

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 July 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. 25CW3085. DELTA COUNTY. GUNNISON RIVER OR ITS TRIBUTARIES.

Columbine Family Ranch LLC, c/o Corona Water Law, 218 E. Valley Road #104 PMB 166, Carbondale, CO 91623, (970) 948-6523, cc@craigcoronalaw.com. **APPLICATION FOR WATER STORAGE RIGHTS.** Reservoir: Stock Pond 1. Location: NW ¼ NW ¼ Section 24 Township 11 South Range 91 West Sixth PM. Zone 13: Easting 283041, Northing 4329940, 30695 Hubbard Canyon Rd, Somerset CO 81428. Source: Cow Creek tributary West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Fill ditch: Larson Ditch No. 2, 4.65 CFS. Location: NW ¼ NE ¼ Section 23, Township 11S Range 91W Sixth PM, 406 feet from the north section line and 1085 feet from the west section line, Zone 13: Easting: 281907, Northing: 4330050, 30695 Hubbard Canyon Rd., Somerset, CO 81428. Appropriation date: June 15, 1983. How appropriation was initiated: Construction and use. Date applied to beneficial use: 6/15/1983. Amount claimed: 8.7-acre feet conditional. Uses: Stock water, irrigation. Uses: stock watering and irrigation. Surface area of high-water line: 94,413 sq.ft. Vertical height of dam: 8 feet. Length of dam: 250 feet. Total capacity of reservoir: 8.7-acre feet. Active capacity: 7.7 af. Dead storage: 1-acre feet. Reservoir: Stock Pond. Location: NE ¼ NE ¼ Section 23 Township 11 South Range 91 West Sixth PM, Zone 13: Easting 282437, Northing 4329864, 30695 Hubbard Canyon Rd, Somerset, CO 81428. Source: Cow Creek tributary West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Fill ditch: Larson Ditch No. 2; 4.65 CFS. Location: NE ¼ NE ¼ Section 23 Township 11 South Range 91 West Sixth P.M., Zone 13: Easting 281907, Northing 4330050. Street Address: 30695 Hubbard Canyon Rd, Somerset, CO 81428. Appropriation date: June 1, 2014. How appropriation was initiated: Construction and use. Date applied to beneficial use: 6/1/2014. Amount: 0.713 af Absolute. Use: Stock water. Surface area of high-water line: 4,436 sq.ft. Vertical height of dam: 3 feet. Length of dam: 10 feet. Total capacity: 0.713-acre feet. Active capacity: 0.713 af. Reservoir: Stock Pond 3. Location: NE ¼ NE ¼ Section 23 Township 11 South Range 91 West Sixth PM., Zone 13: Easting: 282293, Northing: 4330033, 30695 Hubbard Canyon Rd, Somerset, CO 81428. Source: Cow Creek tributary West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Fill ditch: Larson Ditch No. 2; 4.65 CFS. Location: NE ¼ NE ¼ Section 23 Township 11 South Range 91 West Sixth PM, Zone 13: Easting 281907, Northing

4330050. Appropriation date: June 15, 2018. How appropriation was initiated: Construction and use. Date applied to beneficial use: 6/15/2018. Amount claimed: 0.899 af Absolute. Uses: Stock water and irrigation. Surface area of high-water line: 6526 sq.ft. Dam height: 6 feet. Dam length: 140 feet. Total capacity: 0.899 af. Active capacity: 0.899 af. Reservoir: Stock Pond 4. Location. NW ¼ SE ¼ Section 14 Township 11 South Range 91 West Sixth PM, Zone 13: Easting: 282232, Northing: 4330844, 30695 Hubbard Canyon Rd, Somerset, CO 81428. Source: Cow Creek tributary West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Fill ditch: Larson Ditch; 3.87 CFS. Location. NW ¼ SW ¼ Section 14 Township 11 South Range 91 West Sixth PM. Zone 13: Easting: 281175, Northing: 4330663, 30695 Hubbard Canyon Rd, Somerset, CO 81428. Appropriation date: June 15, 2018. How appropriation was initiated: Construction and use. Date applied to beneficial use: 6/15/2018. Amount: 0.420 af absolute. Uses: Stock water. Surface area of high-water line: 3662 sq.ft. Total capacity: 0.420-acre feet. Active capacity: 0.420 af. Reservoir: Stock Pond 5. Location: NW ¼ SE ¼ Section 15 Township 11 South Range 91 West Sixth PM, Zone 13: Easting: 282072, Northing: 4330768, 30695 Hubbard Canyon Rd, Somerset, CO 81428. Source: Cow Creek tributary West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Fill ditch: Larson Ditch; 3.87 CFS. Location: NW ¼ SE ¼ Section 14 Township 11 South Range 91 West Sixth PM. Zone 13: Easting: 281175, Northing: 4330663. Appropriation date: June 1, 1983. How appropriation was initiated: Construction and use. Date applied to beneficial use: 6/1/1983. Amount: 0.534 af absolute. Use: Stock water. Surface area of high-water line: 7757 sq.ft. Dam height: 4 feet. Dam length: 60 feet. Total capacity: 0.534 af. Active capacity: 0.534 af. Structure: Larson Ditch First Enlargement. Location: NW ¼ SW ¼ Section 14 Township 11 South Range 91 West Sixth PM. Zone 13: Easting: 281175, Northing: 4330663. Source: Cow Creek tributary West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Appropriation Date: 6/15/1908. How appropriation was initiated: construction and use. Date applied to beneficial use: 6/15/1909. Amount: 0.5 cfs, absolute. Use: stock watering. Structure: Larson Ditch No. 2, First Enlargement. Location: NE ¼ NE ¼ Section 23 Township 11 South Range 91 West Sixth PM. Zone 13: Easting 281907, Northing 4330050. Source: Cow Creek tributary West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Appropriation date: 1919. How appropriation was initiated: construction and use. Date applied to beneficial use: 6/1/1919. Amount: 0.5 cfs, absolute. Use: stock watering. Structure: Columbine Ditch No. 1, First Enlargement. Location: NE ¼ NW ¼ Section 16 Township 11 South Range 91 West, Sixth PM. Zone 13: Easting: 278471, Northing: 4331452. Source: Beaver Creek, tributary to Cow Creek, West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Appropriation date: 9/23/1949. How appropriation was initiated: construction and use. Date applied to beneficial use: 9/23/1949. Amount: 0.5 cfs, absolute. Use: stock watering. Structure: Columbine Ditch No. 2, First Enlargement. Location: NW ¼ SE ¼ Section 16 Township 11 South Range 91 West, Sixth PM. Zone 13: Easting: 278825, Northing: 4330959. Source: Fawn Creek, tributary to Cow Creek, West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Appropriation date: 9/23/1949. How appropriation was initiated: construction and use. Date applied to beneficial use: 9/23/1949. Amount: 0.5 cfs, absolute. Use: stock watering. Structure: Columbine Ditch No. 3, First Enlargement. Location of Structure: NE ¼ SW ¼ Section 15 Township 11

South Range 91 West, Sixth PM. Zone 13: Easting: 280061, Northing: 4330846. Source: Fawn Creek, tributary to Cow Creek, West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Appropriation date: 9/23/1949. How appropriation was initiated: construction and use. Date applied to beneficial use: 9/23/1949. Amount claimed: 0.5 cfs, absolute. Use: stock watering. Structure: Columbine Ditch No. 4, First Enlargement. Location: SW ¼ SE ¼ Section 8 Township 11 South Range 91 West, Sixth PM. Zone 13: Easting: 277400, Northing: 4331951. Source: Cow Creek tributary to West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Appropriation date: 9/23/1949 based on Columbine Ditch No. 4 original decree CA3503. How appropriation was initiated: construction and use. Date applied to beneficial use: 9/23/1949. Amount: 0.5 cfs, absolute. Use: stock watering. Structure: Columbine Ditch No. 5, First Enlargement. Location: NW ¼ SE ¼ Section 16 Township 11 South Range 91 West, Sixth PM. Zone 13: Easting: 278794, Northing: 4330959. Source: Fawn Creek, tributary to Cow Creek, West Muddy Creek, Muddy Creek, North Fork of the Gunnison, and Gunnison Rivers. Appropriation date: 9/23/1949. How appropriation was initiated: construction and use. Date applied to beneficial use: 9/23/1949. Amount: 0.5 cfs, absolute. Use: stock watering **DELTA COUNTY**

Case No. 26CW18 (Ref No. 20CW2) Applicant Stewart Storms 708 Agape Circle Rockwall TX, 75087 Application to make Absolute. Storms Pump - Section 15 T15S R84W Easting 346460 Northing 4290042. Source: Spring Creek. Date of Appropriation: December 1, 1953. Amount Claimed: .25 cfs for Domestic for 700 sqft cabin, Irrigation, and Fire Protection. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY**

Case No. 2026CW3030 (Ref No. 19CW3044, 12CW89) DELTA COUNTY 1. Applicant: Daniel J. Thomas, 14976 Deer Run Rd. Delta, CO 81416-9171; (970) 209-1656 c/o Camp & Skarka, LLC, 415 Palmer St., Delta, CO 81416. APPLICATION TO MAKE ABSOLUTE IN PART, AND FOR FINDING OF REASONABLE DILIGENCE. 2. Name of Structures: Isom Springs Nos. 2 through 4, and Isom Ponds Nos. 3 through 5. 3. Date of Original Decree: July 1, 2013, Case No. 12CW089, Water Division No. 4. 4. Legal Description: *Isom Spring No. 2* is located in the NE1/4SE1/4 of Section 23, Township 15 South, Range 96 West, of the 6th P.M. at a point approximately 2405 feet from the South section line and 330 feet from the East section line of said section. The location in UTM format is described as Zone 13, NAD83 Easting 0231894, Northing 4291677. *Isom Spring No. 3* is located in the NE1/4SE1/4 of Section 23, Township 15 South, Range 96 West, of the 6th P.M. at a point approximately 2300 feet from the South section line and 221 feet from the East section line of said section. The location in UTM format is described as Zone 13, NAD83 Easting 0231926, Northing 4291644. *Isom Spring No. 4* is located in the NE1/4SE1/4 of Section 23, Township 15 South, Range 96 West, of the 6th P.M. at a point approximately 2228 feet from the South section line and 235 feet from the East section line of said section. The location in UTM format is described as Zone 13, NAD83 Easting 0231921, Northing 4291622. *Isom Pond No. 3* is located in the NE1/4SE1/4 of Section 23, Township 15 South, Range 96 West, of the 6th P.M. at a point approximately 2131 feet from the South section line and 458 feet from the East section line of said section. The location in UTM format is described as Zone 13, NAD83 Easting 0231852, Northing

4291595. *Isom Pond No. 4* is located in the NE1/4SE1/4 of Section 23, Township 15 South, Range 96 West, of the 6th P.M. at a point approximately 2310 feet from the South section line and 408 feet from the East section line of said section. The location in UTM format is described as Zone 13, NAD83 Easting 0231869, Northing 4291649. *Isom Pond No. 5* is located in the NE1/4SE1/4 of Section 23, Township 15 South, Range 96 West, of the 6th P.M. at a point approximately 2367 feet from the South section line and 194 feet from the East section line of said section. The location in UTM format is described as Zone 13, NAD83 Easting 0231935, Northing 4291664. 5. Source: Tributary to the Uncompahgre River. 6. Date of Appropriation: August 25, 2010. 7. Amounts and Uses: *Isom Spring No. 2*, 0.022 c.f.s (10 g.p.m.) conditional for filling *Isom Pond No. 5*; *Isom Spring No. 3*, 0.033 c.f.s (15 g.p.m.) conditional for filling *Isom Pond No. 5*; *Isom Spring No. 4*, 0.033 c.f.s (15 g.p.m.) conditional for filling *Isom Pond No. 5*; *Isom Pond No. 3*, 19.94 acre feet conditional for irrigation of 17 acres, wildlife, stock, and piscatorial; *Isom Pond No. 4*, 19.30 acre feet conditional for irrigation of 17 acres, wildlife, stock, and piscatorial; and *Isom Pond No. 5*, 20.00 acre feet conditional for irrigation of 17 acres, wildlife, stock, and piscatorial. 8. Outline of what has been done toward completion of the water right: The storage water rights and surface water rights described above are part of an integrated water system with *Isom Spring* and *Pipeline No. 1*, *Isom Spring Nos. 3-7*, and *Isom Pond Nos. 1 and 2*, as decreed and made absolute in whole or in part in Div. 4 case 12CW89 and 19CW3044. Pursuant to section 37-92-301(4)(b), C.R.S. all work preformed with respect to the development of each of the components constitutes diligence toward development of all of the water rights included in the system. Since the last diligence period, Applicant purchased the conditional water rights and the land upon which they are located and will be irrigated by the ponds. When Applicant purchased the property, an overflow concreted pipe system had been installed in *Isom Pond No. 4* and *5*. Applicant stocked *Isom Pond No. 4* and *5* with bluegill and grass carp, and has installed a pistol sprinkler system to irrigate native grass from water in *Isom Pond No. 4* and *5*. *Isom Pond 5* is filled with water from *Isom Spring Nos. 2 – 4*. Wildlife and livestock drink from *Isom Ponds 3 – 5*. 9. Names of owners of the land upon which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY**

Case No. 26CW3031, DELTA COUNTY, NORTH FORK OF THE GUNNISON AND GUNNISON RIVERS. Application for Conditional Underground Water Right, Approval of Plan for Augmentation and Conditional Exchange Project Right. Anastasia Suderman and Bryce Frazee, c/o Ryan Jarvis and Laurel Quinto of JVAM PLLC, 305 Gold Rivers Ct., Ste 200, Basalt CO 81621, (970) 922-2122. First Claim: Conditional Underground Water Right. Shade Well No. 1. Permit No. 178784 was issued on 6/9/1994 (C.R.S. § 37-92-602(3)(b)(I)) for fire protection, ordinary household purposes inside 2 single family dwellings, irrigation of not more than 1 acre of home lawns and gardens and the watering of domestic animals. Legal Description: In the NW1/4 NE1/4 Sec 35 T14S R93W 6th PM at a point described as NAD83, Zone 13 UTMx (m) 261177.04 and UTM y (m) 4297956.72. Source: Groundwater trib. to the North Fork of the Gunnison River, trib. to the Gunnison River. Date of approp.: 7/29/2026. How approp. was initiated: Formation of intent and filing the application. Amount: 50 gpm, conditional. Uses: Domestic (including

hot tub use), commercial, stock water, fire protection, and irrigation. Depth: 195 ft. Remarks: Depletions from Shade Well No. 1 will accrue to the North Fork of the Gunnison River. The Shade Well No. 1 will operate pursuant to the aug. plan described below and is part of an integrated system that includes the plan for aug. and the Shade Well No. 1 Blue Mesa Exchange Project. Second Claim: Plan for Augmentation. Structure to be augmented: Shade Well No. 1. Water rights to be used for aug: Up to 4.0 af ft from Blue Mesa Reservoir pursuant to a water allotment contract with the Bureau of Reclamation. Blue Mesa Reservoir was decreed in CA 5590 and CA6981 for 939,204 af with a 11/11/1957 approp. date. An additional 124,253 af with the same approp. date was transferred to the Blue Mesa Reservoir in CA10045. The Blue Mesa Dam is legally described in CA 10045 as a point on the right abutment being the intersection of the centerline of the axis of the dam and the center line of the outlet works tunnel, whence the SW corner of Sec 31 T49N R4W NMPM bears N 78°36'44" W a distance of 3,207.07 ft. Additional sources: In accordance with C.R.S. § 37-92-305(8), Applicant may use additional or alternative sources of water for aug., substitution, replacement, and exchange under this decree if use of the sources are allowed under a substitute water supply plan approved under C.R.S. § 37-92-308, or if the sources are decreed for such purposes. Applicant may also use any additional or alternative sources of water if use is allowed under an interruptible water supply agreement approved under C.R.S. § 37-92-309. Water Requirements: The estimated water requirements, consumptive uses, and delayed impacts are set forth in Table 1 filed with Application. Prior to operating, Applicants will obtain a water supply contract from the Federal Bureau of Reclamation in the amount of not less than 3.685 af/yr. The water demand for domestic in-house use, hot tub, and domestic animal watering and fire protection is estimated to be 0.801 af/yr. Domestic animals include dogs, cats, and poultry. The In-house domestic demands will be served by an on-site wastewater treatment system, and thus the demands are assumed to be 10% consumptive. A hot tub is assumed to be 100% consumptive. The total estimated depletions from domestic use is estimated to be 0.090 af/yr. The estimated water demand for irrigation of 1 acre lawn and garden is 2.886 af/yr. The total depletions, assuming 90% efficiency, are estimated to be 2.597 af/yr. The water demand for livestock watering, which is planned to include a mix of small and large animals, assuming 50 head of livestock with an average demand of 5 gallons per day per animal, is 0.280 af/yr. Livestock watering is assumed to be 100% consumptive and therefore the depletions are estimated to be 0.280 af/yr. The water demand for commercial winemaking is estimated to be 0.039 af/yr assuming 50 gallons per week for wine making and 200 gallons per week for fruit washing. The depletions from commercial wine making are estimated to be 0.039 af/yr assuming wine making is 100% consumptive, and that wastewater from fruit washing will be used for irrigation and will be 100% consumptive. The demand for the commercial wine tasting room and restaurant is estimated to be 1.215 af/yr assuming 60 seats in tasting room and restaurant with 25 gallons per day per seat operating 5 days a week, with on-site wastewater system and thus the demand is assumed to be 10% consumptive, thus the depletions are estimated to be 0.122 af/yr. The Subject Property has irrigation rights in the Fire Mountain Canal. Assuming that supplemental irrigation for the orchard of 13 acres of dispersed fruit trees, shrubs and vines will be needed from July through October the demand for supplemental irrigation is estimated to be 9.623 af/yr. Supplemental irrigation is assumed to be 90% efficient for an orchard thus depletions are

estimated to be 8.661 af/yr. The estimated max total volume of water demand for the Subject Property augmented by the plan for aug. is approx. 14.844 af/yr and the estimated net depletions to the Gunnison River are approx. 11.789 af/yr. The lagged depletions to the Gunnison River from the Shade Well No. 1 are set forth in exhibits on file with the court. The Shade Well No. 1 will operate under its junior priority at times when there is no valid administered call downstream on the North Fork of the Gunnison or the Gunnison River below its confluence with the North Fork of the Gunnison. When depletions to the Gunnison River caused by the operation of Shade Well No. 1 occur at a time when there is a valid administered downstream call, this plan for aug. replaces out-of-priority depletions with water available under Applicants' water supply contract for releases from Blue Mesa Reservoir. When a valid call is placed on the North Fork of the Gunnison below Shade Well No. 1 diversions will be curtailed. When there is a valid call on the Gunnison River below its confluence with the North Fork of the Gunnison River water will be released from Blue Mesa Reservoir directly to the Gunnison River. The releases from Blue Mesa Reservoir will augment the depletions by exchange of water up to the point of depletion for Shade Well No. 1. The operation of Shade Well No. 1 in accordance with this plan for aug. will not cause injury to any owners of or persons entitled to use water under a vested water right or a decreed conditional right. Pursuant to C.R.S. 37-92-308(4) simultaneously with the processing of this Application, Applicants seek that the state engineer approve the temporary operation of the plan for aug. set forth above as a substitute water supply plan. Third Claim: Shade Well No. 1 Exchange Project. To operate Applicants' plan for aug. Applicants request confirmation of a conditional exchange project: Name of exchange project right: Shade Well No.1 Blue Mesa Exchange Project. Source: Blue Mesa Reservoir. Approp. date: 7/29/2026. Initiated by formation of intent to appropriate the water and the filing of this Application. Rate of Exchange: 0.019 cfs, conditional. Max annual volume of exchange: 3.316 af. Use: Augmentation. Exchange Reaches: The plan for aug. will operate by exchange of the Blue Mesa Reservoir releases. Applicants propose operation of an exchange project from the furthest downstream point where replacements may be made up to the point of depletion. Upstream Terminus: The point of depletion from the Shade Well No. 1 located in the NW ¼ of the SW ¼ of Sec 36, T 14 S, Range 93 W of the 6th PM, UTM Coordinates: Zone 13, NAD83, Easting 262094.56 m, Northing 4296992.21 m. Downstream Terminus: The confluence of the Gunnison River and the North Fork of the Gunnison River, located in the NW ¼ of the NW ¼ of Sec 6 T15S R93W 6th PM, UTM Coordinates: Zone 13, NAD83, Easting 253592.70 m, Northing 4296490.27 m. Remarks: The subject water right is part of an integrated system that includes the plan for aug. described above and the Shade Well No. 1. (8 pages, 7 Exhibits). **DELTA COUNTY**

Case No. 26CW3032 (Ref No. 19CW3061, 09CW171) ELK RIDGE MINING AND RECLAMATION, LLC, 1100 West 116th Avenue, Westminster, CO, 80234; Email: thomas.kennedy@tristategt.org; Telephone Number: (303) 452-6111. Please address all correspondence for Elk Ridge Mining and Reclamation, LLC to: Aaron S. Ladd, Esq., Dickinson Wright, PLLC, 1125 17th Street, Suite 550, Denver, CO 80202; Email: aladd@dickinson-wright.com; Telephone Number: (303) 723-8400 with a copy to: Roger T. Williams, Esq., Tri-State Generation and Transmission Association, Inc., 1100 West 116th Ave., Westminster, CO 80234; Email: roger.williams@tristategt.org; Telephone

Number: (303) 254-3218. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN MONTROSE COUNTY, COLORADO.** 2.

Names of Structures: A. New Horizon North SE Pump Station – Type: Surface, B. Calamity Draw Pump Station 003 – Type: Surface, C. New Horizon North Mine Pump – Type: Underground, D. New Horizon North Pond 001 – Type: Storage, E. New Horizon North Pond 002 – Type: Storage, F. New Horizon North Pond 003 – Type: Storage, G. Cyprus Pond 003 – Type: Storage, H. New Horizon Mine Pond 009 Refill – Type: Storage, I. New Horizon Mine Pond 013 Refill – Type: Storage, J. New Horizon Mine Pond 015 Refill – Type: Storage, K. New Horizon North Tuttle Draw Exchange – Type: Exchange, L. Cyprus San Miguel Exchange – Type: Exchange. 3. Descriptions of

Conditional Water Rights: The following water rights are collectively referred to as the

“Subject Water Rights,” and are shown on the map attached as **Exhibit A.** A. New Horizon North SW Pump Station. i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: Case No. 19CW3061. iii. Location of structure: The Pump Station will be located in the SE ¼ of the SW ¼ of Section 25, Township 47 North, Range 16 West of the N.M.P.M., at a point 297 feet from the South section line and 2,625 feet from the West section line. iv. Alternate point of diversion: An alternate point of diversion will be from New Horizon Mine Pond 001, located in the SW ¼ of the NW ¼ of Section 36, Township 47 North, Range 16 West of the N.M.P.M., at a point 1,914 feet from the North section line and 620 feet from the West section line. v. Source: Surface water, storm water runoff, seepage and wastewater tributary to Tuttle Draw, tributary to the San Miguel River. vi. Date of appropriation: December 3, 2008. vii. Amount claimed: 1.0 cfs, CONDITIONAL. viii. Uses: (1) Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; (2) irrigation; (3) augmentation; and (4) diversions of water to storage for the previously described uses. Any storage of water diverted from this structure shall be limited to the following: New Horizon North Pond 001, New Horizon North Pond 002, New Horizon North Pond 003, and/or New Horizon Mine Pond 006. Augmentation use shall occur only after diversion and storage in these ponds, and release pursuant to the plan for augmentation decreed in Case No. 10CW208, or as otherwise approved by a subsequent decree of the Water Court. B. Calamity Draw Pump Station 003. i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: Case No. 19CW3061. iii. Location of structure: Calamity Draw Pump Station 003 will be located in the SE ¼ of the NE ¼ of Section 11, Township 46 North, Range 16 West of the N.M.P.M., at a point 2,022 feet from the North section line and 1,192 feet from the East section line. iv. Source: Surface water, storm water, runoff, seepage and wastewater tributary to Calamity Draw, tributary to the San Miguel River. v. Date of appropriation: December 3, 2008. vi. Amount claimed: 3.0 cfs, CONDITIONAL. vii. Uses: (1) Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; (2) irrigation; (3) augmentation; and (4) diversions of water to storage for the previously described uses. Any storage of water diverted from this structure shall be limited to Cyprus Pond 003. Augmentation use shall occur only after diversion and storage, and release pursuant to the plan for augmentation decreed in Case No. 10CW208, or as otherwise approved by a subsequent decree of the Water Court. C. New Horizon North Mine Pump. i. Original

Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: Case No. 19CW3061. iii. Permit No.: 77190-F. iv. Legal description of point of diversion: Well field located in West 1/2 of Section 25, Township 47 North, Range 16 West of the N.M.P.M. v. Source: Groundwater, surface water, storm water runoff, seepage and wastewater tributary to Tuttle Draw, tributary to the San Miguel River. vi. Depth: Not more than approximately 110 feet. vii. Date of appropriation: December 3, 2008. viii. Amount claimed: 4.0 cfs, CONDITIONAL, not to exceed 1,000 acre-feet annually. ix. Uses: (1) Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; (2) irrigation; (3) augmentation; and (4) diversions of water to storage for the previously described uses. Any storage of water diverted from this structure shall be limited to the following: New Horizon North Pond 001, New Horizon North Pond 002, and/or New Horizon North Pond 003. Augmentation use shall occur only after diversion and storage in these ponds and release pursuant to the plan for augmentation decreed in Case No. 10CW208, or as otherwise approved by a subsequent decree of the Water Court. D. New Horizon North Pond 001. i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: Case No. 19CW3061. iii. Location of pond: The pond will be located in the SW ¼ of the SW ¼ of Section 25, Township 47 North, Range 16 West of the N.M.P.M., at a point 83 feet from the South section line and 615 feet from the West section line. iv. Source: New Horizon North Mine Pump, direct delivery or pumping of Colorado Company Ditch shares, New Horizon North Southeast Pump Station, New Horizon Mine Pond 001, New Horizon Mine Pond 001 Refill, New Horizon Mine Pond 006, New Horizon Mine Pond 006 Refill, surface water, storm water runoff, seepage and wastewater tributary to Tuttle Draw, tributary to the San Miguel River. v. Date of appropriation: December 3, 2008. vii. Uses: Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; irrigation; and augmentation. Augmentation use shall be limited to the amounts described in the plan for augmentation decreed in Case No. 10CW208, Water Division 4. E. New Horizon North Pond 002. i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: N/A. iii. Location of pond: The pond will be located in the SW ¼ of the NW ¼ of Section 25, Township 47 North, Range 16 West of the N.M.P.M., at a point 2276 feet from the North section line and 120 feet from the West section line. iv. Source: New Horizon North Mine Pump, direct delivery or pumping of Colorado Company Ditch shares, and surface water, storm water runoff, seepage and wastewater tributary to Coal Canyon, tributary to the San Miguel River. v. Date of appropriation: December 3, 2008. vi. Amount claimed: 60 acre-feet, CONDITIONAL, with right to fill, initial refill, and second refill, 20 acre-feet each, when in priority, not to exceed a total of 60 acre-feet annually. vii. Uses: Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; irrigation; and augmentation. Augmentation use shall be limited to the amounts described in the plan for augmentation decreed in Case No. 10CW208, Water Division 4. F. New Horizon North Pond 003. i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: N/A. iii. Location of pond: The pond will be located in the NW ¼ of the NW ¼ of Section 25, Township 47 North, Range

16 West of the N.M.P.M., at a point 779 feet from the North section line and 120 feet from the West section line. iv. Source: New Horizon North Mine Pump and surface water, storm water runoff, seepage and wastewater tributary to Coal Canyon, tributary to the San Miguel River. v. Date of appropriation: December 3, 2008. vi. Amount claimed: 60 acre-feet, CONDITIONAL, with right to fill, initial refill, and second refill, 20 acre-feet each, when in priority, not to exceed a total of 60 acre-feet annually. vii. Uses: Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; irrigation; and augmentation. Augmentation use shall be limited to the amounts described in the plan for augmentation decreed in Case No. 10CW208, Water Division 4. G. Cyprus Pond 003. i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: Case No. 19CW3061. iii. Location of pond: The pond will be located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 11, Township 46 North, Range 16 West of the N.M.P.M., at a point 1,711 feet from the North section line and 229 feet from the East section line. iv. Source: Calamity Draw Pump Station 003, direct delivery or pumping of Colorado Company Ditch shares and surface water, storm water runoff, seepage and wastewater tributary to Calamity Draw, tributary to the San Miguel River. v. Date of appropriation: December 3, 2008. vi. Amount claimed: 120 acre-feet, CONDITIONAL, with right to fill, initial refill, and second refill, 40 acre-feet each, when in priority, not to exceed a total of 120 acre-feet annually. vii. Uses: Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; irrigation; and augmentation. Augmentation use shall be limited to the amounts described in the plan for augmentation decreed in Case No. 10CW208, Water Division 4. H. New Horizon Mine Pond 009 Refill. i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: Case No. 19CW3061. iii. Location of pond: New Horizon Mine Pond No. 009 Refill is located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 36, Township 47 North, Range 16 West of the N.M.P.M., at a point 2,383 feet from the South section line and 241 feet from the East section line. iv. Source: New Horizon 2 Mine Pump, surface water, storm water runoff, seepage and wastewater tributary to Tuttle Draw, tributary to the San Miguel River. v. Date of appropriation: December 3, 2008. vi. Amount claimed: 18.51 acre-feet, CONDITIONAL, by initial refill, second refill, and third refill, when in priority, of 6.17 acre-feet each refill, not to exceed a total (as to this 2008 priority) of 18.51 acre-feet annually, in addition to original decreed amount for this pond. vii. Uses: Irrigation and industrial, including but not limited to dust suppression, sediment control, truck washing, and mine-related in-building uses. I. New Horizon Mine Pond 013 Refill. i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: Case No. 19CW3061. iii. Location of pond: New Horizon Mine Pond No. 013 Refill is located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, Township 47 North, Range 16 West of the N.M.P.M., at a point 1,916 feet from the South section line and 324 feet from the West section line. iv. Source: New Horizon 2 Mine Pump, surface water, storm water runoff, seepage and wastewater tributary to Tuttle Draw, tributary to the San Miguel River. v. Date of appropriation: December 3, 2008. vi. Amount claimed: 18.18 acre-feet, CONDITIONAL, by initial refill, second refill, and third refill, when in priority, of 6.06 acre-feet each refill, not to exceed a total (as to this 2008 priority) of 18.18 acre-feet annually, in addition to

original decreed amount for this pond. vii. Uses: Irrigation and industrial, including but not limited to dust suppression, sediment control, truck washing, and mine-related in-building uses. J. New Horizon Mine Pond 015 Refill. i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: Case No. 19CW3061. iii. Location of pond: The pond is located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 36, Township 47 North, Range 16 West of the N.M.P.M., at a point 487 feet from the South section line and 93 feet from the West section line. iv. Source: New Horizon 2 Mine Pump, surface water, storm water runoff, seepage and wastewater tributary to Tuttle Draw, tributary to the San Miguel River. v. Date of appropriation: December 3, 2008. vi. Amount claimed: 1.2 acre-feet, CONDITIONAL, by initial refill, second refill, and third refill, when in priority, of 0.40 acre-feet each refill, not to exceed a total (as to this 2008 priority) of 1.2 acre-feet annually, in addition to original decreed amount for this pond. vii. Uses: Irrigation and industrial, including but not limited to dust suppression, sediment control, truck washing, and mine-related in-building uses. K. New Horizon North Tuttle Draw Exchange. i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: Case No. 19CW3061. iii. Description of exchange: The exchange will be operated in priority from the point of diversion at the confluence of that unnamed tributary to Tuttle Draw and Tuttle Draw, to the point of replacement at the New Horizon North Southeast Pump Station, so as to provide for the exchange of water from and between structures identified in this case, Case No. 10CW208, and Case No. 88CW55. iv. Location of lower terminus: The lower terminus of the exchange will be located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 35, Township 47 North, Range 16 West of the N.M.P.M., at a point 1,998 feet from the South section line and 239 feet from the East section line. v. Location of upper terminus: The upper terminus will be located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25, Township 47 North, Range 16 West of the N.M.P.M., at a point 297 feet from the South section line and 2,625 feet from the West section line. vi. Source: Water will be released from or credited to any of the sources listed herein and those sources provided in the augmentation plan decreed in Case No. 10CW208, including but not limited to shares of the CC Ditch, and structures named in Case No. 88CW055. vii. Date of appropriation: December 28, 2009. viii. Amount claimed: 0.16 cfs, CONDITIONAL. ix. Uses: (1) Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; (2) irrigation; (3) augmentation; and (4) diversions of water to storage for the previously described uses. Any storage of water diverted from this structure shall be limited to the following: New Horizon North Pond 001, New Horizon North Pond 002, New Horizon North Pond 003, and/or New Horizon Mine Pond 006. Augmentation use shall occur only after diversion and storage in these ponds, and release pursuant to the plan for augmentation decreed in Case No. 10CW208, or as otherwise approved by a subsequent decree of the Water Court. L. Cyprus San Miguel Exchange. i. Original Decree: Originally decreed in Case No. 09CW171, Water Court, Water Division No. 4, dated August 6, 2013. ii. Subsequent Diligence Decrees: Case No. 19CW3061. iii. Description of exchange: The exchange will be operated in priority at the point of depletion no further upstream than the Cyprus mining area located on the San Miguel River, to the point of replacement no further downstream than the confluence of Coal Canyon and the San Miguel River. iv. Location of lower terminus: The lower

terminus of the exchange will be in the SW ¼ of the SW ¼ of Section 20, Township 47 North, Range 16 West of the N.M.P.M., at a point 348 feet from the South section line and 874 feet from the West section line. v. Location of upper terminus: The upper terminus of the exchange will be in the SE ¼ of the SE ¼ of Section 24, Township 46 North, Range 16 West of the N.M.P.M., at a point 1,102 feet from the South section line and 138 feet from the East section line. vi. Date of appropriation: December 28, 2009. vii. Source: Water will be released from any of the sources listed herein and those sources provided in an augmentation plan decreed in Case No. 10CW208, including but not limited to shares of the CC Ditch, and structures named in Case No. 88CW055, so as to implement the full operation of the augmentation plan decreed in Case No. 10CW208. viii. Amount claimed: 2.2 cfs, CONDITIONAL. ix. Uses: (1) Industrial, including but not limited to dust suppression, truck washing, and mine-related in-building uses; (2) irrigation; and (3) augmentation. Augmentation use as to any ponds shall occur only after diversion and storage in these ponds, and release pursuant to the plan for augmentation decreed in Case No. 10CW208, or as otherwise approved by a subsequent decree of the Water Court. 4. Detailed 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, including expenditures, during the previous diligence period: A. In Case No. 10CW208, the Court found and concluded as a matter of law that the Subject Water Rights, together with other structures and water rights in Elk Ridge's portfolio, are part of a single "project or integrated system" within the meaning of C.R.S. § 37-92-301(4)(b), such that work on any feature of Elk Ridge's integrated system shall be considered in finding in the future that reasonable diligence has been shown in the development of any and all water rights for that entire system. B. During the diligence period, Elk Ridge has conducted progressive coal mining operations at the New Horizon 2 and New Horizon North Mines, located outside of Nucla, Colorado, totaling 777 acres at the time of the last diligence application. Elk Ridge completed coal mining at these mines in March 2017, and has been continuously reclaiming its mined properties pursuant to the terms of its Division of Reclamation Mining and Safety ("DRMS") permit. Reclamation involves backfilling the land to the approved final contours ("Phase I") and seeding the contoured land to establish plant growth in order to maintain top soil stability and minimize surface runoff ("Phase II"), followed by releasing the land to the landowner after a minimum of ten years of monitoring the progress of the vegetation and its compliance with applicable standards ("Phase III"). Elk Ridge has expended significant resources on the mining and reclamation activities at New Horizon 2 and North Mines during the diligence period. There are presently 332 acres within the mine boundary following the last modification of Elk Ridge's DRMS permit, with those acres in various stages of reclamation bond release. The Subject Water Rights are used by Elk Ridge to ensure it has adequate water supplies for mining, each phase of reclamation, for post-reclamation land uses under a variety of hydrologic conditions and operational scenarios, and for operation of its augmentation plan to replace out-of-priority depletions pursuant to Case Nos. 10CW208. C. During the diligence period, Elk Ridge participated in several water court cases in support of developing and protecting the subject water rights. In Case No. 23CW3012, Elk Ridge obtained diligence on water rights that are part of the integrated system, and made the first-fill water right for New Horizon Mine Pond 013 absolute. Elk

Ridge opposed Case No. 20CW3020 to protect the Subject Water Rights. Elk Ridge also filed an application to appropriate its New Horizon 2 Mine Pump Enlargement water right, which was decreed in Case No. 21CW3076; the New Horizon 2 Mine Pump is part of the integrated system. In this matter, Elk Ridge seeks to confirm that the New Horizon 2 Mine Pump Enlargement is recognized as part of the integrated system. In Case No. 21CW3039, Elk Ridge's parent, Tri-State Generation and Transmission Association, Inc., filed a change of water rights application, seeking to assist Elk Ridge in complying with applicable permits and regulations; however, for various reasons, Tri-State withdrew its application in favor of an alternate local treatment project at the New Horizon 2 Mine and the augmentation plan decreed in Case No. 10CW208. ERMR has participated in civil litigation to resolve disputes arising from settlement of prior water court litigation. During the diligence period, total legal fees related to the subject water rights and integrated system exceeded \$300,000. Total fees for water rights engineering during the diligence period exceed \$167,000. D. Elk Ridge improved the water collection and conveyance system from the New Horizon 2 Mine Pump and made improvements to Pond 013, including installation of a new flume at a cost of approximately \$9,000 and installation of baffle curtains at a cost of approximately \$40,000. Elk Ridge also spent approximately \$25,000 for modifications to Pond 009 consistent with the mine permit. During the diligence period, Elk Ridge built and subsequently reconfigured New Horizon North Mine Ponds 001 and 002. E. In order to comply with its CDPHE and DRMS permit obligations, Elk Ridge is in the process of designing, concept testing, and procurement for a water treatment facility to treat the New Horizon 2 Mine Pump and New Horizon 2 Mine Pump Enlargement water rights, incurring more than \$5M in costs during the diligence period. F. In addition to the specific activities and expenses outlined above, Elk Ridge has dedicated significant staff time to mining, reclamation, compliance with permits, planning, and other activities related to the Subject Water Rights; however, due to the nature of Elk Ridge's practices related to tracking staff time and related costs, it is not possible to assign a specific expenditure to these in-house activities. G. Elk Ridge reserves the right to identify additional diligence activities and expenses as needed to support its claims in this case. Based on the diligence activities performed during the diligence period, Elk Ridge seeks a decree determining that Elk Ridge has exercised reasonable diligence for the Subject Water Rights. 5. If claim to make absolute in whole or in part: New Horizon Mine Pond 013 Refill. During the diligence period, Elk Ridge has diverted and stored for beneficial use, its entire 18.18 acre-feet, by refill and successive refills, all in addition to original decreed amount for this pond. By this Application Elk Ridge seeks a decree making the New Horizon Mine Pond 013 Refill water right absolute in full. 6. 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 structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: A. Applicant. B. George E. Glasier P.O. Box 98, Nucla, CO 81424-0098 C. Garvy & CO, LLC P.O. Box 135, Nucla, CO 81424-0135. D. Papez Sharon Kay McClellan P.O. Box 247, Mesa, CO 81643-0247. 7. Remarks or any other pertinent information: In this matter, Elk Ridge has determined that it will not seek diligence to continue its conditional water right for New Horizon North Well Field. WHEREFORE, Elk Ridge requests the Court to enter a decree granting the Application

herein, determining that Elk Ridge (1) has exercised reasonable diligence with respect to the Subject Water Rights and continuing said rights, in their full amounts set forth herein, in full force and effect for another six years or until made absolute by reason of the completion of the appropriations; (2) has made the New Horizon Mine Pond 013 Refill water right absolute in full for all beneficial uses, or in the alternative, to the extent not made absolute in full, that the water right be continued as conditional; and (3) granting such other relief as the Court deems appropriate. (14 pages, 1 exhibit). The application on file with the Water Court contains an outline of the work performed during the diligence period. **MONTROSE COUNTY**

Case No. 26CW3033 (Ref No. CA 2710; 20CW3017) Name, Address, and Telephone Number of Applicant. JBARM, Inc. (JBARM), c/o Andrew Bowles, 200 W. Nationwide Boulevard, Columbus, Ohio 43215; (614) 436-2418. Please direct communications related to this application to Attorneys for JBARM, Inc.: Alan E. Curtis, Nicoli R. Bowley, Kate A. Bosh; CURTIS, JUSTUS, & ZAHEDI, LLC, 1333 W. 120th Ave., Suite 302, Westminster, Colorado 80234. Tele: (303) 595-9441; alanc@cjzwaterlaw.com; nicolib@cjzwaterlaw.com; kateb@cjzwaterlaw.com. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE 2. Background and Introduction. This application seeks diligence for the conditional water right for the Cornerstone Spring Ditch No. 2 (Cornerstone Spring Ditch Water Right) originally decreed in CA 2710, Ouray County District Court, on September 13, 1971 (CA 2710 Decree). 3. Description of the Cornerstone Spring Ditch Water Right. a. Name of Structure. Cornerstone Spring Ditch No. 2. b. Previous Decrees. i. CA 2710 Decree. ii. July 28, 2020 in Case No. 20CW3017, Water Division 4 (20CW3017 Decree). a. Legal Description. The point of diversion for the Cornerstone Spring Ditch Water Right is from the Cornerstone Spring, located at a point in the County of Ouray, Colorado whence the NE corner of the NW1/4 of Section 5, Township 45 North, Range 7 West, N.M.P.M. bears North 61° 39' East 81 feet. A map of the point of diversion is shown on Exhibit A. b. Source. Cornerstone Spring, tributary to Cow Creek, tributary to the Uncompahgre River. c. Amount. 0.75 c.f.s. (conditional). d. Date of Appropriation. May 10, 1968. e. Uses. Irrigation. 4. Diligence Claim. a. Diligence period. The most recent diligence period for the Cornerstone Spring Ditch Water Right was from July 28, 2020, the date the 20CW3017 Decree was entered, through July 31, 2026 (Diligence Period). b. Activities and expenditures. During the Diligence Period, JBARM completed activities and expended approximately Six Hundred Twenty-One Thousand Dollars (\$621,000). These actions and expenditures confirm JBARM's steady and diligent efforts to complete the appropriation of the Cornerstone Spring Ditch Water Right and include: i. Water Availability Analysis. JBARM engaged a water resources engineer to confirm the ongoing physical and legal availability of water to supply the Cornerstone Spring Ditch Water Right. The water availability analysis is attached as Exhibit B. ii. Monitoring of Division 4 Water Court Resumes. JBARM monitored the Division 4 resumes and substitute water supply plan notices for new water rights applications and to determine if such applications would result in injury to JBARM's water rights, including the Cornerstone Spring Ditch Water Right. iii. Water Court Oppositions. JBARM filed statements of opposition in Case Nos. 21CW3047, 21CW3064, and 23CW3027, Water Division 4 to protect water rights including the Cornerstone Spring Ditch Water Right. JBARM also continued to participate as an opposer in ongoing Case

No. 19CW3098, Water Division 4. iv. Engineering Costs. JBARM expended over Nineteen Thousand Dollars (\$19,000) in engineering costs for the development of its water rights portfolio, including: (1) analysis of demands from the Cornerstone Spring and potential replacement requirements under the augmentation plan in the May 7, 1999 decree in Case No. 97CW231, Water Division 4 (97CW231 Augmentation Plan) based on existing and planned occupancies on JBARM's property; (2) investigation into replacement sources and operations necessary to comply with terms of the 97CW231 Augmentation Plan including use of Forgotten Reservoir or water imported from the Cimarron Basin as replacement sources; and (3) investigation of existing conditions at the Forgotten Reservoir Dam and improvements necessary to meet dam safety requirements and to preserve the remaining conditional portion of the Forgotten Reservoir water right. v. Legal Costs. JBARM incurred over One Hundred Nineteen Thousand Dollars (\$119,000) in legal costs to maintain and develop its water rights and water supply system, including the Cornerstone Spring Ditch Water Right. vi. Management of JBARM's Water Rights Portfolio. JBARM actively managed its water rights portfolio, including the Cornerstone Spring Ditch Water Right, to maximize long-term beneficial use. vii. Payment of Ditch and Contract Carriage Assessments. JBARM paid ditch and contract carriage assessments required to ensure continued water deliveries under JBARM's portfolio of water rights. viii. Acquisition of Well Permits. JBARM obtained permits from the Colorado Division of Water Resources necessary to operate wells included in JBARM's water rights portfolio. ix. Ditch Maintenance. JBARM conducted ditch maintenance activities to ensure continued water deliveries under JBARM's portfolio of water rights. x. Cimarron Feeder Ditch Issues. JBARM participated in meetings with the United States Forest Service and the Uncompahgre Water Users Action regarding Cimarron Feeder Ditch issues to ensure to address issues necessary to ensure continued water deliveries under JBARM's portfolio of water rights. xi. Participation in Colorado Water Congress. JBARM maintained membership and participated in Colorado Water Congress to receive information regarding potential affect of proposed legislation on JBARM's water rights, including the Cornerstone Spring Ditch Water Right. 5. Request for Integrated System Finding. JBARM requests a finding that the Cornerstone Spring Ditch Water Right is part of JBARM's integrated water supply system and work performed and effort or costs expended on or in connection with JBARM's water supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system, including the Cornerstone Spring Ditch Water Right, as provided by C.R.S. § 37-92-301(4)(b). 6. Names and Addresses of Owners or Reputed Owners of Land Upon Which Structures are Located. JBARM owns the land where the Cornerstone Spring Ditch Water Right is located. 7. Requested Ruling. JBARM respectfully requests the Water Court enter a decree: (a) finding the activities outlined above are sufficient to support a finding of reasonable diligence as to all remaining conditional amounts and uses of the Cornerstone Spring Ditch Water Right; (b) continuing the full amount of the conditional portion of the Cornerstone Spring Ditch Water Right for all decreed uses for an additional diligence period; and (c) such other and further relief as the Court deems appropriate. The application on file with the Water Court contains an outline of the work performed during the diligence period. **OURAY COUNTY.**

Case No. 26CW3034 (Ref 91CW0007) Delta County - Gunnison River; Town of Cedaredge; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR DETERMINATION OF WATER RIGHT (SURFACE); Name, address, and telephone number of Applicant: Town of Cedaredge, P.O. Box 398, Cedaredge, CO 81413, (970) 856-3123, Ext. 113; Introduction: In Case No. 91CW0007, Applicant requested and obtained a change in use and point of diversion for certain water rights, including 0.75 c.f.s. in the Alfalfa Ditch referred to in that case as the "Lee Water." The application expressly requested that the Lee Water be available for diversion at the Cedaredge Pipeline for domestic, municipal, and hydroelectric power generation uses. The decree in Case No. 91CW0007 acknowledged that Applicant requested to add municipal and domestic use and the Court imposed terms and conditions necessary to safeguard downstream water users from injury from adding those consumptive uses. The Court separately held that the requested hydroelectric power production use would not cause injury because it was nonconsumptive in nature. Applicant is filing this Application to request confirmation from the Court that the decree in Case No. 91CW0007 approved the change of use to include domestic and municipal use. Applicant does not request any new water rights or change of water rights in this Application. Name of structure: Cedaredge Pipeline; Location: In Case No. 91CW0007, the Court approved two points of diversion for the subject water right to divert water into the Cedaredge Pipeline; The Marcot Creek Emergency Inlet located at a point on the Marcot Creek Bypass in the SW1/4 of Section 5, Township 12 South, Range 93 West of the 6th P.M. from whence the Southwest corner of said Section 5 bears South 41°57' West 2, 630 feet (said point of diversion having previously been designated an additional alternate point of diversion for the Applicant's domestic water collection system in Case No. W3487); and, a point on the discharge stream of Park Reservoir in the SE1/4 of Section 2, Township 12 South, Range 94 West of the 6th P.M. located 1,400 feet west of the east line of said Section 2 and 2,000 feet north of the south line of said Section 2. Those points of diversion were approved in Case No. 91CW0007 as alternate points for the original point of diversion of the Alfalfa Ditch, decreed as a point on the left (east) bank of Surface Creek whence the quarter corner between Sections 29 and 32, Township 13 South, Range 94 West of the 6th P.M. bears South 4° West 1,630 feet. Source: Surface water tributary to Surface Creek; Appropriation date: December 17, 1881; Amount: 0.75 c.f.s. absolute; Uses: Domestic, municipal, irrigation, hydroelectric power generation; Request for confirmation of terms of decree: Applicant requests that this Court confirm that the decree in Case No. 91CW0007 approved the use of the Lee Water at the alternate points of diversion for domestic, municipal, and hydroelectric power generation; Summary of application and decree in Case No. 91CW0007: The application in Case No. 91CW0007 stated that "Applicant proposes to use the water for the supplemental purposes of domestic and municipal use, including the generation of hydroelectric power, by diversion into its domestic water collection system, at two alternate points of diversion...." In its application, Applicant proposed terms and conditions to protect other users from injury. Those terms and conditions were based on an earlier case, Case No. CA6040, in which Applicant had obtained approval to use a 1 c.f.s. right in the Alfalfa Ditch (referred to as the "Jordan Water") for municipal and domestic use. One of those terms and conditions stated that the changed uses for the Jordan Water could not occur

after November 1 of each year until the 3,400 a.f. storage right in Fruit Growers Reservoir had been filled. Applicant included that term and condition in the application to change the use of the Lee Water to protect downstream water users from depletions caused by consumptive uses such as domestic and municipal use. It is important to note that the term and condition prohibiting the new consumptive uses during the winter months until Fruitgrowers Reservoir had filled was not necessary to prevent injury from hydroelectric power generation, since that use is nonconsumptive and all water so used would still be available to fill the reservoir. The Court in Case No. 91CW0007 clearly understood that a central objective of the case was to add domestic and municipal uses, stating, "Applicant proposes to use the [Lee Water] for the supplemental purposes of domestic and municipal use, and the generation of hydroelectric power, by diversion into its domestic water collection system...." The Court noted that "Applicant has stipulated to the imposition of... conditions as to administration upon the alternate points of diversion and use requested in the present application...." The Court imposed the term and condition prohibiting winter diversions for the new consumptive uses after November 1 until the Fruitgrowers Reservoir 3,400 a.f. right had filled. Again, this term and condition was not necessary to prevent injury due to a nonconsumptive use such as hydroelectric power generation. The decree stated that the "Court specifically finds that such terms and conditions as to administration will be sufficient to protect the interests of other vested water rights on the stream." In addition to the request to add domestic, municipal, and hydropower generation use to the Lee Water, Applicant also requested to add hydropower generation use to other water rights owned by Applicant. Those rights included 2 c.f.s. from the Alfalfa Ditch that Applicant had previously changed to municipal and domestic use (bringing the total changed rights for hydroelectric power generation in the ditch to 2.75 c.f.s.), as well as storage rights in the Calumet Reservoir, Slide Rock Reservoir, and Little Giant Reservoir. The Court noted that Applicant had withdrawn its request to add hydropower use to the Last Chance Reservoir and the Zig-Zag Reservoir. In the ruling section of the decree, the Court stated that "Applicant is hereby granted alternative points of diversion for the Lee water, .75 c.f.s. decreed to the Alfalfa Ditch under Priority No. 1, to the [Cedaredge Pipeline]." The Court stated that this grant was "subject to the terms and conditions as to administration set forth in paragraph 5 hereinabove." The Court next approved the requested hydroelectric use for the full 2.75 c.f.s. changed rights in the Alfalfa Ditch, as well as the three reservoirs, stating that "Applicant is also granted the supplemental use of hydroelectric power generation *incident to the transmission of water through the Town of Cedaredge domestic water collection system.*" (emphasis added); Support for requested confirmation: The application and decree in Case No. 91CW0007 expressly state that Applicant requested to add domestic and municipal use to the Lee Water. The body of the decree makes it clear that the Court approved the municipal and domestic use. However, in the Ruling paragraph on page 4 of the decree, the Court inadvertently failed to specifically restate those uses when approving the use of the requested alternate points. Due to this drafting oversight the Division Engineer has not allowed Applicant to use the Lee Water for domestic and municipal purposes. For that reason, Applicant requests that this Court clarify the decree by confirming that it included municipal and domestic use. Nowhere in the decree does the Court suggest that Applicant had withdrawn its request or that the requested change to municipal and

domestic use was being denied. Contrast this with the Court's express note in the decree documenting that Applicant had withdrawn its request to add new uses to the Last Chance Reservoir and the Zig-Zag Reservoir. The Court imposed the term and condition preventing the consumptive use of the Lee Water during winter months until Fruitgrowers Reservoir had filled. That term and condition was not necessary to prevent injury from a nonconsumptive use such as hydroelectric power generation – it was only necessary for consumptive uses such as municipal and domestic. By contrast, the Court did not impose any terms and conditions when it granted the hydropower generation use, stating that because hydropower generation "is nonconsumptive, the Court finds that the granting of [hydropower generation] use requested will not cause injury to other vested water rights." The fact that the Court imposed similar terms and conditions on the approved uses of the Lee Water as the Court in the Jordan Water case – a case in which the Court approved a change of Alfalfa Ditch water to domestic and municipal use – demonstrates that the Court approved those new uses for the Lee Water. Additionally, by stating that hydropower use was approved "*incident to the transmission of water through the Town of Cedaredge domestic water collection system*," the Court further made clear that use for hydroelectric power generation was to occur in conjunction with Applicant's use of the water for domestic and municipal purposes. Conclusion: Applicant requests that this Court confirm that the decree authorized the use of the Lee Water for municipal and domestic purposes. (6 pages). **DELTA COUNTY**

Case No. 26CW3035 (Ref No. 19CW3011) GUNNISON COUNTY. Fossil Creek Mines LLC, c/o Joseph Harrington, 8400 E. Prentice Avenue, Suite 1500, Greenwood Village, 80111. Please address all correspondence to: Peter D. Nichols, Esq., Katherine Carter, Esq., Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302. (303) 402-1600. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE 2.** Names of structures and water rights: Carter Mine and Raymond Mine. 3. Date of Original Decree: The subject water rights were originally decreed on July 7, 2020, in Case No. 19CW3011, Water Division No. 4. 4. Description of Conditional Water Rights: A. Carter Mine (WDID 2801276) i. Legal description of points of diversion: 1. Carter Mine point of diversion: The point of diversion is located in the NE ¼ of the NW ¼ of Section 12, Township 50 North, Range 3 East of the NMPM, 935 feet from the North section line and 1960 feet from the East section line. UTM Zone 13, NAD83, 361082 E, 4274905 N. Water will be diverted at the Carter Mine either via gravity flow or a pump for industrial uses at the mine. ii. Source: Groundwater intercepted by the Carter Mine, tributary to Gold Creek (formerly known as Ohio Creek), tributary to the Gunnison River. iii. Date of Appropriation: February 27, 2019. iv. Amount claimed: 3.00 cfs, conditional v. Use: Industrial including uses related to mining, milling, and ore processing. vi. The landowners upon which these structures are located: 1. Applicant. B. Raymond Mine (WDID 2801277) i. Legal description of points of diversion: 1. Raymond Mine point of diversion: The point of diversion is located in the NE ¼ of the SE ¼ of Section 1, Township 50 North, Range 3 East of the NMPM, 2296 feet from the North section line and 55 feet from the East section line. UTM Zone 13, NAD83, 376347 E, 4275639 N. Water will be diverted at the Raymond Mine either via gravity flow or a pump for industrial uses at the mine. ii. Source: Groundwater intercepted by the Raymond Mine, tributary to Gold Creek (formerly known as Ohio Creek), tributary to the Gunnison River.

iii. Date of Appropriation: February 27, 2019. iv. Amount claimed: 3.00 cfs, conditional. v. Use: Industrial including uses related to mining, milling, and ore processing. vi. The land owners upon which these structure are located: 1. Applicant.

5. Diligence Activities: During the diligence period of February 2020 to February 2026, in continuing development of the subject water rights, Applicant has undertaken significant efforts to develop the Carter Raymond Mine Project, a component of the Gold Links Mine Holdings, for which these subject water rights are needed. 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. A. Applicant engaged engineers and technical consultants to assist in its development of the mining project and strategic planning. Experts conducted extensive geological explorations, provided delineation and mapping of ore reserves, core drilling, conducted ore grade sampling and analysis. Applicant further engaged construction contractors to repair and expand existing mine infrastructure, including refurbishing mine tunnels, constructing underground emergency routes, and providing upgrades to the existing mill. B. Applicant engaged legal counsel to monitor to assist in its mine permitting and compliance obligations, including producing inspection records required by the State of Colorado. C. Applicant also maintained water pollution discharge permits with CDPHE for each of these mine portals, including quarterly monitoring of water pollutant concentrations. D. Applicant expended approximately \$24,500,000 during this diligence period on mine development and constructions costs on the Carter Raymond Mine Project, as a component of the Gold Links Mine Holdings. 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. (6 pages) The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY**

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