

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 2020. 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: There has been filed in this proceeding a claim or claims which 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 as provided in the Water Right Determination and Administration Act of 1969, or be forever barred.

**AMENDED:**

**CASE NO. 2018CW46** Applicant: Wild Cooperative, LLC, 44516 Needle Rock Road, Crawford, CO 81415. Third Amended Application for Change of Water Right, Third Amended Application for Conditional Underground Water Right, Third Amended Application for Conditional Storage Right, Third Amended Application for Approval of Plan for Augmentation. Third Amended Application for Change of Water Right: Young Ditch to Three Simultaneous Points of Diversion: Barnard Ditch, WC Little Coal Creek POD, WC Smith Fork POD. Young Ditch - Date of Original and all relevant Subsequent Decrees: Original Decree: District 40, Civil Action 38, decreed 06/17/1889. Subsequent Decree: 10CW19, Division 4. Legal Description of Structure as Described in Most Recent Decree That Adjudicated the Location: NW1/4SW1/4SE1/4 of Section 32, T15S, R91W, 6<sup>th</sup> P.M. Easting 274711, Northing 4287373. A Verbatim Legal Description from the Most Recent Decree that Adjudicated the Location: The headgate of the Young Ditch is located on the south side of the Smith Fork of the Gunnison River in the NW1/4SW1/4SE1/4 of Section 32, T15S, R91W, 6<sup>th</sup> P.M. Source: Smith Fork River, Gunnison River. Appropriation Date: 09/15/1884; Total Amount Decreed to Structure: 1.0 c.f.s., absolute. Decreed Use: Irrigation. Amount of Water Applicant Intends to Change: 0.15 c.f.s., absolute, in total. Description of Proposed Change: Applicant seeks to transfer 0.15 c.f.s. of the Young Ditch upstream to three points of diversion (POD): Barnard Ditch Headgate, WC Little Coal Creek POD, and WC Smith Fork POD to be used simultaneously with the limitation that when the stream is under administration, the diversion must be limited to the .15 c.f.s. cumulatively. The applicant seeks to irrigate up to 7.5 acres, including the area south of the Smith Fork by piping the irrigation water above ground across the creek.

Legal Description of Barnard Ditch: SE1/4NE1/4SW1/4 of Section 24, T15S, R91W, 6<sup>th</sup> P.M. Easting 281577, Northing 4289876. Source: Second Creek. Appropriation Date: 9/15/1884; Total Amount Decreed to Structure: 0.15 c.f.s., absolute, in total between three points of diversion. Decreed Use: Irrigation. Amount of Water Applicant Intends to Change: 0.15 c.f.s., absolute, total between three points of diversion. Description of Proposed Change: Applicant seeks to transfer 0.15 c.f.s. of the Young Ditch upstream to three points of diversion (POD): Barnard Ditch Headgate, WC Little Coal Creek POD, and WC Smith Fork POD to be used simultaneously with the limitation that when the stream is under administration, the diversion must be limited to the 0.15 c.f.s. cumulatively. In addition, the existing Barnard Ditch water rights owners are entitled to their full Second Creek decrees priority before this transferred water right being entitled to divert water. Furthermore, because the ditch company is limited, the applicant agrees not to divert this transferred right when priorities J-190 and J-327 are being diverted. The applicant's ownership of their Young Ditch priority must be subordinate to the vested

water rights on the Second Creek when making diversions on the Second Creek; until such time those water rights are out of priority by the a downstream senior call. Legal Description of WC Little Coal Creek POD: NW1/4SW1/4SE1/4 of Section 23, T15S, R91W, 6<sup>th</sup> P.M. Easting 280244, Northing 4289744. Source: Little Coal Creek. Appropriation Date: 9/15/1884 for irrigation, 2/28/2020 for fill of WC pond and stockwater. Total Amount Decreed to Structure: 0.15 c.f.s., absolute, in total between three points of diversion. Decreed Use: Irrigation, fill of Wild Cooperative Pond and stockwater. Amount of Water Applicant Intends to Change: 0.15 c.f.s., absolute, in total between three points of diversion. Description of Proposed Change: Applicant seeks to transfer 0.15 c.f.s. of the Young Ditch upstream to three points of diversion (POD): Barnard Ditch Headgate, WC Little Coal Creek POD, and WC Smith Fork POD to be used simultaneously with the limitation that when the stream is under administration, the diversion must be limited to the 0.15 c.f.s. cumulative. In addition, the existing Little Coal Creek water rights owners are entitled to their full Little Coal Creek decrees priority before this transferred water right being entitled to divert water. The applicant's ownership of their Young Ditch priority must be subordinate to the vested water rights on the Little Coal Creek when making diversions on the Little Coal Creek; until such time those water rights are out of priority by the a downstream senior call. Even though, there is not a lot of water available at this point of diversion the applicant observed enough volume of water to maintain the WC Pond. Legal Description of WC Smith Fork POD: NW1/4SW1/4SE1/4 of Section 23, T15S, R91W, 6<sup>th</sup> P.M. Easting 280259, Northing 4289707. Source: Smith Fork River. Appropriation Date: 9/15/1884 for irrigation, 2/28/2020 for fill of WC pond and stockwater. Total Amount Decreed to Structure: 0.15 c.f.s., absolute, in total between three points of diversion. Decreed Use: Irrigation, fill of Wild Cooperative Pond and stockwater. Amount of Water Applicant Intends to Change: 0.15 c.f.s., absolute, in total between three points of diversion. Description of Proposed Change: Applicant seeks to transfer 0.15 c.f.s. of the Young Ditch upstream to three points of diversion (POD): Barnard Ditch Headgate, WC Little Coal Creek POD, and WC Smith Fork POD to be used simultaneously with the limitation that when the stream is under administration, the diversion must be limited to the 0.15 c.f.s. cumulatively. Third Amended Application for Change of Water Right: Use of 0.004 c.f.s. from Irrigation to Augmentation. Decreed water right for which change is sought: 0.15 c.f.s., absolute from Young Ditch. Name of Structure: Young Ditch. Date of Original and all relevant Subsequent Decrees: Original Decree: District 40, Civil Action 38, decreed 06/17/1889. Subsequent Decree: 10CW19, Division 4. Legal Description of Structure as Described in Most Recent Decree That Adjudicated the Location: NW1/4SW1/4SE1/4 of Section 32, T15S, R91W, 6<sup>th</sup> P.M. Easting 274711, Northing 4287373. A Verbatim Legal Description from the Most Recent Decree that Adjudicated the Location: The headgate of the Young Ditch is located on the south side of the Smith Fork of the Gunnison River in the NW1/4SW1/4SE1/4 of Section 32, T15S, R91W, 6<sup>th</sup> P.M. Decreed Source of Water: Smith Fork. Appropriation Date: 09/15/1884. Total Amount Decreed to Structure: 1.0 c.f.s. absolute. Decreed Use: Irrigation. Amount of Water that Applicant Intends to Change: 0.004 c.f.s. to augmentation. Description of Proposed Change: Applicant seeks to change the use of 0.004 c.f.s. of the Young Ditch decree from irrigation to augmentation. Third Amended Application for Conditional Underground Water Right: Wild Cooperative Well. Permit No. 296354. NW1/4SW1/4SE1/4 of Section 23, T15S, R91W, 6<sup>th</sup> PM. Easting 280251, Northing 4289688); Source: Smith Fork River. Appropriation Date: 12/4/2014. Amount Claimed: 15 g.p.m. Conditional for domestic use in 3 single-family residences, and for watering approximately 7,200 square feet of gardens. Applicant seeks to change the exempt status of the well to an augmented well for domestic use and irrigation use.

Third Amended Application for Conditional Storage Right: Wild Cooperative Pond – NW1/4SW1/4SE1/4 of Section 23, T15S, R91W, 6<sup>th</sup> PM Easting 280191, Northing 4289696. Source: Water from WC POD Little Coal Creek, water from WC POD Smith Fork, irrigation return flows and/or Little Coal Creek or Smith Fork. Appropriation Date: 2/28/2020. Amount Claimed: 0.17 acre- feet conditional for Recreation, piscatorial, stockwater and augmentation. The applicant will release up to 0.102 af of storage from pond for augmentation purposes according to the monthly schedule. Third Amended Application for Approval of Plan for Augmentation: Water Right to be Used for Augmentation: 0.004 c.f.s. of the 0.15 c.f.s. Young Ditch decree and release of pond for non-irrigation season and October depletions. The applicant requires a change of water right to provide this source of augmentation. Complete Statement for Plan for Augmentation: To offset depletion identified, the applicant agrees to remove 0.21 acres from irrigation. The application on file with the Water Court contains and outline of the work performed during the diligence period. **DELTA COUNTY**

**AMENDED:**

**CASE NO. 2019CW8. SECOND AMENDED APPLICATION FOR WATER RIGHTS**, in Montrose County. A. **Name and address of applicant:** GW46 Irrevocable Trust (“GW46”), P O Box 587, Nucla, CO 81424 B. **Name of Structure:** GW46 Pump Station. **Location of Point of Diversion:** Section 6, T46N, R15W, N.M.P.M., at a point North 55°49'42" West 4230.30 feet from the Southeast corner of said Section 6. **Source of Water:** Calamity Draw, tributary to the San Miguel River. **Appropriation Date:** February 25, 2019, upon filing of the original application in this case. **Amount:** 1.0 c.f.s., absolute. **Beneficial Use:** Irrigation of 35 acres in the NE1/4SW1/4, Section 6, Township 46 North, Range 15 West, N.M.P.M. A map is attached to the application as Exhibit 1. **General Remarks:** The full decreed amount was used to irrigate 35 acres on applicant’s property beginning June 16, 2019. C. **Name of Structure:** Peabody Nucla East Mine Pond NPDES 007 (“Pond 007”). **Decreed Location of Dam:** NE1/4SW1/4, Section 6, Township 46 North, Range 15 West, N.M.P.M., at a point North 46° 31' East, 3459 feet from the southwest corner of said Section 6. The decreed location of the dam was later changed to the as-built location of the dam as North 45° 56' East 3518 feet from the Southwest corner of said Section 6. **Source of Water:** Unnamed tributary of Calamity Draw, tributary to the San Miguel River. **Appropriation Date:** February 25, 2019, upon filing of the original application in this case. **Amount:** 24.04 acre-feet, absolute. **Beneficial Uses:** Irrigation, stock watering, wildlife, piscatorial, fire protection. Irrigation use will be for 35 acres located in the NE1/4SW1/4, Section 6, Township 46 North, Range 15 West, N.M.P.M. **General Remarks:** Applicant is the owner of the land on which all structures are located. **MONTROSE COUNTY**

**CASE NO. 2020CW40** Applicants: Dan and Angela Toothaker, 21901 Orchard Grove Rd, Eckert, CO 81418. Application for Absolute Surface Water Rights: Omega WDID 4000773 – SW1/4SE1/4 of Section 31, T13S, R94W, 6<sup>th</sup> P.M., Easting 244833, Northing 4306666, Zone 13. Source: Surface Creek, Gunnison River. Appropriation Date: 11/03/1977. Amount Claimed: 0.25 c.f.s absolute for stockwater. **Delta County**

**CASE NO. 2020CW41 (REF NO. 2014CW25).** Applicant: Robert and Jodeen Stephenson, 36743 Sunshine Mesa Road, Hotchkiss, CO 81419. Application to Make Absolute Surface Water Right: Stephenson Diversion – SE1/4SW1/4SE1/4 of Section 9, T14S, R92W, 6<sup>th</sup> P.M. 403 feet from the south line and 1,636 feet from the east section line. Source: North Fork Gunnison River. Appropriation Date: 05/03/2014. Amount Claimed: 0.10 c.f.s. absolute for irrigation of 4 acres, domestic use in one single-family

dwelling, commercial and to fill three un-decreed ponds for piscatorial, stockwater, and fire protection. The application on file with the Water Court contains and outline of the work performed during the diligence period. **DELTA COUNTY**

**CASE NO. 2020CW42** Applicant: Stanley A. and Gale M. Foster, 2819 C1/2 Road, Grand Junction, CO 81501. Application for Absolute Water Storage Right Enlargements: Cabin Pond – NE1/4SW1/4NW1/4, Section 10, T50N, R16W, NMPMN, Easting 182717, Northing 4280381. 1,841.01 feet from the north line and 1,243.03 feet from the west line. Source: Barkley Creek, Big Dominguez Creek, Gunnison River. Appropriation Date: 12/1/1998. Amount Claimed: .87 acre-foot absolute for stockwater and wildlife uses. Foster Pond – SE1/4SW1/4NE1/4, Section 10, T50N, R16W, NMPMN, Easting 183460, Northing 4280231. 2,222.75 feet from the north line and 1,589.47 feet from the east line. Source: Barkley Creek, Big Dominguez Creek, Gunnison River. Appropriation Date: 12/1/1998. Amount Claimed: .25 acre-foot absolute for stockwater and wildlife uses. **MESA COUNTY**

**CASE NO. 2020CW43 (REF. NO. 2014CW28)** Applicant: Paul Glick, 19966 Hwy 92, Delta, CO 81416. Application to Make Absolute Surface Water Right: Paul's Pump Alternate Point of Diversion 1 – SW1/4SW1/4NW1/4 of Section 11, T15S, R95W, 6<sup>th</sup> P.M. 2,221 feet from the north line and 333 feet from the west section line. Paul's Pump Alternate Point of Diversion 2 – SW1/4SW1/4NW1/4 of Section 11, T15S, R95W, 6<sup>th</sup> P.M. 2,504 feet from the north line and 671 feet from the west section line. Source: Gunnison River. Appropriation Date: 05/21/2014. Amount Claimed: 1.00 c.f.s. absolute for irrigation of 20 acres. The application on file with the Water Court contains and outline of the work performed during the diligence period. **DELTA COUNTY**

**CASE NO. 2020CW44 (REF NO. 14CW3039, 05CW136, 98CW164, 98CW165, 98CW172).** Applicant: David Torkelson and Sheilla Torkelson, P. O. Box 837, Hotchkiss CO 81419. Application to Make Absolute: Walker Spring Enlargement - SW1/4SE1/4SW1/4, Section 9, T14S, R92W, 6<sup>th</sup> P.M., 1599 feet east of the west section line and 361 feet north of the south section line. Source: Walker Gulch, North Fork of the Gunnison River. Appropriation Date: November 27, 1998. Amount Claimed: 0.033 c.f.s. absolute for domestic use in two single-family dwelling. The application on file with the Water Court contains and outline of the work performed during the diligence period. **DELTA COUNTY.**

**CASE NO. 2020CW45 (REF NO. 14CW26, 07CW168).** Joanne Couey, 10400 County Road 331, Silt, CO 81652. Application to Make Absolute: Stevens Ditch – NE1/4SW1/4NW1/4 of Section 32, T14S, R92W, 6<sup>th</sup> PM. 1,354 feet south of the north line and 1,347 feet east of the west section line. Source: North Fork of the Gunnison River. Appropriation Date: 11/15/2007. Amount Claimed: 1.00 cfs absolute for irrigation of 38 acres and stockwater. The application on file with the Water Court contains and outline of the work performed during the diligence period. **DELTA COUNTY.**

**CASE NO. 2020CW3054 (REF NOS. 2000CW243, 2007CW157 and 2014CW3017).** **Application for Finding of Reasonable Diligence and to Make Absolute.** Applicant: ALSH, LLC c/o John T. Howe, Hoskin Farina & Kampf, Professional Corporation, 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502; (970) 986-3400. Name of Structures: Fullmer Spring No. 1 and Fullmer Pond No. 1. Original Decree: Case No. 00CW243, Water Division 4. Subsequent Decrees: Case No.

07CW157; Case No. 2014CW3017. Source: tributary to Stubbs Gulch, tributary to Tomichi Creek, tributary to the Gunnison River. Location: NE¼SW¼NE¼ of Section 15, T 48 N, R 1 E, N.M.P.M., 1,650 feet from the North section line and 1,800 feet from the East section line. Uses: absolute for wildlife; conditional for domestic and mining. Appropriation Date: June 1, 1998. Quantity: Fullmer Spring No. 1 - .004 c.f.s.; Fullmer Pond No. 1 - .45 acre feet. Landowner: Applicant. Additional Information: Applicant seeks to make Fullmer Spring No. 1 absolute in the amount of .004 c.f.s. with an annual volumetric limit of .184 acre feet for mining purposes, to make Fullmer Pond No. 1 absolute in the amount of .45 acre feet for mining and domestic purposes pursuant to section 37-92-301(4)(e), C.R.S., and to continue all remaining amounts and uses as conditional water rights. The Application contains a detailed description of the work performed during the diligence period. **SAGUACHE COUNTY**

**CASE NO. 2020CW3055** Applicants: Craig Neil and Mary Jeannean Springer Living Trust, c/o Julie J. Huffman, Attorney, 415 Palmer Street, Delta, CO 81416, 970-874-9777, APPLICATION TO MAKE EXCHANGE RIGHT ABSOLUTE:

Name of Structure: Smoak Exchange. Legal description of point of diversion: Upper Terminus – This is the location where the side channel of water from Erickson Springs enters back into Anthracite Creek. It is located in the NW/4 of the SW/4 of Section 6, Township 13 South, Range 88 West of the Sixth P.M. The UTM coordinates are Zone 13 south, Easting 302698, Northing 4313936. Lower Terminus – Where Anthracite Creek comes together with Muddy Creek and starts the North Fork of the Gunnison River. It is located in the NW/4 of the NE/4 of Section 8, Township 13 South, Range 89 West of the Sixth P.M. The UTM coordinates are Zone 13, 295357, Northing 4312777. Date of Appropriation: August 29, 2019. Amount: 0.005 c.f.s. Use: Irrigation of 0.61 acres. Source of Water: Tomahawk Reservoir to Dugout Creek, tributary to Muddy creek, tributary to the North Fork of the Gunnison River, tributary to the Gunnison River. **GUNNISON COUNTY**

**CASE NO: 2020CW3056 (REF NO. 14CW3036) APPLICATION: FOR FINDING OF REASONABLE DILIGENCE** 1. Applicant: The Uncompahgre Valley Water Users Association, PO Box 69, Montrose, Colorado 81402. Copies of all pleadings to James E. Plumhoff, III, Devor & Plumhoff LLC., 130 North Park Ave., Montrose, Colorado 81401 (970) 249- 7000. 2. Name of Structure: Gunnison Tunnel and South Canal. 3. Description of Conditional Water Right: A. Original Decree: On May 8, 1913, the District Court in Montrose County, Colorado entered a decree in Case No. 1745 for findings of diligence. (Subsequent decrees to note: 14CW3036). B. Location: The headgate of the Gunnison Tunnel of the said Project is located are a point on the left bank of the Gunnison River, whence the SE corner of Section 23, Township 49 North, Range 8 West, N.M.P.M bears South 60 45; 54; West, 26, 366.6 ft. from the headgate of said tunnel extends in a southwesterly direction 30, 581.9 feet. C. Source: Gunnison River and its tributaries. D. Appropriation Date: June 1, 1901. E. Amounts and Uses: 1,300.00 c.f.s.; the use is for the Diversion of Water through Gunnison Tunnel and South Canal for the sole use diversion and benefit of the Uncompahgre Valley Project. F. Integrated System: The water right is part of an integrated system to provide water to the Uncompahgre Valley Project in support of Montrose and Delta counties. “When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b). 4. Evidence of Reasonable Diligence: Applicant delivers irrigation water for

approximately 80,000 acres of land in Montrose and Delta Counties. As reflected in prior filings, literally millions of dollars have been expended for construction costs, engineering maintenance, and site improvements since the beginning of this project. During the period from April 1, 2014 through September 22, 2020, Applicant has incurred capital expenditures of more than \$13,950.15 for costs, maintenance, gravel, concrete, rebar, tunnel floors, rock removal and canal lining. 5. Name and address of owner 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 of the modification to the existing storage pool: United States of America c/o United States Bureau of Reclamation, Grand Junction Projects Office, 445 West Gunnison Suite 221, Grand Junction, CO 81501. WHEREFORE, the Applicant respectfully requests the Court to enter a finding of Reasonable Diligence for 1,300.00 c.f.s., decreed in Civil Action No. 1745 in the District Court of Montrose County and continue said conditional water right for an additional six- year diligence period. **IN MONTROSE COUNTY**

**CASE NO. 2020CW3057 (REF NO. 13CW3042, 05CW34)** Applicants: James W. Lewis, c/o Julie J. Huffman, Attorney, 415 Palmer Street, Delta, CO 81416, 970-874-9777, APPLICATION TO MAKE SURFACE RIGHTS ABSOLUTE: Name of Structure: Treat Spring and Pipeline, Legal description of point of diversion: NE/14 SE1/4 NW1/4, Section 3, Township 42 North, Range 11 West, N.M.P.M., 230374 Easting, 4202973 Northing, Date of Appropriation: October 4, 2004, Amount: 0.17 c.f.s., Use: Irrigation of one acre, domestic in two single-family dwellings, fish culture, and stock water, Source of Water: Spring tributary to Fall Creek, tributary to the San Miguel River **SAN MIGUEL COUNTY**

**CASE NO. 2020CW3058 (REF NO. 14CW3034, 07CW174, 01CW94, 94CW233, 88CW64, 83CW330)** Gunnison County - Gunnison River; Mt. Crested Butte Water and Sanitation District; c/o John R. Pierce, Dufford Waldeck, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR FINDING OF REASONABLE DILIGENCE; Name and contact information for Applicant: Mt. Crested Butte Water and Sanitation District; P.O. Box 5740; Mt. Crested Butte, CO 81225; (970) 349-7575; Name of structure: North Village Reservoir; Information regarding conditional water right: Date and Case No. of original decree: July 25, 1984, Case No. 83CW330; List of subsequent decrees awarding diligence: December 30, 1988, 88CW64; June 28, 1995, 94CW233; November 27, 2001, 01CW94; April 30, 2008, 07CW174; September 15, 2014, 14CW3034; Legal description: SW1/4 NE1/4 of Section 23, Township 13 South, Range 86 West, 6th P.M. at a point whence the Northeast corner of said Section 23 bears North 50°East 2,500 feet, in Gunnison County, Colorado; Source: Water from the East and Slate Rivers, both tributary to the Gunnison River; Appropriation date: June 11, 1982; Amount: 700 a.f.; Use: Storage for artificial snowmaking, augmentation of all municipal uses within the Mt. Crested Butte Water and Sanitation District, and augmentation of depletions caused by snowmaking within the Crested Butte Ski Area; Outline of what has been done toward application of conditional water rights to beneficial use: Applicant has initiated a project to improve its delivery system from the East River by doubling its pumping capacity. Estimated cost of this work is \$1.75 million, with design and engineering costs of approximately \$150,000. Additionally, Applicant is enlarging the capacity of its raw water pipeline system by supplementing an existing 8-inch pipeline with nearly 2,900 feet of 12-inch pipe at a cost of approximately \$1.8 million, with design and engineering costs of approximately \$125,000. These improvements will allow Applicant to provide additional flows to fill the North Village

Reservoir during the spring while still meeting direct flow demands for municipal supply.  
(4 pages) **GUNNISON COUNTY**

**CASE NO. 2020CW3059 (REF NO. 14CW3023, 05CW178)** Applicants: Delbert and Melinda Smith, c/o Julie J. Huffman, Attorney, 415 Palmer Street, Delta, CO 81416, 970-874-9777, APPLICATION FOR FINDING OF REASONABLE DILIGENCE: Name of Structures: Smith Resource West Well (Permit # 239134) and Smith Resource East Well (Permit # 242862). Legal description of points of diversion: The Smith Resource West Well is located in the SE1/4 NE 1/4 of Section 36, Township 13 South, Range 95 West, Sixth P.M., at a point approximately 622 feet from the east section line and 2314 feet from the north section line of said Section. The Smith Resource East Well is located in the SW1/4 NW 1/4 of Section 31, Township 13 South, Range 94 West, Sixth P.M., at a point approximately 746 feet from the west section line and 2171 feet from the north section line of said Section. Dates of Appropriation: Smith Resource West Well: April 18, 2002. Smith Resource East Well: September 3, 2002. Amounts: Smith Resource West Well: 0.033 c.f.s. (15 g.p.m.), with a maximum diversion of 2.6275 acre-feet per year, conditional. Smith Resource East Well: 0.033 c.f.s. (15 g.p.m.), with a maximum diversion of 5.2550 acre-feet per year; conditional. The combined use of groundwater from Smith Resource West Well and the Smith Resource East Well shall not exceed 7.88 acre-feet annually. Uses: Domestic, irrigation, fire protection, and stock watering. The land to be irrigated is located in the SE1/4 NE 1/4, Sec. 36, T.13S.,R. 95W., and Lot 2 (SW 1/4 NW 1/4), Sec. 31, T.13S., R.94W, 6th P.M., Source of Water: Groundwater tributary to Happy Hollow Creek (also known as Happy Hollow Gulch), tributary to Tongue Creek, tributary to the Gunnison River.  
**DELTA COUNTY**

**CASE NO. 2020CW3060 (REF NO. 13CW3064)** Applicants: James Schnelle, Jr. c/o Julie J. Huffman, Attorney, 415 Palmer Street, Delta, CO 81416, 970-874-9777. APPLICATION TO MAKE STORAGE RIGHTS ABSOLUTE: Name of Structure: Earth Village Pond, Legal description of point of diversion: SE1/4NW1/4NE1/4, Section 33, Township 48 North, Range 1 East, N.M.P.M. 1650 feet west of the east Section line and 503 feet south of the north Section line. Date of Appropriation: November 13, 2013. Amount: 8.60 acre-feet. Uses: Domestic in one single-family residence, stock water and wildlife. Source of Water: Springs tributary to Gunnison River. Name of Structure: Blackjack Pond. Legal description of point of diversion: NE1/4SW1/4NE1/4, Section 33, Township 48 North, Range 1 East, N.M.P.M. 1760 feet west of the east Section line and 1855 feet south of the north Section line. Date of Appropriation: November 13, 2013. Amount: 4.85 acre-feet. Uses: Domestic in one single-family residence, stock water and wildlife. Source of Water: Springs tributary to Gunnison River **SAGUAGE COUNTY**

**CASE NO. 2020CW3061 (REF NO. 14CW3025, 07CW152, 00CW229, 93CW252, 87CW109, 83CW94, W-2992)** Applicant: Fossil Creek Mines, LLC, c/o Jacob With, Law of the Rockies, 525 North Main Street, Gunnison, CO 81230. Please address all correspondence to Applicant's attorneys: Peter D. Nichols, Megan Gutwein, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE: 2. Description of conditional water right. A. Name of structure: Gold Links Mine. B. Date of original decree: Originally decreed on May 30, 1979 in Case No. W-2992 District Court, Water Division 4. C. Previous findings of reasonable diligence: Findings of reasonable diligence on the

conditional Gold Links Mine water right were entered by decree of the District Court, Water Division 4 in Case No. 83CW94, entered on December 22, 1983; Case No. 87CW109, entered on December 8, 1987; Case No. 93CW252, entered on December 27, 1994; Case No. 00CW229, entered on October 9, 2001; Case No. 07CW152, entered on April 30, 2008 and corrected on November 11, 2008; and Case No. 14CW3035, entered on September 15, 2014. In Case No. 14CW3035, 1.0 c.f.s. of the subject water right was made absolute for mining, milling and industrial uses. D. Legal description of decreed point of diversion: The decreed point of diversion is located within the SE ¼ SW ¼ of Section 36, Township 51 North, Range 3 ½ East N.M.P.M. The decree in Case No. 87CW109 (Water Div. 4) provides that a more exact location will be required before an absolute decree is entered. Based on the Division Engineer's Summary of Consultation in Case No. 14CW3035, the mine adit is located within the NW ¼ SW ¼ SE ¼ of Section 36, Township 51 North, Range 3 ½ East, N.M.P.M. at a point 1000 feet from the South section line and 1617 feet from the East section line (Zone 13, NAD83, Easting 0362608m, Northing 4277082m). See Exhibit A. E. Decreed source of water: Gold Creek (formerly known as Ohio Creek), tributary to the Gunnison River. F. Appropriation date: 1934 for mining, milling, and industrial uses; December 30, 1976 for all other uses. G. Amount decreed: 2.23 c.f.s. total, 1.0 c.f.s. absolute for mining, milling, and industrial uses, 1.23 c.f.s. conditional for mining, milling, and industrial uses; and 2.23 c.f.s. conditional for commercial, piscatorial, recreational, fire protection and domestic purposes. H. Decreed uses: Mining, milling and industrial purposes as of an appropriation date of 1934 and commercial, piscatorial, recreational, fire protection and domestic purposes as of December 30, 1976. I. The landowner upon which structures are to be located: Applicant. 3. Request for Finding of Reasonable Diligence. Applicant has undertaken activities to beneficially use the subject water right and to complete the appropriation of the full amount of the conditionally decreed water right. For purposes of this paragraph 3, "Applicant" includes Applicant's predecessor in interest. Since this Court's last finding of reasonable diligence, the following specific work has been performed related to the development of the Gold Links Mine and the beneficial use of the subject water right in connection therewith: A. Applicant owns, operates, and maintains the land and water rights for the Gold Links Mine. During the diligence period, Applicant has undertaken significant and consistent efforts to expand the known mining resource, to build necessary infrastructure and facilities, and to prepare the mine for production. The commercial development of the mine is a necessary prerequisite to the full beneficial use of the subject water right. B. Applicant has expended approximately \$11,000,000 in developing the mine over the diligence period, including but not limited to drilling tunnels and core drilling. C. Applicant has expended approximately \$1,000,000 over the last diligence period on operating, pumping, and maintaining the water system for the subject water right. D. Applicant has continued to place the Gold Links Mine water right to beneficial uses in connection with this mining operation continuously since the last finding of reasonable diligence, including but not limited to watering down mined materials and exposed walls, underground drilling, maintenance and cooling, dust mitigation both below and above ground, equipment cleaning, and office uses such as rinse showers and cleanup. WHEREFORE, Applicant prays this Court enter a decree finding that Applicant has exercised reasonable diligence in the development of the Gold Links Mine water, continuing all conditional portions and uses of the Gold Links Mine water right in full force and effect, and granting such other relief as the Court deems just and proper. (6 pages, including 1 exhibit) **GUNNISON COUNTY**

**CASE NO. 2020CW3062; (REF NO. 13CW3037)** Montrose and Mesa Counties - Dolores River; Sinbad Ranch, LLC; c/o John R. Pierce, Dufford Waldeck, 744 Horizon



Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR FINDING OF REASONABLE DILIGENCE; Name and contact information of Applicant: Sinbad Ranch, LLC; c/o Scott Hillard; 683 Hoyt Avenue West; St. Paul, MN 55117-3416; (810) 620-0547; Request to make absolute and for finding of diligence: Name of structure: Varmint Spring; Information from previous decree: Original decree: 89CW253, August 16, 1990; List of all subsequent decrees awarding diligence: 96CW176, 06CW183, 13CW3037; Legal description: NW/4 SW/4 SW/4 of Section 20, Township 49 North, Range 19 West, New Mexico P.M. at a point 950 feet from the south section line and 355 feet from the west section line (UTM coordinates, Northing: 4267987.93 and Easting: 0149844.04, Zone 13); Source: Tributary to Salt Creek, which is tributary to the Dolores River; Appropriation date: October 10, 1989; Amount: 0.133 c.f.s. conditional; Use: Irrigation, piscatorial, and recreation; Request to make absolute and for finding of diligence: Applicant has placed diversions from the Varmint Spring to beneficial use for the irrigation of approximately 0.25 acres. Applicant requests to make 0.133 c.f.s. absolute for irrigation use. Applicant also requests a finding of diligence with regard to the remaining conditional amounts, including without limitation 0.133 c.f.s. for piscatorial and recreation; Request to make absolute and for finding of diligence: Name of structure: Black Spring; Information from previous decree: Original decree: 89CW253, August 16, 1990; List of all subsequent decrees awarding diligence: 96CW176, 06CW183, 13CW3037; Legal description: SE/4 NW/4 SE/4 of Section 20, Township 49 North, Range 19 West, New Mexico P.M., at a point 1,675 feet from the south section line and 1,514 feet from the east section line (UTM coordinates, Northing: 4268151.60 and Easting: 0150871.04 , Zone 13); Source: Tributary to Salt Creek, which is tributary to the Dolores River; Appropriation date: October 10, 1989; Amount/Use: 0.046 c.f.s. conditional for irrigation, domestic, piscatorial, and recreation; 0.046 c.f.s. absolute for stock water and wildlife watering; Request to make absolute and for finding of diligence: Applicant has placed diversions from the Black Spring to beneficial use for the irrigation of 0.5 acres. Accordingly, Applicant requests to make 0.046 c.f.s. in the Black Spring absolute for irrigation use. Applicant requests a finding of diligence with regard to the remaining conditional amounts in the Black Spring, including without limitation 0.046 c.f.s. domestic, piscatorial, and recreation uses; Request to make absolute and for finding of diligence: Name of structure: Sundance Spring; Information from previous decree: Original decree: 89CW253, August 16, 1990; List of all subsequent decrees awarding diligence: 96CW176, 06CW183, 13CW3037; Legal description: NE/4 SE/4 NW/4 of Section 29, Township 49 North, Range 19 West, New Mexico P.M. at a point that is 1,843 feet from the north section line and 1,821 feet from the west section line (UTM coordinates, Northing: 4267110.84 and Easting: 0150259.08, Zone 13); Source: Tributary to Salt Creek, which is tributary to the Dolores River; Appropriation date: October 10, 1989; Amount: 0.046 c.f.s. conditional; Use: Irrigation, piscatorial, and recreation; Request to make absolute and for finding of diligence: Applicant has placed diversions from the Sundance Spring to beneficial use for the irrigation of 0.25 acres. Accordingly, Applicant requests to make 0.046 c.f.s. absolute for irrigation. Applicant also requests a finding of diligence with regard to any remaining conditional amounts, including without limitation 0.046 c.f.s. for piscatorial and recreational uses; Request to make absolute and for finding of diligence: Name of structure: Varmint Reservoir; Information from previous decree: Original decree: 89CW253, August 16, 1990; List of all subsequent decrees awarding diligence: 96CW176, 06CW183, 13CW3037; Legal description: NE/4 NW/4 NW/4 of Section 28, Township 49 North, Range 19 West, New Mexico P.M. at a point that is 87 feet from the north section line and 1,194 feet from the west section line (UTM Zone 13 coordinates x-0151669.20 and y-4267570.56); Source: Tributary to Salt Creek, which is tributary to the Dolores River. The Varmint Reservoir is

filled with rainfall, surface runoff, overflow from the Pace Reservoir and Sundance Reservoir, and the Rosebud Spring Pipeline; Appropriation date: October 10, 1989, for recreation, irrigation, domestic, and piscatorial uses. September 5, 2007, for stock water, wildlife watering, and fire protection uses; Amount/Use: 8.70 a.f. absolute and 11.30 a.f. conditional for recreation, stock water, wildlife watering, and fire protection; 20.00 a.f. conditional for irrigation, domestic and piscatorial; Request to make absolute and for finding of diligence: The Varmint Reservoir has been constructed and used to impound 8.7 a.f. of water in priority. Pursuant to C.R.S. §37-92-301(4)(e), Applicant requests to make 8.7 a.f. absolute for irrigation, domestic, and piscatorial uses. The Varmint Reservoir is critical to Applicant's operations. Applicant has continued to clean and maintain the Varmint Reservoir and plans to develop the remaining 11.30 a.f. of conditional capacity as business and weather conditions permit. Accordingly, Applicant requests a finding of diligence with regard to any conditional amounts remaining in the reservoir, including without limitation 11.3 a.f. for recreation, stock water, wildlife watering, fire protection, irrigation, domestic, and piscatorial uses; Request to make absolute and for finding of diligence: Name of structure: Sundance Reservoir; Information from previous decree: Original decree: 89CW253, August 16, 1990; List of all subsequent decrees awarding diligence: 96CW176, 06CW183, 13CW3037; Legal description: SE/4 NW/4 NW/4 of Section 28, Township 49 North, Range 19 West, New Mexico P.M. at a point that is 1,040 feet from the north section line and 941 feet from the west section line (UTM coordinates, Northing: 4267284.36 and Easting: 0151578.33, Zone 13); Source: Tributary to Salt Creek, which is tributary to the Dolores River. The Sundance Reservoir is filled with rainfall, surface runoff, and overflow from the Pace Reservoir; Appropriation date: October 10, 1989, for recreation, irrigation, domestic, and piscatorial uses. September 5, 2007, for stock water, wildlife watering, and fire protection uses; Amount/Use: 14.60 a.f. absolute and 5.40 a.f. conditional for recreation, stock water, wildlife watering, and fire protection; 20.00 a.f. conditional for irrigation, domestic and piscatorial; Request to make absolute and for finding of diligence: The Sundance Reservoir has been constructed and used to impound 14.6 a.f. of water in priority. Pursuant to C.R.S. §37-92-301(4)(e) Applicant requests to make 14.6 a.f. absolute for irrigation, domestic, and piscatorial uses. The Sundance Reservoir is critical to Applicant's operations. Applicant has continued to clean and maintain the Varmint Reservoir and plans to develop the remaining 5.4 a.f. of conditional capacity as business and weather conditions permit. Accordingly, Applicant requests a finding of diligence with regard to any conditional amounts remaining in the reservoir, including without limitation 5.4 a.f. for recreation, stock water, wildlife watering, fire protection, irrigation, domestic, and piscatorial uses; Request to make absolute and for finding of diligence: Name of structure: Pace Reservoir; Information from previous decree: Original decree: 89CW253, August 16, 1990; List of all subsequent decrees awarding diligence: 96CW176, 06CW183, 13CW3037; Legal description: NW/4 NE/4 SE/4 of Section 29, Township 49 North, Range 19 West, New Mexico P.M. at a point 2,236 feet from the south section line and 1,050 feet from the east section line (UTM coordinates, Northing: 4266686.90 and Easting: 0150946.93, Zone 13); Source: Tributary to Salt Creek, which is tributary to the Dolores River; Appropriation date: October 10, 1989, for recreation, irrigation, domestic, and piscatorial uses. September 5, 2007, for stock water, wildlife watering, and fire protection uses; Amount/Use: 15.00 a.f. absolute and 4.00 a.f. conditional for recreation, piscatorial, stock water, wildlife watering, and fire protection; 4.00 a.f. absolute and 15.00 a.f. conditional for irrigation; 19.00 a.f. conditional for domestic; Outline of what has been done toward application of water to beneficial use: The Pace Reservoir has been constructed to a capacity of 15 a.f. and filled in priority during the diligence period. Pursuant to C.R.S. §37-92-301(4)(e) Applicant requests to

make 11 a.f. absolute for irrigation (in addition to the 4 a.f. made absolute in Case No. 13CW3037), as well as 15 a.f. absolute for domestic use. The Pace Reservoir is critical to Applicant's operations and Applicant plans to develop the remaining decreed capacity as business and weather conditions allow. Applicant is in the process of excavating sediment out of the Pace Reservoir, which may result in an increase of the reservoir's capacity. Applicant requests a finding of diligence with regard to any remaining conditional amounts in the Pace Reservoir, including without limitation, 4 a.f. for recreation, piscatorial, stock water, wildlife watering, fire protection, irrigation, and domestic uses. (8 pages) **MONTROSE AND MESA COUNTIES**

**CASE NO. 2020CW3063 SAN MIGUEL COUNTY – SAN MIGUEL RIVER OR ITS TRIBUTARIES.** TELECAM PARTNERSHIP II, LTD., c/o Scott C. Miller, Esq. and Jason M. Groves, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. **First Claim:** Alexander Pond No. 2. Original decree: September 14, 1994, Case No.: 93CW162, Water Division 4. Subsequent diligence decrees: 00CW148; 07CW72; and 14CW3016. Legal description: NW ¼, NE ¼, Section 14, Township 42 North, Range 10 West, N.M.P.M., at a point whence the Northeast corner bears North 67°15' East a distance of 2,150 feet (San Miguel County). Source: Bilk Creek, tributary to San Miguel River. Appropriation date: May 27, 1993. Amount: 20 acre-feet, with the right to fill and refill. 16 acre-feet, conditional, for piscatorial use. Use: Irrigation, commercial, industrial, piscatorial, domestic, augmentation and exchange. Landowner information: Leland Jones, Cameron Jones, and Tegan Jones 444 S. Flower St., Ste. 4300 Los Angeles, CA 90071. **Second Claim:** Alexander Ditch, Pond Enlargement. Original decree: September 14, 1994, Case No.: 93CW162, Water Division 4. Subsequent diligence decrees: same as first claim. Legal description: The headgate of the Alexander Ditch is located on the left, or west, bank of the West Prong of Bilk Creek, Section 11, Township 42 North, Range 10 West, N.M.P.M., at a point whence the East Quarter corner of said Section bears North 27°20' East a distance of 14,786 feet (San Miguel County). Source: Bilk Creek, tributary to San Miguel River. Appropriation date: May 27, 1993. Amount: 5.0 c.f.s., conditional. Use: Irrigation, stockwatering, and delivery into storage within Alexander Pond No. 2. Landowner information: Leland Jones, Cameron Jones, and Tegan Jones 444 S. Flower St., Ste. 4300 Los Angeles, CA 90071; United States Forest Service, c/o Chad Stewart, Forest Supervisor, 2250 South Main St. Delta, CO 81416. Map of locations on file with court as Exhibit A. Work to complete the appropriations on file with court as Exhibit B. **SAN MIGUEL COUNTY**

**CASE NO. 2020CW3064. (REF NO. 13CW192)** Application for Finding of Reasonable Diligence of San Miguel Valley Corporation, a Colorado Corporation, Alley Oop Holdings, LLC, a Colorado limited liability company, and Genessee Properties, Inc. a Wyoming corporation; AND Co-Applicant, Aldasoro Ranch Homeowners Company, in San Miguel County. I. Name, Address and Telephone Number of Applicants. San Miguel Valley Corporation, 7800 E. Dorado Place, Suite 250, Englewood, Colorado 80111, (303) 220-8330; Alley Oop Holdings, LLC, and Genessee Properties, Inc., c/o Nicole Champine, San Miguel Valley Corporation, 7800 E. Dorado Place, Suite 250, Englewood, Colorado 80111, (303) 220-8330 ("Applicants" or "SMVC"); Name, Address and Telephone Number of Co-Applicant. Aldasoro Ranch Homeowners Company, c/o Operations Manager, P.O. Box 1650, Telluride, Colorado 81435-1650, (970) 728-5191. Name, Address, and Telephone Number of Applicants' Attorney. Chris D. Cummins, #35154, Emilie B. Polley, #51296, Monson, Cummins & Shohet, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, Colorado 80921. Name, Address, and

Telephone Number of Co-Applicant's Attorney. Christopher L. Geiger, #32333, Margaret L. Casey, #53578, BALCOMB & GREEN, P.C., P.O. Drawer 790, Glenwood Springs, Colorado 81602, (970) 945-6546. II. Summary of Application.

San Miguel Valley Corporation, Alley Oop Holdings, LLC, and Genesee Properties, Inc., ("Applicants" or "SMVC"), along with Aldasoro Ranch Homeowners Company ("Co-Applicant" or "ARHOC") seek a finding of reasonable diligence of surface water rights, surface water storage rights, and underground water rights, decreed in Case No. 10CW192, District Court, Water Division 4. III. Surface Water Rights. A Name of Structure: Deep Creek Mesa Diversion. 1. Legal Description of Point of Diversion: The Deep Creek Mesa Diversion is located in the NE1/4 SE1/4 of Section 19, Township 43 North, Range 9 West of the N.M.P.M., approximately 2,573 feet from the south line of said Section 19, and approximately 611 feet from the east line of said Section 19. 2. Source: Sheep Creek, tributary to the San Miguel River. 3. Conditional Appropriation Date: December 28, 2010. 4. Amounts of Water: 0.47 cfs, conditional. 5. Uses: Domestic, irrigation, recreational, fish and wildlife, and augmentation, including the right to store for later release and to use such water rights by augmentation and replacement, and for the fill and re-fill of the water storage rights included as described herein, provided water is either available in priority or through HCU credits as described herein, for any such "re-fill" purpose. Augmentation uses are limited to those decreed in Case No. 10CW192, and recreational, fish and wildlife, and domestic uses are likewise limited to uses of water diverted to storage for such purposes. Irrigation uses are limited to the 2.72 acres discussed in the augmentation plan decreed in Case No. 10CW192, including 1.0 acres of parks and common areas. B. Name of Structure: ARHOC Remine Pipeline, SMVC Enlargement. 1. Legal Description of Point of Diversion: a. Remine Pipeline POD: The Point of Diversion of the Pipeline is located in the SW1/4 of the NW1/4, Section 28, Township 43 North, Range 9 west of the N.M.P.M., at a point 2,037 feet from the north section line and 444 feet from the west section line of said Section 28. B. Remine Pipeline Alternate POD: The Point of Diversion of the Alternate Pipeline is located in the NE1/4 of the SE1/4, Section 29, Township 43 North, Range 9 West of the N.M.P.M., at a point 1,782 feet from the south section line and 206 feet from the east section line of said Section 29. C. Source: Remine Creek, tributary to the San Miguel River. D. Conditional Appropriation Date: December 28, 2010. E. Amounts of Water: 0.70 cubic feet per second, conditional. F. Uses: Irrigation and domestic uses, including a place of use upon the Subject Property, as described herein. Irrigation uses are limited to the 2.72 acres, including 1.0 acres of parks and common areas, discussed in the augmentation plan portion of the decree in Case No. 10CW192. G. Remarks: The ARHOC Remine Pipeline, SMVC Enlargement is decreed as an enlargement of the annual volumetric diversions from such structure by a total of 10.33 annual acre feet for the provision of supply to the Applicant's Deep Creek Mesa Parcel, more specifically described on the attached Exhibit A, and depicted on the attached Exhibit B map ("Subject Property") and up to 15 single-family residences to be constructed thereon. IV. Surface Water Storage Right. A. Name of Structure: Lower Pond, SMVC Enlargement. 1. Legal Description of Location of Dam: The Lower Pond, SMVC Enlargement is an off-channel pond located in the SW1/4 SW1/4 of Section 29, Township 43 North, Range 9 West of the N.M.P.M., approximately 1,129 feet from the south line of said Section 29, and approximately 650 feet from the west line of said Section 29. 2. Source: The Lower Pond, SMVC Enlargement utilizes historical consumptive use credits from the Carr & Waddle Ditch ("HCU Credits"), diverting from the East Fork of Deep Creek, tributary to the San Miguel River, decreed to SMVC's use in consolidated Case Nos. 91CW127 and 98CW239, as well as the junior surface diversion decreed to the Deep Creek Mesa Diversion described above, diverting from Sheep Creek. All flows are delivered to the

Lower Pond, SMVC Enlargement through the Carr & Waddle Ditch and the Deep Creek Mesa Diversion. 3. Conditional Appropriation Date: December 28, 2010. 4. Amounts of Water: 4.0 acre-feet, conditional (in addition to the 10.0 acre-feet decreed in Case No. 90CW69), with the right of re-fill from in-priority water or excess HCU credits. 5. Use: Irrigation of up to 1.0 acres of parks and common area within the Deep Creek Mesa development, municipal, recreational, fish and wildlife, and augmentation, including the right to store for later release and to use such water rights by augmentation and replacement. Municipal uses are limited to the use of HCU credits previously decreed for municipal use as may be stored in the Lower Pond, SMVC Enlargement. Augmentation uses are limited to those decreed in the augmentation plan in Case No. 10CW192. Irrigation uses are limited to the 1.0 acres of parks and common areas discussed in the augmentation plan portion of the 10CW192 decree. 6. Surface Area: The Lower Pond, SMVC Enlargement adds an additional 0.8 acres to the amount decreed in 90CW69, for a total of 3.8 surface acres. 7. Remarks/Land Ownership: The Lower Pond, SMVC Enlargement is located on the property of Co-Applicant, ARHOC. Water stored in the Lower Pond, SMVC Enlargement is used exclusively upon lands owned and/or controlled by Applicant, SMVC. The Lower Pond, SMVC Enlargement is used upon the Subject Property, as described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein. The use and operation of the Lower Pond, SMVC Enlargement, is governed by a Co-Use Agreement between Applicant, SMVC, and Co-Applicant, ARHOC, as may be amended from time to time. V. Underground Water Rights. A. Name of Structures: Aldasoro Wells Nos. 1 through 12, SMVC Enlargement, as previously decreed in Case No. 90CW152 and Case No. 10CW192, and TAP Well Nos. 5 and 6, SMVC Enlargement as may be relocated within the TAP Well Field, as decreed in Case No. 09CW186 (collectively "Well Enlargement Rights"). 1. Legal Descriptions of Well Locations<sup>1</sup>: a. Aldasoro Well No. 1: Located in the SE1/4 SE1/4 of Section 29, Township 43 North, Range 9 West of the N.M.P.M., approximately 855 feet from the south section line and approximately 560 feet from the east section line of said Section 29, San Miguel County, Colorado; b. Aldasoro Well No. 2: Located in the SE1/4 SE1/4 of Section 20 Township 43 North, Range 9 West of the N.M.P.M., approximately 877 feet from the south section line and approximately 800 feet from the east section line of said Section 20, San Miguel County, Colorado; c. Aldasoro Well No. 3: Located in the SE1/4 SE1/4 of Section 20, Township 43 North, Range 9 West of the N.M.P.M., approximately 946 feet from the south section line, and approximately 1684 feet from the east section line of said Section 20, San Miguel County, Colorado; d. Aldasoro Well No. 4: Located in the SW1/4 SE1/4 of Section 20, Township 43 North, Range 9 West of the N.M.P.M., approximately 740 feet from the south section line, and approximately 2270 feet from the east section line of said Section 20, San Miguel County, Colorado; e. Aldasoro Well No. 5: Located in the NE1/4 SE1/4 of Section 20, Township 43 North, Range 9 West of the N.M.P.M., approximately 1338 feet from the south section line, and approximately 1156 feet from the east section line of said Section

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<sup>1</sup> The Decree in Case No. 90CW152, and likewise decreed in 10CW192 provides that the Aldasoro Wells may be constructed anywhere within the approximately 1,200 acres which comprise the "project". The Decree in Case No. 09CW186 provides for a similar location of such wells "anywhere within the 1,200 acres which comprise the project". While the above-described locations represent the locations of the Aldasoro Wells identified by the Division Engineer, the actual constructed locations may differ, and therefore the Enlargements decreed in Case No. 10CW192 apply to the Aldasoro Wells as decreed, as actually constructed, or as may in the future be replaced.

20, San Miguel County, Colorado; f. Aldasoro Well No. 6: Located in the NE1/4 NE1/4 of Section 29, Township 43 North, Range 9 West of the N.M.P.M., approximately 950 feet from the north section line and approximately 1050 feet from the east section line of said Section 29, San Miguel County, Colorado; g. Aldasoro Well No. 7: Located in the NE1/4 NE1/4 of Section 29, Township 43 North, Range 9 West of the N.M.P.M., approximately 1060 feet from the north section line and approximately 1140 feet from the east section line of said Section 29, San Miguel County, Colorado; h. Aldasoro Well No. 8: Located in the NE1/4 NE1/4 of Section 29, Township 43 North, Range 9 West of the N.M.P.M., approximately 835 feet from the north section line and approximately 820 feet from the east section line of said Section 29, San Miguel County, Colorado. i. Aldasoro Well No. 9: Located in the NE1/4 NE1/4 of Section 29, Township 43 North, Range 9 West of the N.M.P.M., approximately 800 feet from the north section line, and approximately 765 feet from the east section line of said Section 29, San Miguel County, Colorado; j. Aldasoro Well No 10; Located in the SE1/4 SE1/4 of Section 29, Township 43 North, Range 9 West of the N.M.P.M., approximately 1095 feet from the south section line and approximately 250 feet from the east section line of said Section 29, San Miguel County, Colorado; k. Aldasoro Well No. 11: Located in the SE1/4 SE1/4 of Section 29, Township 43 North, Range 9 West of the N.M.P.M., approximately 940 feet from the south section line, and approximately 360 feet from the east section line of said Section 29, San Miguel County, Colorado; l. Aldasoro Well No. 12: Located in the SE1/4 SE1/4 of Section 29, Township 43 North, Range 9 West of the N.M.P.M., approximately 1085 feet from the south section line, and approximately 140 feet from the east section line of said Section 29, San Miguel County, Colorado; m. TAP Well No. 5; Located in the NE1/4 NE1/4 of Section 32, Township 43 North, Range 9 West of the N.M.P.M. at a point approximately 1,047 feet from the north section line and 165 feet from the east section line of said Section 32, San Miguel County, Colorado; n. TAP Well No. 6: Located in the NW1/4 NW1/4 of Section 33, Township 43 North, Range 9 West of the N.M.P.M., at a point approximately 917 feet from the north section line and 757 feet from the west section line of said Section 33, San Miguel County, Colorado; o. TAP Well Field: TAP Wells Nos. 5 and 6, described above, are located on property owned by Applicant SMVC and/or its affiliates including Alley Oop Holdings, LLC and Genesee Properties, Inc. The property is depicted on the attached map Exhibit B outlined as the "Tap Well Field Boundary." Pursuant to agreements between SMVC and ARHOC and decree in Case No. 10CW192, TAP Wells Nos. 5 and 6 may be relocated within said property to locations more conducive to the development of that property subject to the terms and conditions decreed in Case No. 10CW192. The location of the TAP Well Field (and the other above described Aldasoro wells) is depicted on attached Exhibit B. 2. Source: All of the above described structures, excepting the TAP Well Nos. 5 and 6/TAP Well Field, produce groundwater tributary to Remine Creek, tributary to the San Miguel River as decreed in Case No. 09CW186.<sup>1</sup> The TAP Wells are directly tributary to the San Miguel River, as likewise decreed in 09CW186. 2. Appropriation: December 28, 2010. 3. Amounts of Water: Up to 10.33 acre feet annually, of production beyond that already decreed, to the Well Enlargement Rights at the above described structures, at the decreed rates of production, conditional. 4. Use: Domestic and irrigation, including the right to use such water rights by augmentation and replacement. Irrigation uses are

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<sup>2</sup> The Decree in Case No. 10CW192 provides that Wells #2 and #3 may be tributary directly to the San Miguel River, downstream of the confluence of Remine Creek. As such, the most upstream location of depletions will be to Remine Creek, and all replacements will occur above such upstream point of depletion.

limited to 1.72 acres of lawn and garden discussed in the augmentation plan decreed in Case No. 10CW192. 5. Remarks: The volume of water to be withdrawn under the Well Enlargement Rights is decreed as an enlargement of the combined annual volumetric limits from such structures in the amount of 10.33 AF for supply to the Subject Property. VI. Detailed Outline of Diligence. Per the decree entered in 10CW192 on August 28, 2014, the above described surface water rights, surface water storage rights, and underground water rights are conditional water rights awarded to the Applicant for various purposes outlined above, and are depicted on attached **Exhibit A**. Pursuant to C.R.S. §37-92-301(4)(b), work on one component of an integrated system shall be considered in finding that reasonable diligence has been shown for all components of the integrated system. The conditional water rights described in Case No. 10CW192 are part of such an integrated system, in conjunction with the plan for augmentation likewise decreed in Case No. 10CW192. During the subject diligence period, Applicant and Co-Applicant have outlaid the following expenditures or completed the following work related to the conditional water rights: A.

Engineering expenditures amounting to approximately \$62,000 for surveying, pipeline design and evaluation, permit applications, and easements development; and created and revised applicable engineering models and reports for pipelines, Water Supply Plan, and water resources. B. Ongoing briefings, correspondence, and meetings with the San Miguel County Board of County Commissioners. C. Coordination and collaboration with Co-Applicant, ARHOC, for extension of Carr & Waddle Ditch to both Remine Pond and Remine Creek. D. Expenditures of approximately \$560,000 for legal fees and associated costs for development of Society Turn and Deep Creek Mesa parcel. E. Application, permitting, drilling, and construction of enlargement of Aldasaro wells. F. Continued drafting, evaluation, and Homeowners Association Declarations, Rules, and Regulations covering and as related to water supplies. VII. Name and address of the owners of land on which structures are located. Applicant or Co-Applicant owns the land, structures in which the Applicant and Co-Applicant already maintain an ownership interest therein, where the point of diversion, ponds, wells and/or well fields are located and the beneficial use of the water from this source will be upon the Applicant's or Co-Applicant's land. **SAN MIGUEL COUNTY**

**CASE NUMBER: 2020CW3065 (REF. 2013CW3041) APPLICATION FOR FINDING OF REASONABLE DILIGENCE** 1. Applicant: Arline Young, PO Box 1217 Ridgway, CO 81432. Copies of all pleadings to Bo James Nerlin, Esq., Devor & Plumhoff, LLC, PO Box 3310, Montrose, Colorado 81402. 2. Name of Structure: Basso Pit-Pond Description of Conditional Water Right: A. Original Decree: On June 2, 2014, the District Court of Montrose County entered a decree in Civil Action for findings of diligence, Case No. 2013CW3041. B. Location: In the SE1/4SW1/4 of Section 25, Township 48 North, Range 9 West, N.M.P.M. The center of the pond is located approximately 2184 feet east of the west section line and 125 feet north of the south section line in Section 25. C. Source: Alluvium of the Uncompahgre River. D. Appropriation Date: August 25, 2013. E. Amounts and Uses: .56 acre-feet, used for wildlife, fish culture and evaporation. F. Integrated System: The subject water has been an integrated system used by the Basso family to maintain a fish and waterfowl habitat and performed in accordance with the Basso Pond Plan for Augmentation. Applicant purchased the Property in August of 2020 and is of the opinion that the plan has been adhered to and the water put to beneficial use. E. Evidence of Reasonable

Diligence: The Basso Pit-Pond has been excavated into the Uncompahgre River alluvium and does not expose more than .15 acres of groundwater. The annual appropriation is 0.56 acre-feet. Since the Basso Pit-Pond is located 237 feet from the Uncompahgre River, a Delayed Impact Analysis was developed for the pond. Annual evaporative depletions from the Basso Pit-Pond was calculated to be 0.56 acre-feet. A calculation of evaporative depletions from the Basso Pit-Pond, as well as steady state evaporative depletions are attached. WHEREFORE, the Applicant respectfully requests the Court to enter a finding of Reasonable Diligence for the Basso Pit-Pond, decreed in Civil Action Case No. 2013CW3041 in the District Court of Montrose County and continue said conditional water right for an additional six-year diligence period. **IN MONTROSE COUNTY**

**CASE NO. 2020CW3066** Name and Address of Applicant. William Scott Matzelle And Gretchen Matzelle, 921 County Road 317, Crested Butte, CO 81224. Please direct all correspondence to the above-captioned counsel for Applicant. Overview. The "Matzelle Property," owned by Scott and Gretchen Matzelle is a grouping of three legal parcels located in the portions of the NW ¼ and the SW ¼ of Section 35, Township 13 South, Range 86 West, 6th P.M. north of Crested Butte, Colorado and south of Mt. Crested Butte, Colorado. Matzelle may ultimately choose to construct two single family residences on each of the three parcels, and irrigate lawns and gardens not to exceed 5,000 square feet per residence, or an aggregate total of (0.69 acres). In June of 2018, a new well, Cow Camp Well No. 1 designated Permit No. 158142--A, was drilled near the south end of the property. This well produces between 30 to 40 gpm and is capable of providing a physical supply of water to all three parcels and for all of the uses described above. However, a second well, Cow Camp Well No. 2, may also be drilled to supplement Cow Camp Well No. 1 and assist in providing a physical supply of water to one or more of the parcels for all of the uses described above. Accordingly, conditional underground water rights for both Cow Camp Well No. 1 and Cow Camp Well No. 2 are sought herein. The purpose of the Application is to provide a legal supply of augmentation water to replace out of priority depletions from Cow Camp Well No. 1 and Cow Camp Well No. 2 when used for the purposes described above. The Cow Camp Well No. 1 and Cow Camp Well No. 2 results in depletions to the nearby Slate River, and because there is the potential for river calls from senior water rights that would be impacted by these depletions, a plan for augmentation is required in order to replace all out-of-priority depletions and ensure no injury to these existing water rights. When there is a call on the river, releases from the augmentation pond, referred to herein as the Cow Camp Pond, will be made through a pipeline to a live tributary of the Slate River in order to replace depletions resulting from the Cow Camp Well No. 1 and Cow Camp Well No. 2.

Application for Absolute Water Storage Right. Name of Reservoir: COW CAMP POND. Legal description of outlet: A point in the SW ¼ of the NW ¼, Section 35, Range 13S, Township 86W, 6th P.M. UTM coordinates: 328503.0 E, 4305454.0 N, UTM Zone 13N, NAD 83. Source: Surface water tributary to the Slate River, tributary to the East River, tributary to the Gunnison River. Structures used to fill reservoir: Schomler Ditch: decrees entered in case nos. 94CW0075 and 96CW0225; adjudication date 12/31/1994; appropriation date 9/26/1990; priority administration no. 52595.51403 Schomler Domestic Ditch & Pipeline: decrees entered in case nos. 94CW0076, Case No. 01CW171, Case No. 08CW0113, and Case No. 16CW0004; adjudication date 12/31/1994; appropriation date 9/26/1990; priority administration no. 52595.51403. Surface water and runoff tributary to the Slate River. Amount: Volume: 0.9 acre-feet. Maximum Rate of Diversion: Cow Camp Pond will be filled, refilled, and refreshed at a



rate of up to 1.0 cfs. Proposed Use: Recreational, fishery, fire protection, and replacement of depletions for domestic uses and irrigation pursuant to the plan for augmentation described herein. Surface area at high water line: 0.21 acres. Vertical height of dam: 8 feet. Length of dam: 120 feet. Capacity: 0.9 acre-feet of live storage. Point of discharge to the Slate River: A point in the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 35, Range 13S, Township 86W, 6th P.M. UTM coordinates: 328,483.0 E, 4,305,255.9 N, Zone 13S, NAD 83. The Cow Camp Pond will discharge to the Slate River through a pipeline running 330 feet from the existing culvert under County Road 734 to the discharge location at a slope of approximately 2.0%. Application for Conditional Underground Water Rights. Name: COW CAMP WELL NO. 1 Legal Description: A point in the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 35, Township 13.0S, Range 86.0W, 6th P.M. UTM coordinates: 328545.0 E, 4305384.0 N, UTM Zone 13N, NAD 83. Source: Groundwater tributary to the Slate River, tributary to the East River, tributary to the Gunnison River. Amount: 0.11 cfs (50 gpm). Cumulative diversions from Cow Camp No. 1 and Cow Camp No. 2, which will be alternate points of diversion for one another, shall not exceed 3.51 acre-feet per year. Uses: Domestic and irrigation. Name: COW CAMP WELL NO. 2 Legal Description: A point in the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 35, Township 13.0S, Range 86.0W, 6th P.M. UTM coordinates: 328421.0 E, 4305511.0 N, UTM Zone 13N, NAD 83. Source: Groundwater tributary to the Slate River, tributary to the East River, tributary to the Gunnison River. Amount: 0.11 cfs (50 gpm). Cumulative diversions from Cow Camp No. 1 and Cow Camp No. 2, which will be alternate points of diversion for one another shall not exceed 3.51 acre-feet per year. Uses: Domestic and irrigation. The locations of the structures described above are all illustrated in the maps attached to the application as Exhibit A. Appropriation Date. The date of initiation of appropriation of the conditional and absolute water rights described herein is July 24, 2018, when a notice of Non-Jurisdictional Water Impoundment Structure for the Cow Camp Pond was submitted to the Division Engineer's Office. Date Water Applied to Beneficial Use: The Cow Camp Pond was first filled on April 29, 2020. A picture of the filled pond on that date is attached as Exhibit B to the application. Application for Conditional Appropriative Right of Exchange. Name: COW CAMP EXCHANGE Lower Terminus: The outlet works of Crystal Dam, located in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 14, Township 49 North, Range 7 West, N.M.P.M. Upper Terminus: The point of diversion of the Schomler Domestic Ditch & Pipeline, which is in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 35, Township 13S, Range 86W, 6th P.M., at a point which is 1326 feet south of the north section line, and 1061 feet east of the west section line. Source of Substitute Supply: Water stored in Blue Mesa Reservoir and leased from the United States Department of the Interior, Bureau of Reclamation. Amount (conditional): Maximum rate: 1.0 cfs. Maximum volume exchanged per year: 2.58 acre-feet per year. Proposed beneficial uses: Recreational, fishery, fire protection, and replacement of depletions for domestic and irrigation uses through filling and refilling of the Cow Camp Pond and pursuant to the plan for augmentation described herein. Remarks: Applicant is not seeking antedation of an existing exchange pursuant to C.R.S. § 37-92-305(10). The exchange will only be operated when there is no controlling call from a senior water right within the exchange reach. Application for Approval of Plan for Augmentation. Structures to be augmented: Cow Camp Well No. 1, Cow Camp Well No. 2, and Cow Camp Pond (the "Augmented Structures"). Water right(s) to be used for augmentation: When there is no senior call in the Cow Camp Exchange Reach: Blue Mesa Reservoir. Decree: 80CW156 (Water Division 4). Type: Storage. Legal Description: The initial point of survey of Blue Mesa Dam is located at a point on the right abutment being the intersection of the center line of the axis of the dam and of the center line of the outlet works tunnel, whence the SW corner of Section 31, Township 49 North, Range 4 West, N.M.P.M. bears North

78°36'44" West a distance of 3,207.07 feet. The actual releases will be at the outlet works of Crystal Dam located in the SE1/4 SE1/4 NW1/4, Section 14, Township 49 North, Range 7 West, N.M.P.M. Source: Gunnison River. Appropriation Date: November 13, 1957. Amount Decreed: 940,755 acre-feet. Amount included in this plan for augmentation: 2.58 acre-feet. Decreed uses: Domestic and municipal, irrigation and stock watering, industrial, hydropower, piscatorial, wildlife, recreation, and other purposes. When there is a senior call in the Slate River: Water stored in Cow Camp Pond, as described above. Statement of Plan for Augmentation: When there is no senior call within the Cow Camp Exchange reach, out of priority depletions caused by the use of the Augmented Structures will be augmented by exchange with releases from Blue Mesa Reservoir. When there is a senior call within the Cow Camp Exchange reach, out of priority depletions caused by the use of the Augmented Structures will be augmented by releases from Cow Camp Pond. Cow Camp Pond will be filled and refilled whenever there is no local call, either by in-priority junior appropriation or by exchange from Blue Mesa Reservoir. When there is a senior local call, Cow Camp Pond will be managed to ensure that the pond drops in total by a sufficient amount each month to replace stream depletions caused by the use of the Augmented Structures, including evaporation from Cow Camp Pond. Releases from Cow Camp Pond will be conveyed from the outlet works of the Cow Camp Pond directly by pipeline back to a live tributary of the Slate River. Cow Camp Pond may be refreshed even when there is a senior local call, provided that the pond level is allowed to drop by a sufficient amount each month to replace stream depletions caused by the use of the Augmented Structures, including evaporation from Cow Camp Pond. Depletions to be augmented. The plan for augmentation will augment the Cow Camp Well Nos. 1 and 2, which will collectively be used for domestic purposes in no more than 6 single family dwellings and lawn irrigation of no more than 0.69 acres. Annual depletions on the Matzelle Property will be 0.24 acre-feet associated with domestic use, 0.92 acre-feet associated with lawn irrigation; and 0.52 acre-feet associated with pond evaporation. The anticipated annual pattern of total depletions is set forth in the application. When Cow Camp Pond is serving as the source of augmentation water (as opposed to Blue Mesa Reservoir by exchange), water stored in Cow Camp Pond will be released to offset out of priority depletions to the Slate River resulting from the pumping of Cow Camp Well Nos. 1 and 2. Replacements will be made in the correct time, amount, and location in coordination with the Division Engineer and Water Commissioner to ensure that injury does not occur to other vested water rights. Due to the small volume of annual stream depletions projected to occur from Cow Camp Well Nos. 1 and 2, releases of replacement water during times when the well is not in priority may be made either continuously or aggregated and replaced by one or more short duration releases from storage. The method by which releases are to be made shall be determined by the Division Engineer and Water Commissioner. In order to cover all out-of-priority depletions on the Matzelle Property and be able to fill the 0.9 acre-foot pond by exchange would require a total release from Blue Mesa Reservoir of 2.58 acre-feet. Therefore, Applicant will enter into a long term water service contract (anticipated to be 40 years in duration) with the United States Department of Interior, Bureau of Reclamation, for 3.0 acre-feet of water per year from Blue Mesa Reservoir. Name(s) and address(es) of owner(s) or reputed owner(s) 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: Applicant and Crested Butte Land Trust, 308 Third Street, PO Box 2224, Crested Butte, CO 81224. **GUNNISON COUNTY**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of November, 2020 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 [www.courts.state.co.us](http://www.courts.state.co.us)). (This publication can be viewed in its entirety on the state court website at: [www.courts.state.co.us](http://www.courts.state.co.us)). FRED CASTLE, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401