

DISTRICT COURT, WATER DIVISION 6, COLORADO
TO ALL PERSONS INTERESTED IN WATER APPLICATIONS
IN WATER DIVISION 6

Pursuant to C.R.S. 37-92-302, you are hereby notified that the following pages comprise a resume of Applications and Amended Applications filed in the office of Water Division 6, during the month of **December 2019**.

2019CW13 RIO BLANCO COUNTY**Application for Absolute Water Rights.** *Applicant:* Sandra Bradfield, 69616 Hwy 64, Meeker, CO 81641. Csbard021j3@gmail.com, 970-878-4397.
Name of structure: Bradfield Pasture Spring, E263766.53 N4433004.28, Zone 13. Source: Latitude 40.014205 Longitude 107.767891, Per Jennifer Perkins NRCS Steamboat Field Office Accuracy of location displayed on GPS device. PLSS: Rio Blanco County, SE4, NE4, Section 36, T1N, R93W, 6th PM. Source: Deed/Handheld Garmin Etrex Vista GPS Unit. Street address: County Rd 6, Meeker, CO 81641. Source: Unnamed spring and run off from snow melt White River Tributary. *Appropriation date:* 1998. How appropriated: Water was contained in a dirt tank for livestock use. Date applied to beneficial use: 1998. Amount claimed: Absolute: 8 GPM. Use/proposed use: Livestock and wildlife use. Applicant does not intend to use this water right to supplement irrigation on an area of land already irrigated under another water right. Purpose of non-irrigated portion of right: Used for watering of livestock and wildlife. *Names and addresses of other owners:* Applicant. *Remarks:* Water has been used to water livestock and wildlife since 1988.

2019CW3031; Rio Blanco County – White River; Eastern Rio Blanco Metropolitan Recreation & Park District (c/o John R. Pierce, Dufford, Waldeck, Milburn & Krohn, LLP, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865) and Town of Meeker (c/o Ed Olszewski, Olszewski, Massih & Maurer, P.C., 1204 Grand Avenue, Glenwood Springs, CO 81602, (970) 928-9100; APPLICATION FOR GROUNDWATER RIGHT, SURFACE WATER RIGHT, WATER STORAGE RIGHT, AND REQUEST FOR APPROVAL OF PLAN FOR AUGMENTATION; Name and contact information for applicants: Eastern Rio Blanco Metropolitan Recreation & Park District, c/o Sean VanRoenn, 101 Ute Road, Meeker, CO 81641, (970) 878-7410; Town of Meeker, c/o Lisa Cook, Town Administrator, 345 Market Street, Meeker, CO 81641, (970) 878-4962; Request for groundwater right: Name of well: Circle Park Pond; Legal description: SW/4 SW/4 of Section 23, Township 1 North, Range 94 West, of the 6th P.M., at a point approximately 1,100 feet from the west section line and 35 feet from the south section line. (UTM: Easting 251578.11; Northing 4435573.96 (NAD83, UTM ZONE 13)); Source: Groundwater tributary to the White River; Depth: 16 feet; Date of appropriation: April 11, 2018; How appropriation was initiated: By conducting site visit, retaining counsel, and meeting with other parties and engineers; Date water applied to beneficial use: The Circle Park Pond has not yet been constructed; Amount: 0.18 c.f.s., conditional (0.17 c.f.s. associated with irrigation, 0.01 c.f.s. associated with evaporation), 8.77 a.f. (5.83 a.f. associated with irrigation, 2.94 a.f. associated with evaporation), annually; Does well operate pursuant to an augmentation plan? Yes. The Circle Park Pond will operate pursuant to the augmentation plan requested in this case; Uses: Recreation, piscatorial, fire protection, wildlife watering (directly from pond), irrigation by pumping from the pond; Number of acres irrigated: 2.5 acres of lawn grass, located within Circle Park; Request for surface water right: Name of structure: Circle Park Irrigation Diversion; Legal description: NW/4 NW/4 of Section 26, Township 1 North, Range 94 West, of the 6th P.M., at a point approximately 197 feet from the north section line and 1,295 feet from the west section line (UTM: Easting 251636; Northing 4435501 (NAD83, UTM Zone 13)); Source: Surface water and irrigation return flows tributary to the White River; Date of appropriation: April 11, 2018; How appropriation was initiated: By conducting site visit, retaining counsel, and meeting with other parties and engineers; Date water applied to beneficial use: The Circle Park Irrigation Diversion has not yet been constructed; Amount: 0.17, c.f.s., conditional; Uses: Irrigation; Number of irrigated acres: 2.5 acres of lawn grass, located within Circle Park; Request for surface water right: Name of structure: Circle Park Pond Recharge Diversion; Legal description: NW/4 of the NW/4 of Section 26, Township 1 North, Range 94 West, of the 6th P.M., at a point 1,216 feet from the west section line and 96 feet from the north section line (UTM: Easting 251612, Northing 4435532 (NAD 83 Zone 13)); Source: Surface water and irrigation return flows tributary to the White River; Date of appropriation: April 11, 2018; How appropriation was initiated: By conducting site visit, retaining counsel, and meeting with other parties and engineers; Date water applied to beneficial use: The Circle Park Recharge Diversion has not yet been constructed; Amount: 10.6 c.f.s., conditional; Use: Recharge, refreshing flows for piscatorial habitat in Circle Park Pond; Request for water storage right: Name of water right: Big Beaver Reservoir, Circle Park Pond Enlargement; Legal description: The location of the Big Beaver Reservoir was decreed in Case No. 91CW138 to be in the S/2 of Section 7 and N/2 of Section 18, Township 1 South, Range 91 West, 6th P.M.; Date of appropriation: April 11, 2018; How appropriation was initiated: By conducting site visit to investigate the Circle Park Pond site, retaining counsel, and meeting with other parties and engineers; Amount: 8 a.f.; Source: Big Beaver Creek, tributary to the White River; Uses: Augmentation; Request for approval of plan for augmentation: Name of structures to be augmented: Circle Park Pond and Circle Park Irrigation Diversion; Water right to be used for augmentation: Big Beaver Reservoir, Circle Park Enlargement; Does Applicant intend to change any water right to provide a source of augmentation? No; Complete statement of plan for augmentation: The water rights to be augmented by this plan for augmentation are located in an under-appropriated area, so that augmentation isn’t required. However, Applicants wish to ensure that the augmented rights remain available in the event of a future call. This plan for augmentation provides for replacement of potential out-of-priority depletions to the White River at Circle Park caused by evaporation from the Circle Park Pond, as well as from irrigation of Circle Park using water pumped from the Circle Park Pond or diverted through the Circle Park Irrigation Diversion. Evaporative losses will be 2.94 a.f., annually, with a maximum of 0.49 a.f. in July. Irrigation use will result in annual depletions of 4.95 a.f., with a maximum irrigation depletion in July of 1.23 a.f. The most likely call period for the White River is during the irrigation season, from April 1 through October 31. Because the Circle Park Pond will be located approximately 75 feet from the White River, the timing of depletions will be delayed. Augmentation water will be provided by an eight acre-foot junior enlargement of the Big Beaver Reservoir, which is owned by the Colorado Department of Natural Resources, Colorado Parks and Wildlife. The Big Beaver Reservoir is located on Big Beaver Creek at its confluence with the White River, approximately 25 miles upstream of Circle Park. If a call is placed on the White River by a senior water user downstream of the Circle Park Pond, water stored in Big Beaver Reservoir under the eight acre-foot right, requested above, will be released in accordance with the water balance and water release schedule. (7 pages)

2019CW3032 Rio Blanco County(08CW206, 98CW269), WATER DIVISION NO. 6, STATE OF COLORADO, Routt County District Court, 1955 Shield Dr., Unit 200, Steamboat Springs, CO 80487. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF EXXON MOBIL CORPORATION, IN RIO BLANCO COUNTY, COLORADO. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHTS ABSOLUTE.** 1. Name and Address of Applicant: Exxon Mobil Corporation (“ExxonMobil”), P.O. Box 4358, CORP-MI-3006, Houston, TX 77210-4358. Direct All Pleadings to: Glenn E. Porzak, Kristin H. Moseley, Cassidy L. Woodard, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, CO 80302. 2. Names of Structures: A. Surface Water Diversions: i. Exxon Upper Piceance Creek Diversion. ii. Exxon Piceance Creek Diversion. iii. Exxon Lower Piceance Creek Diversion. iv. Exxon Thirteen Mile Creek Diversion. v. Exxon Willow Creek Diversion. vi. Exxon Hunter Creek Diversion. vii. Exxon Upper Fawn Creek Diversion. viii. Exxon Lower Fawn Creek Diversion. ix. Exxon Upper Black Sulphur Creek Diversion. x. Exxon Middle Black Sulphur Creek Diversion. xi. Exxon Black Sulphur – Fawn Creek Diversion. xii. Exxon Black Sulphur – Piceance Creek Diversion. xiii. Exxon Middle Fork Stewart Creek Diversion. xiv. Exxon East Fork Stewart Creek Diversion. xv. Exxon Upper Dry Fork Diversion xvi. Exxon Lower Dry Fork Diversion. xvii. Exxon Yellow Creek Diversion. xviii. Exxon Duck Creek Diversion. xix. Exxon Corral Creek Diversion. xx. Exxon Ryan Gulch Diversion. B. Storage Structures: i. Exxon Love Ranch Reservoir. ii. Exxon Boies/Black Sulphur Reservoir. iii. Exxon B&M Reservoir. iv. Exxon Hunter Creek Reservoir. v. Exxon Willow Creek Reservoir . vi. Exxon Yellow Creek Reservoir. vii. Exxon Dry Creek Reservoir. C. Exchanges: i. Exxon Upper Piceance Creek Diversion – White River Pumping Pipeline Exchange. ii. Exxon Thirteen Mile Creek Diversion – White River Pumping Pipeline Exchange. iii. Exxon Willow Creek Diversion – White River Pumping Pipeline Exchange. iv. Exxon Hunter Creek Diversion – White River Pumping Pipeline Exchange. v. Exxon Upper Fawn Creek Diversion – White River Pumping Pipeline Exchange. vi. Exxon Upper Black Sulphur Creek Diversion – White River Pumping Pipeline Exchange. vii. Exxon Middle Fork Stewart Creek Diversion – White River Pumping Pipeline Exchange. viii. Exxon East Fork Middle Creek Diversion – White River Pumping Pipeline Exchange. ix. Exxon Upper Dry Fork Diversion – White River Pumping Pipeline Exchange. x. Exxon Yellow Creek Diversion – White River Pumping Pipeline Exchange. xi. Exxon Duck Creek Diversion – White River Pumping Pipeline Exchange. xii. Exxon Corral Creek Diversion – White River Pumping Pipeline Exchange. xiii. Exxon Ryan Gulch Diversion – White River Pumping Pipeline Exchange. 3. Description of Conditional Water Rights: The following described water rights were decreed by the District Court in and for Water Division No. 5, State of Colorado (“Water Court”), in Case No. 98CW259, dated December 30, 2002 (“98CW259 Decree”), and a subsequent finding of reasonable diligence was made in Water Court Case No. 08CW206, dated December 15, 2013 (“08CW206 Decree”): A. The following described conditional surface water rights, as shown on the map attached as **Exhibit A**, are each decreed with an appropriation date of November 17, 1998, for domestic, industrial, mining, commercial, irrigation, and dust suppression uses on property within the Piceance Creek and Yellow Creek Basins in which ExxonMobil or its subsidiaries or affiliates owned an interest as of December 30, 2002, and also all property within the Piceance Creek and Yellow Creek Basins upon which its oil, gas, and energy exploration and recovery operations are performed: i. Exxon Upper Piceance Creek Diversion, 4.0 cfs conditional, the source of which is Piceance Creek, a tributary of the White River. The point of diversion is located in the NW/4 of the NE/4 of Section 1, T. 4 S., R. 95 W. of the 6th P.M., 1,050 feet from the N. section line and 2,250 feet from the E. section line of said Section 1. ii. Exxon Piceance Creek Diversion, 3.18 cfs conditional for industrial, mining, and commercial uses and 4.0 cfs conditional for domestic, irrigation, and dust suppression uses, the source of which is Piceance Creek, a tributary of the White River. In Case No. 06CW265, decreed on November 16, 2013 (the “06CW265 Decree”), the Water Court decreed a change in the legal description of the Exxon Piceance Creek Diversion as follows: the NW/4 of the SW/4 of Section 9, T. 2 S., R. 97 W. of the 6th P.M., 2,200 feet from the S. section line and 1,150 feet from the W. section line of said Section 9. a. Remarks: In the 08CW206 Decree, 0.82 cfs of the Exxon Piceance Creek Diversion was made absolute for industrial, mining, and commercial uses. iii. Exxon Lower Piceance Creek Diversion, 4.0 cfs conditional, the source of which is Piceance Creek, a tributary of the White River. The point of diversion is located in the SW/4 of the NE/4 of Section 15, T. 1 S., R. 97 W. of the 6th P.M., 2,500 feet from the N. section line and 2,200 feet from the E. section line of said Section 15. iv. Exxon Thirteen Mile Creek Diversion, 1.0 cfs conditional, the source of which is Thirteen Mile Creek, a tributary of Piceance Creek, a tributary of the White River. The point of diversion is located in the SW/4 of the SW/4 of Section 33, T. 2 S., R. 94 W. of the 6th P.M., 280 feet from the S. section line and 440 feet from the W. section line of said Section 33. v. Exxon Willow Creek Diversion, 2.0 cfs conditional, the source of which is Willow Creek, a tributary of Piceance Creek, a tributary of the White River. The point of diversion is located in the NW/4 of the SE/4 of Section 4, T. 4 S., R. 97 W. of the 6th P.M., 1,800 feet from the S. section line and 1,900 feet from the E. section line of said Section 4. vi. Exxon Hunter Creek Diversion, 2.0 cfs conditional, the source of which is Hunter Creek, a tributary of Piceance Creek, a tributary of the White River. The point of diversion is located in the NW/4 of the SW/4 of Section 31, T. 3 S., R. 97 W. of the 6th P.M., 2,200 feet from the S. section line and 900 feet from the W. section line of said Section 31. vii. Exxon Upper Fawn Creek Diversion, 1.0 cfs conditional, the source of which is Fawn Creek, a tributary of Piceance Creek, a tributary of the White River. The point of diversion is located in the SW/4 of the NE/4 of Section 22, T. 3 S., R. 98 W. of the 6th P.M., 1,500 feet from the N. section line and 1,550 feet from the E. section line of said Section 22. viii. Exxon Lower Fawn Creek Diversion, 0.78 cfs conditional for industrial, mining, and commercial and 2.0 cfs conditional for domestic, irrigation, and dust suppression, the source of which is Fawn Creek, a tributary of Piceance Creek, a tributary of the White River. The point of diversion is located in the SE/4 of the SW/4 of Section 30, T. 2 S., R. 97 W. of the 6th P.M., 250 feet from the S. section line and 2,600 feet from the W. section line of said Section 30. a. Remarks: In the 08CW206 Decree, 1.22 cfs of the Exxon Lower Fawn Creek Diversion was made absolute for industrial, mining, and commercial. ix. Exxon Upper Black Sulphur Creek Diversion, 1.0 cfs conditional, the source of which is Black Sulphur Creek, a tributary of Piceance Creek, a tributary of the White River. The point of diversion is located in the SE/4 of the NW/4 of Section 5, T. 3 S., R. 98 W. of the 6th P.M., 1,800 feet from the N. section line and 1,600 feet from the W. section line of said Section 5. x. Exxon Middle Black Sulphur Creek Diversion, 2.0 cfs conditional, the source of which is Black Sulphur Creek, a tributary of Piceance Creek, a tributary of the White River. The point of diversion is located in the SE/4 of the NE/4 of Section 27, T. 2 S., R. 98 W. of the 6th P.M., 1,700 feet from the N. section line and 600 feet from the E. section line of said Section 27. xi. Exxon Black Sulphur – Fawn Creek Diversion, 0.71 cfs conditional for irrigation, mining, and commercial and 2.0 cfs conditional for domestic, irrigation, and dust suppression, the source of which is Black Sulphur Creek, a tributary of Piceance Creek, a tributary of the White River. The point of diversion is located in the SW/4 of the SW/4 of Section 20, T. 2 S., R. 97 W. of the 6th P.M., 1,100 feet from the S. section line and 1,250 feet from the W. section line of said Section 20. a. Remarks: In the 08CW206 Decree, 1.29 cfs of the Exxon Black Sulphur – Fawn Creek Diversion was made absolute for industrial, mining, and commercial. xii. Exxon Black Sulphur – Piceance Creek Diversion, 2.0 cfs conditional, the source of which is Black Sulphur Creek, a tributary of Piceance Creek, a tributary of the White River. The point of diversion is located in the NW/4 of the NW/4 of Section 21, T. 2 S., R. 97 W. of the 6th P.M., 100 feet from the N. section line and 900 feet from the W. section line of said Section 21. xiii. Exxon Middle Fork Stewart Creek Diversion, 3.0 cfs conditional, the source of which is Stewart Creek, a tributary of Piceance Creek, a tributary of the White River. The point of diversion is located in the SE/4 of the NE/4 of Section 4, T. 4 S., R. 96 W. of the 6th P.M., 1,600 feet from the N. section line and 1,100 feet from the E. section line of said Section 4. xiv. Exxon East Fork Stewart Creek Diversion, 3.0 cfs conditional, the source of which is Stewart Creek, a tributary of Piceance Creek, a tributary of the White River. The point of diversion is located in the NW/4 of the SW/4 of Section 35, T. 3 S., R. 96 W. of the 6th P.M., 1,650 feet from the S. section line and 1,150 feet from the W. section line of said Section 35. xv. Exxon Upper Dry Fork Diversion, 1.0 cfs conditional, the source of which is Dry Fork, a tributary of Piceance Creek, a tributary of the White River. The point of diversion is located in the SE/4 of the SW/4 of Section 4, T. 2 S., R. 95 W. of the 6th P.M., 1,300 feet from the S. section line and 1,350 feet from the W. section line of said Section 4. xvi. Exxon Lower Dry Fork Diversion, 3.0 cfs conditional, the source of which is Dry Fork, a tributary of Piceance Creek, a tributary of the White River. The point of diversion is located in the SE/4 of the SW/4 of Section 31, T. 1 N., R. 96 W. of the 6th P.M., 1,150 feet from the S. section line and 2,300 feet from the W. section line of said Section 31. xvii. Exxon Yellow Creek Diversion, 3.0 cfs conditional, the source of which is Yellow Creek, a tributary of the White River. The point of diversion is located in the SW/4 of the NW/4 of Section 11, T. 1 S., R. 98 W. of the 6th P.M., 1,640 feet from the N. section line and 880 feet from the W. section line of said Section 11. xviii. Exxon Duck Creek Diversion, 1.0 cfs conditional, the source of which is Duck Creek, a tributary of Yellow Creek, a tributary of the White River. The point of diversion is located in the SE/4 of the NW/4 of Section 12, T. 1 S., R. 99 W. of the 6th P.M., 1,920 feet from the N. section line and 1,480 feet from the W. section line of said Section 12. xix. Exxon Corral Creek Diversion, 1.0 cfs conditional, the source of which is Corral Creek, a tributary of Yellow Creek, a tributary of the White River. The point of diversion is located in the SE/4 of the NW/4 of Section 35, T. 1 S., R. 99 W. of the 6th P.M., 2,600 feet from the N. section line and 2,560 feet from the W. section line of said Section 35. xx. Exxon Ryan Gulch Diversion, 1.0 cfs conditional, the source of which is Ryan Gulch, a tributary of Piceance Creek, a tributary of the White River. The point of diversion is located in the NW/4 of the NE/4 of Section 25, T. 2 S., R. 99 W. of the 6th P.M., 300 feet from the N. section line and 2,400 feet from the E. section line of said Section 25. B. The following described conditional water storage rights, as shown on the map attached as **Exhibit B**, were decreed with an appropriation date of December 14, 1998, for domestic, industrial, mining, commercial, irrigation, and dust suppression uses on property within the Piceance Creek and Yellow Creek Basins in which ExxonMobil or its subsidiaries or affiliates own an interest: i. Exxon Love Ranch Reservoir, 30 acre-feet conditional for domestic and irrigation uses, the source of which is Piceance Creek by means of the German Consolidated Ditch, and, as decreed in the 06CW265 Decree, alternately by means of ExxonMobil Love Ranch Reservoir Pumping Station located at the SW/4 of the SW/4 of Section 9, T. 2 S., R. 97 W. of the 6th P.M., 1,350 feet from the S. section line and 1,260 feet from the W. section line of said Section 9, and by the ExxonMobil Love Ranch Reservoir Pumping Station Alternate Point of Diversion located at the NW/4 of the SW/4 of Section 9, T. 2 S., R. 97 W. of the 6th P.M., 2,470 feet from the S. section line and 1,230 feet from the W. section line of said Section 9. In Case No. 08CW203, decreed on April 26, 2013 (the “08CW203 Decree”), the Water Court corrected the legal description of the reservoir outlet as follows: the NE/4 of the SW/4 of Section 9, T. 2 S., R. 97 W. of the 6th P.M., 2,450 feet from S. section line and 1,500 feet from the W. section line of said Section 9. a. Remarks: Construction of Exxon Love Ranch Reservoir was completed in 2001, and Exxon Love Ranch Reservoir was subsequently filled to capacity on or about April 30, 2002. In the 08CW206 Decree, 30 acre-feet of the Exxon Love Ranch Reservoir was made absolute for industrial, mining, commercial, and dust suppression. ii. Exxon Boies/Black Sulphur Reservoir, 50 acre-feet conditional, the source of which is Black Sulphur Creek by means of the Boies Ditch, and, as decreed in the 06CW265 Decree, alternately by means of the ExxonMobil Boies/Black Sulphur Pumping Station located at the NW/4 of the SE/4 of Section 20, T. 2 S., R. 97 W. of the 6th P.M., 2,000 feet from the S. section line and 2,310 feet from the E. section line of said Section 20. The reservoir outlet is located in the NW/4 of the SE/4 of Section 20, T. 2 S., R. 97 W. of the 6th P.M., 2,550 feet from the S. section line and 1,900 feet from the E. section line of said Section 20. iii. Exxon B&M Reservoir, 50 acre-feet conditional for domestic and irrigation uses, the source of which is Piceance Creek by means of the Belot & Moffat Ditch, and, as decreed in the 06CW265 Decree, alternately by means of the ExxonMobil B&M Reservoir Pumping Station located at the NW/4 of the SW/4 of Section 26, T. 2 S., R. 97 W. of the 6th P.M., 2,040 feet from the S. section line and 3,560 feet from the E. section line of said Section 26. The 08CW203 Decree corrected the legal description of the reservoir outlet as follows: the SE/4 of the NW/4 of Section 36, T. 2 S., R. 97 W. of the 6th P.M., 2,250 feet from the N. section line and 2,520 feet from the W. section line of said Section 26. a. Remarks: Construction of Exxon B&M Reservoir was completed in 2001, and Exxon B&M Reservoir was subsequently filled to capacity on or about April 30, 2002. In the 08CW206 Decree, 50 acre-feet of the Exxon B&M Reservoir was made absolute for industrial, mining, commercial, and dust suppression. iv. Exxon Hunter Creek Reservoir, 30 acre-feet conditional, the source of which is Hunter Creek by means of the Gilmor Ditch, and, as decreed in the 06CW265 Decree, alternately by means of ExxonMobil Hunter Creek Reservoir Pumping Station located at the NW/4 of the NE/4 of Section 30, T. 3 S., R. 97 W. of the 6th P.M., 1,225 feet from the S. section line and 2,500 feet from the E. section line of said Section 30. The reservoir outlet is located in the NW/4 of the SE/4 of Section 30, T. 3 S., R. 97 W. of the 6th P.M., 1,900 feet from the S. section line and 2,200 feet from the E. section line of said Section 30. v. Exxon Willow Creek Reservoir, 30 acre-feet conditional, the source of which is Willow Creek by means of the Taylor Ditch, and, as decreed in the 06CW265 Decree, alternately by means of ExxonMobil Willow Creek Reservoir Pumping Station located at the NE/4 of the NW/4 of Section 34, T. 3 S., R. 97 W. of the 6th P.M., 475 feet from the N. section line and 1,440 feet from the W. section line of said Section 34. The reservoir outlet is located in the NE/4 of the NW/4 of Section 34, T. 3 S., R. 97 W. of the 6th P.M., 100 feet from the N. section line and 1,800 feet from the W. section line of said Section 34. vi. Exxon Yellow Creek Reservoir, 30 acre-feet conditional, the source of which is Yellow Creek by means of the Exxon Yellow Creek Diversion, described in Paragraph 3.A.xvii above. The reservoir outlet is located in the NE/4 of the NW/4 of Section 11, T. 1 S., R. 98 W. of the 6th P.M., 400 feet from the N. section line and 1,400 feet from the W. section line of said Section 11. vii. Exxon Dry Creek Reservoir, 20 acre-feet conditional, the source of which is Dry Fork Creek by means of the Exxon Upper Dry Fork Diversion, described in Paragraph 3.A.xv above. The reservoir outlet is located in the SW/4 of the SW/4 of Section 4, T. 2 S., R. 95 W. of the 6th P.M., 600 feet from the S. section line and 100 feet from the W. section line of said Section 4. C. Conditional Rights of Exchange: In the 98CW259 Decree, the Water Court decreed a plan for augmentation involving several exchanges, with an appropriation date of November 17, 1998, for all exchanges, as more particularly described in Paragraph 8 of the 98CW259 Decree. The downstream terminus of all of the exchanges is the White River Pumping Pipeline, located at a point on the left bank of the White River whence corner No. 3 of Tract 40, Section 2, T. 1 N., R. 97 W. of the 6th P.M. bears South 10°42’ West a distance of 1,507.2 feet and whence the South Quarter Corner of Section 2, T. 1 N., R. 97W. of the 6th P.M. bears 01°51’ West a distance of 37,459.5 feet, which can also be described as being located in the NW/4 of the NE/4 of Section 2, T. 1 N., R. 97 W. of the 6th P.M., at a point 570 feet from the North section line and 2,600 feet from the East section line of said Section 2. The upstream termini of the exchanges are as follows:

| Exchange Creek | Diversion Name | Legal Description (see paragraph) | Exchange Rate |
|---------------------------|---|-----------------------------------|---------------|
| Piceance Creek | Exxon Upper Piceance Creek Diversion | ¶ 3.A.i | 4 cfs |
| Thirteen Mile Creek | Exxon Thirteen Mile Creek Diversion | ¶ 3.A.iv | 1 cfs |
| Willow Creek | Exxon Willow Creek Diversion | ¶ 3.A.v | 2 cfs |
| Hunter Creek | Exxon Hunter Creek Diversion | ¶ 3.A.vi | 2 cfs |
| Fawn Creek | Exxon Upper Fawn Creek Diversion | ¶ 3.A.vii | 2 cfs |
| Black Sulphur Creek | Exxon Upper Black Sulphur Creek Diversion | ¶ 3.A.ix | 1 cfs |
| Middle Fork Stewart Creek | Exxon Middle Fork Stewart Creek Diversion | ¶ 3.A.xiii | 3 cfs |
| East Fork Stewart Creek | Exxon East Fork Stewart Creek Diversion | ¶ 3.A.xiv | 3 cfs |
| Dry Fork | Exxon Upper Dry Fork Diversion | ¶ 3.A.xv | 1 cfs |
| Yellow Creek | Exxon Yellow Creek Diversion | ¶ 3.A.xvii | 3 cfs |
| Duck Creek | Exxon Duck Creek Diversion | ¶ 3.A.xviii | 1 cfs |
| Corral Creek | Exxon Corral Creek Diversion | ¶ 3.A.xix | 1 cfs |
| Ryan Gulch | Exxon Ryan Gulch Diversion | ¶3.A.xx | 1 cfs |

4. Water Rights Made Absolute: ExxonMobil seeks a finding that the following water rights and amounts have been made absolute: A. Exxon Love Ranch Reservoir: In Case No. 08CW206, 30 acre-feet of the Exxon Love Ranch Reservoir was made absolute for industrial, mining, commercial, and dust suppression. Pursuant to subsequently enacted legislation codified at C.R.S. § 37-92-301(4)(e), “[a] decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure.” By virtue of that statute, and by virtue of the evidence presented that Exxon Love Ranch Reservoir has been filled to its full as-built capacity and water has been placed to beneficial use, ExxonMobil seeks to make Exxon Love Ranch Reservoir absolute for 30 acre-feet for domestic and irrigation purposes. B. Exxon B&M Reservoir: In Case No. 08CW206, 50 acre-feet of the Exxon B&M Reservoir was made absolute for industrial, mining, commercial, and dust suppression. Also pursuant to C.R.S. § 37-92-301(4)(e), and by virtue of the evidence presented that Exxon B&M Reservoir has been filled to its full as-built capacity and water has been placed to beneficial use, ExxonMobil seeks to make Exxon B&M Reservoir absolute for 50 acre-feet for domestic and irrigation purposes. C. Exxon Lower Piceance Creek Diversion: Pursuant to ExxonMobil’s diversion records for 2019, a maximum rate of 0.34 cfs of the Exxon Lower Piceance Creek Diversion was diverted between October 22, 2019, and November 11, 2019, and placed to beneficial use. ExxonMobil hereby requests to make 0.34 cfs absolute of the Exxon Lower Piceance Creek Diversion for domestic, industrial, mining, commercial, irrigation, and dust suppression uses. Diversion records for the Exxon Lower Piceance Creek Diversion are attached hereto as **Exhibit C**. D. Exxon Black Sulphur – Piceance Creek Diversion: Also pursuant to ExxonMobil’s diversion records for 2019, a maximum rate of 0.267 cfs of the Exxon Black Sulphur – Piceance Creek Diversion was diverted between July 8, 2019, and August 31, 2019, and placed to beneficial use. ExxonMobil hereby requests to make 0.267 cfs absolute of the Exxon Black Sulphur – Piceance Creek Diversion for domestic, industrial, mining, commercial, irrigation, and dust suppression uses. Diversion records for the Exxon Black Sulphur – Piceance Creek Diversion are attached hereto as **Exhibit D**. 5. Request for Findings of Reasonable Diligence: For all water rights not made absolute as sought in Paragraph 4 above, ExxonMobil requests a finding of reasonable diligence for all remaining conditional amounts and uses. 6. Activity in Support of Findings of Reasonable Diligence: ExxonMobil owns and leases in excess of 200,000 acres of land and owns water rights in the Piceance Creek, Yellow Creek, and White River basins in Rio Blanco County, which are used for energy resource development (the “White River Project”). Within the White River Project, ExxonMobil operates four different oil and gas producing units on federal property, including: (1) the Piceance Creek Unit (“PCU”); (2) the Freedom Unit (“FRU”); (3) the Revised North Piceance Unit (“RNPU”); and (4) the Yellow Creek Unit (“YCU”). Additionally, ExxonMobil is the owner and operator of the Colony Shale Oil Project, located near the Town of Parachute in Garfield County, which is designed to produce various energy resources including oil shale operations (the “Colony Project”). ExxonMobil also owns numerous other properties and water rights in the Colorado River Basin in Garfield County, portions of which were originally owned by Mobil Oil Corporation prior to the corporate merger with Exxon Corporation in 1999 and that have continued to be used for energy resource development (the “Colorado River Project”). In 2009, ExxonMobil acquired XTO Energy, Inc. (“XTO”) as a wholly-owned subsidiary. XTO also owned acreage and water rights in the Piceance Creek Basin prior to the merger, which ExxonMobil now operates as part of the White River Project. ExxonMobil has engaged in the following specific activities that demonstrate its diligence and that are necessary prerequisites to applying the subject water rights to their decreed uses in connection with its energy resource development operations in Rio Blanco and Garfield Counties and in connection therewith, has expended in excess of \$10,000,000: A. ExxonMobil has continued to develop and operate its natural gas operations for the White River Project in the Piceance Creek/White River basin. During the subject diligence period, ExxonMobil operated 283 wells and had a working interest in an additional 222 wells from lands it owns or controls in the Piceance Creek/White River basins. Even though commodity prices remain low, ExxonMobil is in the process of permitting additional horizontal wells through the Colorado Oil and Gas Conservation Commission (“COGCC”) and the United States Bureau of Reclamation (“BLM”) for drilling in 2020 and 2021. B. ExxonMobil has maintained its energy resource properties, leases, and water rights to develop the Colony Project, Colorado River Project, and White River Project during the past six years. This effort included site maintenance, air monitoring, reclamation, and miscellaneous projects. ExxonMobil has also maintained its permits with the Mined Land Reclamation Board, with the Colorado Department of Health (water discharge), and with the Environmental Protection Agency (air quality) during this period. In addition, ExxonMobil has made substantial and ongoing efforts to fully integrate its water rights portfolio between the Colorado River and White River Basins, including through transbasin pipelines to augment and import water. C. ExxonMobil entered into a Memorandum of Understanding on November 15, 2019, with the United States Bureau of Reclamation to analyze ExxonMobil’s request to amend its 6,000 acre-foot Ruedi Reservoir Contract Water to allow for its use within in the Piceance Creek Basin for ExxonMobil’s natural gas and oil shale operations. D. In 2017, ExxonMobil acquired Bass Energy Holdings’ BOPCO field in the YCU, which included an additional 7,495 acres, twenty-two active wells, and a gas processing plant. ExxonMobil is exploring undertaking an

expansion of the gas processing plant, which will require obtaining permits from the BLM and the COGCC. E. ExxonMobil expended almost \$1 million to construct a new water-related infrastructure in connection with the White River Project, including installation of a pipeline to transport water from the Exxon Lower Piceance Creek Diversion to a newly-constructed oil and gas well approximately one mile away in Section 23 of Township 1 South, Range 97 West. This pipeline allows ExxonMobil to (1) minimize expenses to transport water via truck; (2) reduce vehicle traffic of water trucks on County Roads 5, 3, and 76 in the interest of public safety; and (3) provide for the expansion of future drilling and completions operations by allowing for water to be moved between those two locations. Construction and utilization of the pipeline alleviated forty-two miles of trucking water per load for an estimated reduction of 38,810 equivalent miles of transportation. F. ExxonMobil retained Porzak Browning & Bushong LLP as legal counsel and Wright Water Engineers, Inc. and Resource Engineering, Inc. for engineering services in support of numerous water rights applications, defending ExxonMobil’s water rights by filing statements of opposition in cases of concern, and negotiating with the United States Bureau of Reclamation to amend its 6,000 acre-foot Ruedi Reservoir Contract. G. ExxonMobil has filed and adjudicated the following applications in connection with the White River Project: i. Case No. 06CW265, decreed on November 16, 2013, in Division 5 to change diversion points originally decreed and augmented in Case No. 98CW259 in order to be utilized in two separate alluvial well fields. The first well field is the ExxonMobil B&M Well Field. The second well field is the ExxonMobil Boies Well Field. Case No. 06CW265 also seeks to adjudicate alternate diversion points to fill the reservoirs decreed in Case No. 98CW259. All of these changes are important to the development of the domestic water supply for the White River Project; ii. Case No. 08CW199, decreed on June 5, 2016, in Division 5 in order to change the place of use of senior Colony Project water rights (Dow Pumping Plant and Pipeline, Dow Middle Fork Pipeline, Dow East Middle Fork Pipeline) that divert in the Colorado River basin for use in the Piceance Creek and Yellow Creek basins, and to augment such diversions by releases from Ruedi Reservoir and previously decreed Parachute Creek Reservoirs (Middle Fork Reservoir, Davis Gulch Reservoir, Ruedi Reservoir, East Middle Fork Reservoir, and Lower East Middle Fork Reservoir); iii. Case No. 05CW285, decreed on June 18, 2017, in Division 5 in order to utilize the augmentation credits decreed in Case No. 98CW259 to augment the Hunter Creek Wells and Boies Reservoir in the Piceance Creek basin. The decree in Case No. 98CW259 is ExxonMobil’s base augmentation plan in the Piceance Creek basin; iv. Case No. 05CW294, decreed on December 17, 2017, in Division 5 to quantify the historical consumptive use associated with a variety of senior irrigation rights in the Piceance Creek basin and to augment the various diversion points and reservoirs decreed in Case No. 98CW259; and v. Case No. 18CW3005, decreed on May 26, 2019, in Division 6 to make a portion of the water rights absolute and obtain a finding of reasonable diligence for the remaining conditional water rights associated with the ExxonMobil Lower Piceance Creek Pumping Station and its two points of diversion. H. ExxonMobil has filed the following pending applications: i. On March 14, 2013, XTO acquired, via a land swap with the Colorado Division of Parks and Wildlife, the Square S Ranch and its associated water rights, including some of the most senior water rights on Piceance Creek. ExxonMobil filed Case No. 19CW3003 in Division 6 to quantify historical consumptive use credits for the Square S Ranch water rights and incorporate those credits into ExxonMobil’s existing plans for augmentation in Case Nos. 98CW259 and 05CW294. ii. ExxonMobil filed Case No. 19CW3008 in Division 6 to request a finding of reasonable diligence for the Exxon Love Ranch Reservoir Refill Right and the Exxon B&M Reservoir First Enlargement Right and Refill Right. Iii. ExxonMobil filed Case No. 19CW3066 in Division 5 to decree alternate places of storage for the Parachute Reservoir water rights (Middle Fork Reservoir, Davis Gulch Reservoir, East Middle Fork Reservoir, and Lower East Middle Fork Reservoir) to maximize operational flexibility and better implement the transbasin water rights decreed in Case No. 08CW199. It also requests an alternate place of storage for the Allenwater Creek Terminal Reservoir at a downstream location to allow for its use for irrigation. I. ExxonMobil has monitored the water rights applications of other water users in Water Division Nos. 5 and 6 and has filed statements of opposition in cases that jeopardize ExxonMobil’s water rights. 7. **Ownership:** A. ExxonMobil and its wholly-owned subsidiary, XTO Energy, Inc. B. Elaine Louise Bossart Hutchings, 1975 South Cook St., Denver, CO, 80210. C. Ursa Piceance, LLC, 1600 Broadway Suite 2600, Denver, CO, 80202. D. James W. Brennan, 299 County Road 26, Rifle, CO 81650. E. Bureau of Land Management, White River Field Office, 220 Market St., Meeker, CO 81641. F. Puckett Land Company, 5460 South Quebec St, Suite 250, Greenwood Village, CO, 80111. G. Colorado Division of Wildlife, 6060 Broadway, Denver, CO, 80216. H. Mahogany Energy Resources, LLC, 350 Park Ave. 4th Floor, New York, NY, 10022. I. Shults Ranch LLLP, P.O. Box 987, Meeker, CO, 81641. J. Oil Shale Corporation, Attn: ConocoPhillips Company Real Estate Services, P.O. Box 2197, Houston, TX 77252-2197. K. Caerus Piceance LLC, 1001 17th Street, Suite 1600, Denver, CO 80202. WHEREFORE, ExxonMobil requests a decree of the Court ruling that: (1) the water rights described in Paragraph 4 above have been made absolute; (2) ExxonMobil is entitled to a finding of reasonable diligence for the remaining conditional water rights described in Paragraph 5 above; and (3) grants such other and further relief as the Court deems just and proper. (31 pages total with exhibits)

2019CW3035 RIO BLANCO COUNTY – NIBLOCK DITCH AND STRAWBERRY CREEK, TRIBUTARY TO THE WHITE RIVER. Harvey and Seaton Cattle Co., LLC c/o Kevin L. Patrick, Esq. and Jason M. Groves, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION INCLUDING CHANGE OF WATER RIGHTS. **First Claim: Approval of Plan for Augmentation.** Name Of structures to be augmented: Strawberry Pond and Niblock Ditch, Strawberry Enlargement. Legal Description: Strawberry Pond: SE1/4 of Section 18, Township 1, North Range 94W of the 6th P.M. (UTM X = 245740.00 m E, UTM Y = 4438073.00 m N). Niblock Ditch Strawberry Enlargement point of diversion: NE¼ of the SE¼ Section 28, Township 1North, Range 94 West, of the 6th P.M.at a point whence the Southwest corner of Section 22, T1N, R94W bears North 22degrees East, 3,864feet. Water rights used for augmentation: Applicant owns 9.125 shares of the Niblock Ditch Company decreed to divert at the Niblock Ditch headgate. The Niblock Ditch Company owns the following water rights: Priority 17 for 2.4 cfs; Priority 66 for 5.4 cfs; Priority 108A for 2.6 cfs; Priority 108A for 22.2 cfs; Priority 351 for 29.28 cfs; Priority 693 for 0.60 cfs; Priority 712 for 1.35 cfs; Priority 729 for 5.15 cfs; 14.02 cfs from Case No. W-3661; and 16.0 cfs from Case Nos. W-3661 and 96CW0222. Type: Surface irrigation right. Source: White River and its tributaries including Strawberry Creek. Amount involved in this application: 0.16 cfs from the Applicant’s undivided 23% interest in each priority described above and in more detail in the Application on file with the Court, representing the amount historically used to irrigate 8.0 acres to be dried up under this plan for augmentation. Current use: Irrigation. Complete statement of plan for augmentation: Applicant is the owner of the Strawberry Creek Ranch located west of Meeker, Colorado. The ranch is operated as a cattle ranch and wildlife retreat. Applicant will be constructing the Strawberry Pond which will be filled and refilled, and receive freshening flows from the White River via a lateral of the Niblock Ditch located on Applicant’s property. Applicant files this plan to augment out-of-priority depletions resulting from evaporation use when the water rights described in paragraph 3 would otherwise be curtailed. The Strawberry Pond, and its associated recycling system, has an open water surface area of approximately 3.3 acres. By this plan for augmentation, Applicant will fill and replace the depletions from the open water surfaces with consumptive use credits by virtue of the removal of 8 acres of land historically irrigated by Applicant’s Niblock Ditch water rights involved in this application. Evaporative depletions total 11.0 acre feet using a per acre evaporation rate of 3.333 acre-feet/acre as calculated using the SEO method outlined in the General Guidelines for Substitute Water Supply Plans for Sand and Gravel Pits and SEO Policy No. 2004-3. The annual gross free water surface evaporation is 40 inches based on NOAA Technical Report NWS 33. The evaporative depletions from the 3.3 acres of open water surface areas are set forth in Table 1, below:

| (1) | (2) | (3) | (4) | (5) | (6) |
|-----------|------------------|------------------------|-------------|----------------------|-----------------------------|
| Month | SEO Distribution | Gross Lake Evaporation | Days of Ice | Net Lake Evaporation | Strawberry Pond Evaporation |
| | (%) | (ft) | (days) | (feet) | (ac-ft) |
| January | 3.0% | 0.10 | 31 | 0.00 | 0.00 |
| February | 3.5% | 0.12 | 28 | 0.00 | 0.00 |
| March | 5.5% | 0.18 | 0 | 0.18 | 0.61 |
| April | 9.0% | 0.30 | 0 | 0.30 | 0.99 |
| May | 12.0% | 0.40 | 0 | 0.40 | 1.32 |
| June | 14.5% | 0.48 | 0 | 0.48 | 1.60 |
| July | 15.0% | 0.50 | 0 | 0.50 | 1.65 |
| August | 13.5% | 0.45 | 0 | 0.45 | 1.49 |
| September | 10.0% | 0.33 | 0 | 0.33 | 1.10 |
| October | 7.0% | 0.23 | 0 | 0.23 | 0.77 |
| November | 4.0% | 0.13 | 18 | 0.05 | 0.18 |
| December | 3.0% | 0.10 | 31 | 0.00 | 0.00 |
| | | | | | |
| Annual | 100.0% | 3.33 | -- | 2.94 | 9.69 |

All water stored by free river runoff would otherwise be tributary to the White River or its tributaries. Out-of-priority depletions are shown on Table 2, on file with the Court. These out-of-priority depletions come from: (1) the depletions due to evaporation when the Niblock Ditch is diverting. A monthly balance of depletions and replacement water source is also shown in Table 2, on file with the Court. Dry-up credits are sufficient to replace all evaporation depletions during the irrigation season, except in April. A maximum of 2.33 acre-feet of storage releases are required to fully augment all open water surface areas. If necessary, storage water can be released to replace return flow obligations from the change in use. Any excess consumptive use credits will be stored in the Strawberry Pond. Applicant will install appropriate measuring devices as requested by the Division Engineer and will develop an accounting plan acceptable to the Division Engineer. **Second Claim: Change of Water Right.** Name of structure: Niblock Ditch as described in First Claim. Amount: 0.16 cfs, as described in First Claim. Description of change: Applicant intends to change the water right from irrigation use to irrigation and augmentation use. Applicant intends to use the 0.16 cfs to augment the evaporative losses from the Strawberry Pond and its recycling system in the plan for augmentation described in the First Claim, livestock depletions, and to replace return flow obligations. The new place of use is the Strawberry Pond described above. 8.0 acres, out of the 370 acres historically irrigated by Applicant from its Niblock Ditch water rights on Applicant’s property will be removed from irrigation. Dry up areas may be rotated. Map of water right locations, place of use, and dry up areas is on file with the Court as Exhibit A. Diversion records are on file with the Court as Exhibit B. Water rights are components of an integrated water supply plan encompassing the water rights claimed in this application and the application filed in Case No. 19CW3036. Owners of land where water rights are located and where water rights are or will be put to beneficial use: Applicant; Owners of land upon which the Niblock Ditch headgate is located: Albert R. and Mary K. Krueger, 40000 Hwy 13, Meeker, CO 81641; and Niblock Ditch Company, c/o Ila Sturgeon, 1858 C.R. 32, Meeker, CO 81641.

2019CW3036 RIO BLANCO COUNTY – NIBLOCK DITCH AND THE WHITE RIVER AND ITS TRIBUTARIES. Harvey and Seaton Cattle Co., LLC c/o Kevin L. Patrick, Esq. and Jason M. Groves, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR SURFACE WATER RIGHT AND STORAGE WATER RIGHT. **First Claim:** Strawberry Pond. Legal Description: SE1/4 of Section 18, Township 1, North Range 94W of the 6th P.M. (UTM X = 245740.00 m E, UTM Y = 4438073.00 m N). Source: Run-off, precipitation, and deliveries from the Niblock Ditch Strawberry Enlargement water right applied for in the Second Claim of this application, all of which are tributary to the White River. Date of appropriation: June 27, 2019 by forming intent to appropriate, monumentation, and field location. Amount: 30 acre feet, with the right to fill and refill when water is physically and legally available, all conditional. Fill rate: 3.0 c.f.s. Uses: Piscatorial, wildlife, recreation, fire protection, and aquatic habitat. Surface area: 3.3 acres. Max dam height: 10 ft. Dam length: Approximately 1200 feet. Total capacity: 20 acre-feet (active). **Second Claim:** Niblock Ditch, Strawberry Enlargement. Legal Description of point of diversion: NE¼ of the SE¼ Section28, Township 1North, Range 94 West, of the 6th P.M.at a point whence the Southwest corner of Section 22, T1N, R94W bears North 22 degrees East, 3,864 feet. Source: White River. Date of appropriation: August 7, 2019 by forming intent to appropriate, monumentation, and field location. Amount: 3.0 cfs, conditional. Uses: To fill and refill the storage structures for the subsequent use of piscatorial, recreational, wildlife, and fire protection uses and for the provision of freshening flows for aquatic habitat. Map of water rights is on file with the Court as Exhibit A. Water rights are components of an integrated water supply plan encompassing the water rights claimed in this application and the application filed in Case No. 19CW3035. Owners of land where water rights are located and where water rights are or will be put to beneficial use: Applicant; Owner of land upon which the Niblock Ditch headgate is located: Albert R. and Mary K. Krueger, 40000 Hwy 13, Meeker, CO 81641; and Niblock Ditch Company, c/o Ila Sturgeon, 1858 C.R. 32, Meeker, CO 81641.

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.

You are hereby notified that you will have until the last day of **February 2020** to file with the Water Court 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 Statement of Opposition must be served on the Applicant or the Applicant’s Attorney, with an affidavit or certificate of such service being filed with the Water Court, as prescribed by Rule 5, C.R.C.P. The filing fee for the Statement of Opposition is \$192.00, and should be sent to the Clerk of the Water Court, Division 6, 1955 Shield Dr. Unit 200, Steamboat Springs, CO 80487.

MARY ANN NINGER
CLERK OF COURT
ROUTT COUNTY COMBINED COURT
WATER DIVISION 6
/s/ Julie A. Edwards
Deputy Court Clerk