

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 **September 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. 26CW3047 (Ref No. 03CW70) APPLICATION FOR CHANGE OF WATER RIGHT AND PLAN FOR AUGMENTATION. Name, address, and telephone number of Applicant: Riverland Lot Owners Association, c/o Toad Property Management, 318 Elk Avenue, Suite 10, Crested Butte, CO 81224, 970-349-2773. 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. Summary of Application. In Case No. 03CW70 (August 1, 2012, Water Division 4), the Applicant obtained an underground water right for the Riverland Industrial Well, and approval of a plan for augmentation to replace out-of-priority depletions caused by the Riverland Industrial Well. In this case, to provide system redundancy, the Applicant seeks an alternate point of diversion for the Riverland Industrial Well water right at a new groundwater well to be constructed within the Riverland Industrial Park. The Applicant seeks to amend the 03CW70 plan for augmentation to augment depletions from both points of diversion. The two points of diversion will be subject to the diversion limits imposed by the 03CW70 Decree. Name of right to be changed: **Riverland Industrial Well** (WDID 5905614). Original Decree: Case No. 03CW70 (August 1, 2012, Water Division 4). Decreed Location: NE1/4NE1/4 Section 13, Township 14 South, Range 86 West, 6th P.M., approximately 266 feet from the north section line and 241 feet from the east section line of said Section 13. Source: Tributary to the Slate River, tributary to the East River, tributary to the Gunnison River. Appropriation Date: February 23, 1982. Amount: 0.133 cfs (absolute). Decreed Use: Commercial, domestic and irrigation use in the Riverland Industrial Park. Depth: 150 feet. Description of the Proposed Change. Applicant seeks to change the entire 0.133 cfs decreed to the Riverland Industrial Well, to allow for diversion through the Riverland Industrial Well APD 1, in addition to continued diversion through the Riverland Industrial Well. Riverland Industrial Well APD 1 will be located in the SWSW Section 7, T14S, R85W, 6th PM, at approximately 331320E, 4301270N, UTM Zone 13 (NAD 83). The Riverland Industrial Well and Riverland Industrial Well APD 1 will cumulatively be subject to the same terms and conditions imposed on the Riverland Industrial Well in

Case No. 03CW70 including diversion rate, metering, accounting, reporting, calculation of depletions, and replacement of out of priority depletions. Cumulative simultaneous diversions from the two wells will be limited to 0.133 cfs. The Applicant seeks to amend the 03CW70 plan for augmentation only as necessary to allow augmentation of Riverland Industrial Well APD 1 subject to the same terms and conditions imposed on the Riverland Industrial Well. Applicant seeks no other modification of the plan for augmentation. 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: Riverland Industrial Well APD 1 will be located on land owned by LPG 246 BUCKLEY LLC, DDCM 14 LUDLOW LLC, 6800 JERICHO TPKE STE 120W SYOSSET, NY 11791-4445.

GUNNISON COUNTY.

Case No. 26CW3048 (Ref No. 20CW3030, 13CW3036, 05CW261, 96CW298)

GUNNISON COUNTY. Slate River and/or East River. Application for Finding of Reasonable Diligence and to Make Conditional Water Rights Absolute in Part. Applicant: Whetstone Vista Association, Inc., c/o Garfield & Hecht, P.C., 910 Grand Ave., Suite 201, Glenwood Springs, CO 81601, (970) 947-1936. Names and descriptions of water rights: Lacy Spring No. 4, First Enlargement: Original Decree: Entered on Dec. 10, 1999 in Case No. 96CW298, District Court, Water Division No. 4. Subsequent decrees finding reasonable diligence and making absolute were entered as: Case No. 05CW261 – Absolute in the full decreed amount of 20 g.p.m. for domestic and irrigation uses to serve 6 residences and for filling of Trey's Pond. A finding of reasonable diligence was entered for the remaining decreed uses. Case No. 13CW3036 – Absolute for domestic and irrigation uses to serve eight residences and for stockwatering use, all by direct use or by replacement or exchange. A finding of reasonable diligence was entered for domestic and irrigation uses to serve six additional residences. Case No. 20CW3030 – Absolute for domestic and irrigation uses to serve two additional lots (for a total of 10), by direct use or by replacement or exchange. A finding of reasonable diligence was entered for domestic and irrigation uses to serve four additional lots. Legal description: located at a point whence the W ¼ Corner of Section 7, Township 14 South, Range 85 West of the 6th P.M. bears South 42°55' West 3,218 feet, in Gunnison County, Colorado. Coordinates: UTM Zone 13, NAD83 Northing: 4302779m Easting: 331873m. Source: Slate River. Date of appropriation: February 28, 1999. Amount: 20 g.p.m., absolute. Uses: domestic, irrigation, and stock watering, by direct use or by replacement or exchange, and to fill and refill Trey's Pond for augmentation and replacement uses. Vieh Spring and Pipeline No. 1, First Enlargement. Original Decree: Entered on Dec. 10, 1999 in Case No. 96CW298, District Court, Water Division No. 4. Subsequent decrees finding reasonable diligence and making absolute were entered as follows: Case No. 05CW261 – Absolute in the full decreed amount of 20 g.p.m. for domestic and irrigation uses to serve six residences and for filling of Trey's Pond. A finding of reasonable diligence was entered for the remaining decreed uses. Case No. 13CW3036 – Absolute for domestic and irrigation uses to serve eight residences and for stockwatering use, all by direct use or by replacement or exchange. A finding of reasonable diligence was entered for domestic and irrigation uses to serve 6 additional residences. Case No. 20CW3030 – Absolute for

domestic and irrigation uses to serve two additional lots (for a total of 10), by direct use or by replacement or exchange. A finding of reasonable diligence was entered for domestic and irrigation uses to serve four additional lots. Legal Description: located at a point whence the W $\frac{1}{4}$ Corner of Section 7, Township 14 South, Range 85 West of the 6th P.M. bears South 33°26'22" West 3,012.57 feet, in Gunnison County, Colorado. Coordinates: UTM Zone 13, NAD83 Northing: 4302833m Easting: 331817m. Source: Slate River and/or East River. Date of appropriation: February 28, 1999. Amount: 20 p.m., absolute. Uses: domestic, irrigation, and stock watering, by direct use or by replacement or exchange, and to fill and refill Trey's Pond for augmentation and replacement uses. Vieh Spring and Pipeline No. 6, First Enlargement. Original Decree entered on Dec. 10, 1999 in Case No. 96CW298, District Court, Water Division No. 4. Subsequent decrees finding reasonable diligence were entered in Case Nos. 05CW261, 13CW3036, and 20CW3030. Legal Description: located at a point whence the W $\frac{1}{4}$ Corner of Section 7, Township 14 South, Range 85 West of the 6th P.M. bears South 61°10'30" West 4,269.30 feet, in Gunnison County, Colorado. Coordinates: UTM Zone 13, NAD83 Northing: 4302675m Easting: 332440m. Source: Slate River and/or East River. Date of appropriation: February 28, 1999. Amount: 20 g.p.m., conditional. Uses: domestic, irrigation, and stock watering, by direct use or by replacement or exchange, and to fill and refill Trey's Pond for augmentation and replacement uses. Integrated System. As decreed in Case No. 13CW3036, the above-described water rights are part of an integrated water system, and work on one feature of the system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system. C.R.S. § 37-92-301(4)(b). Claim for Findings of Reasonable Diligence. The Application includes a detailed outline of what has been done toward or for completion of the appropriations and application of water to beneficial use as conditionally decreed. Claims to Make Absolute. Applicant requests the Court to determine and decree that the following water rights have been made absolute. To the extent that the Court does not determine that the subject water rights have been made absolute for their full decreed uses, the Applicant requests a decree finding reasonable diligence in the development of the remaining conditional uses of the subject water rights and continuing them through the next diligence period. Lacy Spring No. 4, First Enlargement. In prior cases, Lacy Spring No. 4, First Enlargement was made absolute in the full decreed amount of 20 g.p.m. for domestic and irrigation uses to serve 10 lots (9 residences), for stock watering use, and for filling of Trey's Pond, all by direct use or by replacement or exchange. By this Application, Applicant requests to make the following additional uses of the water right absolute (i) Date water applied to beneficial use: July 31, 2021 and March 31, 2025; (ii) Uses: domestic and irrigation uses to serve two additional residences (for a total of 11 residences plus one irrigation lot), by direct use or by replacement or exchange; (iii) Supporting evidence of diversions: One additional home was constructed within the Brush Creek Estates Subdivision and one additional home was constructed on the Stock Parcel, both of which are connected to and served by Applicant's water supply system; (iv) Description of place of use where water is applied to beneficial use: Brush Creek Estates Subdivision and Stock Parcel. Vieh Spring and Pipeline No. 1, First Enlargement. In prior cases, Vieh Spring and Pipeline No. 1, First Enlargement was made absolute in the full decreed amount of 20 g.p.m. for domestic and irrigation uses to serve 10 lots (9

residences), for stock watering use, and for filling of Trey's Pond, all by direct use or by replacement or exchange. By this Application, Applicant requests to make the following additional uses of the water right absolute: (i) Date water applied to beneficial use: July 31, 2021 and March 31, 2025; (ii) Uses: domestic and irrigation uses to serve two additional residences (for a total of 11 residences plus one irrigation lot), by direct use or by replacement or exchange; (iii) Supporting evidence of diversions: One additional home was constructed within the Brush Creek Estates Subdivision and one additional home was constructed on the Stock Parcel, both of which are connected to and served by Applicant's water supply system; (iv) Description of place of use where water is applied to beneficial use: Brush Creek Estates Subdivision and Stock Parcel. Names and addresses of the owners of land upon which the subject water rights are located: (A) Lacy Spring No. 4, First Enlargement: John and Jodie Ludwig, 338 Silver Canyon Drive, Fort Worth, TX 76108-9612; (B) Vieh Spring and Pipeline No. 1, First Enlargement: CB Whetstone LLC, P.O. Box 991, Norman, OK 73070-0991; and (C) Vieh Spring and Pipeline No. 6, First Enlargement: Lindsay S. Arell, P.O. Box 2634, Crested Butte, CO 81224-2634. Applicant requests the Court to enter a decree finding and concluding that: (A) That the Lacy Spring No. 4, First Enlargement and the Vieh Spring and Pipeline No. 1, First Enlargement water rights have been made absolute and unconditional for domestic and irrigation uses to serve two additional residences (for a total of 11 residences one irrigation lot), by direct use or by replacement or exchange; (B) Applicant has shown reasonable diligence in the development of the remaining conditional uses of the Lacy Spring No. 4, First Enlargement and the Vieh Spring and Pipeline No. 1, First Enlargement water rights and continuing such conditional uses in full force and effect; and (C) Applicant has shown reasonable diligence in the development of the Vieh Spring and Pipeline No. 6, First Enlargement water right and continuing such conditional water right in full force and effect. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY**

Case No. 26CW3049 (Ref No. 20CW3026, 12CW151) APPLICATION FOR FINDING OF REASONABLE DILIGENCE OF MOUNTAIN COAL COMPANY, L.L.C., IN GUNNISON COUNTY, COLORADO. 1. Name, address, telephone number, and email address of Applicant: Mountain Coal Company, L.L.C. (the "Applicant"), 5174 State Highway 133, Somerset, Colorado 81434; Phone: (970) 929-5015. All correspondence and pleadings should be sent to Mason H. Brown and Beth Ann J. Parsons, Carlson, Hammond & Paddock, LLC, 1900 N. Grant Street, Suite 1200, Denver, Colorado 80203; Phone Number: (303) 861-9000; E-Mail: mbrown@chp-law.com, baparsons@chp-law.com. **2. Name of Structures and description of water rights:** 2.1. B North Panels Sealed Sump (the "Subject Water Right"): 2.1.1. Date of Original Decree: April 7, 2014, Case No. 12CW151, District Court, Water Division No. 4. 2.1.2. Subsequent decrees awarding findings of diligence: September 28, 2020, Case No. 20CW3026, District Court, Water Division No. 4. 2.1.3. Legal Description: Beneath the SE 1/4 SE 1/4 Section 10, S 1/2 S 1/2 Section 11, W 1/2 W 1/2 Section 13, Section 14, Section 15, and N 1/2 N 1/2 Section 23, Township 13 South, Range 90 West, 6th P.M., Gunnison County, Colorado, underground within the West Elk Mine near Somerset, Colorado. The centroid of the structure is in the NE 1/4 NE 1/4 SE 1/4 of Section 15, Township 13 South, Range 90

West, 6th P.M., at a point approximately 155 feet from the East section line and 2,430 feet from the South section line. Latitude 38° 55' 04.17"; Longitude 107° 25' 30.92". 2.1.4. Legal Descriptions of Points of Diversion: 2.1.4.1. Mountain Coal Company Non-tributary B East Mains Fault Well: Water issues from a fault that trends N 60° East. Water was first encountered in the NE 1/4 NE 1/4 of Section 28, Township 13 South, Range 90 West of the 6th P.M. at a point approximately 600 feet south of the North section line and 800 feet west of the East section line. As mining has progressed along the fault, water has been encountered at other locations. 2.1.4.2. Mountain Coal Company Nontributary Southeast Panels Fault Well: Water issues from a fault that trends N 60° E. Water was first encountered in the NW 1/4 of the NE 1/4 of Section 27, Township 13 South, Range 90 West of the 6th P.M. at a point approximately 1,200 feet south of the North section line and 2,700 feet east of the West section line. As mining has progressed along the fault, water has been encountered at other locations. 2.1.4.3. Mt. Gunnison Pipeline: The headgate is located in the NW 1/4 of the SE 1/4 of the SE 1/4 of Section 9, Township 13 South, Range 90 West of the 6th P.M. in Gunnison County at a point 903 feet north of the South section line and 823 feet west of the East section line. 2.1.5. Sources: 2.1.5.1. Nontributary groundwater diverted by the Mountain Coal Company Nontributary B East Mains Fault Well and the Mountain Coal Company Nontributary Southeast Panels Fault Well. 2.1.5.2. North Fork Gunnison River. 2.1.6. Delivery to Storage: 2.1.6.1. By pumping from the Mountain Coal Company Nontributary B East Mains Fault Well and the Mountain Coal Company Nontributary Southeast Panels Fault Well. 2.1.6.2. By the Mount Gunnison Pipeline from the North Fork Gunnison River. 2.1.7. Appropriation Date: March 31, 2009. 2.1.8. Amount: 2.1.8.1. Volume: 3,065 acre-feet (conditional). 2.1.8.2. Rate of flow for filling: 2.1.8.2.1. Mountain Coal Company Nontributary B East Mains Fault Well: 0.50 c.f.s. 2.1.8.2.2. Mountain Coal Company Nontributary Southeast Panels Fault Well: 1.0 c.f.s. 2.1.8.2.3. Mt. Gunnison Pipeline: 15.0 c.f.s. 2.1.9. Use: Water stored in the B North Panels Sealed Sump will be used to supply water for the operations of the West Elk Mine in Gunnison, Colorado, including use for industrial; mining; domestic; augmentation as decreed in Case No. 97CW244; mining and mine reclamation, including but not limited to irrigation for mine reclamation, dust suppression, fire protection, and other mine operation uses. 2.1.10. Reservoir Characteristics: 2.1.10.1. Surface area at high water line: 1,198 acres. 2.1.10.2. Vertical height of dam in feet measured vertically from the elevation of the lowest point of the natural surface of the ground where that point occurs along the longitudinal centerline of the dam up to the crest of the emergency spillway of the dam: N/A. There is no dam for this underground facility. 2.1.10.3. Length of dam: N/A. There is no dam for this underground facility. 2.1.10.4. Total capacity of reservoir in acre-feet: 3,065 acre-feet. 2.1.11. A Map depicting the locations of the B North Panels Sealed Sump, the Mountain Coal Company Nontributary B East Mains Fault Well, the Mountain Coal Company Nontributary Southeast Panels Fault Well, and the point of diversion for the Mt. Gunnison Pipeline is attached hereto as Exhibit 1. 2.1.12. Other: By decree in Case No. 12CW151, the water decreed to be stored in the Northwest Panels Sealed Sump was changed to be stored in the B North Panels Sealed Sump. Additionally, the decree in Case No. 12CW151 also added the B North Panels Sealed Sump as an alternate place of storage for the water rights decreed to the Northeast Panels Sealed Sump. Finally, the decree in Case No. 12CW151 added the B North Panels Sealed Sump as an alternate place of storage for the following water rights: (1) Fresh Water Pond No.

1; (2) Fresh Water Pond No. 2; (3) Sedimentation Pond No. 1; (4) Sedimentation Pond No. 2; and (5) Sedimentation Pond No. 3. 2.1.13. Integrated System: Pursuant to the decree in Case No. 12CW151, the Subject Water Right is part of an integrated water system comprising all water rights decreed and used for development and operation of the West Elk Mine (the "Mine"). Accordingly, reasonable diligence in the development of one component of the system comprises reasonable diligence in the development of all components. **3. Provide a 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:** 3.1. Background. Applicant's predecessors began the mining and exploration program for the Mine property during the late 1960s and continued mining and exploring through the 1970s. Preliminary permits were issued in 1981. Construction on the Mine's surface facilities, coal handling facilities, and portals began in 1981. Coal production from the "F" Seam began in 1982. In 1991, Applicant began development of the "B" Seam and purchased and installed longwall mining facilities. Longwall mining production of the "B" Seam began in 1992 and production from the Mine has increased substantially. In response to increased water demand at the Mine, Applicant engaged in substantial improvement of its water supply facilities and capabilities. In 2004, Applicant filed an application with the Colorado Division of Minerals and Geology for a permit to mine the "E" Seam reserves in Applicant's Federal Lease No. C-1362. The associated Surface Mining Control and Reclamation Act ("SMCRA") Permit, No. C-1980-007, was revised with Permit Revision No. PR-10 and was approved on July 7, 2006. The Mine reserves were further expanded with Federal Lease COC-67232, approved by Colorado Division of Reclamation, Mining and Safety ("CDRMS") with SMCRA Permit Revision No. PR-12 on March 21, 2008, and with the modification of Federal Lease Nos. C-1362 and COC-67232, approved by the CDRMS with Permit Revision No. PR-15 on November 15, 2018. Applicant continues its longwall mining operations in the "B" Seam and "E" Seam pursuant to SMCRA Permit Revision Nos. PR-10, PR-12 and PR-15. As coal production increases, and will continue to increase in the future, water demand for the Mine increases as well. In 2009, Applicant filed an application with the U.S. Bureau of Land Management ("BLM") and Forest Service to expand its coal leases by 1,721 acres. The lease modifications would result in extending the existing mine operations approximately 19 months beyond those currently approved; an additional 16-17 months of mining coal on adjacent private lands could also be realized by access gained through the lease modification areas. An Environmental Assessment was prepared analyzing the effects of the Forest Service consenting to the BLM leasing these additional acres, and the lease modifications were initially approved in November 2011. In February 2012, that decision was reversed. After an Environmental Impact Statement was prepared, on August 2, 2012, the Forest Service again consented to the BLM modifying the leases. A Notice of Appeal was filed on September 24, 2012; on November 7, 2012, the Forest Service reaffirmed its consent for the lease modifications; and on March 26, 2013, the BLM approved the lease modifications. The lease modifications were successfully challenged in September 2014 and as a result, a draft Supplemental Environmental Impact Statement was circulated in November 2015, and a final Supplemental Environmental Impact Statement was prepared and issued in August 2017. United States Forest Service and Bureau of Land Management/Department of the Interior ("DOI") Records of Decision were finalized and approved in December 2017.

and modified Federal Coal Leases C-1362 and COC-67232 were issued on December 22, 2017. Subsequently, Applicant conducted coal exploration drilling within the modified leases and adjacent fee parcel. The SMCRA permit for these modified federal leases and for the adjacent fee parcel was later submitted and subsequently approved by the CDRMS with Permit Revision No. PR-15 in November 2018, and the Office of Surface Mining, Reclamation, and Enforcement ("OSM") and DOI approved the federal mine plan in March and April 2019, respectively. The OSM/DOI federal mine plan approval was overturned in November 2019. Thereafter, an additional Environmental Analysis was completed, and a new federal mine plan approval was issued on January 13, 2020. Since the Mine operations are a prerequisite to the development of the Subject Conditional Water Right, Applicant's efforts to expand its lease areas as described herein constitute diligence in the development of the Subject Conditional Water Right. 3.2. During the period between April 2020 and September 2026 (the "Diligence Period"), Applicant has not exercised the Subject Water Right in an amount greater than what has already been made absolute. Thus, this Application is for a finding of reasonable diligence only. 3.3. Throughout the diligence period, Applicant has stored nontributary groundwater diverted from the Mountain Coal Company Nontributary B East Mains Fault Well and the Mountain Coal Company Nontributary Southeast Panels Fault Well ("Fault Wells") in the B North Panels Sealed Sump on a continuous basis. Because the water stored in the B North Panels Sealed Sump from the Fault Wells is nontributary groundwater, the Application herein does not seek to make absolute any portion of the Subject Water Right based on such storage, § 37-92-305(11), C.R.S.; however, because the Fault Wells are decreed sources of supply for the Subject Water Right, Applicant's storage of nontributary groundwater from the Fault Wells in the B North Panels Sealed Sump constitutes diligence in the development of the Subject Water Right. 3.4. Applicant has spent a substantial amount of money and devoted many thousands of man hours to the development, operation, maintenance, and improvement of the Mine and its integrated water supply system. As a part of this overall effort, Applicant retained engineering consultants and attorneys to assist it in the operation, maintenance, improvement, and protection of this system. These actions enhance and preserve Applicant's water supply. The total cost of these efforts (including capital expenditures for development and extension of its mining activities) during the Diligence Period exceeded \$87,000,000. 3.5. During the Diligence Period, Applicant continued to mine the "B" Seam and "E" Seam. Because Mine operations are a prerequisite to the development of the Subject Water Right, Applicant's mine development and activity constitute diligence in the development of the Subject Water Right. 3.6. During the Diligence Period the Applicant performed the following activities related to the other water rights that are part of its unified and integrated water system. These activities constitute diligence with respect to the Subject Water Right: 3.6.1. In 1987, as part of its Mine development, the Applicant obtained a decree in Case No. 86CW38, District Court, Water Division No. 4, for a Plan for Augmentation for certain Mine operations. That decree requires Applicant to prepare and provide to the State Engineer or Division Engineer a summary report recomputing the so-called contribution factors for the augmentation plan at certain time intervals. During the Diligence Period, Applicant completed and submitted the required analyses pursuant to the Decree in Case No. 86CW38. 3.6.2. During the Diligence Period, Applicant adjudicated Case No. 25CW3051, District Court, Water Division No. 4, in which the Court

granted a finding of reasonable diligence for Applicant's Mt. Gunnison Pipeline water right and continued the right in full force and effect. 3.6.3. During the Diligence Period, Applicant adjudicated Case No. 23CW3006, District Court, Water Division No. 4, in which the Court found that Applicant diverted and placed to beneficial use a portion of its Snowshoe Dam and Reservoir water right, making a portion of that right absolute. The Court further found reasonable diligence in the development of the remaining conditional amounts for the Snowshoe Dam and Reservoir and Snowshoe Pipeline water rights and continued those water rights in full force and effect. 3.6.4. During the Diligence Period beginning in 2022, Applicant obtained multiple annual Substitute Water Supply Plans to support the drilling of mine ventilation boreholes needed to support the continued longwall mining of the B Seam. 3.6.5. During the Diligence Period, Applicant began renegotiating its lease of water from Fire Mountain Canal Company, which is a source of augmentation water to augment out of priority depletions of the Mt. Gunnison Pipeline pursuant to the Augmentation Plan decreed in Case No. 97CW242, District Court, Water Division No. 4. 3.6.6. During the Diligence Period, Applicant obtained Well Permit No. 332447 and constructed a surface well to extract water from the B-North Panels Sealed Sump. Water withdrawn through the surface well is pumped to the Mine's one-million-gallon water tank for use in mining operations, reducing the amount of water that Applicant otherwise must divert from the river for those purposes. **4. Names(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:** 4.1. Mountain Coal Company, LLC, 5174 State Highway 133, Somerset, Colorado 81434 (Mt. Gunnison Pipeline and surface above a portion of the B North Panels Sealed Sump). 4.2. U.S. Forest Service, Paonia Ranger District, P.O. Box 1030, North Rio Grande Avenue, Paonia, Colorado 81428 (Surface above a portion of the B North Panels Sealed Sump). 4.3. Bureau of Land Management, Uncompahgre Field Office, 2465 S. Townsend Avenue, Montrose, Colorado 81401 (Surface above a portion of the B North Panels Sealed Sump). 5. Applicant requests the Court to enter a decree: 5.1. Confirming that Applicant maintains a single unified and integrated water system and that diligence on any feature of that system is considered in finding reasonable diligence in the development of all conditional features of the system, including the conditional portion of the Subject Water Right; 5.2. Finding that Applicant has shown reasonable diligence in development of the conditional Subject Water Right originally decreed in 12CW151 and that Applicant has met all applicable legal requirements and is entitled to a decree continuing the conditional rights in good standing and fixing a date when the next application for a finding of reasonable diligence is required; and 5.3. Finding that any diligence work performed between the filing of this Application and entry of a decree in this case will qualify as diligence performed during the next diligence period. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY**

Case No. 26CW3050 (Ref No. 84CW118) Applicant: Fuzzy's Hideaway Trust c/o Louie Fesmire, PO Box 105, Guffey, CO 80820, 719-696-1556. Please direct all correspondence to Attorney for Applicant: LAW OF THE ROCKIES Kendall K. Burgemeister, Atty. Reg. #41593 525 North Main Street Gunnison, CO 81230 (970)

641-1903 kburgemeister@lawoftherockies.com. APPLICATION FOR CHANGE OF WATER RIGHT. Decreed water right for which correction is sought: **Brown Spring**. Original Decree: 84CW118 (February 1, 1985, District Court, Water Division 4). Legal description of structure as described in most recent decree: At a point 2400 feet from the west section line and 1100 feet from the north section line in the NE1/4NW1/4 of Section 10, Township 50 North, Range 4 East, N.M.P.M. Decreed source of water: Spring tributary to Quartz Creek, Tomichi Creek, and the Gunnison River. Appropriation Date: December 8, 1983. Total amount decreed to structure: 0.03 cfs (absolute). Decreed use: Domestic. Complete statement of change: The legal description in the 84CW118 Decree is in error. The actual point of diversion, a collection box located downgradient of the spring eye, is and always has been in the NE1/4SW1/4 of Section 10, Township 50 North, Range 4 East, N.M.P.M., at approximately 4274277N, 368494E, UTM Zone 13, NAD 83 (the "Brown Spring Box"). Applicant seeks to correct the decreed point of diversion to match the actual point of diversion. Applicant also seeks to add an alternate point of diversion at the spring, which is approximately 200 feet uphill of the Brown Spring Box, in the NE1/4SW1/4 of Section 10, Township 50 North, Range 4 East, N.M.P.M., at approximately 4274219N, 368516E, UTM Zone 13, NAD 83 ("Brown Spring"). The two points of diversion shall be collectively limited to the terms and conditions of the original decree (0.03 cfs for domestic use). Brown Spring and the Brown Spring Box are on land owned by the United States of America and managed by the USDA Forest Service, c/o Denise Kusnir, 2250 South Main St., Delta, CO 81416. **GUNNISON COUNTY**.

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