point: Z13 S 269850.98 m E, 4305173.45 m N. 2. Phoenix Spring #2 lower point: Z13 S , 269863.94 m E, 4305141.44 m N. The approximate locations of the upper and lower points of Phoenix Spring #2 are identified in the aerial photo map attached as Figure 7. b. Source: Spring tributary to an unnamed tributary to North Fork of the Gunnison River, tributary to the Gunnison River. c. Appropriation: i. Date of appropriation: per paragraph 1.c.i. ii. Appropriation was initiated by formation of the intent to appropriate water from the spring for beneficial uses, a site inspection of the structure locations, staking of the development location with written intent and dates on the stakes, paired with the posting of signs at the spring per paragraph 1.c.i, providing notice of Applicants' appropriation and/or intent to appropriate water, followed by Applicants' installation of piping and measurement structures at the location, and other acts in furtherance of the appropriation. d. Amount: Conditional, 0.056 cfs (25 gpm). e. Uses: all those described in paragraph 0.b, above. i. Irrigation Uses: Applicants will use water available pursuant to this water right for irrigation and/or supplemental irrigation of approximately 150 acres, including irrigation purposes within four commercial greenhouses. The place of use for irrigation and supplemental irrigation purposes consists of lands previously described in paragraph 1.e.i. ii. Non-irrigation Uses (also including gardens and landscaping): Applicants will use water available pursuant to this water right for all those uses described in paragraph 0.b. The place of use is the lands previously described in paragraph 1.e.ii. iii. Irrigation and non irrigation uses: Applicants will also use water available pursuant to this water right for all those uses described in paragraph 0.b on the Applicants' Property located in the SW1/4 of the SW1/4 of Section 35, Township 13 South, Range 92 West of the 6th P.M.; the SE1/4 of the SE1/4 of Section 34, Township 13 South, Range 92 West of the 6th P.M.; the NW1/4 of the NW1/4 and the NW1/4 of the SW1/4 of the NW1/4 of Section 2, Township 14 South, Range 92 West of the 6th P.M.; and the NE1/4 of the NE1/4, the NW1/4 of the NE1/4, the SW1/4 of the NE1/4, and the N1/2 of the SE1/4 of the NE1/4 of Section 3, Township 14 South, Range 92 West of the 6th P.M., including 11 dwellings, as illustrated in the aerial photo map attached as Figure 3. Claim 7. Structure: SISTER WEEP WASTEWATER CISTERN, FIRST ENLARGEMENT. a. Legal description: i. PLSS: SISTER WEEP WASTEWATER CISTERN FIRST ENLARGEMENT, This structure is a collection point located at a point 1373 west of line dividing sections 34 and 35 T13S and 814 north of line dividing Townships 13S and 14S in the SEt of the SEt of section 34 T13S R92W 6W Meridian Delta County Colorado designed to appropriate unappropriated tail water at a rate of 20 gpm. This wastewater overflow from a spring fed cistern, pipeline, and appurtenances and may also be routed to the access pit preceding the cistern. This water consists of stock water and domestic return

flows that have crossed the property boundary but have not yet reached a natural stream. Water collected will be delivered into pipes, collection areas and/or tank/s and then discharged or pumped at a rate of up to 20 gpm for beneficial use. ii. UTM (NAD83 Datum): 1. 13 S 269926.70 m E, 4306165.54 m N. The approximate location of SISTER WEEP WASTEWATER CISTERN FIRST ENLARGEMENT is identified in the aerial photo map attached as Figure 8. b. Source: Spring tributary to an unnamed tributary to North Fork of the Gunnison River, tributary to the Gunnison River. c. Appropriation: i. Date of appropriation: September 27 2000 for 7.e.3 and per paragraph 1.c.i. ii. How appropriation was initiated: By formation of the intent to appropriate water from the spring for beneficial uses September 27 2000, paired with the posting of signs providing notice of Applicants' appropriation and/or intent to appropriate water from the spring at a rate of up to 20gpm of various uses, including all those described in paragraph 0.b, followed by Applicants' installation of piping and measurement structures at the SISTER WEEP WASTEWATER CISTERN FIRST ENLARGEMENT location. d. Amount: Conditional, 0.0446 c.f.s. (20gpm gpm). e. Uses: all those described in paragraph 0.b. i. Irrigation Uses: Applicants will use water available pursuant to this water right for irrigation and/or supplemental irrigation of approximately 150 acres, including irrigation purposes within four commercial greenhouses. The place of use for irrigation and supplemental irrigation purposes consists of lands previously described in paragraph 1.e.i.. ii. Non-irrigation Uses: Applicants will use water available pursuant to this water right for all those uses described in paragraph 0.b. The place of use is the lands previously described in paragraph 1.e.ii. iii. Irrigation and non irrigation uses: Applicants will also use water available pursuant to this water right for all those uses described in paragraph 0.b on the Applicants' Property located in the SW1/4 of the SW1/4 of Section 35, Township 13 South, Range 92 West of the 6th P.M.; the SE1/4 of the SE1/4 of Section 34, Township 13 South, Range 92 West of the 6th P.M.; the NW1/4 of the NW1/4 and the NW1/4 of the SW1/4 of the NW1/4 of Section 2, Township 14 South, Range 92 West of the 6th P.M.; and the NE1/4 of the NE1/4, the NW1/4 of the NE1/4, the SW1/4 of the NE1/4, and the N1/2 of the SE1/4 of the NE1/4 of Section 3, Township 14 South, Range 92 West of the 6th P.M., including 11 dwellings, as illustrated in the aerial photo map attached as Figure 3. Claim 8. Structure: Elk Wastewater Ditches #1. a. Legal description: i. PLSS: Elk Wastewater Ditches #1, This structure is a collection ditch system located at the property described in 1.e.4.c and 6.e.iii, Delta County Colorado designed to appropriate unappropriated tail water at a rate of 25CFS. This wastewater is overflow from irrigated fields. This water consists of irrigation flows that have not yet reached a natural stream. ii. UTM (NAD83 Datum): 2. Start point: 13 S 270330.64 m E, 4305392.18 m N. 3. End point: 13 S 270201.84 m E, 4305718.65 m N. The approximate locations of the upper and lower points of Elk Wastewater Ditches #1 are identified in the aerial photo map attached as Figure 14. b. Source: irrigation tail water from a tributary to an unnamed tributary to North Fork of the Gunnison River, tributary to the Gunnison River. c. Appropriation: i. Date of appropriation: October 7, 1993 for 8.e.3 and per paragraph 1.c.i. ii. How appropriation was initiated: By formation of the intent to appropriate water from the for beneficial uses October 7 1993 for 6.e.iii, paired with the staking, posting and construction and maintenance of ditches including per paragraph 1.c.i. d. Amount: 25 c.f.s. e. Uses: all those described in paragraph 0.b above. i. Irrigation Uses: Applicants will use water

available pursuant to this water right for irrigation and/or supplemental irrigation of approximately 150 acres, including irrigation purposes within four commercial greenhouses. The place of use for irrigation and supplemental irrigation purposes consists of lands previously described in paragraph 1.e.i. ii. Non-irrigation Uses (also including gardens and landscaping): Applicants will use water available pursuant to this water right for all those uses described in paragraph 0.b. The place of use is the lands previously described in paragraph 1.e.ii. iii. Irrigation and non irrigation uses: Applicants will also use water available pursuant to this water right for all those uses described in paragraph 0.b on the Applicants' Property located in the SW1/4 of the SW1/4 of Section 35, Township 13 South, Range 92 West of the 6th P.M.; the SE1/4 of the SE1/4 of Section 34, Township 13 South, Range 92 West of the 6th P.M.; the NW1/4 of the NW1/4 and the NW1/4 of the SW1/4 of the NW1/4 of Section 2, Township 14 South, Range 92 West of the 6th P.M.; and the NE1/4 of the NE1/4, the NW1/4 of the NE1/4, the SW1/4 of the NE1/4, and the N1/2 of the SE1/4 of the NE1/4 of Section 3, Township 14 South, Range 92 West of the 6th P.M., including 11 dwellings, as illustrated in the aerial photo map attached as Figure 3. Claims for Conditional Water Storage Rights: Claim 9. Structure: Eli's Spring Upper Pond, First Enlargement. a. Legal Description of Pond Location: The NE1/4 of the NE1/4 of Section 3, Township 14 North, Range 92 West of the 6th P.M., at a point approximately 712 feet from the north section line and 836 feet from the east section line of said section (UTM: Zone 13, Easting 270025, Northing 4305699). The approximate location of Eli's Spring Upper Pond is identified in the aerial photo map attached as Figure 5. b. Source: Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River; and structures described in paragraphs 1,2,3,4,5,6,8,9, & 10. c. Appropriation: i. Date of appropriation: per paragraphs 1.c.i, 6.c.i, 7.c.i, 8.c.i. ii. Appropriation was initiated by formation of the intent to appropriate water for storage for beneficial uses, a site inspection of the structure locations, staking of the development location with written intent and dates on the stakes, paired with the posting of signs at the spring per paragraph 1.c.i, providing notice of Applicants' appropriation and/or intent to store water for various uses, , followed by Applicants' installation of flagging and measurement structures at the location, and other acts in furtherance of the appropriation. d. Amount: 2 acre-feet. e. Uses: i. Conditional uses: per paragraph 0. Above. ii. Irrigation Uses: Applicants will use water available pursuant to this water right for irrigation and/or supplemental irrigation of approximately 150 acres, including irrigation purposes within four commercial greenhouses. The place of use for irrigation and supplemental irrigation purposes consists of lands previously described in paragraph 1.e.i. iii. Non-irrigation Uses (also including gardens and landscaping): Applicants will use water available pursuant to this water right for all those uses described in paragraph 0.b. The place of use is the lands previously described in paragraphs 1.e.i, 1.e.ii and 6.e.iii of this application. f. Pond dimensions: The surface area of Eli's Spring Upper Pond is approximately 0.5 acres, with a storage capacity of approximately 2 acre-feet. Claim 10. Wolcott Ponds: The following conditional water storage rights claimed by Applicants for the following twenty four (24) ponds to be located on the Applicants' property (the "Wolcott Ponds"): a. Names and locations of the Wolcott Ponds:

Name of Structure	PLSS Location (all in Township 14)	UTM Location (Zone 13)
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<b>South, Range 92 West of the 6<sup>th</sup> P.M.)</b>		
Eli's Spring Lower Pond, First Enlargement	NE1/4 of the NE1/4 of Section 3, approximately 944 feet from the north section line and 1029 feet from the east section line of said Section 3	E 269951, N 4305631
Eli's Spring Willows Pond, First Enlargement	NE1/4 of the NE1/4 of Section 3, approximately 694 feet from the north section line and 985 feet from the east section line of said Section 3	E 269980, N 4305705
Wolcott Pond #1, First Enlargement	NE1/4 of the NE1/4 of Section 3, approximately 1104 feet from the north section line and 1074 feet from the east section line of said Section 3.	E 269927; N 4305582
Wolcott Pond #2, First Enlargement	NE1/4 of the NE1/4 of Section 3, approximately 1158 feet from the north section line and 1105 feet from the east section line of said Section 3.	E 269914; N 4305566
Wolcott Pond #3, First Enlargement	NE1/4 of the NE1/4 of Section 3, approximately 1236 feet from the north section line and 1070 feet from the east section line of said Section 3.	E 269920; N 4305542
Wolcott Pond #4, First Enlargement	NE1/4 of the NE1/4 of Section 3, approximately 1313 feet from the north section line and 1109 feet from the east section line of said Section 3.	E 269903; N 4305519
Wolcott Pond #5, First Enlargement	SE1/4 of the NE1/4 of Section 3, approximately 1466 feet from the north section line and 1143 feet from the east section line of said Section 3.	E 269883; N 4305473
Wolcott Pond #6, First Enlargement	SE1/4 of the NE1/4 of Section 3, approximately 1516 feet from the north section line and 1155 feet from the east section line of said Section 3.	E 269875; N 4305458
Wolcott Pond #7, First Enlargement	SE1/4 of the NE1/4 of Section 3, approximately 1567 feet from the north section line and 1197 feet from	E 269860; N 4305443

	the east section line of said Section 3.	
Wolcott Pond #8, First Enlargement	SE1/4 of the NE1/4 of Section 3, approximately 1660 feet from the north section line and 1214 feet from the east section line of said Section 3.	E 269849; N 4305416
Wolcott Pond #9, First Enlargement	SE1/4 of the NE1/4 of Section 3, approximately 1707 feet from the north section line and 1230 feet from the east section line of said Section 3.	E 269842; N 4305401
Wolcott Pond #10, First Enlargement	SW1/4 of the NE1/4 of Section 3, approximately 2180 feet from the north section line and 1367 feet from the east section line of said Section 3.	E 269769; N 4305259
Wolcott Pond #11, First Enlargement	SW1/4 of the NE1/4 of Section 3, approximately 2289 feet from the north section line and 1364 feet from the east section line of said Section 3.	E 269763; N 4305226
Wolcott Pond #12, First Enlargement	SW1/4 of the NE1/4 of Section 3, approximately 2368 feet from the north section line and 1358 feet from the east section line of said Section 3.	E 269760; N 4305202
Wolcott Pond #13, First Enlargement	SE1/4 of the NE1/4 of Section 3, approximately 2458 feet from the north section line and 1272 feet from the east section line of said Section 3.	E 269781; N 4305174
Wolcott Pond #14, First Enlargement	NW1/4 of the NE1/4 of Section 3, approximately 1239 feet from the north section line and 1836 feet from the east section line of said Section 3.	E 269683; N 4305549
Wolcott Pond #15, First Enlargement	SW1/4 of the NE1/4 of Section 3, approximately 1404 feet from the north section line and 1822 feet from the east section line of said Section 3.	E 269677; N 4305499
Wolcott Pond #16, First Enlargement	SW1/4 of the NE1/4 of Section 3, approximately 1613 feet from the north	E 269687; N 4305435

	section line and 1747 feet from the east section line of said Section 3.	
Wolcott Upper Pond #1, First Enlargement	NE1/4 of the NE1/4 of Section 3, approximately 1218 feet from the north section line and 860 feet from the east section line of said Section 3.	E 269986; N 4305545
Wolcott Upper Pond #2, First Enlargement	SE1/4 of the NE1/4 of Section 3, approximately 1563 feet from the north section line and 803 feet from the east section line of said Section 3.	E 269982; N 4305440
Wolcott Pond #17	Township 14 South, Range 92 West of the 6 <sup>th</sup> P.M.	13 S, 269690.14 m E, 4305403.19 m N
Wolcott Pond #18	Township 14 South, Range 92 West of the 6 <sup>th</sup> P.M.	13 S 269730.09 m E, 4305352.49 m N
Wolcott Pond #19	Township 14 South, Range 92 West of the 6 <sup>th</sup> P.M.	13 S, 269991.88 m E, 4305311.93 m N
Wolcott Pond #20	Township 14 South, Range 92 West of the 6 <sup>th</sup> P.M.	13 S, 270088.21 m E, 4305719.44 m N

The foregoing locations of the Wolcott Ponds are identified in the aerial photo map attached as Figure 6 and Figure 6.B, with the exception of Eli's Spring Lower Pond and Eli's Spring Willows Pond, which are identified in the aerial photo attached as Figure 5.

b. Source(s): The sources of supply to the Wolcott Ponds are as follows:

<b>Name of Structure</b>	<b>Source(s) of Supply</b>
Eli's Spring Lower Pond, First Enlargement	Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Eli's Spring Willows Pond, First Enlargement	Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #1, First Enlargement	Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #2, First Enlargement	Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #3, First Enlargement	Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #4, First Enlargement	Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.

Wolcott Pond #5, First Enlargement	Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #6, First Enlargement	Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #7, First Enlargement	Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #8, First Enlargement	Runzel Gulch, tributary to the North Fork of the Gunnison River, And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #9, First Enlargement	Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #10, First Enlargement	Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #11, First Enlargement	Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #12, First Enlargement	Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #13, First Enlargement	Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #14, First Enlargement	Water attributable to unnamed springs and surface flow tributary to an unnamed tributary to Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #15, First Enlargement	Water attributable to unnamed springs and surface flow tributary to an unnamed tributary to Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #16, First Enlargement	Water attributable to unnamed springs and surface flow tributary to an unnamed tributary to Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Upper Pond #1, First Enlargement	Irrigation wastewater/runoff from Applicants' irrigation of lands lying in the N ½ SE ¼ NE ¼ and the NE ¼ NE1/4 of sec. 3, T. 14 S., R. 92 W. of the 6 <sup>th</sup> P.M.; NW ¼ SW ¼ NW ¼ and the NW ¼ NW ¼ of sec. 2, T. 14 S., R. 92 W. of the 6 <sup>th</sup> P.M.; and SW ¼

	SW $\frac{1}{4}$ of sec. 35, and the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 34 in T. 13 S., R. 92 W. of the 6 <sup>th</sup> P.M. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Upper Pond #2, First Enlargement	Irrigation wastewater/runoff from Applicants' irrigation of lands lying in the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE1/4 of sec. 3, T. 14 S., R. 92 W. of the 6 <sup>th</sup> P.M.; NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 2, T. 14 S., R. 92 W. of the 6 <sup>th</sup> P.M.; and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 35, and the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 34 in T. 13 S., R. 92 W. of the 6 <sup>th</sup> P.M. And structures described in paragraphs 1,2,3,4,5,6,8,9, &10 above.
Wolcott Pond #17	Water attributable to unnamed springs and surface flow tributary to an unnamed tributary to Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #18	Water attributable to unnamed springs and surface flow tributary to an unnamed tributary to Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #19	Irrigation wastewater/runoff from Applicants' irrigation of lands lying in the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE1/4 of sec. 3, T. 14 S., R. 92 W. of the 6 <sup>th</sup> P.M.; NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 2, T. 14 S., R. 92 W. of the 6 <sup>th</sup> P.M.; and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 35, and the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 34 in T. 13 S., R. 92 W. of the 6 <sup>th</sup> P.M. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.
Wolcott Pond #20	Water attributable to unnamed springs and surface flow tributary to an unnamed tributary to Runzel Gulch, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. Irrigation wastewater/runoff from Applicants' irrigation of lands lying in the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE1/4 of sec. 3, T. 14 S., R. 92 W. of the 6 <sup>th</sup> P.M.; NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 2, T. 14 S., R. 92 W. of the 6 <sup>th</sup> P.M.; and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 35, and the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 34 in T. 13 S., R. 92 W. of the 6 <sup>th</sup> P.M. And structures described in paragraphs 1,2,3,4,5,6,8,9, & 10 above.

c. Appropriation: i. Date of appropriation: per paragraphs 1.c.i, 6.c.i, 7.c.i, 8.c.i. ii. Appropriation was initiated by formation of the intent to appropriate water for storage for beneficial uses, a site inspection of the structure locations, staking of the development location with written intent and dates on the stakes, paired with the posting of signs at the spring per paragraph 1.c.i, providing notice of Applicants' appropriation and/or intent to store water for various uses, followed by Applicants' installation of flagging and measurement structures at the location, and other acts in furtherance of the appropriation. d. Amount Claimed: The amount claimed for each of the Wolcott Ponds is two (2) acre-feet, conditional, together with the right to fill and refill each in priority. e.

Uses: Water stored in the Wolcott Ponds will be used as described in paragraph 0.b. i. Irrigation Uses: Applicants will use water available pursuant to this water right for irrigation and/or supplemental irrigation of approximately 150 acres, including irrigation purposes within four commercial greenhouses. The place of use for irrigation and supplemental irrigation purposes consists of lands previously described in paragraphs 1.e.i, 1.e.ii and 6.e.iii of this Application. ii. Non-irrigation Uses (also including gardens and landscaping): Applicants will use water available pursuant to this water right for all those uses described in paragraph 0.b. The place of use is the lands previously described in paragraphs 1.e.i, 1.e.ii and 6.e.iii of this application. f. Pond Dimensions: The surface area of each of the Wolcott Ponds is or will be approximately 0.5 acres, with a storage capacity of 2 acre-feet or less. If dams are utilized in the construction of the Wolcott Ponds they will be earthen dams not exceeding 10 feet in height to the spillway crest. Names and Addresses of Landowners: Applicants, Box 6, Paonia, CO 81428. (44 pages) **DELTA COUNTY.**

**Case No. 25CW3085 DELTA COUNTY. GUNNISON RIVER OR ITS TRIBUTARIES.** Columbine Family Ranch, LLC, c/o Corona Water Law, 218 E. Valley Road #104 PMB 166, Carbondale, CO 81623, (970) 948-6523, [cc@craigcoronalaw.com](mailto:cc@craigcoronalaw.com). **APPLICATION FOR SURFACE WATER RIGHTS.** Reservoir: Stock Pond 1. Location: NW NW S24 T11S R91W Sixth PM. UTM: Zone 13 Easting 283041 Northing 4329940 Source: Cow Creek tributary West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers Fill Ditch: Larson Ditch No. 2; 4.65 CFS located in the NW NE S23 T11S R91W Sixth PM UTM: Zone 13 Easting: 281907 Northing: 4330050 Date of appropriation: 6/15/1983. Amount: 8.7 acre feet conditional. Uses: Stock water, fire protection, recreation. Applicant owns the land on which Stock Pond 1 is located. The owner of the land on which the fill ditch diversion is located is the United States Forest Service, Paonia Range District Office, 403 Rio Grande Ave., Paonia CO 81428. Claim 2: Reservoir: Stock Pond 2. Location: NE 1/4 NE 1/4 S23 T11S R91W Sixth PM. UTM: Zone 13 Easting 282437 Northing 4329864. Source: Cow Creek tributary West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Fill Ditch: Larson Ditch No. 2; 4.65 CFS in the NE NE S23 T11S R91W Sixth P.M. UTM: Zone 13 Easting 281907 Northing 4330050 Appropriation Date: June 1, 2014. Amount: 0.713 af Absolute. Uses: Stock water, fire protection, and Recreation. Applicant owns the land on which Stock Pond 1 is located. The owner of the land on which the fill ditch diversion is located is the United States Forest Service, Paonia Range District Office, 403 Rio Grande Ave., Paonia CO 81428. Claim 3: Reservoir: Stock Pond 3. Location: NE NE S23 T11S R91W Sixth PM UTM: Zone 13 Easting: 282293 Northing: 4330033 Source: Cow Creek tributary West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Fill Ditch Larson Ditch No. 2; 4.65 CFS in the NE NE S23 T11S R91W Sixth PM UTM: Zone 13 Easting 281907 Northing 4330050. Appropriation date: June 15, 2018. Amount: 0.899 af Absolute. Uses: Stock water, fire protection, and recreation. Applicant owns the land on which Stock Pond 1 is located. The owner of the

land on which the fill ditch diversion is located is the United States Forest Service, Paonia Range District Office, 403 Rio Grande Ave., Paonia CO 81428. Claim 4: Reservoir: Stock Pond 4. Location: NW SE S14 T11S R91W Sixth PM. UTM: Zone 13; Easting: 282232 Northing: 4330844. Source: Cow Creek tributary West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Fill Ditch: Larson Ditch; 3.87 CFS in the NW SW S14 T11S R91W Sixth PM. UTM: Zone 13; Easting: 281175 Northing: 4330663. Appropriation Date: June 15, 2018. Amount: 0.420 af absolute. Uses: Stock water, fire protection, and recreation. Applicant owns the land on which Stock Pond 4 is located. The owners of the land on which the fill ditch diversion point is located are as follows: Alexandra and Peter Blake. Claim 5: Reservoir: Stock Pond 5. Location: NW SE S15 T11S R91W Sixth PM. UTM: Zone 13; Easting: 282072 Northing: 4330768. Source: Cow Creek tributary West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Fill Ditch: Larson Ditch; 3.87 CFS in the NW SE S14 T11S R91W Sixth PM. UTM: Zone 13; Easting: 281175 Northing: 4330663. Appropriation Date: June 1, 1983. Amount: 0.534 af absolute. Uses: Stock water, fire protection, and recreation. Applicant owns the land on which Stock Pond 5 is located. The owners of the land on which the Larson Ditch headgate is located are Alexandra Blake Peter Blake. Claim 6: Structure: Larson Ditch First Enlargement. Location: NW SW S14 T11S R91W Sixth PM. UTM: Zone 13; Easting: 281175 Northing: 4330663. Source: Cow Creek tributary West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Appropriation Date: 6/15/1908. Amount claimed: 0.5 cfs, absolute for stock watering use (diversion will not exceed the rate originally decreed for the Larson Ditch water right). Use: stock watering. The Larson Ditch point of diversion is located on land owned by Alexandra Blake Peter Blake. Claim 7: Structure: Larson Ditch No. 2, First Enlargement. Location: NE NE S23 T11S R91W Sixth PM. UTM: Zone 13 Easting 281907 Northing 4330050. Source: Cow Creek tributary West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Appropriation Date: 1919 based on Larson Ditch No. 2 original decree CA3503. Amount: 0.5 cfs, absolute for stock watering (diversions will not exceed the rate previously decreed to the Larson Ditch No. 2). Use: stock watering. The Larson Ditch No. 2 point of diversion is located on land managed by the United States Forest Service, Paonia Ranger District Office, 403 Rio Grande Ave., Paonia CO 81428. Claim 8: Structure: Columbine Ditch No. 1, First Enlargement. Location: NE NW S16 T11S R91W, Sixth PM. UTM: Zone 13 Easting: 278471 Northing: 4331452. Source: Beaver Creek, tributary to Cow Creek, West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Appropriation Date: 9/23/1949 based on Columbine Ditch No. 1 original decree CA3503. Amount claimed: 0.5 cfs, absolute for stock watering (diversions will not exceed the rate previously decreed to the Columbine Ditch No. 1). Use: stock watering. The Columbine Ditch No. 1 point of diversion is located on land managed by the United States Forest Service, Paonia Ranger District Office, 403

Rio Grande Ave., Paonia CO 81428. Claim 9: Structure: Columbine Ditch No. 2, First Enlargement. Location: NW SE S16 T11S R91W, Sixth PM. UTM: Zone 13 Easting: 278825 Northing: 4330959. Source: Fawn Creek, tributary to Cow Creek, West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Appropriation Date: 9/23/1949 based on Columbine Ditch No. 2 original decree CA3503. Amount claimed: 0.5 cfs, absolute for stock watering (diversions will not exceed the rate previously decreed to the Columbine Ditch No. 2). Use: stock watering. The Columbine Ditch No. 2 point of diversion is located on land managed by the United States Forest Service, Paonia Ranger District Office, 403 Rio Grande Ave., Paonia CO 81428. Claim 10: Structure: Columbine Ditch No. 3, First Enlargement. Location: NE SW S15 T11S R91W, Sixth PM. UTM: Zone 13 Easting: 280061 Northing: 4330846. Source: Fawn Creek, tributary to Cow Creek, West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Appropriation Date: 9/23/1949 based on Columbine Ditch No. 3 original decree CA3503. Amount claimed: 0.5 cfs, absolute for stock watering (diversions will not exceed the rate previously decreed to the Columbine Ditch No. 3). Use: stock watering. The Columbine Ditch No. 3 point of diversion is located on land managed by the United States Forest Service, Paonia Ranger District Office, 403 Rio Grande Ave., Paonia CO 81428. Claim 11: Structure: Columbine Ditch No. 4, First Enlargement. Location: SW SE S8 T11S R91W, Sixth PM. UTM: Zone 13 Easting: 277400 Northing: 4331951. Source: Cow Creek tributary to West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Appropriation Date: 9/23/1949 based on Columbine Ditch No. 4 original decree CA3503. Amount claimed: 0.5 cfs, absolute for stock watering (diversions will not exceed the rate previously decreed to the Columbine Ditch No. 4). Use: stock watering. The Columbine Ditch No. 4 point of diversion is located on land managed by the United States Forest Service, Paonia Ranger District Office, 403 Rio Grande Ave., Paonia CO 81428. Claim 12: Structure: Columbine Ditch No. 5, First Enlargement. Location: NW SE S16 T11S R91W, Sixth PM. UTM: Zone 13 Easting: 278794 Northing: 4330959. Source: Fawn Creek, tributary to Cow Creek, West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Appropriation Date: 9/23/1949 based on Columbine Ditch No. 5 original decree CA3503. Amount claimed: 0.5 cfs, absolute for stock watering (diversions will not exceed the rate previously decreed to the Columbine Ditch No. 5). Use: stock watering. The Columbine Ditch No. 5 point of diversion is located on land managed by the United States Forest Service, Paonia Ranger District Office, 403 Rio Grande Ave., Paonia CO 81428 **DELTA COUNTY.**

**Case No. 25CW3086 DELTA COUNTY. GUNNISON RIVER OR ITS TRIBUTARIES.** Alexandra Blake, et. al., c/o Corona Water Law, 218 E. Valley Road #104 PMB 166, Carbondale, CO 81623, (970) 948-6523, [cc@craigcoronalaw.com](mailto:cc@craigcoronalaw.com). **APPLICATION FOR SURFACE WATER RIGHTS.** Reservoir: Edwards Pond 1. Location: SE 1/4 NW 1/4 Section 15 Township 11 South Range 91 West Sixth PM. UTM format: Zone 13; Easting: 280198

Northing: 4331263 Source: Cow Creek. Name of ditch used to fill reservoir and capacity: Twin Spruce Ditch; 5.7500 CFS in the NW 1/4 SE 1/4 Section 15 Township 11 South Range 91 West, Sixth PM. UTM: Zone 13 Easting: 279165 Northing: 4331699. Date of appropriation: June 1, 1983. Amount claimed: 0.42 af Absolute. Uses: Stock water, fire protection, and recreation. Applicants own the land on which Edwards Pond 1 is located. The owner of the land on which the fill ditch diversion is located is the United States Forest Service, Paonia Range District Office, 403 Rio Grande Ave., Paonia CO 81428. Claim 2: Reservoir: Edwards Pond 2. Location of Structure: NW 1/4 SW 1/4 Section 14 Township 11 South Range 91 West, Sixth PM. UTM format: Zone 13, Easting: 281154 Northing: 4330896. Source: Cow Creek, tributary to West Muddy Creek, Muddy Creek, North Fork of the Gunnison and Gunnison Rivers. Name of ditch used to fill reservoir and capacity: Twin Spruce Ditch; 5.75 cfs. In the NW 1/4 SE 1/4 Section 15 Township 11 South Range 91 West, Sixth PM. UTM format: Zone 13 Easting: 279165 Northing: 4331699. Date of appropriation: 12/31/2025. Amount claimed: 2.5 af conditional. Proposed Uses: Stock water, fire protection, and recreation. Applicants own the land on which Edwards Pond 2 will be located. The owner of the land on which the fill ditch diversion is located is the United States Forest Service, Paonia Range District Office, 403 Rio Grande Ave., Paonia CO 81428. Claim 3: Structure: Twin Spruce Ditch, First Enlargement. Location of Structure: NW 1/4 SE 1/4 Section 15 Township 11 South Range 91 West, Sixth PM. UTM format: Zone 13 Easting: 279165 Northing: 4331699. Source: Cow Creek tributary West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Appropriation Date: 6/1/1911 based on Twin Spruce Ditch original decree CA2563. Amount claimed: 0.5 cfs, absolute for stock watering (diversions will not exceed the rate previously decreed to the Twin Spruce Ditch). Use: stock watering. The Twin Spruce Ditch point of diversion is located on land managed by the United States Forest Service, Paonia Ranger District Office, 403 Rio Grande Ave., Paonia CO 81428. Remark: This is a claim simply to add stock watering as a use to the water right originally decreed to the Twin Spruce Ditch. **DELTA COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of February 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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