

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 April 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. 24CW3048 (Ref No. 07CW133/134, 18CW3022) Applicant: Horse River Ranch Homeowners Association, Inc., PO Box 112, Gunnison, CO 81230. Please direct all correspondence to LAW OF THE ROCKIES, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO, 81230, (970) 641-1903, kburgemeister@lawoftherockies.com. **AMENDMENT TO APPLICATION TO MAKE CONDITIONAL RIGHTS ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE ADDING APPLICATION FOR CHANGE OF WATER RIGHTS.** Summary of Amendment. The Applicant filed an Application to Make Conditional Rights Absolute in Part and for Finding of Reasonable Diligence on November 26, 2024. The subject conditional water rights are pond-wells that require augmentation of out of priority depletions caused by evaporation. After the filing of the Application, it was discovered that the as-built sizes and locations of certain ponds are different than the decreed sizes and locations. In this Amendment, Applicant seeks to change the decreed locations and sizes of certain conditional water rights to correspond to the as-built sizes and locations of the respective ponds, and to modify the terms of the plan for augmentation accordingly. The water rights to be changed are described in paragraphs 4-14, below. All were decreed in Case No. 07CW133/134 (May 14, 2012), with a finding of reasonable diligence in Case No. 18CW3022 (Nov. 28, 2018), both in District Court, Water Division 4. Name of right: Horse River Pond No. 1. Decreed Location: SW1/4NE1/4NW1/4 of Section 12, Township 50 North, Range 1 West, N.M.P.M., 1085 feet from the north section line and 1385 feet from the west section line of said Section 12. The decreed locations of all structures are illustrated on Exhibit A. Source: Groundwater tributary to Ohio Creek, tributary to the Gunnison River. Appropriation Date: June 1, 2006. Amount: A maximum rate of .0021 cfs, with total appropriations of 0.69 acre-feet per year (conditional). Uses: fire protection and piscatorial. Name of right: Horse River Pond No. 2. Decreed Location: NW1/4SW1/4NW1/4 of Section 12, Township 50 North, Range 1 West, N.M.P.M., 1717 feet from the north section line and 420 feet from the west section line of said Section 12. Source: Groundwater tributary to Ohio Creek, tributary to the Gunnison River.

Appropriation Date: July 31, 2001. Amount: A maximum rate of 0.0062 cfs with total appropriations of 2.06 acre-feet per year (conditional). Uses: fire protection and piscatorial. Name of right: Horse River Pond No. 3. Decreed Location: In the NE1/4NW1/4NW1/4 of Section 12, Township 50 North, Range 1 West, N.M.P.M., 590 feet from the north section line and 990 feet from the west section line of said Section 12. Source: Groundwater tributary to Ohio Creek, tributary to the Gunnison River.

Appropriation Date: June 1, 2006 Amount: a maximum rate of 0.0041 cfs with total appropriations of 1.38 acre-feet per year (conditional). Uses: fire protection and piscatorial. Name of right: Horse River Pond No. 4. Decreed Location: in the NW1/4NE1/4NE1/4 of Section 11, Township 50 North, Range 1 West, N.M.P.M., 409 feet from the north section line and 870 feet from the east section line of said Section 11. Source: Groundwater tributary to Ohio Creek, tributary to the Gunnison River.

Appropriation Date: July 31, 2001. Amount: A maximum rate of 0.0026 cfs, with total appropriations of 0.88 acre-feet per year (conditional). Uses: fire protection and piscatorial. Name of right: Horse River Pond No. 5. Decreed Location: In the NE1/4SE1/4SE1/4 of Section 2, Township 50 North, Range 1 West, N.M.P.M., 1023 feet from the south section line and 141 feet from the east section line of said Section 2. Source: Groundwater tributary to Ohio Creek, tributary to the Gunnison River.

Appropriation Date: June 1, 2006. Amount: A maximum rate of 0.0021 cfs, with total appropriations of 0.69 acre-feet per year (conditional). Uses: fire protection and piscatorial. Name of right: Horse River Pond No. 6. Decreed Location: In the SE1/4NW1/4SE1/4 of Section 2, Township 50 North, Range 1 West, N.M.P.M., 646 feet from the south section line and 1485 feet from the east section line of said Section 2. Source: Groundwater tributary to Ohio Creek, tributary to the Gunnison River.

Appropriation Date: July 31, 2001. Amount: A maximum rate of 0.0033 cfs with total appropriations of 1.10 acre-feet per year (conditional). Uses: fire protection and piscatorial. Name of right: Horse River Pond No. 7. Decreed Location: In the NW1/4NE1/4SE1/4 of Section 2, Township 50 North, Range 1 West, N.M.P.M., 2082 feet from the south section line and 1093 feet from the east section line of said Section 2. Source: Groundwater tributary to Ohio Creek, tributary to the Gunnison River.

Appropriation Date: June 1, 2006. Amount: A maximum rate of 0.0021 cfs with total appropriations of 0.69 acre-feet per year (conditional). Uses: fire protection and piscatorial. Name of right: Horse River Pond No. 8. Decreed Location: In the NW1/4NW1/4SE1/4 of Section 2, Township 50 North, Range 1 West, N.M.P.M., 2242 feet from the south section line and 1973 feet from the east section line of said Section 2. Source: Groundwater tributary to Ohio Creek, tributary to the Gunnison River.

Appropriation Date: June 1, 2006. Amount: A maximum rate of 0.0021 cfs with total appropriations of 0.69 acre-feet per year (conditional). Uses: fire protection and piscatorial. Name of right: Horse River Pond No. 9. Decreed Location: In the SE1/4SE1/4SW1/4 of Section 2, Township 50 North, Range 1 West, N.M.P.M., 543 feet from the south section line and 2667 feet from the east section line of said Section 2. Source: Groundwater tributary to Ohio Creek, tributary to the Gunnison River.

Appropriation Date: June 1, 2006. Amount: A maximum rate of 0.0021 cfs with total appropriations of 0.69 acre-feet per year (conditional). Uses: fire protection and piscatorial. Name of right: Horse River Pond No. 10. Decreed Location: In the SW1/4NW1/4SE1/4 of Section 2, Township 50 North, Range 1 West, N.M.P.M., 1388

feet from the south section line and 2231 feet from the east section line of said Section 2. Source: Groundwater tributary to Ohio Creek, tributary to the Gunnison River. Appropriation Date: June 1, 2006. Amount: A maximum rate of 0.0021 cfs, with total appropriations of 0.69 acre-feet per year (conditional). Uses: fire protection and piscatorial. Name of right: Horse River Pond No. 11. Decreed Location: In the NE1/4SW1/4SW1/4 of Section 2, Township 50 North, Range 1 West, N.M.P.M., 800 feet from the south section line and 1360 feet from the west section line of said Section 2. Source: Groundwater tributary to Ohio Creek, tributary to the Gunnison River. Appropriation Date: July 31, 2001. Amount: A maximum rate of 0.0049 cfs with total appropriations of 1.65 acre-feet per year (conditional). Uses: fire protection and piscatorial. Description of Change. The maximum surface area of each individual pond will be modified as shown:

Horse River Ranch Ponds Surface Area (acres)			
Pond	Decree	Actual Size	Difference
1	0.25	0	-0.25
2	0.75	1.27	0.52
3	0.5	0	-0.5
4	0.32	0.61	0.29
5	0.25	0.2	-0.05
6	0.4	0.42	0.02
7	0.25	0.1	-0.15
8	0.25	0.13	-0.12
9	0.25	0.6	0.35
10	0.25	0	-0.25
11	0.6	0.84	0.24
	4.07	4.17	0.1

The maximum appropriation rate of each individual pond will be modified as shown:

Horse River Ranch Ponds Appropriation Rate (cfs)			
Pond	Decree	Actual Size	Difference
1	0.002022568	0	-0.002022568
2	0.006067705	0.010274646	0.004206942
3	0.004045136	0	-0.004045136
4	0.002588887	0.004935066	0.002346179
5	0.002022568	0.001618055	-0.000404514
6	0.003236109	0.003397915	0.000161805
7	0.002022568	0.000809027	-0.001213541
8	0.002022568	0.001051735	-0.000970833
9	0.002022568	0.004854164	0.002831595
10	0.002022568	0	-0.002022568
11	0.004854164	0.006795829	0.001941665
	0.03292741	0.033736437	0.000809027

The maximum annual volume of appropriation of each individual pond will be modified as shown:

Horse River Ranch Ponds Appropriation Annual Volume (AF)			
Pond	Decree	Actual Size	Difference
1	0.68771875	0	-0.68771875
2	2.06315625	3.49361125	1.430455
3	1.3754375	0	-1.3754375
4	0.88028	1.67803375	0.79775375
5	0.68771875	0.550175	-0.13754375
6	1.10035	1.1553675	0.0550175
7	0.68771875	0.2750875	-0.41263125
8	0.68771875	0.35761375	-0.330105
9	0.68771875	1.650525	0.96280625
10	0.68771875	0	-0.68771875
11	1.650525	2.310735	0.66021
	11.19606125	11.47114875	0.2750875

The locations of the ponds will be changed as shown:

	Decreed Location		Actual Location		Actual PLSS (50N, 1W, NMPM)	
	UTMx	UTMy	UTMx	UTMy	¼	Section
Horse River Pond No 2	331934	4275530	332006	4275437	NW	12
Horse River Pond No 4	332116	4275870	331550	4275928	NE	11
Horse River Pond No 5	331788	4276367	331758	4276058	SE	2
Horse River Pond No 6	331373	4276247	331283	4276315	SE	2
Horse River Pond No 7	331510	4276686	331573	4276618	SE	2
Horse River Pond No 8	331243	4276732	331223	4276564	SE	2
Horse River Pond No 9	331011	4276211	331025	4276164	SE	2
Horse River Pond No 11	330630	4276285	330638	4276262	SW	2

The plan for augmentation will be modified only as required by the Water Court to prevent injury due to the new pond sizes and distances to the stream for the purpose of calculating the lagging of depletions. The owner of the land upon which any new diversion or storage structure or modification to any existing diversion or storage

structure or existing storage pool is or will be constructed or upon which water is or will be stored:

Horse River Pond No 2	RANDY L EWING LLC 923 N TRENTON ST, RUSTON, LA, 71270-3327
Horse River Pond No 4	JAMES AND LORI TALBOT PO BOX 1241, GUNNISON, CO 81230
Horse River Pond No 5	STEPHEN T MABRY AND SANDRA J MABRY, PO BOX 1030 CRESTED BUTTE, CO 81224-1030
Horse River Pond No 6	CESARIO FAMILY TRUST PO BOX 1116, CRESTED BUTTE, CO 81224
Horse River Pond No 7	ELIZABETH M FERCHAU, ERICH M FERCHAU, 131 N MAIN ST GUNNISON, CO 81230-2330
Horse River Pond No 8	SHIRLEY L CAGE REVOCABLE TRUST 2218 SW BALATA TER PALM CITY, FL 34990-4331
Horse River Pond No 9	JOHN AND JODI CORBITT 31 MAPLE AVE APT B CATONSVILLE, MD 21228- 5522
Horse River Pond No 11	BRYAN TUTOR AND PAULA MANN PO BOX 1269 GUNNISON, CO 81230

The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.**

Case No. 26CW9 (Ref No. 92CW204, 00CW171, 07CW45, 13CW3067, 20CW31)

Applicant: James Haddaway and Shannon Haddaway 938 Round Mountain Road Almont Co 81210. Application for Finding of Reasonable Diligence and to Make Absolute. Goss Spring and Pipeline No 1 – SW1/4NW1/4NW1/4 Section 12, T15S, R85W, 6th. NAD83 Zone 13 0339303mE, 42942483mN. Source: Tributary to the East River, tributary to the Gunnison River. Date of Appropriation: 11/20/1992. Amount claimed: 0.022 cfs (10 gpm) absolute and 0.011 cfs (5 gpm) conditional for stock watering, wildlife and fire protection.; 0.033 cfs (15 gpm) conditional for domestic, irrigation and piscatorial. Goss Spring and Pipeline No 2 – SE1/4SE1/4NE1/4 Section 11, T15S R85W 6th. NAD83 Zone 13 0339061mE, 4292099mN. Source: tributary to the East River, tributary to the Gunnison River. Date of Appropriation: 11/20/1992. Amount claimed: 0.033 cfs (15 gpm) absolute for stock watering, wildlife and fire protection uses, 0.033 cfs (15 gpm) conditional for domestic, irrigation and piscatorial. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.**

Case No. 26CW10 (Ref No. 20CW36) Applicant: John M Sturgis and Tracy D Sturgis 12673 3645 Road Hotchkiss CO 81419. Application for Conditional Surface Water Rights. Sturgis Spring No 2 – N75 51'38"W 3264' from the 1/4 Section 16 T14S R92W 6th. UTM Zone 13 Easting 0267466m northing 4302122m. Source: Gunnison River. Date of Appropriation: 04/22/2026 for new domestic and stock water uses, 08/19/2020 for existing irrigation of 5 acres use. Amount claimed: 15 gpm conditional. A conditional water right was decreed in 20CW36 for irrigation of 5 acres. This application is to add

new junior uses of domestic in 2 single family dwelling units and stock water purposes.
DELTA COUNTY.

Case No. 26CW3021 (Ref No. 04CW175, 12CW102, 19CW3066) Ilium Park Owners Assn, 560 Mountain Village Blvd 102B, Mountain Village, CO 81435. David S. Hayes, Thomas W. Korver, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. Application for Finding of Reasonable Diligence and to Make Absolute in SAN MIGUEL COUNTY. Name of Structure: Trout Lake Reservoir, Ilium Enlargement. Type: Reservoir. Description of Conditional Water Right: Date of original decree: August 22, 2006, Case No. 04CW175, District Court, Water Division No. 4 (the "Water Court"). Subsequent decrees confirming the exercise of reasonable diligence, and making absolute in part, were entered by the Water Court in Case No. 12CW102 on September 3, 2013, and in Case No. 19CW3066 on April 13, 2020. Location: An on-stream reservoir located in the upper reach of the Lake Fork of the San Miguel River. The initial point of survey is at a point whence the NW corner of the SW ¼ of Section 8, Township 41 North, Range 9 West, N.M. P.M., bears North 89°15' West 976 feet, in San Miguel County. See map attached as Exhibit A. Source: Lake Fork of the San Miguel River, tributary to the South Fork of the San Miguel River, tributary to the San Miguel River. Appropriation date: February 27, 2004. Conditional amount: 5.67 acre-feet. Conditional uses: augmentation, exchange and hydroelectric power generation. Surface area of high water line: 138 acres. Total capacity of reservoir: 3,314 acre feet. Remarks: The Trout Lake Reservoir, Ilium Enlargement water right was originally decreed for 14 acre-feet; four acre-feet of the water right was conveyed to the Lawson Hills Open Space Landowners' Company, LLC. In Case No. 12CW102, the Water Court made 4.33 acre-feet of the remaining 10 acre-feet absolute, and continued the remaining 5.67 acre-feet as conditional. Pursuant to Applicant's Water Storage Lease with Public Service Company of Colorado, in the event that water cannot be stored in Trout Lake Reservoir, Ilium Enlargement, water will be made available by releases from Lake Hope Reservoir to Trout Lake Reservoir. Detailed Outline of Work Done to Complete Project and Apply Water to Beneficial Use: During the diligence period (February 2020 to present), Applicant has invested considerable resources toward perfecting the conditional water rights. The integrated water rights and related features on Applicant's property have been and continue to be used to support a mixed-use development project. Applicant has conducted improvements and maintenance toward utilizing the full amount and uses of the subject water rights and will continue to do so as development progresses. Specific activities that demonstrate diligence toward the application of water to the decreed beneficial uses include the following, which list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter: Applicant has conducted regular maintenance and monitoring of the structures and water rights included in Applicant's integrated water supply and wastewater system in order to ensure a reliable water supply for the Ilium Park development. Applicant has made significant infrastructure improvements and incurred expenses related to its integrated water system during the diligence period, including construction of an additional water supply well, which well is augmented with water stored in the Trout Lake Reservoir Ilium Enlargement. Applicant has utilized its interest in the Trout Lake Reservoir Ilium Enlargement water right to provide augmentation for

Applicant's integrated water supply and has made payments pursuant to its Water Storage Lease with Public Service Company of Colorado. Applicant obtained a decree in Case No. 2020CW3045 finding diligence toward making Ilium Well Nos. 1 and 2 absolute. The Ilium Wells are augmented by the Trout Lake Reservoir Ilium Enlargement water right and are part of Applicant's integrated water system. Applicant has conducted a study of system supply and demands as part of evaluating the timing of further system development. Applicant has reviewed applications filed in the Water Court that may impact or injure Applicant's water rights, including the subject water rights. Applicant has invested considerable resources and effort toward perfecting its conditional water rights as a part of Applicant's integrated system. Applicant has hired personnel to operate its integrated water and wastewater treatment facilities on an ongoing basis, and has engaged consultants to ensure the efficient and continued operation of Applicant's integrated water and wastewater treatment facilities. Applicant continues to rely on the subject water right and has no intention to abandon it. Claim to make absolute. In May 2022 and May 2023 (and other years), 10 acre-feet of water was stored in Trout Lake Reservoir for the benefit of Applicant, which volume includes the conditional 5.67 acre-feet of the Trout Lake Reservoir, Ilium Enlargement water right. Pursuant to § 37-92-301(4)(e), C.R.S., "[a] decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure." Name and address of owner or reputed owner of the land upon which the storage structure is located: Public Service Company of Colorado (d/b/a Xcel Energy), Attn: Water Resources, 3500 Blake Street, Denver, CO 80205. A map depicting the location of said structure is attached as Exhibit A, and the approximate boundaries of the location where the subject water rights are to be used is attached as Exhibit B. WHEREFORE, Applicant respectfully requests that this Court enter a decree making the Trout Lake Reservoir, Ilium Enlargement conditional water right fully absolute, or otherwise finding reasonable diligence for and continuing in full force and effect the conditional amount of the water right for the Trout Lake Reservoir, Ilium Enlargement, and for such other relief as the Court deems just and proper. 5 pages. The application on file with the Water Court contains an outline of the work performed during the diligence period. **SAN MIGUEL COUNTY.**

Case No. 26CW3022 (Ref No. 12CW114, 19CW3075). Applicants: Link, LLC, and VBC Owners Association, c/o Hal Hearne, 1641 County Road 771, Ohio City, CO 81237, hearneexcavating@outlook.com, 970-209-7848. Please direct all correspondence to: LAW OF THE ROCKIES Kendall K. Burgemeister, Atty. Reg. #41593 525 North Main Street Gunnison, CO 81230, (970) 641-1903 kburgemeister@lawoftherockies.com. APPLICATION TO MAKE CONDITIONAL RIGHTS ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE. The following conditional water rights were originally decreed by the District Court, Water Division 4, in Case No. 12CW114 on October 21, 2013, and were continued in Case No. 19CW3075 (April 21, 2020). Name of right: VBC Well Field. Location: The Vista Business Center property, being a tract of land containing approximately 28 acres within the NW1/4SW1/4 and SW1/4NW1/4 of Section 3, Township 49 North, Range 1 East, New Mexico Principal Meridian, Gunnison County, Colorado. Source: Groundwater tributary to Tomichi Creek, tributary to the

Gunnison River. Appropriation Date: October 27, 2011. Amount: 240 gallons per minute; to be diverted cumulatively by no more than 12 individual wells to be constructed within the VBC Well Field. The VBC Well Field, Vader Domestic Well, and Dan Vader Stockwater Well will cumulatively divert a maximum of 9.79 acre-feet per year. Uses: Commercial, industrial, domestic inside 13 single family dwellings, irrigation of 0.59 acres and livestock purposes (combined with the Vader Domestic Well and Dan Vader Stockwater Well). The VBC Well Field was made partially absolute in Case No. 19CW3075 for the Lot 9 Well, in the amount of 20 gpm (approximately 0.044 cfs). Name of right: VBC Pump and Pipeline. Location: The decreed point of diversion is a point on the north bank of Tomichi Creek in the NW1/4 of the SW1/4, Section 3, Township 49 North, Range 1 East, N.M.P.M., 2140 feet from the south section line and 1200 feet from the west section line (NAD83, Zone 13, 338391mE, 4266937mN). Source: Tomichi Creek, a tributary to the Gunnison River. Appropriation Date: October 27, 2011. Amount: 0.403 cfs. (cumulative with the Griffing No. 2 Ditch Enlargement, McCanne No. 2 (a.k.a. Lando No. 3) Ditch Enlargement, and VBC Pond Filling Well). Uses: Filling and refilling of the VBC Pond, in priority, for subsequent recreational, fishery, and fire protection uses, and the augmentation of commercial, industrial, domestic, irrigation and livestock uses pursuant to the Plan for Augmentation decreed in Case No. 12CW114. Name of right: VBC Pond Filling Well. Location: NE1/4SW1/4, Section 3, Township 49 North, Range 1 East, N.M.P.M., 2480 feet from the south section line and 1450 feet from the west section line. Source: Groundwater tributary to Tomichi Creek, tributary to the Gunnison River. Appropriation Date: October 27, 2011. Amount: 0.111 cfs (50 gallons per minute) (conditional), as an alternate point of diversion for the Griffing No. 2 Ditch Enlargement, McCanne No. 2 (a/k/a Lando No. 3) Ditch Enlargement, and VBC Pump and Pipeline. The VBC Pond Filling Well will not be used to provide refreshing flows to the VBC Pond, however, it may be used to fill and refill the VBC Pond in accordance with the decree in Case No. 12CW114. Uses: Filling and refilling of the VBC Pond, in priority, for subsequent recreational, fishery, and fire protection uses, and the augmentation of commercial, industrial, domestic, irrigation and livestock uses pursuant to the Plan for Augmentation decreed in Case No. 12CW114. Name of right: Vader Domestic Well. Location: The decreed location is the NW1/4SE1/4SW1/4SW1/4 of Section 3, Township 49 North, Range 1 East, N.M.P.M. The actual location of the well is a point in the SW1/4NW1/4, Section 3, Township 49 North, Range 1 East, N.M.P.M., 1,999 feet from the north section line and 840 feet from the west section line (338289mE, 4267250mN, Zone 13S, NAD 83). Source: Groundwater tributary to Tomichi Creek, a tributary to the Gunnison River. Appropriation Date: October 27, 2011. Amount: The VBC Well Field, Vader Domestic Well, and Dan Vader Stockwater Well will cumulatively divert approximately 9.79 acre-feet per year. Uses: Commercial, industrial, domestic use inside 13 single family dwellings, irrigation of 0.59 acres and livestock purposes (combined with the VBC Well Field and Dan Vader Stockwater Well). Name of right: Dan Vader Stockwater Well. Location: The decreed location is the NW1/4SE1/4SW1/4NW1/4 of Section 3, Township 49 North, Range 1 East, N.M.P.M. The actual location of the well is a point in the SW1/4NW1/4, Section 3, Township 49 North, Range 1 East, N.M.P.M., 2,026 feet from the north section line and 588 feet from the west section line (338212mE, 4267243mN, Zone 13S, NAD 83). Source: Groundwater tributary to Tomichi Creek, a tributary to the Gunnison River.

Appropriation Date: October 27, 2011. Amount: The VBC Well Field, Vader Domestic Well, and Dan Vader Stockwater Well will cumulatively divert approximately 9.79 acre-feet per year. Uses: Commercial, industrial, domestic use inside 13 single family dwellings, irrigation of 0.59 acres and livestock purposes (combined with the VBC Well Field and Dan Vader Stockwater Well). Name of right: VBC Blue Mesa Exchange. Lower Terminus: Blue Mesa Reservoir. The initial point of survey of Blue Mesa Dam is located at a point on the right abutment being the intersection of the center line of the axis of the dam and of the center line of the outlet works tunnel, being a point whence the Southwest corner of Section 31, Township 49 North, Range 4 West, N.M.P.M. bears North 78°36'44" West a distance of 3,207.07 feet. Upper Terminus: The point of diversion for the Lando No. 3 ditch, as described above. The stream reach between the Upper and Lower Termini shall be referred to as the Exchange Reach. Water will also be diverted at the Griffing No. 2 ditch, VBC Pond Filling Well, and VBC Pump and Pipeline points of diversion, all as described above and which lie within the Exchange Reach. Source of Substitute Supply: Water stored in Blue Mesa Reservoir and leased from the United States Department of the Interior, Bureau of Reclamation. Appropriation Date: September 27, 2012. Amount: Maximum rate: 1.016 cfs (based on the summation of the maximum rate of filling the VBC Pond, the maximum rate of diversion of the VBC Well Field, and the decreed rates of diversion of the Vader Domestic Well and Dan Vader Stockwater Well). Maximum volume exchanged per year: 8.0 acre-feet. Uses: Augmentation by exchange for the filling and refilling of the VBC Pond, when the exchange is in priority, for subsequent recreational, fishery, and fire protection uses, and the subsequent augmentation of commercial, industrial, domestic, irrigation, and livestock uses Application to Make Absolute In Part. Applicants seek to make the VBC Well Field water right absolute in part for wells completed and put to beneficial use on Lots 3, 5, 10, and 11, Vista Business Center, as follows: Lot 3 Well. Well Permit 83892-F. Date water applied to beneficial use: November 19, 2021. Amount: 15 gallons per minute. Location: SWNW, Section 3, T49N, R1E, NMPM, 338192E, 4267221N, UTM Zone 13 (NAD 83). Lot 5 Well. Well Permit 84012-F. Date water applied to beneficial use: March 25, 2021. Amount: 12 gpm. Location: NWSW, Section 3, T49N, R1E, NMPM, 338349E, 4267031N, UTM Zone 13 (NAD 83). Lot 10 Well. Well Permit No. 86967-F. Date water applied to beneficial use: August 2, 2023 Amount: 15 gpm. Location: NESW, Section 3, T49N, R1E, NMPM, 338655E, 4266967N, UTM Zone 13 (NAD 83). Lot 11 Well. Well Permit No. 88684-F. Date water applied to beneficial use: 9/17/2024. Amount: 15 gpm. Location: NESW, Section 3, T49N, R1E, NMPM, 338699E, 4266961N, UTM Zone 13 (NAD 83). The conditional rights are illustrated on Exhibit A. The wells sought to be made absolute are illustrated on Exhibit B. Application for Finding of Reasonable Diligence. Applicants request a finding of reasonable diligence with respect to any portion of the above-described conditional water rights not made absolute in this case. Outline of what has been done toward completion of the appropriation during the previous diligence period: VBC Pond has been filled each year to ensure water is available to replace out of priority depletions. A well was drilled on Lot 7 (Permit 84047-F), but has not yet been put to beneficial use. Link LLC continues to market additional lots for sale. Annual water use from the individual wells has been reported to the Division Engineer. The owner of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or

existing storage pool is or will be constructed or upon which water is or will be stored: Lot 3 Well: Alphonse And Carolyn Taramarcay, 2509 County Road 46, Gunnison, Co 81230. Lot 5 Well: Darin Slattengren, 1578 N Alaniu Pl., Kihei, Hi 96753. Lot 10 Well: S&S Industrial LLC, 638 Fairway Ln Gunnison, Co 81230. Lot 11 Well: Harley And Company LLC, 605 Elsa Ct., Gunnison, Co, 81230. The application on file with the Water Court contains an outline of the work performed during the diligence period.

GUNNISON COUNTY.

Case No. 26CW3023 (Ref No. 99CW166, 06CW109, 13CW11, 19CW3072; Delta County - Gunnison River; John and Becky Moreland; 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 Applicants: John and Becky Moreland, 37336 Bone Mesa Road, Paonia, CO 81428, (503) 440-0612; Request to make conditional rights absolute in part and for a finding of reasonable diligence: Name of structure: Hartline Spring; Description of conditional water right: Original decree: June 7, 2000: Case No. 99CW166; Water Division 4; Subsequent decrees awarding diligence: February 27, 2007: Case No. 06CW109; September 30, 2013: Case No. 13CW11; and April 1, 2020: Case No. 19CW3072; Legal description: The point of diversion for the Hartline Spring is located in the NE/4 SW/4 SW/4 of Section 22, Township 14 South, Range 92 West of the 6th P.M., at a point 1,000 feet from the west section line and 800 feet from the south section line; Source: Spring tributary to unnamed drainage, tributary to the North Fork of the Gunnison River; Appropriation date: May 5, 1999, for irrigation; May 1, 1970, for stock watering; Amount claimed: 0.3 c.f.s., conditional (in addition to 15 gallons per minute made absolute in Case No. 2013CW11 for stock watering); Conditional Uses: Irrigation and filling Hartline Pond No. 1. Irrigation of 20 acres in the SE/4 of Section 21, Township 14 South, Range 92 West, 6th P.M., both directly and through the filling of Hartline Pond No. 1; Outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period: Applicants acquired these water rights with their purchase of the accompanying real property on March 17, 2021. A Notice of Change in Ownership of Conditional Water Right was filed by Applicants on April 2, 2026. During the subject diligence period, Applicants excavated and cleared the spillway and diversion for Hartline Spring and restored flow to the existing four-inch pipe. The output at the pipe is currently 0.02 c.f.s. The flow from the pipe travels to a stock trough and then into Balch Ditch contributing to irrigation in the SW/4 of Section 21, Township 14, Range 92 West of the 6th P.M. The water does not fill Pond No. 1 at this time, but Applicants have scoped that project and identified modifications they can make that would achieve this result. Based on the flow at the Spring and Applicants' beneficial use of such water, Applicants request that 0.02 c.f.s. be made absolute for irrigation use. Applicants request a finding of diligence on the remaining decreed 0.28 c.f.s. for irrigation and the full 0.3 c.f.s. for pond filling. Applicant further requests a finding of diligence with regard to any conditional amounts not made absolute in this decree; If claim to make absolute in whole or in part: Applicants request that 0.02 c.f.s. of the 0.3 c.f.s. conditional amount be made absolute for irrigation use; Date water applied to beneficial use: May 1, 2021; Amount: 0.02 c.f.s.;

Uses: Irrigation; Request to make conditional rights absolute or for a finding of reasonable diligence: Name of structure: Hartline Pond No. 2; Description of conditional water right: Original decree: June 7, 2000: Case No. 99CW166, Water Division 4; Subsequent decrees awarding diligence: February 27, 2007: Case No. 06CW109; September 30, 2013: Case No. 13CW11; and April 1, 2020: Case No. 19CW3072; Legal description: The dam for Hartline Pond No. 2 is located in the SW/4 NW/4 NW/4 of Section 27, Township 14 South, Range 92 West of the 6th P.M., 746 feet from the north section line and 548 feet from the west section line, Northing 4299235m, Easting 0268419m; Source: The Hartline Pond No. 2 fills with wastewater from the Stewart Ditch, as well as seeps, springs, and natural runoff from land above the pond, all of which is tributary to the North Fork of the Gunnison River; Appropriation date: May 5, 1999; Amount: 3.0 a.f.; Uses: Irrigation and piscatorial. Water stored in the Hartline Pond No. 2 will be used to irrigate 40 acres in the NW/4 of Section 27 and the SW/4 of Section 22, Township 14 South, Range 92 West of the 6th P.M.; Outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed during the previous diligence period: Pond No. 2 was fully constructed prior to March 2013 and stored water for several seasons, though not since Applicants acquired the property in March 2021. The Water Commissioner's Field Inspection Report dated November 27, 2019, in Case No. 19CW3072 notes that, "Though applicant is requesting certain storage uses remain conditional, I recommend due to C.R.S. 37-92-301(4)(e) that all uses be made absolute." Though the 2019 Applicant and former owner did not amend the application and request the rights be made absolute, Applicants now request that Pond No. 2 be made absolute for the same reasons, or, alternatively, a finding of diligence be entered. Applicants' ultimate plan is to return Pond No. 2 to its previous size; however, they have prioritized maintenance and care of other resources (e.g., Hartline Spring); If claim to make absolute in whole or in part: Date water applied to beneficial use: November 27, 2019; Amount: 3.0 a.f.; Uses: Irrigation and piscatorial. (5 pages) The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

Case No. 26CW3024 (Ref No. 08CW193, 19CW3085) Montrose CTY., Application for Finding of Reasonable Diligence and to Confirm Abs., Eldred CO Family, LP c/o Sara M. Dunn and J. Drew Hancherick, Balcomb & Green, P.C. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546; www.balcombgreen.com. Applicant seeks a finding that it has been reasonably diligent in the development of the cond. water right for the Spirit Ditch, and the two alternate places of storage decreed to the Finch Reservoir, the Hofmann Reservoir No. 16, Finch Reservoir Enlargement and the Hofmann Reservoir No. 17, Finch Reservoir Enlargement ("Subject Water Rights"). Applicant further requests this Court confirm the Hofmann Reservoir No. 16, Finch Reservoir Enlargement and the Hofmann Reservoir No. 17, Finch Reservoir Enlargement have been made absolute. Decree Information: The Court originally decreed the Subject Water Rights in Case No. 08CW193 on November 18, 2013, and entered subsequent findings of diligence in Case No. 19CW3085 on 04/0120, in District Court, Water Division 4. The Finch Reservoir was originally decreed in Case No. W-1359 on 02/16/73, in District Court, Water Division 4. **First Claim for Findings of**

Reasonable Diligence. Storage Water Right: Hofmann Reservoir No. 16, Finch Reservoir Enlargement. Legal Description: The S.E. end of the reservoir at the inflow point for the Hofmann Reservoir Nos. 16/17 Ditch is described as the SW1/4 NW1/4 SW1/4, Sec. 34, T. 46 N., R. 10 W., N.M.P.M., 1,630 feet from the S. Sec. Line and 420 feet from the W. Sec. line of said Sec. 34. GPS location coordinates in NAD 83: 13 S 240425, 4231502 (points were averaged; Garmin Map 76CS). The Hofmann Reservoir No. 16 was originally decreed in Civil Action 5882, District Court, Montrose County. The Court corrected the legal description of the Hofmann Reservoir No. 16 to its actual location in Case No. 05CW272, District Court, Water Division 4. Amt. Claimed: 178 acre-feet (AF). The cumulative annual storage in Hofmann Reservoir No. 16, Finch Reservoir Enlargement and the Hofmann Reservoir No. 17, Finch Reservoir Enlargement shall not exceed 178 AF combined. Uses: Irr., Dom., piscatorial and Rec. uses. Irr. from the Hofmann Reservoir No. 16, Finch Reservoir Enlargement shall be limited to land that could have been irrigated from Finch Reservoir as originally decreed in Case No. W-1359. Date of Approp.: 11/01/71. Source: Tributary to Middle Horsefly Creek, tributary to Horsefly Creek tributary to the San Miguel River. The reservoir is off-channel and may be filled by the following ditches: *Hofmann Reservoir Nos. 16 and 17 Ditch*. Fill Rate: 3.0 c.f.s. Legal Description: The feeder ditch headgates are located on the mainstem Middle Fork Horsefly Creek and on an up-gradient tributary to the mainstem of Middle Fork Horsefly Creek. The locations of the two diversion points for the Hofmann Reservoir Nos. 16/17 Ditch were confirmed in the decree entered in Case No. 05CW272 as follows: NW1/4 NW1/4 SE1/4, Sec. 34, T. 46 N., R. 10 W., N.M.P.M., 2,100 feet from the S. Sec. line and 2,120 feet from the E. Sec. line of said Sec. 34; GPS location coordinates in NAD 83: 13 S 241270, 4231625 (points were averaged; Garmin Map 76CS); and SE1/4 SW1/4 NE1/4, Sec. 34, T. 46 N., R. 10 W., N.M.P.M., 2,900 feet from the S. Sec. line and 1,890 feet from the E. Sec. line of said Sec. 34; GPS location coordinates in NAD 83: 13 S 241341, 4231875 (points were averaged; Garmin Map 76CS). *Spirit Ditch* as described in paragraph 6 below. Remarks: Applicant has completed the subject storage facilities and, on 05/30/25, placed the subject water rights to beneficial use by filling the reservoir while in priority, as no calls were in effect on Horsefly Creek or the San Miguel River. Storage Water Right: **Hofmann Reservoir No. 17, Finch Reservoir Enlargement.** Legal Description: The S. end of the reservoir is described as the NW1/4 SE1/4 SE1/4, Sec. 33, T. 46 N., R. 10 W., N.M.P.M., 1,150 feet from the S. Sec. line and 720 feet from the E. Sec. line of said Sec. 33. GPS location coordinates in NAD 83: 13 S 240064, 4231374 (points were averaged; Garmin Map 76CS). The Hofmann Reservoir 17 was originally decreed in Civil Action 5882, District Court, Montrose County. The Court corrected the legal description of the Hofmann Reservoir No. 17 to its actual location in Case No. 05CW272. Amt.: 178 AF. The cumulative annual storage in Hofmann Reservoir No. 17, Finch Reservoir Enlargement and the Hofmann Reservoir No. 16, Finch Reservoir Enlargement shall not exceed 178 AF combined. Uses: Irr., Dom., piscatorial and Rec. uses. Irr. from the Hofmann Reservoir No. 17, Finch Reservoir Enlargement shall be limited to land that could have been irrigated from Finch Reservoir as originally decreed in Case No. W-1359. Date of Approp.: 11/01/71. Source: Tributary to Middle Horsefly Creek, tributary to Horsefly Creek, tributary to the San Miguel River. The reservoir is off-channel and may be filled by the following ditches: *Hofmann Reservoir Nos. 16/17 Ditch* as described in

paragraph 4.5.1.2. above. *Spirit Ditch* as described in paragraph 7 below. Remarks: Applicant completed the subject storage facilities and, on 05/30/25, placed the subject water rights to beneficial use by filling the reservoir while in priority, as no calls were in effect on Horsefly Creek or the San Miguel River. Surface Water Right: **Spirit Ditch**. Legal Description: NW1/4 SE1/4 SE1/4, Sec. 34, T. 46 N., R. 10 W., N.M.P.M., 770 feet from the E. Sec. line and 770 feet from the S. Sec. line of said Sec. 34. UTM coordinates in NAD 83: 13 S 0241665; 4231220. Amt.: 3.0 c.f.s., cond. Uses: Delivery of water into storage in Spirit Reservoir (decreed in Case No. 07CW216, District Court, Water Division 4), and Hofmann Reservoir 16, Finch Reservoir Enlargement and Hofmann Reservoir No. 17, Finch Reservoir Enlargement. Source: Middle Fork Horsefly Creek, tributary to Horsefly Creek, tributary to the San Miguel River. Date of Approp.: 11/01/71, and 12/31/08, adjudication date. Remarks: The Spirit Ditch is designed to deliver water that would have been stored in the original Finch Reservoir site into the alternate places of storage located upgradient of the original Finch Reservoir site described herein and in Case No. 07CW216. Landowner Information: Applicant is the owner of the land upon which the structures are or will be located. Integrated Water System: In Case No. 08CW193, the Court recognized the Subject Water Rights as components of an integrated water supply for Applicant's property. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). In the six years preceding the filing of the Application, Applicant has diligently pursued development of the subject water rights. **Second Claim to Confirm Absolute Water Right**. Summary of Claim: Applicant requests the Court confirm the Hofmann Reservoir No. 16, Finch Reservoir Enlargement and the Hofmann Reservoir No. 17, Finch Reservoir Enlargement have been made absolute by Applicant's application to beneficial use. Applicant filled these two reservoir under the junior storage rights in priority during a period extending from 05/15/25 through 05/30/25. Storage Water Right: **Hofmann Reservoir No. 16, Finch Reservoir Enlargement**, as described above in paragraph 4. Date of Beneficial Use: 05/30/25. Amt. Claimed Absolute: 178 AF. The cumulative annual storage in Hofmann Reservoir No. 16, Finch Reservoir Enlargement and the Hofmann Reservoir No. 17, Finch Reservoir Enlargement shall not exceed 178 AF combined. Amt. Remaining Cond.: 0 AF. Uses: All decreed uses. Description of Beneficial Use: On 05/30/25, Applicant filled the reservoir under the applicable priority. During the period of 05/14/25 through 05/30/25, no senior calls were placed on Horsefly Creek or the San Miguel River. As a result, water was legally and physically available for diversion and storage by Applicant, and such diversion occurred while in priority. The filling of the reservoir therefore constitutes beneficial use sufficient to perfect the subject cond. water right to absolute. Storage Water Right: **Hofmann Reservoir No. 17, Finch Reservoir Enlargement**, as described above in paragraph 5. Date of Beneficial Use: 05/30/25. Amt. Claimed Absolute: 178 acre-feet. The cumulative annual storage in Hofmann Reservoir No. 17, Finch Reservoir Enlargement and the Hofmann Reservoir No. 16, Finch Reservoir Enlargement shall not exceed 178 AF combined. Amt. Remaining Cond.: 0 acre-feet. Uses: All decreed uses. Description of Beneficial Use: On 05/30/25, Applicant filled the reservoir under the applicable priority. During the period of 05/15/25 through 05/30/25,

no senior calls were placed on Horsefly Creek or the San Miguel River. As a result, water was legally and physically available for diversion and storage by Applicant, and such diversion occurred while in priority. The water was subsequently used for Irr. WHEREFORE, Applicants respectfully request the Court enter a Decree: (1) confirming that Applicant has placed the Hofmann Reservoir No. 16, Finch Reservoir Enlargement and the Hofmann Reservoir No. 17, Finch Reservoir Enlargement water rights to beneficial use while in priority for the amts. and uses further described herein and entering a decree confirming such rights as absolute; (2) finding that Applicant has been reasonably diligent in the development of the Spirit Ditch cond. Subject Water Right for the amts. and uses further described herein; (3) continuing the cond. Subject Water Right in full force and effect for an additional six years; and (4) for such other relief as the Court deems proper. The application on file with the Water Court contains an outline of the work performed during the diligence period. **MONTROSE COUNTY.**

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