

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 February 2026.

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

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

Case No. 26CW5 (Ref No. 19CW33) Applicant Chivas Modispacher PO Box 683 Hotchkiss CO 81419. Application for Make Absolute. Luck Ditch - SW/14SE1/4 Section 14, T15S, R92W, 6th PM. Source: seeps and springs above property, Gunnison River. Date of appropriation: 09/16/2019. Amount claimed: 0.175 cfs for natural irrigation, fills pond for storage, flood control, conservation for spring and fall food for livestock, wildlife. The application on file with the Water Court contains an outline of the work performed during the diligence period **DELTA COUNTY**.

Case No. 26CW6 (Ref No. 11CW161, 19CW43) Applicant Moores Mining Ranching and Sawmill c/o Leon Moores 32905 Highway 141 Gateway CO 81522. Application for Finding of Reasonable Diligence. Wild Rose Ditch Hydropower Enlargement – NE1/4SW1/4 Section 1, T15S, R103W, 6th PM. Source: West Creek, tributary to the Dolores River. Date of appropriation: 12/15/2008. Amount claimed: 10 cfs for hydropower. The application on file with the Water Court contains an outline of the work performed during the diligence period. **MESA COUNTY**.

Case No 26CW7 (Ref No. 19CW42) Applicant Ronald F Williams and Christen L Williams 211 Marguerite Dr Ridgway Co 81432. Application for Finding of Reasonable Diligence. Williams Pump – Easting 0261731 Northing 4219045. Source: Uncompahgre River. Date of appropriation: 01/22/2020. Amount claimed: .05 cfs for irrigation of lawn and garden. Plummer Ditch 1 and 2 – easting 0262640 Northing 4218462. Source: Uncompahgre River. Date of appropriation: 01/22/2020. Amount claimed: .05 cfs for irrigation of lawn and garden. The application on file with the Water Court contains an outline of the work performed during the diligence period. **OURAY COUNTY**.

Case No. 26CW3005 RULES GOVERNING THE REVIEW OF A SUBSTITUTE WATER SUPPLY PLAN FOR THE LEASE, LOAN, OR TRADE OF A DECREED AGRICULTURAL WATER PROTECTION WATER RIGHT

The State Engineer and Director of Colorado Division of Water Resources, 1313 Sherman Street, 8th Floor, Denver, CO 80203 (please forward all correspondence and pleadings to the attention of Trevor D. Rogan, Assistant Attorney General, and Derek L. Turner, First Assistant Attorney General, Colorado Attorney General, Natural Resources & Environment Section, 1300 Broadway, 10th Floor, Denver, CO 80203, Telephone: 720-508-6865 (Rogan), 720-508-6926 (Turner); E-mail: trevor.rogan@coag.gov, derek.turner@coag.gov) respectfully requests the publication of the following proposed Rules in every county in Water Division 4 and in the resume of applications filed with the Water Clerk for Water Division 4.

TITLE The title of these rules is “Rules Governing the Review of a Substitute Water Supply Plan for the Lease, Loan, or Trade of a Decreed Agricultural Water Protection Water Right.” The short title of these rules is “Agricultural Water Protection Right Rules,” and in this document, the rules may be referred to as “Rules.”

AUTHORIZATION In order to comply with the requirements of section 37-80-123, C.R.S., it is necessary to adopt rules governing the review of a substitute water supply plan pursuant to section 37-92-308(12), C.R.S. The State Engineer’s authority to promulgate these Rules is based on section 37-80-102(1)(g), C.R.S., which vests rulemaking authority for the Division of Water Resources in the State Engineer; section 37-80-123, C.R.S., which requires the promulgation of these rules according to the State Engineer’s own rule-making process; and section 37-92-501, C.R.S., which authorizes the State Engineer to adopt rules and regulations to assist in the performance of administration, distribution, and regulation of the waters of the state in accordance with the constitution of the State of Colorado and other applicable laws.

ORDER OF THE STATE ENGINEER IT IS ORDERED that the following Rules governing the review of a substitute water supply plan for the lease, loan, or trade of a decreed agricultural water protection water right are adopted by the State Engineer. These Rules replace and supersede the “Rules Governing the Review of a Substitute Water Supply Plan for the Lease, Loan, or Trade of a Decreed Agricultural Water Protection Water Right” made effective by Order of the District Court for Water Division 1 on April 22, 2019 in Case No. 2017CW3152 (Consolidated Case No. 17CW3057, Div. 2).

RULE 1 SCOPE These Rules apply to all applications for substitute water supply plans pursuant to section 37-92-308(12), C.R.S.

RULE 2 DEFINITIONS The following definitions are applicable to these Rules:

2.1 “Agricultural Water Protection Water Right” means a water right changed by a water court decree to allow the lease, loan, or trade of up to fifty percent of the amount of water so decreed, subject to the allowances and limitations described in section 37-92-305(19), C.R.S. The Agricultural Protection Water Right is the total amount of the water right that was changed by the water court for agricultural water protection use. A portion of the Agricultural Protection Water Right may be Lease Water, as defined in Rule 2.6.

2.2 “Change Decree” means the water court decree for the change of water right from an absolute decreed irrigation water right used for agricultural purposes to an Agricultural Water Protection Water Right.

2.3 “Criteria and Guidelines” means the document developed by the Colorado Water Conservation Board for the establishment of Agricultural Water Protection Programs

pursuant to section 37-92-305(19)(b)(IV)(B), C.R.S., to assure sufficient protection and monitoring of Agricultural Water Protection Water Rights.

2.4 “Final Decision” means the approval or denial of a substitute water supply plan, as defined in Rule 2.9, which is issued after the reconsideration period, as described in Rule 6.

2.5 “Initial Decision” is the State Engineer’s initial approval or denial of a substitute water supply plan, as defined in Rule 2.9, which may be reconsidered upon request as described in Rule 6.

2.6 “Lease Water” means the portion of the historical consumptive use described in the Change Decree that is requested for lease, loan, or trade in the substitute water supply plan. The amount may be up to fifty percent of the quantified historical consumptive use portion of the Agricultural Water Protection Water Right described in the Change Decree.

2.7 “Person” means an individual, a partnership, a corporation, a municipality, the state of Colorado, the United States, or any other legal entity, public or private. See section 37-92-103(8), C.R.S.

2.8 “Point of Diversion” means either (a) the decreed location where the Lease Water will be diverted from the natural stream or (b) the decreed upstream location of a reach of the natural stream where the Lease Water will be put to beneficial use.

2.9 “Substitute water supply plan” or “SWSP” means a one-year plan for the use of Lease Water at a Point of Diversion, which is administratively approved by the State Engineer pursuant to section 37-92-308(12), C.R.S.

2.10 “SWSP Parties” means applicant, all parties commenting on the SWSP application, and all parties to the Change Decree.

RULE 3 APPLICATION REQUIREMENTS AND CRITERIA THAT THE STATE ENGINEER WILL CONSIDER IN REVIEW OF A SUBSTITUTE WATER SUPPLY PLAN APPLICATION

Rule 3 describes requirements for information to be included in any SWSP application and, as directed by section 37-80-123(1)(b)(II), C.R.S., criteria the State Engineer will consider in reviewing all applications. Much of the information included in the application will be information found in the Change Decree but will be necessary in the application to provide a complete picture of the proposed operation. Applications should be submitted no later than January 15 to allow for review prior to the irrigation season. Applications should be submitted as early as possible to allow adequate time for evaluation.

3.1 Information that must be included in the application. Rather than transcribing long sections of the Change Decree, references to the decree paragraph and/or page number may be sufficient to fulfill requirements in Rule 3.1; however, language from the Change Decree may be included in the application for clarity.

3.1.1 Applicant name and evidence that applicant is the owner of the Agricultural Water Protection Water Right.

3.1.2 Evidence of written notice to the SWSP notification list, as required by section 37-92-308(12)(b)(I)(A), C.R.S.

3.1.3 Case number for the Change Decree.

3.1.4 Person to whom the Lease Water will be leased, loaned, or traded.

3.1.5 Copy of written lease, loan, or trade with end user of water. Confidential information, which is commonly related to price, may be redacted from application

materials as long as essential information such as term, renewal/termination dates, and any special operation clauses are shown.

3.1.6 Proposed use of Lease Water:

3.1.6.1 The amount of Lease Water as a percentage (50 percent or less) of the Agricultural Water Protection Water Right and other amount limitations described in the Change Decree. Such limitations may include volumetric limits, which may vary by the percent of the Agricultural Water Protection Water Right being used, or limits that are a result of return flow percentages.

3.1.6.2 The Point of Diversion of the Lease Water, case number and paragraph or page number where the Point of Diversion is decreed, and any WDIDs assigned by the Division of Water Resources.

3.1.6.3 For a Point of Diversion that is upstream of the decreed point of diversion of the Lease Water, identify intervening water rights and describe how the upstream diversion can occur without injury.

3.1.6.4 Type and place of use of Lease Water. If an augmentation plan allows for the temporary addition of replacement sources, Lease Water may be added only pursuant to the provisions of that augmentation plan and must be diverted at a previously decreed Point of Diversion and returned to the stream for credit.

3.1.7 Opt out of SWSP operation: If applicant desires an SWSP with the option to opt out before the irrigation season begins, describe in detail the terms and conditions applicant requests. The Division Engineer must be notified no later than March 31 and before any diversions under the SWSP occur if the applicant elects to opt out.

3.1.8 Information on dry up and ongoing irrigation:

3.1.8.1 A description of where the Agricultural Water Protection Water Right water that is not being leased, loaned, or traded will continue to be used for agricultural purposes consistent with 37-92 305(19)(b)(III).

3.1.8.1.1 If requesting to rotate irrigated/dry-up acres in year 1, year 2 (under a renewal), and year 3 (under a renewal) of SWSP operation, describe the requested irrigated and dried up lands for each year in the initial application so that terms and conditions of the SWSP approval can remain unchanged (see Rule 4.1.2).

3.1.8.1.2 If requesting alternative irrigation approaches, rather than drying up a portion of the historically irrigated land, provide a description of the request and information supporting how such an operation prevents injury.

3.1.8.2 A description of the historically irrigated land associated with the Lease Water that will not be irrigated by the Lease Water, if any, for the duration of the SWSP.

3.1.8.3 A description of the method to ensure any necessary dry up of the irrigated land associated with the Lease Water, any plans to irrigate with alternative water sources, and any additional dry up terms and conditions from the Change Decree.

3.1.9 Historical return flow obligations:

3.1.9.1 Restatement of return flow obligations by time, place, and amount from the Change Decree. Obligations are typically described as fractions of farm headgate deliveries, flow rates, or volumetric amounts.

3.1.9.2 The amount of return flow obligation associated with the Lease Water. The amount of return flow obligation may vary with the percentage of the Agricultural Water Protection Water Right exercised (50 percent or less) and other limitations described in the Change Decree.

- 3.1.9.3 The source(s) of water to be used to meet return flow obligations.
- 3.1.9.4 Documentation of permission to use replacement water (copy of lease or contract) if not owned.
- 3.1.9.5 The location(s) at which replacement water will be placed in the river to meet return flow obligations, and the river distance from the location water is placed in river to the location of the return flow obligation for calculating transit loss.
- 3.1.9.6 For the use of return flow replacement sources downstream of the historical return flow location, an explanation of how downstream replacement can prevent injury, and under what conditions available upstream sources will be used. Explanation of any exchange or water exchange project to be used to meet return flow obligations, the exchange rate, and exchange potential.
- 3.1.9.7 For replacement provided through recharge accretions:
- 3.1.9.7.1 Description of the timing, amounts, and locations of delayed accretions to the receiving stream.
- 3.1.9.7.2 Table of estimated monthly deliveries, evaporation, other losses, releases, and accretions for the recharge facility.
- 3.1.9.8 Table of monthly return flow obligations, available replacement water from each replacement source, and transit losses associated with each replacement source. The table should include all ongoing obligations as described in the Change Decree and available replacement water from each replacement source used to meet those obligations.
- 3.1.10 Required Maps. All maps shall have scale, section, township, and range clearly identified.
- 3.1.10.1 Map 1: All water infrastructure involved in the SWSP (streams, ditches, historical return flow location, Point of Diversion, measuring structures, replacement sources, etc.).
- 3.1.10.2 Map 2: Lands that will not be irrigated by the Lease Water for the SWSP.
- 3.1.10.3 Map 3: Lands included in a conservation program or Agricultural Water Protection Program where the water decreed for agricultural water protection use but not leased, loaned, or traded will continue to be used for agricultural purposes.
- 3.1.11 A GIS shapefile outlining the land area that will not be irrigated by the Lease Water must be submitted to the Division of Water Resources before an approval can be issued. The shapefile shall include the Change Decree case number, the name of the SWSP application, and any accompanying metadata. In addition, the datum must be NAD83 and the UTM projection must be Zone 13.
- 3.1.12 Proof of permission (If permission is pending, an explanation on the status may be provided) to use any structures required for the operation of the SWSP but not owned by applicant.
- 3.1.13 Evidence of enrollment in a conservation program identified in section 37-92-305(19)(b)(IV)(A), C.R.S. or an Agricultural Water Protection Program for the lands identified in Map 3.
- 3.1.13.1 Applicant shall verify that use of the water under an SWSP does not conflict with water requirements of the conservation program or Agricultural Water Protection Program.
- 3.1.14 Detailed draft accounting table consistent with any applicable Division of Water Resources accounting guidance.

3.1.15 Contact information (including phone number and email address) for the party that will be submitting accounting for the SWSP and the party(ies) who will be coordinating daily operations with the water commissioner(s).

3.2 Criteria that the State Engineer will consider in reviewing an application, as directed by section 37-92-308(12)(c), C.R.S. The State Engineer must: 3.2.1 Verify that the proposed amount of Lease Water is consistent with the quantification and terms and conditions in the Change Decree and is no more than 50 percent of the historical consumptive use.

3.2.2 Verify that the Point of Diversion is subject to an existing water court decree.

3.2.3 Verify that the SWSP has correctly quantified the amount of replacement water associated with the Lease Water and that the SWSP will meet the return flow obligations in time, place, and amount to prevent material injury to other vested water rights and decreed conditional water rights in accordance with the Change Decree.

3.2.4 Verify that the operation of the SWSP does not facilitate the diversion of water between water divisions by direct diversion, exchange, replacement, or other means.

3.2.5 Consider written comments provided on the application in accordance with section 37-92-308(12)(b)(II), C.R.S.

3.2.6 Verify that, with appropriate terms and conditions, the SWSP will prevent injury to vested water rights and complies with the Change Decree

RULE 4 TERMS AND CONDITIONS THAT THE STATE ENGINEER MAY IMPOSE THROUGH AN APPROVED SUBSTITUTE WATER SUPPLY PLAN

As required by section 37-80-123(1)(b)(I), C.R.S., Rule 4 describes the terms and conditions that the State Engineer may impose on SWSP approvals pursuant to these Rules. Sections 37-92-308(12)(c)(VI) and (VII), C.R.S., specifically require SWSP terms and conditions for the use of Lease Water, including the return flow obligations in time, place, and amount, that prevent material injury to other vested water rights and decreed conditional water rights and allow delivery to the Point of Diversion. All terms and conditions of the Change Decree apply to the SWSP. All SWSP terms and conditions shall be consistent with the Change Decree to the extent the Change Decree addresses any aspect of the operation. Should a conflict arise between the Change Decree and the SWSP, the terms and conditions of the Change Decree supersede any conflicting Standard SWSP Terms and Conditions or other conflicts between the SWSP and Change Decree.

4.1 The following Standard Terms and Conditions shall be included in every SWSP approval, but can be modified by the State Engineer in an SWSP approval. Applicants may suggest modifications to Standard Terms and Conditions in the application if necessary.

4.1.1 This SWSP shall be valid for the period of one year, as specified in the Final Decision unless otherwise revoked or superseded. Any change in the use of the Lease Water, return flow replacement, or operations of the SWSP requires submittal of a new application pursuant to section 37-92-308(12), C.R.S.

4.1.2 If the terms and conditions of the SWSP remain unchanged, the applicant may renew the SWSP two times within three years of the original beginning date by notifying the State Engineer by electronic mail or first-class mail (to the State Engineer's Office) that the terms and conditions remain unchanged. The notice must describe the requested period of renewal (beginning date through end date), not to exceed one year,

and a copy of the renewed lease, loan, or trade agreement, if applicable. Notice should be provided at least 35 days prior to the requested beginning date.

4.1.3 The State Engineer may revoke this SWSP or add additional restrictions to its operation if at any time the State Engineer determines that injury to other vested water rights has occurred or will likely occur as a result of the operation of this SWSP or if the applicant fails to comply with the SWSP conditions of approval. Should this SWSP expire without renewal or be revoked, all use of water under this SWSP must cease immediately. However, all ongoing obligations from operation under this SWSP, such as historical return flow replacements, must continue to be fulfilled.

4.1.4 Approval of this SWSP is contingent on the non-irrigation of the specified portion of the applicant's property as shown on Map 2.

4.1.5 This SWSP is only valid if the lands shown on Map 3 continue to participate in a program as required in section 37-92-305(19)(b)(IV), C.R.S.

4.2 Pursuant to section 37-92-308(12)(c)(VI), C.R.S., additional terms and conditions not listed in Rule 4.1 will be included in each SWSP approval to allow for administration and prevention of injury based on the specific operation of each SWSP.

4.3 The State Engineer may include terms and conditions submitted by commenting parties pursuant to section 37-92-308(12)(b)(II), C.R.S.

RULE 5 ADDITIONAL INFORMATION TO BE INCLUDED IN THE DECISION OF THE STATE ENGINEER The decision of the State Engineer, either an approval or denial of the SWSP application, must include the following information as required by section 37-92-308(12)(f), C.R.S.:

5.1 Detailed statement of the basis and rationale for the decision. If the decision is an approval, the approval must include a complete explanation of the terms and conditions imposed to prevent injury to other water rights (see Rule 4) and why the terms and conditions are imposed.

5.2 Description of the consideration given to any written comments that were filed by other parties

RULE 6 RECONSIDERATION AND APPEAL OF STATE ENGINEER'S DECISION

Section 37-80-123(1)(b)(IV), C.R.S., requires that the Rules provide procedures for the State Engineer to reconsider a decision and section 37-92-308(12)(h), C.R.S., describes the SWSP appeal process. Reconsideration and appeal of the State Engineer's decision shall be in accordance with the following:

6.1 Initial Decision and Reconsideration

6.1.1 The State Engineer shall serve a copy of the Initial Decision, whether an approval or denial, on all SWSP Parties. The Initial Decision may be reconsidered within 14 days of the date of service of the Initial Decision.

6.1.2 Any party may request that the State Engineer reconsider the Initial Decision during the 14-day reconsideration period by providing information not available to the State Engineer when the Initial Decision was made, by identifying or explaining information the State Engineer failed to consider, or by identifying clerical errors in the Initial Decision. The requesting party shall serve a copy of the request on all SWSP Parties and the State Engineer.

6.1.2.1 The State Engineer will review the information provided by the party requesting reconsideration and will provide a response to all SWSP Parties within a reasonable time.

6.1.3 If no reconsideration is requested, the State Engineer will issue a Final Decision 14 days after the Initial Decision. If any party requests reconsideration, the State Engineer will issue the Final Decision after reconsideration. The State Engineer will serve a copy of the Final Decision on all SWSP Parties. The SWSP may be operated only after the State Engineer issues the Final Decision.

6.2 Appeal of State Engineer's Final Decision

6.2.1 Any appeal of the Final Decision must be made within thirty-five days of the date of service of the Final Decision. Any appeal must be filed under the Change Decree case number.

6.2.2 Only an SWSP Party or a party that requested reconsideration under Rule 6.1 may appeal a Final Decision. This rule does not limit which parties may then participate in the Court's appeal proceeding, which follows the process described in section 37-92-308(12)(h), C.R.S.

RULE 7 AGRICULTURAL WATER PROTECTION WATER RIGHT SUBSTITUTE WATER SUPPLY PLAN DATABASE

Rule 7 establishes procedures for creating a database that tracks and inventories SWSPs and for making that information available to the public as required by section 37-80-123(1)(b)(V), C.R.S.

7.1 Database creation:

7.1.1 The existing database used to track SWSP status will be modified to include the information listed in Rule

7.2. Database information requirements:

7.2.1 Change Decree case number.

7.2.2 SWSP name.

7.2.3 Approved date of operation for the original SWSP: the date that operation may begin for the first SWSP pursuant to an application, as opposed to a request for a renewal.

7.2.4 SWSP recent renewal date: the date that operation may begin for the one-year renewal of the SWSP, as allowed by section 37-92-308(12)(d), C.R.S.

7.2.5 Status (approved, denied, pending, etc.).

7.2.6 Decreed beneficial use(s) of the Lease Water prior to the Change Decree.

7.2.7 Type of SWSP: "308(12) – Agricultural Water Protection," which also describes the decreed beneficial use of the water under the Change Decree.

7.2.8 Beneficial use of the Lease Water in the SWSP.

7.2.9 Amount of Lease Water in the SWSP.

7.2.10 Location(s) of use of the Lease Water in the SWSP including water division, water district, and section, township, and range.

7.3 Database accessibility:

7.3.1 The public will have access to the information in Rule 7.2 through the Colorado Information Marketplace.

RULE 8 SEVERABILITY If any portion of these rules is found to be invalid, the remaining portion of the rules shall remain in force and in effect.

IT IS FURTHER ORDERED that these rules shall take effect sixty days after publication in accordance with section 37-92-501, C.R.S., and will thereafter remain in effect until amended as provided by law. In the event that protests are filed with respect to these Rules pursuant to section 37-92-501, C.R.S., the effective date of these Rules is the date on which the Court enters a judgment confirming resolution of all protests to these

rules. Any person desiring to protest these rules may do so in the manner provided in section 37-92-501, C.R.S. Any such protest to these rules must be filed by the end of the month following the month in which these rules are published.

Case No. 26CW3006 (Ref No. 88CW134, 99CW167, 06CW94, 13CW32, 19CW3046)
DISTRICT COURT, WATER DIVISION NO. 4, STATE OF COLORADO, 1200 N. Grand Ave, Montrose, CO 81401, CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY OF OURAY, IN OURAY COUNTY. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name, Address, Telephone Number, and Email Address of Applicant: City of Ouray (“Applicant”) PO Box 468, Ouray, CO 81427, (970) 325-7211 Direct All Pleadings To: Steven J. Bushong, Emily C. McCrary, Bushong & Holleman PC, 1966 13th Street, Suite 270 Boulder, Colorado 80302, sbushong@bh-lawyers.com; emccrary@bh-lawyers.com 2. Description of Water Rights from Previous Decrees. 2.1. Name of Structures. Well OX-2 and Well OX-6, 2.1.1. Original Decree. By the District Court in and for Water Division No. 4, Case No. 1988CW134, entered on August 18, 1993, 2.1.2. Subsequent Decrees: Decrees granting findings of reasonable diligence were entered in Case Nos. 1999CW167 on May 1, 2000, 2006CW94 on February 27, 2007, 2013CW32 on August 19, 2013 and 2019CW3046 on February 18, 2020 in Water Court Division 4, 2.1.3. Legal Descriptions. The legal description of the structures, as modified by Case Nos. 2006CW94 and 13CW32, are as follows: 2.1.3.1. Well OX-2: Said well lies N23°1’30”E, 5448.2 feet from the Southwest corner of Section 31, Township 44 North, Range 7 West, N.M.P.M. Ouray County, Colorado. Such point is also described as 2012 feet East of the West line and 166 feet South of the North line of section 31, Township 44 North, Range 7 West, N.M.P.M., 2.1.3.2. Well OX-6: Said well lies N21°50’59”E, 5733.2 feet from the Southwest corner of Section 31, Township 44 North, Range 7 West, N.M.P.M. Ouray County, Colorado. Such point is also described as 1998 feet East of the West line and 145 feet North of the South line of Section 30, Township 44 North, Range 7 West, N.M.P.M. The locations of Well OX-2 and Well OX-6 are approximately depicted in Exhibit A hereto and further described below in paragraph 2.1.9., 2.1.4. Source. Ground water tributary to Uncompahgre River, 2.1.5. Amounts. 2.1.5.1. OX-2: 500 gpm, absolute for municipal hot springs pool, fish pond facilities, and heating pool buildings and park facilities; conditional for heating other buildings and heating district uses, 2.1.5.2. OX-6: 100 gpm, conditional for all uses, 2.1.6. Appropriation Date. February 19, 1987, 2.1.7. Uses. Municipal hot springs pool, fish pond facilities, heating pool buildings and park facilities, heating other buildings, and heating district uses, 2.1.8. Depth (if well). 2.1.8.1. OX-2: 95 feet, 2.1.8.2. OX-6: 95 feet, 2.1.9. Remarks. The legal descriptions provided above based on the bearing and distance from the Southwest corner of Section 31 are set forth in the decree in Case No. 2013CW32 and are more accurate than the original description in the 1988CW134 decree. The legal descriptions provided above based on distances from section line are derived from the decree in Case No. 06CW94 and were incorrectly recited in the 2013CW32 decree. The legal descriptions are further clarified as follows: Well OX-2 (UTM Zone 13, NAD 83 coordinates – X:265495 Y:4212270); and Well OX-6 (UTM Zone 13, NAD 83 coordinates – X:265493 Y:4212364). 3. Request for Finding of Reasonable Diligence. Applicant seeks a finding that it has exercised reasonable

diligence in the development of the conditional water rights described in Paragraph 2 above, for all conditional amounts and uses. 4. Detailed outline of work performed to complete application of water to beneficial use. Applicant's efforts toward development of the subject conditional water right during the last diligence period include, but are not limited to, the following: 4.1. Applicant continues to collect water production, temperature, and well head pressure data for Well OX-2 and Well OX-6, 4.2. Applicant has expended over \$41,000 on Hot Springs Pool improvements. Well OX-2 and Well OX-6 are important existing and future sources of hot springs water for the Hot Springs Pool and also provide heating to both existing and future buildings, 4.3. Applicant has engaged engineering consultants to evaluate and prepare heat transfer and exchange designs using Well OX-2 and Well OX-6 to more efficiently utilize the geothermal properties of the water for decreed purposes. Applicant has expended over \$59,000 related to heat transfer and exchange designs, 4.4. Applicant performed testing of Well OX-2 and Well OX-6 in September of 2021 to evaluate well production, well head pressure, and geothermal heating characteristics to improve the heating capability of the wells, 4.5. Applicant has had multiple discussions with the Colorado Division of Water Resources on testing and permitting Well OX-6, 4.6. Applicant has had multiple discussions with the original stipulating parties to the 88CW134 Decree in exploring alternate ways to utilize OX-2 and OX-6 for decreed uses, 4.7. Applicant regularly monitors the water court filings of other water users in the San Juan River Basin to ensure its water rights will not be adversely affected and has incurred legal and engineering costs in connection with such applications to protect its water rights, 4.8. Applicant continues to rely upon the subject water rights and fully intends to develop and use the subject water rights for all their decreed uses in the full decreed amounts and has no intention to abandon the subject conditional rights. 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. City of Ouray, P.O. Box 468, Ouray, Colorado 81427. WHEREFORE, Applicant respectfully requests that the Court enter a decree (1) finding that it has exercised reasonable diligence in the development of the subject conditional water rights; (2) continuing the conditional water rights in full force and effect for all decreed amounts and uses; and (3) granting such other and further relief as deemed appropriate. (5 pages + Exhibit). The application on file with the Water Court contains an outline of the work performed during the diligence period. **OURAY COUNTY.**

Case No. 26CW3007 (Ref No. 99CW216, 06CW164, 13CW45, 19CW3068) Delta County - Gunnison River; United Companies of Mesa County; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION TO MAKE ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE; Name, address, and telephone number of Applicant: United Companies of Mesa County, 2273 River Road, Grand Junction, CO 81505; (970) 243-4900; Request for finding of diligence: Name of structure: Tri-County Gravel Pit Well; Description of conditional right: Original decree: Case No. 1999CW216 on August 29, 2000; Subsequent decrees awarding findings of diligence: Case No. 2006CW164 on March 15, 2007; Case No. 2013CW045 on September 3, 2013; Case No. 2019CW3068

on February 18, 2020; Legal description: N/2 of Section 29 and the SE/4 of Section 20, Township 14 South, Range 92 West, 6th P.M. At full build-out, the approximate centroid of the Pit will be in the NW/4 NE/4 of Section 29, 406 feet from the north section line and 1,506 feet from the east section line. Because the gravel pit centroid will change through build-out, the final location should be decreed after completion of mining activities; Source: Groundwater tributary to the North Fork of the Gunnison River; Appropriation date: October 31, 1999; Amount: 81.06 a.f. conditional (in addition to 12.16 a.f. already made absolute); Background: In Case No. 99CW216, the Tri-County Pit was decreed for 93.22 a.f., conditional. In Case No. 13CW045, this Court made 12.16 a.f. of that conditional right absolute for industrial use, leaving 81.06 a.f. conditional; Use: Commercial and industrial uses associated with gravel mining operation; Depth: 40 feet; Outline of work toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicant has continued the operation of its commercial sand and gravel facility at the Tri-County Pit and has expanded the exposed water surface area to 19.3 acres, resulting in evaporative depletions of 51.66 a.f. per year in 2024 and 2025. In 2025, Applicant produced 78,630 tons of aggregate, resulting in operational depletions of 2.31 a.f. Total depletions in 2025 were 53.98 a.f., which was an increase of 41.82 a.f. above the 12.16 a.f. made absolute in Case No. 13CW045. Maintenance of an active gravel pit substitute water supply plan (SWSP) which covers depletions beyond those covered in the augmentation plan decreed in Case No. 99CW216. Applicant has also maintained lease water contracts totaling 51 a.f. with the United States Bureau of Reclamation (USBR) to cover potential out-of-priority depletions associated with the operation of the SWSP. Applicant applied for and holds Well Permit No. 90626-F for the Tri-County Pit, which accounts for additional depletions contemplated in the SWSP. Compliance with Division of Reclamation and Mine Safety (DRMS) permit requirements for the Tri-County Pit, including submission of annual mining reports, updating mining and reclamation plans through a formal technical revision with the DRMS, and coordination with the DRMS on updated bonding requirements associated with the permit. Applicant holds a discharge permit (Certification No. C0G500498) issued by the Colorado Department of Health and Environment (CDPHE) and has implemented water management strategies at the Tri-County Pit intended to achieve compliance with the requirements of the permit; If claim to make absolute in whole or in part: Date water applied to beneficial use: September 30, 2024 (the date of aerial photography demonstrating maximum exposed water surface area); Amount: 41.82 a.f., in addition to the 12.16 a.f. made absolute in Case No. 13CW045, for a total absolute amount of 53.98 a.f., leaving 39.24 a.f. conditional. Applicant requests a finding of diligence for all remaining conditional amounts; Use: Commercial and industrial uses associated with a gravel mining operation. (4 pages). The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

Case No. 26CW3008 (Ref No. 88CW19, 12CW156, 19CW3073) APPLICATION FOR FINDING OF REASONABLE DILIGENCE in GUNNISON COUNTY. Applicant Quartz Creek Land Company, c/o David H. Tippit, PO Box 24024, Denver, CO 80224, (303) 324-1862. Please address all correspondence to: Katherine E. Carter, Esq., Peter D. Nichols, Esq., Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302,

(303) 402-1600.. 2. Summary of Application: This is an application for a finding of reasonable diligence for the structures and water rights included in the Quartz Creek Ranch Habitat Enhancement Project (the "Habitat Enhancement Project"). The Quartz Creek Ranch Habitat Project Channel will consist of a diversion structure at the point of diversion identified below that will carry diverted water through a secondary stream channel. This secondary stream channel will deliver water to and through the Quartz Creek Ranch Habitat Project Pond Nos. 1 and 2 and will ultimately reconnect with Quartz Creek at the point of return identified below. This system is collectively referred to as the Quartz Creek Ranch Habitat Enhancement Project. The proposed surface area of the Quartz Creek Ranch Habitat Project Channel is 0.8 acres. 3. Names of structures and water rights: Quartz Creek Ranch Habitat Project Channel, Quartz Creek Ranch Habitat Project Pond Nos. 1 and 2, Quartz Creek Land Co. Reservoir Nos. 1 through 4, Quartz Creek Ranch Habitat Project Exchange. 4. Date of Original Decree: The subject water rights were originally decreed on September 30, 2013, in Case No. 12CW156, Water Division No. 4. 5. Date of Subsequent Decree: Case No. 19CW3073, decreed on February 3, 2020, Water Court Division No. 4. 6. Description of Conditional Water Rights: **6.A. Quartz Creek Ranch Habitat Project Channel.** 6.A.i. Legal description of point of diversion: The point of diversion is located in the southeast quarter of the northwest quarter of Section 26, Township 50 North, Range 3 East, N.M.P.M., at a point approximately 2,113 feet south of the north line of Section 26 and 2,359 feet east of the west line of Section 26. The UTM coordinates for this point are set forth in Exhibit 1. See also map, Exhibit 2. 6.A.ii. Legal description of point of return: When this direct-flow water right is diverted through the Quartz Creek Ranch Habitat Project Channel to provide freshening flows to the Quartz Creek Ranch Habitat Project Pond Nos. 1 and 2 either at times when those ponds are not filling or the rate of fill is less than the diversion rate of the water right, flows diverted under this direct-flow water right will be depletive to that stream reach located between the point of diversion and the point of return is located at a point in the southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 27 Township 50 North, Range 3 East, N.M.P.M. at a location 2010 feet from the north line and 466 feet from the east line of Section 27. The UTM coordinates for this point are set forth in Exhibit 1. 6.A.iii. Source: Quartz Creek, tributary to Tomichi Creek, tributary to Gunnison River. 6.A.iv. Appropriation Date: December 28, 2012. 6.A.v. Amount: 3.75 cfs, conditional. 6.A.vi. Uses or proposed uses: Water supply for the Habitat Enhancement Project, which will divert water available under this Quartz Creek Ranch Habitat Project Channel direct flow water right for the filling of Quartz Creek Ranch Habitat Project Pond Nos. 1 and 2 and for freshening flows to be delivered through a secondary stream channel for piscatorial, wildlife and wildlife water, and recreation uses. 6.A.vii. The landowner upon which this structure is located: Applicant. **6.B. Quartz Creek Ranch Habitat Project Pond Nos. 1 and 2.** 6.B.i. Legal description of location of dam centerlines: 6.B.i.a. Pond No. 1: Pond No. 1 has a dam centerline located in the southeast quarter of the northeast quarter of Section 27, Township 50 North, Range 3 East, NMPM, at a point approximately 1,799 feet south of the north line of Section 27 and 5,162 feet east of the west line of Section 27. The UTM coordinates for this point are set forth in Exhibit 1. 6.B.i.b. Pond No. 2: Pond No. 2 has a dam centerline located in the southwest quarter of the northwest quarter of Section 26, Township 50 North, Range 3 East, NMPM, at a point located approximately 1,716 feet

south of the north line of Section 26 and 700 feet east of the west line of Section 26. The UTM coordinates for this point are set forth in Exhibit 1. See also map, Exhibit 2.

6.B.ii. Source: Quartz Creek, tributary to Tomichi Creek, tributary to Gunnison River.

6.B.iii. Appropriation Date: December 28, 2012. 6.B.iv. Amount: 6.B.iv.a. Pond No. 1: 45.1 acre-feet conditional. 6.B.iv.b. Pond No. 2: 2.5 acre-feet conditional. 6.B.iv.c. In addition to the initial fill under the above-described storage water rights, the Quartz Creek Ranch Habitat Project Pond Nos. 1 and 2 will continuously fill and refill either under free river conditions or pursuant to the plan for augmentation set forth herein.

6.B.v. How filled: 3.75 cfs conditional Quartz Creek Ranch Habitat Project Channel direct flow water right delivered from Quartz Creek Ranch Habitat Project Channel.

6.B.vi Uses or proposed uses: Piscatorial, wildlife and wildlife watering, and recreation. The purpose of the Habitat Enhancement Project is habitat enhancement through construction of a secondary stream channel and two ponds, which together comprise of the Habitat Enhancement Project. See map, Exhibit 2.

6.B.vii. Description of ponds: 6.B.vii.a. Approximate surface area of high-water line: 6.B.vii.a.1. Pond No. 1: 3.6 acres. 6.B.vii.a.2. Pond No. 2: 0.6 acres. 6.B.vii.b. Approximate vertical height of dams: 6.B.vii.b.1. Pond No. 1: 8 feet. 6.B.vii.b.2. Pond No. 2: 6 feet. 6.B.vii.c. Approximate length of dams: 6.B.vii.c.1. Pond No. 1: 1,000 feet. 6.B.vii.c.2. Pond No. 2: 400 feet. 6.B.vii.d. Approximate capacities of ponds: 6.B.vii.d.1. Pond No. 1: 45.1 acre-feet. 6.B.vii.d.1.i. Active capacity: 25.5 acre-feet. 6.B.vii.d.1.ii. Dead storage: 19.6 acre-feet. 6.B.vii.d.2. Pond No. 2: 2.5 acre-feet. 6.B.vii.d.2.i. Active capacity: 2.5 acre-feet. 6.B.vii.d.2.ii. Dead storage: 0 acre-feet. 6.B.viii. The landowner upon which structures are to be located: Applicant.

6.C. New Augmentation Uses. 6.C.i. Quartz Creek Land Company Reservoir No. 1. 6.C.i.a. Date of original decree: Case No. 88CW19 (Div. 4), September 21, 1988. 6.C.i.b. Type of water right: Storage. 6.C.i.c. Legal description: 6.C.i.c.1. Decreed location: The dam outlet is decreed at a location in the southwest quarter of the northeast quarter of Section 26, Township 50 North, Range 3 East, NMPM, at a point approximately 2,006 feet south of the north line of Section 26 and 2,825 feet east of the west line of Section 26. 6.C.i.c.2. 2012 Field verified: The dam centerline is located in the southwest quarter of the northeast quarter of Section 26, Township 50 North, Range 3 East, NMPM, at a point approximately 2,059 feet south of the north line of Section 26 and 2,863 east of the west line of Section 26. The UTM coordinates for this point are set forth in Exhibit 1. 6.C.i.d. Source: Quartz Creek, tributary to Tomichi Creek, tributary to Gunnison River. 6.C.i.e. Decreed uses: Recreation, fish propagation, and maintenance of reservoir for aquatic habitat. 6.C.i.f. Appropriation Date for augmentation use: December 28, 2012. 6.C.i.g. Amount and use: 8.4 acre-feet conditional for augmentation of Quartz Creek Ranch Habitat Project Channel and Quartz Creek Ranch Habitat Project Pond Nos. 1 and 2. 6.C.ii. Quartz Creek Land Company Reservoir No. 2. 6.C.ii.a. Date of original decree: Case No. 88CW19 (Div. 4), September 21, 1988. 6.C.ii.b. Type of water right: Storage. 6.C.ii.c. Legal description: 6.C.ii.c.1. Decreed location: The dam outlet is decreed at a location in the southeast quarter of the northwest quarter of Section 26, Township 50 North, Range 3 East, NMPM, at a point approximately 2,151 feet south of the north line of Section 26 and 1,919 feet east of the west line of Section 26. 6.C.ii.c.2. 2012 Field verified: The dam centerline is located in the southeast quarter of the northwest quarter of Section 26, Township 50 North, Range 3 East, NMPM, at a point approximately 2,161

feet south of the north line of Section 26 and 1,900 east of the west line of Section 26. The UTM coordinates for this point are set forth in Exhibit 1. 6.C.ii.d. Source: Quartz Creek, tributary to Tomichi Creek, tributary to Gunnison River. 6.C.ii.e. Decreed uses: Recreation, fish propagation, and maintenance of reservoir for aquatic habitat. 6.C.ii.f. Appropriation Date for augmentation use: December 28, 2012. 6.C.ii.g. Amount and use: 1.333 acre-feet conditional for augmentation of Quartz Creek Ranch Habitat Project Channel and Quartz Creek Ranch Habitat Project Pond Nos. 1 and 2. 6.C.iii. Quartz Creek Land Company Reservoir No. 3. 6.C.iii.a. Date of original decree: Case No. 88CW19 (Div. 4), September 21, 1988. 6.C.iii.b. Type of water right: Storage. 6.C.iii.c. Legal description: 6.C.iii.c.1. Decreed location: The dam outlet is decreed at a location in the southeast quarter of the northeast quarter of Section 27, Township 50 North, Range 3 East, NMPM, at a point approximately 2,011 feet south of the north line of Section 27 and 4,252 feet east of the west line of Section 27. 6.C.iii.c.2. 2012 Field verified: The dam centerline is located in the southeast quarter of the northeast quarter of Section 27, Township 50 North, Range 3 East, NMPM, at a point approximately 1,838 feet south of the north line of Section 27 and 4,397 feet east of the west line of Section 27. The UTM coordinates for this point are set forth in Exhibit 1. 6.C.iii.d. Source: Quartz Creek, tributary to Tomichi Creek, tributary to Gunnison River. 6.C.iii.e. Decreed uses: Recreation, fish propagation, and maintenance of reservoir for aquatic habitat. 6.C.iii.f. Appropriation Date for augmentation use: December 28, 2012. 6.C.iii.g. Amount and use: 6 acre-feet conditional for augmentation of Quartz Creek Ranch Habitat Project Channel and Quartz Creek Ranch Habitat Project Pond Nos. 1 and 2. 6.C.iv. Quartz Creek Land Company Reservoir No. 4. 6.C.iv.a. Date of original decree: Case No. 88CW19 (Div. 4), September 21, 1988. 6.C.iv.b. Type of water right: Storage. 6.C.iv.c. Legal description: 6.C.iv.c.1. Decreed location: The dam outlet is decreed at a location in the southeast quarter of the northwest quarter of Section 26, Township 50 North, Range 3 East, NMPM, at a point approximately 2,242 feet south of the north line of Section 26 and 2,286 feet east of the west line of Section 26. 6.C.iv.c.2. 2012 Field verified: The dam centerline is located in the southeast quarter of the northwest quarter of Section 26, Township 50 North, Range 3 East, NMPM, at a point approximately 2,234 feet south of the north line of Section 26 and 2,323 east of the west line of Section 26. The UTM coordinates for this point are set forth in Exhibit 1. 6.C.iv.d. Source: Quartz Creek, tributary to Tomichi Creek, tributary to Gunnison River. 6.C.iv.e. Decreed uses: recreation, fish propagation, and maintenance of reservoir for aquatic habitat. 6.C.iv.f. Appropriation Date for augmentation use: December 28, 2012. 6.C.iv.g. Amount and use: 7.5 acre-feet conditional for augmentation of Quartz Creek Ranch Habitat Project Channel and Quartz Creek Ranch Habitat Project Pond Nos. 1 and 2. **6.D. Quartz Creek Ranch Habitat Project Exchange.** 6.D.i. Description: The appropriative right of exchange will operate on Quartz Creek. 6.D.i.a. Upstream termini of the exchange: The diversion point for Quartz Creek Ranch Habitat Project Channel (see legal description above in ¶6.A.i) on Quartz Creek. 6.D.i.b. Downstream termini of the exchange: The outflow from Quartz Creek Land Co. Reservoir No. 3 (see legal description above in ¶6.c.iii.c) to Quartz Creek. 6.D.ii. Manner of operation of the exchange: The exchange will be operated at times when the flows in Quartz Creek are sufficient for the proposed exchange and all other lawful requirements for the exchange are satisfied. 6.D.iii. Sources of water and structures involved in the exchange: Quartz Creek Land Co.

Reservoir Nos. 2, 3, and 4, as shown on Exhibit 1. 6.iv. Appropriation Date: December 28, 2012. 6.D.v. Amount: 14.833 acre-feet, conditional. 6.D.vi. Rate: 3.75 cfs, conditional and instantaneous maximum. 6.D.vii. Uses: Substitution and exchange. 6.D.viii. Operation of exchange: Applicant will operate the exchange by diverting water into the Quartz Creek Ranch Habitat Project Channel at the same rate as water is delivered to Quartz Creek from Quartz Creek Land Co. Reservoirs Nos. 2, 3 and 4. 7. Integrated Water Supply System: The subject water rights are components of an integrated water supply system, which includes existing water diversions of other water rights to supply water for Quartz Creek Ranch, including irrigation, piscatorial, wildlife watering, and recreation uses. These structures and diversion points are set forth in Exhibit 3, Map of Applicant's Integrated Water Supply System. The system includes the subject water rights and the water rights pending in Case Nos. 20CW3099 and 22CW3091, as well as other water rights on or tributary to Gold Creek and Quartz Creek, tributary to the Gunnison River, including those decreed in Case No. 97CW157. See Case No. 20CW3099 at ¶ 28 and Case No. 22CW3091 at ¶ 13. Such water rights include those originally adjudicated in Case No. 12CW156 for the Quartz Creek Ranch Habitat Enhancement Project. Therefore, work accomplished on one portion of this integrated system may be considered evidence of reasonable diligence on the part of Applicant as to the other portions of the system. C.R.S. § 37-92-301(4)(b). All of the structures and water rights in these cases provide for decreed uses on the same property. 7.A. The Quartz Creek Ranch Habitat Improvement Channel is a direct flow water right decreed solely for the purposes of filling the Quartz Creek Ranch Habitat Project Nos. 1 and 2 and for freshening flows for piscatorial, wildlife, wildlife water, and recreation uses within such ponds. Case No. 12CW156, at ¶¶ 10 and 19. The Quartz Creek Ranch Habitat Improvement Channel is not decreed for beneficial uses without the ponds but instead is decreed as a fill source and as flow-through water rights for the ponds. The Quartz Creek Ranch Habitat Improvement Channel decreed in Case No. 12CW156 is not a water right that can exist without the necessary ponds and therefore *St. Jude's Co. v. Roaring Fork Club, LLC*, 351 P.3d 442 (Colo. 2015) does not apply. 8. Diligence Activities: During the diligence period of February 2020 to February 2026, in continuing development of the subject water rights, Quartz Creek Land Company has undertaken significant efforts on various components of its Integrated Water Supply System. Activities that have been performed toward completion of the appropriation and application of the subject water rights to beneficial use are described below. This list is not intended to be exclusive. 8.A. Applicant filed two applications for conditional water rights and to adjudicate those additional water rights as components of Applicant's integrated water system in Water Division 4, Case Nos. 20CW3099 and 22CW3091. Applicant has entered settlement agreements with Colorado Water Conservation Board, and the Water Referee has entered rulings in both Case Nos. 20CW3099 and 22CW3091. Entry of final decrees in these cases are now pending before the Water Court. 8.B. Applicant engaged Wright Water Engineers (WWE) to prepare a historic consumptive use analysis, evaluate consumptive use credits for dry-up areas and proposed ponds, review decrees historical imagery, and provide expert opinions and develop mapping related to its water rights and integrated water system in Case Nos. 20CW3099 and 22CW3091. 8.C. Applicant engaged legal counsel to monitor proposed changes to the jurisdiction of the U.S. Army Corps of Engineers over wetlands

that could affect the construction of this project, i.e. the “Waters of the United States Rule” of the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers, which these agencies revised several times during the diligence period. 8.D. Applicant expended approximately \$35,467 in legal fees and costs on the Habitat Enhancement Project, including its integrated water supply system, during this diligence period. 8.E. Applicant expended approximately \$92,204 in engineering and consulting costs on the Habitat Enhancement Project, including its integrated water supply system, during the diligence period. WHEREFORE, the Applicant prays this Court enter a decree: A. Confirming that Applicant has exercised diligence toward completing the appropriation for the decreed uses and continuing the subject conditional water rights in full force and effect for another six-year diligence period; and B. Granting such other and further relief as the Court deems proper. 15 pages incl. 3 exhibits. The application on file with the Water Court contains an outline of the work performed during the diligence period.

GUNNISON COUNTY.

Case No. 26CW3009 (Ref No. 10CW164, 18CW3048) Montrose County – San Miguel River; Board of County Commissioners of Montrose County, Town of Nucla, Town of Naturita; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; John T. Howe, HOSKIN FARINA & KAMPF PC, 200 Grand Avenue, Suite 400, Grand Junction, CO 81502, (970) 986-3400; and Sara Bachman, BACHMAN LAW LLC, 140 E. Main Street, P.O. Box 158, Naturita, CO 81422, (970) 865-2440; APPLICATION TO MAKE CONDITIONAL RIGHTS ABSOLUTE AND REQUEST FOR FINDING OF DILIGENCE; Request to make absolute and for finding of diligence; Name of structure: Nucla Pump Site and Pipeline (“Nucla Pump Site”); Description of conditional right: Original decree: Case No. 10CW164, October 15, 2012; Subsequent decrees awarding findings of diligence: 18CW3048, February 10, 2020; Legal description: The decree in Case No. 10CW164 described the location of the Nucla Pump Site as located in the NW1/4 of the NE1/4 of Section 15, Township 46 N., Range 15 W. of the N.M.P.M. at a distance of 1,104 feet from the North section line and 1,452 feet from the East section line. That location can also be described as a point at UTM Zone 13N, 193276.9m E, 4238747.4m N; Source: San Miguel River; Appropriation date: December 14, 2010; Amount: 2.31 c.f.s. conditional; Use: Domestic, industrial, and municipal use, enhancement or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction; Note: In addition to the direct flow uses described above, the Nucla Pump Site also was decreed as a filling source for the Nucla Town Reservoir. In this claim, Applicants request to make absolute a portion of the 2.31 c.f.s. decreed for direct flow uses and request diligence on the remaining conditional right. Diversions from this structure that were used to fill the Nucla Town Reservoir will be addressed in the request to make a portion of the Reservoir water right absolute below; Work done toward completion or for completion of the appropriation and application of water to beneficial use: During the period of March 1, 2025, through March 14, 2025, Applicants utilized diversions from the Nucla Pump Site (under the operation of the Mustang Water Authority) to divert 1.34 c.f.s. and deliver 32.70 a.f. for their beneficial use. Of that amount, 0.37 c.f.s. and 9.49 a.f. were used by Nucla and Naturita to meet daily demands. In this claim, Applicants request to make that portion of the conditional water

right in the Nucla Pump Site absolute for direct flow use. Additionally, because the 1.34 c.f.s. diversion at the pump site exceeded the 0.37 c.f.s. daily demand by 0.97 c.f.s., those additional diversions were stored in the Nucla Town Reservoir, totaling 23.21 a.f. in 2025. Below, Applicants rely on that storage to support their request to make a portion of the conditional water rights in the Nucla Town Reservoir absolute. Applicants request a finding of reasonable diligence with regard to all remaining conditional amounts for the Nucla Pump Site; If claim to make absolute: Date water applied to beneficial use: February 19, 2025; Amount: 0.37 c.f.s. with a 2025 volumetric total of 23.21 a.f.; Use: Domestic, industrial, and municipal use, enhancement or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction; Request to make absolute and for finding of diligence: Name of structure: Highline Canal (CC Ditch) ("CC Ditch"); Description of conditional right: Original decree: Case No. 10CW164, October 15, 2012; Subsequent decrees awarding findings of diligence: 18CW3048, February 10, 2020; Legal description: The decree in Case No. 10CW164 described the location of the CC Ditch as located in the NW¼ of the SE¼ of Section 30, Township 46 N., Range 13 W. of the N.M.P.M. at a distance of 2,300 feet from the South section line and 2,320 feet from the East section line. That location can also be described as UTM Zone 13N, 207327.7m E, 4234763.6m N; Source: San Miguel River; Appropriation date: December 14, 2010; Amount: 3.11 c.f.s. conditional; Use: Domestic, industrial, and municipal use, enhancement or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction; Note: The subject conditional right in the CC Ditch also was decreed as a filling source for the Nucla Town Reservoir. In this claim, Applicants request to make absolute a portion of the 3.11 c.f.s. decreed for direct flow uses and request diligence on the remaining conditional right. Diversions from this structure that were used to fill the Nucla Town Reservoir will be addressed in the request to make a portion of that water right absolute below; Work done toward completion or for completion of the appropriation and application of water to beneficial use: During the period of 2023 through 2025, Applicants utilized diversions from the CC Ditch (under the operation of the Mustang Water Authority) to divert and deliver water for beneficial use. Applicants request to make a portion of the CC Ditch conditional rights absolute based on those diversions and a finding of reasonable diligence with regard to all remaining conditional amounts. The peak diversion rate was 6.9 c.f.s., which occurred during the period of March 7 - 12, 2025. Those diversions were beneficially used to meet direct demand for municipal and other uses as well as for filling of the Nucla Town Reservoir; 2025 Spring Run: During the 2025 Spring Run, Applicants diverted water at a rate of 6.90 c.f.s. and delivered 68.51 a.f. for beneficial use. Of that amount, 0.28 c.f.s. was delivered to meet daily municipal water demands for Nucla and Naturita. Because the 6.90 c.f.s. diversion under Applicants' CC Ditch rights exceeded daily demand by 6.62 c.f.s., those additional diversions were delivered into the Nucla Town Reservoir as storage, totaling 65.73 a.f. Below, Applicants rely on that storage to support their request to make a portion of the conditional water rights in the Nucla Town Reservoir absolute; 2025 Fall Run: During the 2025 Fall Run, Applicants diverted at a rate of 4.29 c.f.s. and delivered 42.26 a.f. for beneficial use. Of that amount, 0.27 c.f.s. was delivered to meet daily municipal water demands for Nucla and Naturita. Because the 4.29 c.f.s. diversion under Applicants' CC Ditch rights

exceeded daily demand by 4.02 c.f.s., those additional diversions were delivered into the Nucla Town Reservoir as storage, totaling 39.58 a.f. Below, Applicants rely on that storage to support their request to make a portion of the conditional water rights in the Nucla Town Reservoir absolute; Peak Diversion Rate: As discussed above, in 2025 the maximum diversion rate applied to beneficial use to satisfy daily demand by Applicants was 0.28c.f.s.; If claim to make absolute: Date water applied to beneficial use: March 7, 2025; Amount: 0.28 c.f.s. of the 3.11 c.f.s. conditional right; Use: Domestic, industrial, and municipal use, enhancement or maintenance of water quality, recreation, and piscatorial; Request to make absolute and for finding of diligence: Nucla Town Reservoir and First Enlargement; Name of structure: Nucla Town Reservoir and First Enlargement; Description of conditional right: Original decree: Case No. 10CW164, October 15, 2012; Subsequent decrees awarding findings of diligence: 18CW3048, February 10, 2020; Legal description: The decree in Case No. 10CW164 described the location of the Nucla Town Reservoir and First Enlargement as located in the SW¼ of the NE¼ of Section 10, Township 46 N., Range 15 W. of the N.M.P.M. at a distance of 1,687 feet from the North section line and 1,715 feet from the East section line. That location can also be described as UTM Zone 13N, 193227.5m E, 4240181.0m N; Source: San Miguel River; Appropriation date: December 13, 2010; Amount: Storage: 135 a.f. for the existing Nucla Town Reservoir and an additional 165 a.f. for the Nucla Town Reservoir, First Enlargement, together with a right to successive refills in the cumulative amount of 900 a.f. conditional, subject to a maximum annual volumetric limitation of 1,200 a.f.; Filling rights: Nucla Pump Site: 2.31 c.f.s. Additional structure details provided above; CC Ditch: 135 c.f.s. Additional structure details provided above; Partial Cancellation: Paragraph 47.E.(1) of the decree in Case No. 10CW164 states that the 165 a.f. reservoir enlargement shall be cancelled if construction to enlarge the Nucla Town Reservoir to capacity of 300 a.f. is not commenced within 12 years of the entry of the decree in that case. Additionally, that paragraph states that if the construction deadline is not met, the 900 a.f. conditional refill right shall be reduced to 405 a.f. Applicants concede that construction of the enlargement had not begun by the expiration of that twelve-year period on October 15, 2024. As a result, Applicants consent to the cancellation of the 165 a.f. enlargement right for the Nucla Town Reservoir. Applicants also consent to the reduction of the conditional refill right from 900 a.f. to 405 a.f.; Use: Domestic, industrial, and municipal use, and for the purposes of augmentation and exchange, enhancement or maintenance of water quality, recreation, and piscatorial, together with the right to reuse, successive use, and disposition to extinction; Work done toward completion or for completion of the appropriation and application of water to beneficial use: As described in paragraphs above, in 2025 Applicants utilized diversions from both the Nucla Pump Site and the CC Ditch to fill the Nucla Town Reservoir. In 2025, Applicants delivered into storage 23.21 a.f. using the Nucla Pump Site and Pipeline, 65.73 a.f. from the CC Ditch during the Spring Run, and 39.58 a.f. from the CC Ditch during the Fall Run, for a total storage of 128.52 a.f. Applicants request a finding of reasonable diligence with regard to all remaining conditional amounts for the Nucla Town Reservoir; If claim to make absolute: Date water applied to beneficial use: March 7, 2025; Amount: 128.52 a.f. of the 135 a.f. first fill right; In c.f.s.: Nucla Pump Site and Pipeline: 0.97 c.f.s.; CC Ditch: 6.62 c.f.s.; Use: Domestic, industrial, and municipal use, and for the purposes of augmentation and

exchange, enhancement or maintenance of water quality, recreation, and piscatorial; Reductions under other decree terms and conditions in Case No. 10CW164: The decree in Case No. 10CW164 includes several terms and conditions applicable at subsequent diligence proceedings. One of those terms and conditions found in paragraph 47.D.(1) imposes certain annual volumetric use limitations, which the decree designated as the “Cumulative Volumetric Use Limitation.” Stated generally, that provision imposes an annual limitation based on a 3,200 cumulative cap over any consecutive 25-year period. Other provisions in the decree require the reduction of the Cumulative Volumetric Use Limitation if certain conditions are not met. In particular, paragraph 47.F.(4)(a) requires that Applicants in this diligence proceeding must provide population data to demonstrate that there was an increase in the west end of Montrose County by at least 1,000 people. If Applicants cannot demonstrate that growth, that paragraph provides a formula to reduce the Cumulative Volumetric Use Limitation by an amount not to exceed a reduction of 275 a.f. Applicants acknowledge that the population growth in the west end of Montrose County is not sufficient to avoid the maximum reduction of 275 a.f. Accordingly, Applicants consent to the reduction of the 3,200 a.f. Cumulative Volumetric Use Limitation from 3,200 to 2,925 a.f.; Request for finding of diligence with regard to any amounts not made absolute: Applicants request a finding of reasonable diligence for any conditional water rights decreed in Case No. 10CW164 that are not made absolute in this case. (9 pages). The application on file with the Water Court contains an outline of the work performed during the diligence period. **MONTROSE COUNTY.**

Case No. 26CW3010 (Ref no. 10CW165, 18CW3049) Montrose County – San Miguel River; Board of County Commissioners of Montrose County; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION TO MAKE CONDITIONAL RIGHTS ABSOLUTE AND REQUEST FOR FINDING OF DILIGENCE; Name, address, and phone number of Applicant: Board of County Commissioners of Montrose County, c/o Julie Andress, County Attorney, 320 S. 1st Street, Suite 400, Montrose, CO 81401. (970) 252-4533; Request for finding of diligence: Name of structure: Paradox Valley Pipeline, a/k/a Vancoram – San Miguel Ditch and Pipeline; Description of conditional right: Original decree: Case No. 2010CW165; October 15, 2012; Subsequent decrees awarding findings of diligence: 2018CW3049; February 18, 2020; Legal description: The decree in Case No. 2010CW165 described the location of the diversion for the Paradox Valley Pipeline as “in the NE¼ of the NE¼ of Section 23, Township 46 N., Range 16 W. of the N.M.P.M. at a distance of 79 feet from the North section line and 191 feet from the East section line.” That location can also be described as a point at UTM Zone 13N, 185316.8m E, 4237716.7m N; Source: San Miguel River; Appropriation date: December 14, 2010; Amount: 1.0 c.f.s. conditional, subject to a 730 a.f. maximum annual diversion limit; Use: Domestic, industrial (including mining, milling, water treatment and disposal, and land reclamation), municipal uses, augmentation, replacement, exchange, enhancement and/or maintenance of water quality, together with the right of reuse, successive use, and disposition to extinction; Work that has been done toward completion of the appropriation and application of water to beneficial use as conditionally decreed during the previous diligence period: Applicant has engaged in

discussions with Pinon Ridge Resources Corporation (“Pinon Ridge”) regarding Pinon Ridge’s desire to use water delivered pursuant to the subject water right for industrial and other uses. Applicant has signed a Memorandum of Understanding (“MOU”) with Pinon Ridge regarding that use. As noted in the MOU, nothing in that letter (or this Application) constitutes prior approval of Pinon Ridge’s desired use. That approval must proceed through the ordinary Montrose County review process; Integrated structures: In paragraph 67 of the combined decree in Case Nos. 10CW164, 10CW165, 10CW166, and 10CW169, this Court held that the Paradox Valley Pipeline is part of an integrated water supply system, together with the other water rights decreed in those cases; Nucla Pump Site and Pipeline: During the period of March 1, 2025, through March 14, 2025, Applicant utilized diversions from the Nucla Pump Site and Pipeline to deliver a maximum flow rate of 1.34 c.f.s. to the Nucla Town Reservoir (totaling 32.70 a.f.) for beneficial use pursuant to Case No. 10CW164. Of that amount, 0.37 c.f.s. was used to meet daily demands for municipal and other uses by Applicants. The remaining 0.97 c.f.s. was delivered into the Nucla Town Reservoir for storage pursuant to Case No. 10CW164. That beneficial use supports Applicant’s request for a finding of diligence for the Paradox Valley Pipeline in this case; Highline Canal (CC Ditch): During the period of 2023 through 2025, Applicants utilized diversions from the CC Ditch to deliver water for beneficial use pursuant to the decree in Case No. 10CW164. The maximum total diversion was 6.9 c.f.s. (2025) and the peak amount used to meet demand with direct flow was 0.28 c.f.s. The maximum amount diverted into storage in the Nucla Town Reservoir was 6.62 c.f.s. That beneficial use supports Applicant’s request for a finding of diligence for the Paradox Valley Pipeline in this case; Nucla Town Reservoir: As described above, during the period of 2023 through 2025, Applicant used diversions under the Nucla Pump Site and CC Ditch rights decreed in Case No. 10CW164 to deliver and store water in the Nucla Town Reservoir. The maximum amount delivered into storage occurred in 2025, and totaled 128.52 a.f. Those diversions support Applicant’s request for a finding of diligence for the Paradox Valley Pipeline in this case. (4 pages). The application on file with the Water Court contains an outline of the work performed during the diligence period. **MONTROSE COUNTY.**

Case No. 26CW3011 (Ref No. 10CW166, 18CW3050) Montrose County – San Miguel River; Board of County Commissioners of Montrose County; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR FINDING OF REASONABLE DILIGENCE; Name and address of Applicant: Board of County Commissioners of Montrose County (“Montrose County”); c/o Julie Andress, County Attorney; 320 S. 1st Street, Suite 400, Montrose, CO 81401; (970) 252-4533; Request for finding of diligence: Name of structure: Maverick Draw Reservoir No. 1; Describe conditional water right: Original Decree: Case No. 2010CW166; October 15, 2012; Subsequent decrees awarding diligence: 2018CW3050; February 18, 2020; Legal description: SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 23, Township 46 N, Range 15 W. of the N.M.P.M., at a distance of 1,383 feet from the North section line and 1,243 feet from the West section line, in Montrose County, Colorado. UTM coordinates: Zone 13, Easting 193975.9, Northing 4236864.1; Source: Maverick Draw, a tributary of Naturita Creek, a tributary of the San Miguel River; Appropriation Date: December 13, 2010; Amount: 6,700 a.f. conditional, together with a

right of successive refills in the cumulative amount of 6,700 a.f. conditional, 1,700 a.f. conditional, stored as an alternate place of storage of the Maverick Draw Reservoir No. 2 conditional right, together with a right to successive refills in the cumulative amount of 1,700 a.f., with a maximum volumetric limitation on the initial fill and all refills of 16,600 a.f. annually; Use: Domestic, industrial, municipal uses, augmentation, replacement, exchange, enhancement and/or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction; Work done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period: The water rights at issue in this case are part of an integrated water supply system, together with other water rights decreed in Case Nos. 10CW164, 10CW165, and 10CW169. Applicant has developed portions of the conditional rights for the Nucla Pump Site and Pipeline, CC Ditch (Highline Canal), Nucla Town Reservoir, and Paradox Valley Pipeline, including the following: Nucla Pump Site and Pipeline: During the period of March 1, 2025, through March 14, 2025, Applicant utilized diversions from the Nucla Pump Site and Pipeline to deliver a maximum flow rate of 1.34 c.f.s. to the Nucla Town Reservoir (totaling 32.70 a.f.) for beneficial use pursuant to Case No. 10CW164. Of that amount, 0.37 c.f.s. was used to meet daily demands for municipal and other uses by Applicant. The remaining 0.97 c.f.s. was delivered into the Nucla Town Reservoir for storage pursuant to Case No. 10CW164. That beneficial use supports Applicant's request for a finding of diligence for the Maverick Draw Reservoir No. 1 in this case; Highline Canal (CC Ditch): During the period of 2023 through 2025, Applicant utilized diversions from the CC Ditch to deliver water for beneficial use pursuant to the decree in Case No. 10CW164. The maximum total diversion was 6.9 c.f.s. (2025) and the peak amount used to meet demand with direct flow was 0.28 c.f.s. The maximum amount diverted into storage in the Nucla Town Reservoir was 6.62 c.f.s. That beneficial use supports Applicant's request for a finding of diligence for the Maverick Draw Reservoir No. 1 in this case; Nucla Town Reservoir: As described above, during the period of 2023 through 2025, Applicant used diversions under the Nucla Pump Site and CC Ditch rights decreed in Case No. 10CW164 to deliver and store water in the Nucla Town Reservoir. The maximum amount delivered into storage occurred in 2025, and totaled 128.52 a.f. Those diversions support Applicant's request for a finding of diligence for the Maverick Draw Reservoir No. 1 in this case; Paradox Valley Pipeline: Applicant has signed a Memorandum of Understanding with Pinon Ridge Resources Corporation ("Pinon Ridge") regarding Pinon Ridge's desire to lease water delivered under the Paradox Valley Pipeline water right for industrial and other uses. These actions are representative but not fully inclusive of action taken towards developing the combined water rights. Applicant reserves the right to provide more detailed information, copies of reports, studies, notes of meetings, and other pertinent evidence at any hearing on this matter before the water referee or water judge; Request for finding of diligence: Name of structure: Big Bucktail Reservoir; Describe conditional water right: Original Decree: Case No. 2010CW166; October 15, 2012; Subsequent decrees awarding diligence: 2018CW3050; February 18, 2020; Legal description: SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31, Township 47 N., Range 14 W. of the N.M.P.M., at a distance of 1,225 feet from the South section line and 2,035 feet from the East section line, in Montrose County, Colorado. Big Bucktail Reservoir will be filled from the existing Highline Canal (CC

Ditch) Big Bucktail Creek. The point of diversion is located on the San Miguel River and located in the NW¼ of the SE¼ of Section 30, Township 46 N., Range 13 W. of the N.M.P.M., at a distance of 2,300 feet from the South section line and 2,320 feet from the East section line, in Montrose County, Colorado, at a rate of flow of 135 c.f.s. UTM coordinate: Zone 13, Easting 198279.9, Northing 4242583.5; Source: Big Bucktail Creek and the San Miguel River by diversion through the Highline Canal (CC Ditch); Appropriation Date: December 13, 2010; Amount: 5,000 a.f. conditional, together with a right of successive refills in the cumulative amount of 5,000 a.f. conditional, with a maximum volumetric limitation of the initial fill and all refills of 10,000 a.f. annually; with a rate of filling the reservoir from the San Miguel River through the Highline Canal (CC Ditch) of 135 c.f.s.; Use: Domestic, industrial, municipal uses, augmentation, replacement, exchange, enhancement and/or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction; Work done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period: The water rights at issue in this case are part of an integrated water supply system, together with other water rights decreed in Case Nos. 10CW164, 10CW165, and 10CW169. Applicant has developed portions of the conditional rights for the Nucla Pump Site and Pipeline, CC Ditch (Highline Canal), Nucla Town Reservoir, and Paradox Valley Pipeline, including the following: Nucla Pump Site and Pipeline: During the period of March 1, 2025, through March 14, 2025, Applicant utilized diversions from the Nucla Pump Site and Pipeline to deliver a maximum flow rate of 1.34 c.f.s. to the Nucla Town Reservoir (totaling 32.70 a.f.) for beneficial use pursuant to Case No. 10CW164. Of that amount, 0.37 c.f.s. was used to meet daily demands for municipal and other uses by Applicant. The remaining 0.97 c.f.s. was delivered into the Nucla Town Reservoir for storage pursuant to Case No. 10CW164. That beneficial use supports Applicant's request for a finding of diligence for the Big Bucktail Reservoir in this case; Highline Canal (CC Ditch): During the period of 2023 through 2025, Applicant utilized diversions from the CC Ditch to deliver water for beneficial use pursuant to the decree in Case No. 10CW164. The maximum total diversion was 6.9 c.f.s. (2025) and the peak amount used to meet demand with direct flow was 0.28 c.f.s. The maximum amount diverted into storage in the Nucla Town Reservoir was 6.62 c.f.s. That beneficial use supports Applicant's request for a finding of diligence for the Big Bucktail Reservoir in this case; Nucla Town Reservoir: As described above, during the period of 2023 through 2025, Applicant used diversions under the Nucla Pump Site and CC Ditch rights decreed in Case No. 10CW164 to deliver and store water in the Nucla Town Reservoir. The maximum amount delivered into storage occurred in 2025, and totaled 128.52 a.f. Those diversions support Applicant's request for a finding of diligence for the Big Bucktail Reservoir in this case; Paradox Valley Pipeline: Applicant has signed a Memorandum of Understanding with Pinon Ridge Resources Corporation ("Pinon Ridge") regarding Pinon Ridge's desire to lease water delivered under the Paradox Valley Pipeline water right for industrial and other uses. These actions are representative but not fully inclusive of action taken towards developing the combined water rights. Applicant reserves the right to provide more detailed information, copies of reports, studies, notes of meetings, and other pertinent evidence at any hearing on this matter before the water referee or water judge. (6 pages). The application on file with

the Water Court contains an outline of the work performed during the diligence period.
MONTROSE COUNTY.

Case No. 26CW3012 (Ref No. 10CW169, 18CW3051) Montrose County – San Miguel River; Board of County Commissioners of Montrose County; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR FINDING OF REASONABLE DILIGENCE; Name and address of applicants: Board of County Commissioners of Montrose County (“Montrose County”), c/o Julie Adress, County Attorney, 320 S. 1st Street, Suite 400; Montrose, CO 81401; (970) 252-4533; Request for finding of diligence: Name of structure: San Miguel River Mainstem Exchange: Rate of flow up to 10.0 c.f.s.; Describe conditional water right: Original Decree: Case No. 2010CW169; October 15, 2012; Subsequent decrees awarding diligence: 2018CW3051; July 7, 2020; Legal description: Upstream Terminus – San Miguel at Montrose County Lines: NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, Township 45 N., Range 12 W. of the N.M.P.M., at a distance 2,622 feet from the South section line and 686 feet from the West section line; Downstream Terminus – Confluence with Naturita Creek: SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, Township 46 N., Range 15 W. of the N.M.P.M., at a distance 186 feet from the South section line and 1,854 feet from the West section line; Appropriation date: December 14, 2010; Use: Domestic, industrial, municipal uses, augmentation, replacement, exchange, enhancement and/or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction. This exchange may be exercised by diversions for direct-flow use or storage by structures within this reach or in the reaches of tributaries of the San Miguel River described in the following paragraphs. The structures at which water may be diverted from the San Miguel River by exchange within this reach include, without limitation, the Nucla Pump Site and Pipeline, the Highline Canal (CC Ditch), and the Paradox Valley Pipeline; Work done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period: See paragraph below; Request for finding of diligence: Name of structure: Coal Canyon Exchange: Rate of flow up to 10.0 c.f.s.; Describe conditional water right: Original Decree: Case No. 2010CW169; October 15, 2012; Subsequent decrees awarding diligence: 2018CW3051; July 7, 2020; Legal description: Upstream Terminus – Watershed Boundary: NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Township 47 N., Range 14 W. of the N.M.P.M., at a distance 1,008 feet from the North section line and 538 feet from the West section line; Downstream Terminus – Confluence with San Miguel River: SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, Township 47 N., Range 16 W. of the N.M.P.M., at a distance 435 feet from the South section line and 899 feet from the West section line; Appropriation date: December 14, 2010; Use: Domestic, industrial, municipal uses, augmentation, replacement, exchange, enhancement and/or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction; Work done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period: See paragraph below; Request for finding of diligence: Name of structure: Tuttle Draw Exchange: Rate of flow up to 4.3 c.f.s.; Describe conditional water right: Original Decree: Case No. 2010CW169; October 15, 2012; Subsequent decrees

awarding diligence: 2018CW3051; July 7, 2020; Legal description: Upstream Terminus – Watershed Boundary: SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26, Township 47 N., Range 15 W. of the N.M.P.M., at a distance 1,769 feet from the North section line and 1,823 feet from the West section line; Downstream Terminus – Confluence with San Miguel River: SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3, Township 46 N., Range 16 W. of the N.M.P.M., at a distance 324 feet from the South section line and 2,195 feet from the West section line; Appropriation date: December 14, 2010; Use: Domestic, industrial, municipal uses, augmentation, replacement, exchange, enhancement and/or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction. This exchange provides the means to augment depletions located anywhere within the drainage basin with a mainstem San Miguel River source including, but not limited to, releases from Maverick Draw Reservoir No. 1 and/or Big Bucktail Reservoir; Work done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period: Name of structure: Calamity Draw Exchange: Rate of flow up to 2.3 c.f.s.; Describe conditional water right: Original Decree: Case No. 2010CW169; October 15, 2012; Subsequent decrees awarding diligence: 2018CW3051; July 7, 2020; Legal description: Upstream Terminus – Watershed Boundary: NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 9, Township 46 N., Range 15 W. of the N.M.P.M., at a distance 1,172 feet from the North section line and 2,314 feet from the West section line; Downstream Terminus – Confluence with San Miguel River: SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10, Township 46 N., Range 16 W. of the N.M.P.M., at a distance 1,816 feet from the North section line and 211 feet from the East section line; Appropriation date: December 14, 2010; Use: Domestic, industrial, municipal uses, augmentation, replacement, exchange, enhancement and/or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction; Work done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period: See paragraph below; Request for finding of diligence: Name of structure: Bramiers Draw Exchange: Rate of flow up to 2.7 c.f.s.; Describe conditional water right: Original Decree: Case No. 2010CW169; October 15, 2012; Subsequent decrees awarding diligence: 2018CW3051; July 7, 2020; Legal description: Upstream Terminus – Bramiers Draw at Montrose County Line: NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, Township 45 N., Range 15 W. of the N.M.P.M., at a distance 2,605 feet from the South section line and 1,676 feet from the West section line; Downstream Terminus – Confluence with San Miguel River: NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 46 N., Range 15 W. of the N.M.P.M., at a distance 695 feet from the North section line and 1,092 feet from the East section line; Appropriation date: December 14, 2010; Use: Domestic, industrial, municipal uses, augmentation, replacement, exchange, enhancement and/or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction; Work done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period: See paragraph below; Request for finding of diligence: Name of structure: Naturita Creek Exchange: Rate of flow up to 10.0 c.f.s.; Describe conditional water right: Original Decree: Case No. 2010CW169; October 15, 2012; Subsequent decrees awarding diligence: 2018CW3051; July 7, 2020; Legal description: Upstream Terminus – Naturita Creek at

Montrose County Line: NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15, Township 45 N., Range 14 W. of the N.M.P.M., at a distance 2,639 feet from the South section line and 2,494 feet from the West section line; Downstream Terminus – Confluence with San Miguel River: SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, Township 46 N., Range 15 W. of the N.M.P.M., at a distance 186 feet from the South section line and 1,854 feet from the West section line; Appropriation date: December 14, 2010; Use: Domestic, industrial, municipal uses, augmentation, replacement, exchange, enhancement and/or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction; Work done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period: See paragraph below; Request for finding of diligence: Name of structure: Maverick Draw Exchange: Rate of flow up to 10.0 c.f.s.; Describe conditional water right: Original Decree: Case No. 2010CW169; October 15, 2012; Subsequent decrees awarding diligence: 2018CW3051; July 7, 2020; Legal description: Upstream Terminus – Maverick Draw at Montrose County Line: NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15, Township 45 N., Range 13 W. of the N.M.P.M., at a distance 2,637 feet from the South section line and 738 feet from the West section line; Downstream Terminus – Confluence with Naturita Creek: NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, Township 46 N., Range 15 W. of the N.M.P.M., at a distance 2,348 feet from the South section line and 2,185 feet from the West section line; Appropriation date: December 14, 2010; Use: Domestic, industrial, municipal uses, augmentation, replacement, exchange, enhancement and/or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction; Work done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period: See paragraph below; Request for finding of diligence: Name of structure: Unnamed Creek No. 1 Exchange: Rate of flow up to 1.1 c.f.s.; Describe conditional water right: Original Decree: Case No. 2010CW169; October 15, 2012; Subsequent decrees awarding diligence: 2018CW3051; July 7, 2020; Legal description: Upstream Terminus – Watershed Boundary: NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 7, Township 45 N., Range 15 W. of the N.M.P.M., at a distance 826 feet from the North section line and 950 feet from the West section line; Downstream Terminus – Confluence with San Miguel River: NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30, Township 46 N., Range 15 W. of the N.M.P.M., at a distance 826 feet from the North section line and 1,953 feet from the East section line; Appropriation date: December 14, 2010; Use: Domestic, industrial, municipal uses, augmentation, replacement, exchange, enhancement and/or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction; Work done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period: See paragraph below; Request for finding of diligence: Name of structure: Unnamed Creek No. 2 Exchange: Rate of flow up to 1.0 c.f.s.; Describe conditional water right: Original Decree: Case No. 2010CW169; October 15, 2012; Subsequent decrees awarding diligence: 2018CW3051; July 7, 2020; Legal description: Upstream Terminus – Watershed Boundary: SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16, Township 46 N., Range 15 W. of the N.M.P.M., at a distance 2,021 feet from the North section line and 133 feet from the West section line; Downstream Terminus – Confluence with San Miguel River:

NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21, Township 46 N., Range 15 W. of the N.M.P.M., at a distance 2,216 feet from the South section line and 357 feet from the West section line; Appropriation date: December 14, 2010; Use: Domestic, industrial, municipal uses, augmentation, replacement, exchange, enhancement and/or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction; Work done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period: See paragraph below; Request for finding of diligence: Name of structure: Unnamed Creek No. 3 Exchange: Rate of flow up to 0.3 c.f.s.; Describe conditional water right: Original Decree: Case No. 2010CW169; October 15, 2012; Subsequent decrees awarding diligence: 2018CW3051; July 7, 2020; Legal description: Upstream Terminus – Watershed Boundary: SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 16, Township 46 N., Range 15 W. of the N.M.P.M., at a distance 1,303 feet from the South section line and 827 feet from the East section line; Downstream Terminus – Confluence with San Miguel River: NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21, Township 46 N., Range 15 W. of the N.M.P.M., at a distance 2,048 feet from the South section line and 2,198 feet from the West section line; Appropriation date: December 14, 2010; Use: Domestic, industrial, municipal uses, augmentation, replacement, exchange, enhancement and/or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction; Work done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period: See paragraph below; Request for finding of diligence: Name of structure: Unnamed Creek No. 4 Exchange: Rate of flow up to 0.2 c.f.s.; Describe conditional water right: Original Decree: Case No. 2010CW169; October 15, 2012; Subsequent decrees awarding diligence: 2018CW3051; July 7, 2020; Legal description: Upstream Terminus – Watershed Boundary: SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10, Township 46 N., Range 15 W. of the N.M.P.M., at a distance 1,623 feet from the North section line and 1,123 feet from the East section line; Downstream Terminus – Confluence with San Miguel River: SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 15, Township 46 N., Range 15 W. of the N.M.P.M., at a distance 2,555 feet from the North section line and 2,192 feet from the East section line; Appropriation date: December 14, 2010; Use: Domestic, industrial, municipal uses, augmentation, replacement, exchange, enhancement and/or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction; Work done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period: See paragraph below; Request for finding of diligence: Name of structure: Unnamed Creek No. 5 Exchange: Rate of flow up to 1.7 c.f.s.; Describe conditional water right: Original Decree: Case No. 2010CW169; October 15, 2012; Subsequent decrees awarding diligence: 2018CW3051; July 7, 2020; Legal description: Upstream Terminus – Watershed Boundary: SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24, Township 47 N., Range 15 W. of the N.M.P.M., at a distance 1,388 feet from the North section line and 2,232 feet from the West section line; Downstream Terminus – Confluence with San Miguel River: NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1, Township 46 N., Range 15 W. of the N.M.P.M., at a distance 2,088 feet from the South section line and 166 feet from the East section line; Appropriation date: December 14, 2010; Use: Domestic, industrial, municipal uses,

augmentation, replacement, exchange, enhancement and/or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction; Work done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period: See paragraph below; Request for finding of diligence: Name of structure: Big Bucktail Creek Exchange; Rate of flow up to 11.3 c.f.s.; Describe conditional water right: Original Decree: Case No. 2010CW169; October 15, 2012; Subsequent decrees awarding diligence: 2018CW3051; July 7, 2020; Legal description: Upstream Terminus – Watershed Boundary: NE¼ of the SE¼ of Section 2, Township 47 N., Range 14 W. of the N.M.P.M., at a distance 1,396 feet from the South section line and 1,179 feet from the East section line; Downstream Terminus – Confluence with San Miguel River: NW¼ of the NE¼ of Section 6, Township 46 N., Range 14 W. of the N.M.P.M., at a distance 202 feet from the South section line and 2,304 feet from the East section line; Appropriation date: December 14, 2010; Use: Domestic, industrial, municipal uses, augmentation, replacement, exchange, enhancement and/or maintenance of water quality, recreation, and piscatorial, together with the right of reuse, successive use, and disposition to extinction; Work done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period: See paragraph below; Statement of work toward completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period for all conditional water rights in this case: The water rights at issue in this case are part of an integrated water supply system, together with other water rights decreed in Case Nos. 10CW164, 10CW165, and 10CW166. Applicant has developed portions of the conditional rights for the Nucla Pump Site and Pipeline, CC Ditch (Highline Canal), Nucla Town Reservoir, and Paradox Valley Pipeline, including the following: Nucla Pump Site and Pipeline: During the period of March 1, 2025, through March 14, 2025, Applicant utilized diversions from the Nucla Pump Site and Pipeline to deliver a maximum flow rate of 1.34 c.f.s. to the Nucla Town Reservoir (totaling 32.70 a.f.) for beneficial use pursuant to Case No. 10CW164. Of that amount, 0.37 c.f.s. was used to meet daily demands for municipal and other uses by Applicants. The remaining 0.97 c.f.s. was delivered into the Nucla Town Reservoir for storage pursuant to Case No. 10CW164. That beneficial use supports Applicant's request for a finding of diligence for the conditional water rights in this case; Highline Canal (CC Ditch): During the period of 2023 through 2025, Applicants utilized diversions from the CC Ditch to deliver water for beneficial use pursuant to the decree in Case No. 10CW164. The maximum total diversion was 6.9 c.f.s. (2025) and the peak amount used to meet demand with direct flow was 0.28 c.f.s. The maximum amount diverted into storage in the Nucla Town Reservoir was 6.62 c.f.s. That beneficial use supports Applicant's request for a finding of diligence for the conditional water rights in this case; Nucla Town Reservoir: As described above, during the period of 2023 through 2025, Applicant used diversions under the Nucla Pump Site and CC Ditch rights decreed in Case No. 10CW164 to deliver and store water in the Nucla Town Reservoir. The maximum amount delivered into storage occurred in 2025 and totaled 128.52 a.f. Those diversions support Applicant's request for a finding of diligence for the conditional water rights in this case; Paradox Valley Pipeline: Applicant has signed a Memorandum of Understanding with Pinon Ridge Resources Corporation

("Pinon Ridge") regarding Pinon Ridge's desire to lease water delivered under the Paradox Valley Pipeline water right for industrial and other uses. These actions are representative but not fully inclusive of action taken towards developing the combined water rights. Applicants reserve the right to provide more detailed information, copies of reports, studies, notes of meetings, and other pertinent evidence at any hearing on this matter before the water referee or water judge. (13 pages). The application on file with the Water Court contains an outline of the work performed during the diligence period.
MONTROSE COUNTY.

Case No. 26CW3013 in Ouray County, Colorado. **APPLICATION FOR SURFACE WATER RIGHT.** Name and address of Applicant: Merilyn Nicolas, 60261 East Mesa Road, Olathe, Colorado 81425. Please direct all correspondence, motions and pleadings to the attorneys for the Applicant. **FIRST CLAIM: FOR SURFACE WATER RIGHT.** Name of structure: **Coal Creek Ditch.** Legal description: The headgate is located on the north bank of Coal Creek at a point whence the quarter corner of the South line of Section 33 (which is the 11th correction line) Township 45 North of Range 8 West, N.M. P.M. bears South 36 degrees west 807 feet distant. UTM Zone 13, NAD83, Easting 260028.0, Northing 4220778.5. Source: Coal Creek, tributary to the Uncompahgre River. Appropriation: Date of appropriation: December 31, 1975. How appropriation was initiated: Placement of livestock on Applicant's property and application of water to beneficial use. Date water applied to beneficial use: December 31, 1975. Amount: 1.0 c.f.s., absolute. Use: Livestock watering for 100 head of cattle (year-around). Names and addresses of owners of land upon which structures are located: Susan R. Blakney, 258 Coal Creek Road, Ridgway, CO 81432. The following exhibit is on file with the Water Court: a map depicting the location of the structure (Exhibit A) (pp. 4 with exhibit). **OURAY COUNTY.**

Case No. 26CW3014 in Ouray County, Colorado. **APPLICATION FOR SURFACE WATER RIGHT.** Name and address of Applicant: Ferguson Family Ranches, LLC, c/o Tyler Ferguson, 8 Lynx Road, Ridgway, Colorado 81432. Please direct all correspondence, motions and pleadings to the attorneys for the Applicant. **FIRST CLAIM: FOR SURFACE WATER RIGHT.** Name of structure: **Coal Creek Ditch.** Legal description: The headgate is located on the north bank of Coal Creek at a point whence the quarter corner of the South line of Section 33 (which is the 11th correction line) Township 45 North of Range 8 West, N.M. P.M. bears South 36 degrees west 807 feet distant. UTM Zone 13, NAD83, Easting 260028.0, Northing 4220778.5. Source: Coal Creek, tributary to the Uncompahgre River. Appropriation: Date of appropriation: January 31, 2001. How appropriation was initiated: Placement of livestock on Applicant's property and application of water to beneficial use. Date water applied to beneficial use: January 31, 2001. Amount: 1.0 c.f.s., absolute. Use: Livestock watering for 100 head of cattle (year-around). Names and addresses of owners of land upon which structures are located: Susan R. Blakney, 258 Coal Creek Road, Ridgway, CO 81432. The following exhibit is on file with the Water Court: a map depicting the location of the structure (Exhibit A) (pp. 4 with exhibit). **OURAY COUNTY.**

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