

DIVISION 5 WATER COURT- DECEMBER 2023 RESUME

(This publication can be viewed in its entirety on the Colorado State Judicial website at: www.courts.state.co.us).

SUBSTITUTE WATER SUPPLY PLAN AND PRODUCED NONTRIBUTARY GROUNDWATER NOTIFICATION LIST

Section 37-92-308(6), C.R.S. directs the State Engineer to establish a notification list for each water division for the purpose of notifying interested parties of requests for the State Engineer's approval of substitute water supply plans ("SWSPs") filed in that water division pursuant to section 37-92-308, C.R.S. The SWSP Notification List is also used to provide notice of proposed water right loans to the Colorado Water Conservation Board for use as instream flows under section 37-83-105(2)(b)(II), C.R.S., notice of applications for the State Engineer's approval of interruptible water supply agreements under section 37-92-309(3)(a), C.R.S., notice of applications for fallowing and leasing pilot projects under section 37-60-115(8)(e)(II), C.R.S., notice of fire suppression ponds under section 37-80-124(10)(a)(II)(E), C.R.S., and notice of storm water detention and infiltration facilities under section 37-92-602(8)(d), C.R.S.

Pursuant to Rule 17.5(B)(2) of the Rules and Regulations for the Determination of the Nontributary Nature of Ground Water Produced Through Wells in Conjunction with the Mining of Minerals, at 2 CCR 402-17 ("Rules"), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5(B)(2) of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division this invitation to be included on the Produced Nontributary Ground Water Notification List for the applicable water division.

This notice is an invitation to be included on the SWSP and/or Produced Nontributary Groundwater Notification Lists. Sign up for these or other notification lists maintained by the State Engineer at: <https://dwr.colorado.gov/public-information/notification-lists>. Additional information is available on the Division of Water Resources' website at: <https://dwr.colorado.gov/>.

1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3193 (83CW76, 83CW388, 96CW105, 02CW283, 10CW113, 17CW3102) District Court in and for Water Division 5, State of Colorado, 109 8th Street, Suite 104 Glenwood Springs, CO 81601. **MESA COUNTY**, Colorado River. Applicant: Hydro-West, Incorporated, P.O. Box 745, Telluride, Colorado 81435 c/o Nicolas Muller; Nicolas Muller Law Office LLC, 25931 Village Circle, Golden, CO 80401 (303)981-4891. **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE.** Overview: By this application, Hydro-West Inc, APPLICANT, seeks a finding of Reasonable Diligence as more specifically described in it's Application. Applicant owns conditional surface water rights decreed for the generation of hydroelectric power to be diverted directly from the Colorado River at the existing Price-Stubb Dam east of Palisade, CO as previously decreed by the District Court in and for Water Division 5 in: 83CW76 (December 10, 1984), 88CW388 (March 20, 1990) 96CW105 (October 11, 1996), 02CW283 (May 24, 2004), 10CW113 (April 3, 2011) and 17CW3102 (November 12, 2017). Structure: Peach Queen Power Canal. Location: Price-Stubb Dam, east of Palisade, CO. Legal Description: The point of diversion is located on the West Bank of the Colorado River at a point whence the SE corner of Section 3, T11S, R98W of the 6th P.M. bears S. 11 degrees, 01 minutes East 4,401.03 feet. Further, using the decreed bearing and distance from the SE corner of Section 3, the location is at a point 4,320.17 feet from the south section line and 839.76 feet from the east section line, which is in the NE1/4 of the NE1/4 of Section 3, T11S, R98W, 6th P.M. Source: **Colorado River**. Application Date December 20, 1980. Amount: 2077 cfs. Use: Hydroelectric power generation. Claim for Finding of Reasonable Diligence: The Application and it's Exhibits contain a detailed description of what has been done towards completion of the appropriation of the Peach Queen Power Canal conditional water right and application of water to beneficial use during the diligence period, including expenditures. Applicant seeks a finding of diligence and a conditional decree in the amount of 2077 cfs. Name and Address of Landowner: Town of Palisade, CO, P.O. Box 128, Palisade, CO 81526

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

2. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3194 EAGLE COUNTY, UTE CREEK, EAGLE RIVER, COLORADO RIVER CJC Properties Limited Partnership, 1111 Horizon Drive, Unit 807, Grand Junction, CO 81506. (970) 243-1477. c/o Kirsten M. Kurath, Williams, Turner & Holmes, P.C., 858

Grand Ave., Suite 1, Grand Junction, CO 81501, (970) 242-6262, kmkurath@wth-law.com APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Names of Structures: CJC Springs Nos. 1 to 6 and CJC Ponds Nos. 1 & 2 (collectively referred to herein as the "CJC Water Rights"). Original Decree: July 7, 1997, District Court, Water Div No. 5, CO, Case No. 96CW326. Subsequent Decrees: October 15, 2004, Case No. 2003CW155, and August 29, 2011, Case No. 2010CW253, Water Div 5. Locations: CJC Spring No. 1: Beginning at the SE corner of Section 1, Township 4 South, Range 83 West of the 6th Principal Meridian; thence N21°52'11"E 91.92 feet. This point is located in an area where section lines have not been established, so it is not possible to state the distances from section lines or the quarter section in which it is located. See Exhibit A-1 to Application. CJC Spring No. 2: Beginning at the SE corner of Section 1, Township 4 South, Range 83 West of the 6th PM; thence S00°05'23"W 1193.35 feet. This point is also described as follows: a point approx. 1190 feet south of the North section line and 5 feet west of the East section line of Section 12, Township 4 South, Range 83 West of the 6th PM, in the NE1/4 NE1/4 of said Section 12. See Exhibit A-1. CJC Spring No. 3: Beginning at Corner 8 of Tract 47 of Section 12, Township 4 South, Range 83 West of the 6th PM; thence N31°17'58"W 1167.33 feet. This point is also described as follows: a point approx. 1125 feet south of the North section line and 3100 feet west of the East section line of said Section 12, in the NW1/4 NE1/4 of said Section 12. See Exhibit A-1. CJC Spring No. 4: Beginning at the SE corner of Section 12, Township 4 South, Range 83 West of the 6th PM; thence N88°12'18"W 1260.43 feet. This point is also described as follows: a point approx. 50 feet north of the South section line and 1250 feet west of the East section line of said Section 12, in the SE1/4 SE1/4 of said Section. See Exhibit A-2. CJC Spring No. 5: Beginning at the SE corner of Section 12, Township 4 South, Range 83 West of the 6th PM; thence S72°40'39"W 1603.23 feet. This point is also described as follows: a point approx. 500 feet south of the North section line and 1500 feet west of the East section line of Section 13, Township 4 South, Range 83 West of the 6th PM, in the NE1/4 NE1/4 of said Section 13. See Exhibit A-2. CJC Spring No. 6: Beginning at the SE corner of Section 12, Township 4 South, Range 83 West of the 6th PM; thence S72°28'07" W 1109.57 feet. This point is also described as follows: a point approx. 330 feet south of the North section line and 1050 feet west of the East section line of Section 13, Township 4 South, Range 83 West of the 6th PM, in the NE1/4 NE1/4 of said Section 13. See Exhibit A-2. CJC Pond No. 1: Located approx. 1,600 feet West of the East Line and 400 feet South of the North Line of Section 13, Township 4 South, Range 83 West of the 6th PM, in the NE1/4 NE1/4 of said Section 13. See Exhibit A-2. CJC Pond No. 2: Located approx. 100 feet West of the East Line and 1,000 feet South of the North Line of Section 12, Township 4 South, Range 83 West of the 6th PM, in the NE1/4 NE1/4 of said Section 12. See Exhibit A-1. Source: CJC Spring Nos. 1 through 6: **Spring tributary to Ute Creek, tributary to the Eagle River, tributary to the Colorado River.** CJC Pond No. 1: CJC Pond No. 1 will be filled by CJC Springs Nos. 4, 5, and 6. In addition, springs and natural runoff occurring above the pond will flow into and be a source for the pond. The sources for CJC Pond No. 1 are tributary to Ute Creek, tributary to the Eagle River, tributary to the Colorado River. CJC Pond No. 2: CJC Pond No. 2 will be filled by CJC Spring No. 2. In addition, springs and natural runoff occurring above the pond will flow into and be a source for the pond. The sources for CJC Pond No. 2 are tributary to Ute Creek, tributary to the Eagle River, tributary to the Colorado River. App. Dates: CJC Springs Nos. 1, 2, 4, 5 and 6: June 1, 1926, for the stockwatering use; September 21, 1996, for the conditional uses. CJC Spring No. 3: June 1, 1926, for the stockwatering and domestic uses (absolute); September 21, 1996, for the commercial use (absolute) and the remaining conditional uses for watering of lawns and gardens, recreation, firefighting, industrial, wildlife, aesthetics, augmentation, and replacement. Amounts: CJC Spring Nos. 1, 2, 4, 5 and 6: 0.033 c.f.s., absolute for stockwatering uses and conditional for all other uses. CJC Spring No. 3: 0.033 c.f.s. absolute for stockwatering, domestic and commercial uses and conditional for all other uses. CJC Pond No. 1: 1.0 acre feet, together with the right to fill and refill the pond when water is available in priority. Such amount is absolute for stockwatering uses and conditional for all other uses. CJC Pond No. 2: 6.0 acre feet, together with the right to fill and refill the pond when water is available in priority. Such amount is absolute for stockwatering uses and conditional for all other uses. Use: CJC Spring Nos. 1 and 3 and CJC Pond Nos. 1 and 2: Domestic, watering of lawns and gardens, stockwatering, recreation, firefighting, wildlife, aesthetics, augmentation, and replacement. The water will be used on the lands shown on Exhibit B attached to the Application. CJC Spring No. 2: Domestic, watering of lawns and gardens, stockwatering, recreation, firefighting, wildlife, piscatorial, aesthetics, augmentation, and replacement. The water from CJC Spring No. 2 may be used directly for any of the purposes described above, and/or it may be stored in CJC Pond No. 2, described above, for subsequent release and use for any of such purposes. The water will be used on the lands shown on Exhibit B. CJC Spring Nos. 4, 5 and 6: Domestic, watering of lawns and gardens, stockwatering, recreation, firefighting, wildlife, piscatorial, aesthetics, augmentation, and replacement. The water from CJC Spring Nos. 4, 5 and 6 may be used directly for any of the purposes described above, and/or it may be stored in CJC Pond No. 1, described above, for subsequent release and use for any of such purposes. The water will be used on the lands shown on Exhibit B. Finding of Reasonable Diligence: The Application contains a detailed outline of what has been done toward completion of the appropriation of the CJC Water Rights during this diligence period, including expenditures. Name and Address of Landowner: CJC Spring No. 1 is located on property adjacent to the Applicant's Property, a short distance east of the east boundary of Applicant's Property. However, any diversion structures to collect the water flowing from this spring will be located solely on Applicant's Property and will not extend onto the neighboring property. All of the points of diversion and places of storage for the remaining CJC Water Rights are located on land owned by Applicant, and all diversion and storage structures and storage pools for these rights will be located on Applicant's Property. Applicant requests that the Court adjudge and decree that Applicant has been reasonably diligent in the development of the CJC Water Rights, and that the CJC Water Rights be continued in full force and effect. (10 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

3. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3195 EAGLE COUNTY, Application for Finding of Reasonable Diligence. Applicant: Kevin Darrell Cooter; please direct all correspondence to *Applicant's attorneys*: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com. *Applicant requests a finding of reasonable diligence with regard to the water right decreed to: Cooter Pump No. 2.* From previous decrees: *Date of original decree:* March 29, 2004 Case No. 99CW175 in the District Court in and for Water Division No. 5. *Subsequent decrees awarding findings of diligence:* Case Nos. 17CW3117 and 10CW61 in the District Court in and for Water Division No. 5. *Legal description of decreed location:* NW ¼ of the SE ¼ of Section 1, Township 2 South, Range 84 West of the 6th P.M., 1600 feet from the South section line and 1200 feet from the East section line, Eagle County. The street address is 34185 Colorado River Road, McCoy, Colorado 80463; the property upon which the water right is located is described as Lot 2A of the Kirby Exemption, recorded at Reception No. 870940 of the Eagle County real property records. **Source: Colorado River.** *Appropriation Date:* June 25, 1999. Amount: 0.5 cfs, conditional. *Uses:* Domestic (per augmentation plan decreed in Case No. 99CW175), irrigation of 10 acres immediately north of the point of diversion described above, livestock watering and fire protection. *Date applied to beneficial use:* May 2004 for 150 g.p.m. (0.33 c.f.s.) for all purposes. *Owner of land upon which structure and place of use are located:* Applicant. Application includes a detailed outline of work performed during the diligence period toward the development of the conditional water right (4 pages).

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23CW3196 EAGLE COUNTY, Application to Make Water Right Absolute and For Findings of Reasonable Diligence. Applicant: Fulford Association, Inc; please direct all correspondence to Applicant's attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com. *Applicant requests that the following water right be made absolute for all amounts and purposes: Fulford Fire Cistern and Pipeline.* *Information from prior decrees:* Original decree: Case No. 03CW286, District Court in and for Water Division No. 5, entered on August 6, 2004. Subsequent diligence findings: Case Nos. 10CW210 and 17CW3133. *Legal description of point of diversion:* The point of diversion located at a point in the Northeast 1/4 Southeast 1/4 of Section 23, Township 6 South, Range 83 West of the 6th P.M., at a point 1,430 feet from the south section line and 295 feet from the east section line of said Section 23 (UTM X = 357586, UTM Y = 4375212). **Source: Nolan Creek, Tributary to Eagle River.** *Date of initiation of appropriation:* September 1, 2001. *Date applied to beneficial use:* August 1, 2020, by the installation of a three-inch line from the point of diversion to a standpipe by the fire truck storage building and the pumping of the same to fill the fire truck at a rate of 0.42 c.f.s. Amount: 2.0 c.f.s., 0.42 c.f.s. being made absolute herein and the remaining 1.58 c.f.s. conditional. *Proposed use:* fire protection. The water is diverted via pump and pipeline and held in a storage tank for fire protection purposes. A direct flow may also be used for firefighting. *Name and address of owner of land on which point of diversion is located:* U.S.F.S. White River National Forest, 900 Grand Ave., Glenwood Springs, CO 81601. The Application includes a detailed description of activities undertaken during the diligence period applying the subject water rights to beneficial use. (5 pages).

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5. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3197 GRAND COUNTY. Spring Branch Augmentation Association, c/o Matthew Esson, 7721 E. 8th Ave., Denver, CO 80230. Applicant is represented by Katie Randall and Kent Whitmer, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Prior Decrees: October 17, 1997

(97CW56); September 13, 2004 (03CW222); June 23, 2011 (10CW225); December 17, 2017 (17CW3134); all in Water Court Division No. 5. **Appropriative Rights of Exchange – Spring Branch Development Exchange:** This exchange is part of a plan for augmentation originally decreed in Case No. 97CW56. The plan for augmentation augments the Applicant's well field and wells to be located within the SE1/4SW1/4 Section 22, and NE1/4NW1/4 Section 27, Township 1 South, Range 76 West, 6th P.M. There are no underground water rights decreed for the Spring Branch Well Nos. 1-9. **Description of Stream Reach: Upstream Terminus:** The reach of the stream affected by this exchange is Spring Branch Creek, Crooked Creek and the Fraser River from the NE1/4NW1/4 Section 27, Township 1 South, Range 76 West, 6th P.M. where Spring Branch Creek crosses the North Section line, 0 feet from the North Section line and 1,500 feet from the East Section line. **Downstream Termini:** (1) Granby Reservoir located on the Colorado River, upstream of its confluence with the Fraser River, in parts of Sections 25, 26, 27, 34, 35, and 36, Township 3 North, Range 76 West; Sections 30 and 32, Township 3 North, Range 75 West, Sections 1, 2, 3, 10, 11, 12, 13 and 15, Township 2 North, Range 76 West; and Sections 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 21, 22 and 23, Township 2 North, Range 75 West, 6th P.M., all in Grand County, Colorado; and (2) The confluence of the Colorado River and Muddy Creek located at a point in the NW1/4NE1/4 Section 19, Township 1 North, Range 80 West, 6th P.M., located 77 feet from the North Section line and 1,947 feet from the East Section line. **Source of Water for the Wells:** Ground water from unconsolidated sand and gravel and from bedrock sandstones hydraulically connected to Spring Branch Creek, tributary to Crooked Creek, tributary to the Fraser River, tributary to the Colorado River. **Appropriation Date:** July 10, 1996. **Amount:** 0.001 c.f.s., conditional, limited to 0.92 acre-foot of depletions annually. **Uses:** Domestic, irrigation, stock watering. **Source of Exchange Water:** The subject water rights will operate pursuant to the plan for augmentation decreed in Case No. 97CW56. Augmentation water will be provided from Granby Reservoir or Wolford Mountain Reservoir. **Landowner Notice:** C.R.S. § 37-92-302(2)(b)(II) requires notice to the owners or reputed owners of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored. See the application for a list of the names and addresses of landowners receiving notice of this application. **Additional Information:** Applicant requests a finding of diligence for the conditional water rights for the Spring Branch Development Exchange. The previous decrees set forth additional terms and conditions, including a plan for augmentation, that continue to be in effect for the water rights of this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (27 pages).

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23CW3198 SUMMIT COUNTY. APPLICATION FOR FINDING OF REASONABLE DILIGENCE 1. The name and address of the Applicant: Town of Silverthorne c/o Town Administrator; P. O. Box 1309; Silverthorne, Colorado 80498; Direct all pleadings and correspondence to Peter J. Ampe, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207, Phone: (303) 296-8100, Fax: (303) 296-2388, E-mail: peterampe@hillandrobbs.com. 2. Describe Conditional Right of Exchange, Including Location of Structures and Exchange Reach: Pursuant to sections 37-80-120, 37-83-104 & 37-92-302(1)(a), C.R.S., Applicant previously adjudicated conditional appropriative rights of exchange whereby water in storage that is available to the Applicant is delivered to the Blue River in order to supply downstream appropriators, and an equivalent amount of water is diverted at the headgate of the Dillon Ditch on Salt Lick Gulch, tributary to the Blue River, for storage in Old Dillon Reservoir, as more fully described herein. 2.1 **Upstream terminus:** The upstream terminus of the Exchange is the point of diversion for the Dillon Ditch, located on the south bank of Salt Lick Gulch at a point whence the SE corner of Section 14, T.5 S, R.78 W of the 6th P.M. bears South 81°58' East 1832 feet; also described as a point located in the SW¼SE¼ of Section 14, T.5 S, R.78 W of the 6th P.M., approximately 260 feet from the South section line and 1,910 feet from the East section line of said Section 14. The exchanged water diverted at the Dillon Ditch headgate will be stored in Old Dillon Reservoir, located in the SW¼SE¼ and SE¼SW¼ of Section 13, T.5 S., R.78 W. of the 6th P.M., in Summit County, Colorado. 2.2 **Downstream terminus:** The downstream terminus of the Exchange is the confluence of Salt Lick Gulch and the Blue River, in the SW¼SE¼ of Section 12, T.5 S, R.78 W of the 6th P.M., Summit County, Colorado, at a point approximately 995 feet from the south line and 2,305 feet from the east line of said Section 12. 2.3. **Sources of water for exchange:** Water and water rights used for the Exchanges are from two sources: 2.3.1 Water stored in Clinton Gulch Reservoir (a/k/a Clinton Reservoir), pursuant to Applicant's shares in the Clinton Ditch & Reservoir Company. The water right for Clinton Reservoir was initially decreed by the District Court in and for Water Division No. 5 in Case No. W-2559 for 4,250 acre-feet for industrial, domestic, irrigation, recreation, and fish and wildlife propagation uses. An additional water right for Clinton Reservoir was subsequently decreed in Case No. 92CW65 for an enlarged use and second filling for domestic, municipal, irrigation, industrial, snowmaking, recreation, fish and wildlife propagation, and augmentation purposes. Clinton Gulch Reservoir is operated pursuant to and entitled to the benefits of the Clinton Reservoir-Fraser River Water Agreement dated July 21, 1992 ("Clinton Agreement") between Silverthorne, the City and County of Denver, acting by and through its Board of Water Commissioners ("Denver"), and other parties. The source of Clinton Gulch Reservoir is Clinton Creek, tributary to Ten Mile Creek, a tributary of the Blue River, and the dam is located at a point in the SW¼NW¼ of Section 25, T.7 S, R.79

W, 6th P.M., at a point whence the North quarter corner of said Section 25 bears N. 33° 51 '50" E 2840.44 feet. As the owner of 550 shares of stock in the Clinton Ditch & Reservoir Company, Silverthorne is entitled to the annual release of 55 acre-feet of water from Clinton Gulch Reservoir. 2.3.2. Water stored in Dillon Reservoir, to which the Applicant is entitled pursuant to an agreement dated September 18, 1985 between Summit County and Denver, as amended. The water rights for Dillon Reservoir were decreed by the District Court of Summit County, Water District No. 36, in Civil Action Nos. 1805 and 1806, dated March 10, 1952, and confirmed by the United States District Court for the District of Colorado in Consolidated Case Nos. 2782, 5016 and 5017, dated October 12, 1955, in the amount of 252,678 acre-feet for irrigation and municipal uses, including domestic use, mechanical use, manufacturing use, fire protection, street sprinkling, watering of parks, lawns and grounds. The sources of water stored in Dillon Reservoir are the Blue River, the Snake River, and Ten Mile Creek, all tributaries of the Colorado River. A refill right for Dillon Reservoir was adjudicated in Case No. 87CW376, District Court in and for Water Division No. 5, dated February 13, 1997, in the amount of 175,000 acre-feet for all municipal uses, including domestic use, mechanical use, manufacturing use, fire protection, street sprinkling, watering of parks, lawns and grounds, and flood control. Subject to the terms of the September 18, 1985 agreement between Summit County and Denver, as the same may, from time to time, be amended, Applicant is entitled to the release of 300 acre-feet from Dillon Reservoir. Water will not be released from Dillon Reservoir unless the required replacement water has been provided to Denver Water in accordance with the terms of the said agreement. 2.4. Source of water: Salt Lick Gulch, a/k/a Salt Lick Creek. 2.5. Priority and Appropriation date: Other persons previously filed applications for water rights and conditional water rights involving the same source of water and derived from the same point of diversion from the same stream. Those applications were filed in the preceding year by different applicants in Case Nos. 07CW226 (Summit County Board of County Commissioners); and 07CW232 (Town of Dillon). Contemporaneously with the filing of the application in 08CW16, Applicant filed timely Statements of Opposition to each of said prior applications. The Application in Case No. 08CW16 was also filed within 60 days of the earliest of said prior applications (Case No. 07CW226 was filed on December 26, 2007; Case No. 07CW232 having been filed on December 27, 2007). Therefore, Applicant claimed, and the Court found, that the filing of the application in Case No. 08CW16 case related back to December 26, 2007, for the purpose of determining its priority date, all as provided for by sections 37-92-306, and 306.1, C.R.S. The Exchange decreed herein shall have an appropriation date of December 11, 2007. 2.6. Amount: 8 c.f.s., (CONDITIONAL), with a total volumetric limit on the exchange of 355 acre-feet per year from all sources, (CONDITIONAL). 2.7. Uses: The water diverted by exchange will be used for municipal, domestic, commercial, irrigation, augmentation, replacement, exchange, recreation, piscatorial, wildlife watering, with the right use such water to extinction. Use of the water right decreed herein for augmentation shall only occur pursuant to a substitute supply plan approved by the State Engineer or a plan for augmentation approved by the Water Court. All uses of the water exchanged pursuant to the Exchange decreed herein shall occur below Dillon Dam. 3. **Terms and conditions.** Applicant's operation of the Exchange is subject to the following additional terms and conditions: 3.1. Live stream. The Exchange may be operated only when there is a live surface stream within the entire applicable exchange reach; provided, however, that the Exchange decreed herein can call out any diversions junior to such exchange to maintain a live stream. 3.2. Amount of exchange/transmission losses. The amount of water diverted by exchange by Applicant shall be equal to the amount of water released for replacement, less a reasonable deduction for loss, if any there be, to be determined by the State Engineer pursuant to section 37-83-104, C.R.S. The Exchange is limited to the amount of consumable water available from the sources listed in Paragraphs 2.1-7.4, not to exceed 8 c.f.s. at any time, up to 355 acre-feet annually. 3.3. Water quality. The replacement water shall be of a quality and continuity to meet the requirements of use to which the senior appropriation involved in the exchange has normally been put. 4. Provide a Detailed Outline of What Has Been Done Toward Completion or for Completion of the Appropriation and Application of Water to a Beneficial Use as Conditionally Decreed, Including Expenditures: Old Dillon Reservoir is, in part, a part of an integrated system for supplying water demands within the Town of Silverthorne's service area. The following is a summary of specific projects and work undertaken during the diligence period (from December, 2017 through December, 2023) in furtherance of the development of this conditional water right. This list is not intended to be fully inclusive and may be supplemented by additional evidence at any hearing in this matter. Over the diligence period Applicant has incurred at least \$27,750 in legal, engineering and consulting expenses related to the Town's municipal supply of water, approximately \$685,550 in expenses for the operation and maintenance of the Town's municipal supply system and approximately \$62,060 in expenses related asset management. Finally, the Town operated the exchange during the diligence period, but not at a sufficient quantity to make additional amounts, either instantaneous or acre-feet, absolute. 5. Previous Decrees to Make Absolute in Part. In Case No. 17CW3114, the District Court, in and for Water Division No. 5 decreed 4.55 c.f.s. and 35.1 acre-feet as absolute. Decree: Decree of the Water Court (December 17, 2017). 6. Request for finding of reasonable diligence: Applicant requests a finding that it has exercised reasonable diligence in the development of the remaining 3.45 c.f.s. and 319.9 acre-feet conditional water right awarded under the previous decree based on Applicant's Clinton Ditch & Reservoir Company shares and 300 acre-feet from Dillon Reservoir and that the work and expenditures described in the Application constitutes reasonable diligence in the development of this conditional water right. 7. Names and Addresses of Land Owners : United States Department of Agriculture, Forest Service, C/o District Ranger, Dillon Ranger District, P.O. Box 620, Silverthorne, CO 80498-0620. (6 Pages + Exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

7. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3199 (17CW3083) GARFIELD COUNTY. THREE MILE CREEK, TRIB. TO THE ROARING FORK AND COLORADO RIVERS. Application for Findings of Reasonable Diligence and to Make Water Right Absolute in Part. Applicants: A & K Black Diamond Mine, LLC and Toothache Spring, LLC, c/o Garfield & Hecht, P.C., 910 Grand Ave., Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Name and Description of Water Rights: Bershenyi Spring No. 4 Upper: Original decree entered on April 3, 2011 in Case No. 08CW177, Water Div. No. 5. Subsequent decree finding reasonable diligence was entered in Case No. 17CW3083. Point of diversion: located in the NW1/4 of the SW1/4 of Section 5, Township 7 South, Range 89 West of the 6th P.M., at a point approx. 1,440 feet from the South section line and 1,145 feet from the West section line of said Section 5. Source: Surface spring tributary to Three Mile Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Date of appropriation: November 26, 2008. Amount: 0.056 c.f.s. (25 g.p.m.), conditional. Uses: Domestic uses for one single-family dwelling, stock watering for approx. 50 animal units, and wildlife watering. Bershenyi Spring No. 5 Upper: Original decree entered on April 3, 2011 in Case No. 08CW177, Water Div. No. 5. Subsequent decree finding reasonable diligence was entered in Case No. 17CW3083. Point of Diversion: located in the SW1/4 of the SW1/4 of Section 5, Township 7 South, Range 89 West of the 6th P.M., at a point approx. 680 feet from the South section line and 695 feet from the West section line of said Section 5. Source: Surface spring tributary to Three Mile Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Date of appropriation: November 26, 2008. Amount: 0.25 c.f.s., conditional. Uses: Stock watering for approx. 50 animal units and wildlife watering. Bershenyi Spring No. 6 Upper: Original decree entered on April 3, 2011 in Case No. 08CW177, Water Div. No. 5. Subsequent decree finding reasonable diligence was entered in Case No. 17CW3083. Point of Diversion: located in the SW1/4 of the NW1/4 of Section 8, Township 7 South, Range 89 West of the 6th P.M., at a point approx. 1,370 feet from the North section line and 450 feet from the West section line of said Section 8. Source: Surface spring tributary to Three Mile Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Date of appropriation: November 26, 2008. Amount: 0.75 c.f.s., conditional. Uses: Stock watering for approx. 50 animal units and wildlife watering. Bershenyi Spring No. 7 Upper: Original decree entered on April 3, 2011 in Case No. 08CW177, Water Div. No. 5. Subsequent decree finding reasonable diligence was entered in Case No. 17CW3083. Point of diversion: located in the NE1/4 of the SW1/4 of Section 8, Township 7 South, Range 89 West of the 6th P.M., at a point approx. 1,770 feet from the South section line and 2,355 feet from the West section line of said Section 8. Source: Surface spring tributary to Three Mile Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Date of appropriation: November 26, 2008. Amount: 1.5 c.f.s., conditional. Uses: Domestic uses for one single-family dwelling, irrigation of 20 acres, stock watering for approx. 50 animal units, fish culture and pond maintenance flows for the Bershenyi Reservoir, and wildlife watering. A location map is filed with the application. Integrated System: In Case No. 17CW3083, the Court found and decreed that the water rights for Bershenyi Spring Nos. 4-7 Upper form an integrated water supply system such that work on any one feature of the system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as a whole. C.R.S. § 37-92-301(4)(b). Claim for Findings of Reasonable Diligence: The application includes a detailed outline of what has been done toward or for completion of the appropriations and the application of water to be beneficial use as conditionally decreed, including expenditures. Claim to Make Absolute in Part: Applicants request the Court to determine and decree that the following water right has been made absolute, in part, in the amount and for the uses described below. To the extent that the water right is not made absolute, Applicants request a decree finding reasonable diligence in the development of the remaining conditional amount and uses of the water right and continuing it in full force and effect. Bershenyi Spring No. 7 Upper has been applied to beneficial use for the amount and uses set forth as follows: (i) Date applied to beneficial use: August 4, 2023. There was no downstream call on the date of beneficial use, and diversions were made in priority. (ii) Amount: 2 gpm. (iii) Uses: stock watering and wildlife watering. (iv) Place of use: Applicant's property. Name and address of owner or reputed 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 modification to the existing storage pool: Applicants. Applicants request the Court to enter a decree finding and concluding that: (i) Bershenyi Spring No. 7 Upper has been made absolute, in part, in the amount of 2 gpm for wildlife watering and livestock watering uses; (ii) Applicants have shown reasonable diligence in the development of the remaining conditional uses and amount of Bershenyi Spring No. 7 Upper and continuing such conditional water right throughout the next diligence period; and (iii) Applicants have shown reasonable diligence in the development of the remaining conditional water rights set forth herein and continuing such conditional water rights throughout the next diligence period.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

8. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.

23CW3200 (17CW3122; 10CW174; 03CW120; 95CW335) GARFIELD COUNTY – COLORADO RIVER OR ITS TRIBUTARIES. Puma Paw, LLC, c/o Paul L. Noto, Esq. and Lauren N. Hoover, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. **First Claim: For Finding of Reasonable Diligence:** Name of water rights: DBS Ponds Nos. 1, 2, and 3. Original decree: June 9, 1997, Case No. 95CW335, Division 5 Water Court. Previous diligence decrees: June 21, 2004, Case No. 03CW120; May 11, 2011, Case No. 10CW174; December 17, 2017, Case No. 17CW3122. Legal descriptions: DBS Pond No. 1: The dam axis is located in the NW¹/₄, NE¹/₄, SW¹/₄ of Section 25, Township 4 South, Range 93 West of the 6th P.M., approximately 3,400 feet from the East Section line and 2,825 feet from the North Section line (Garfield County); DBS Pond No. 2: The dam axis is located in the NW¹/₄, NE¹/₄, SW¹/₄ of Section 25, Township 4 South, Range 93 West of the 6th P.M., approximately 3,700 feet from the East Section line and 3,135 feet from the North Section line (Garfield County); DBS Pond No. 3: The dam axis is located in the SW¹/₄, SE¹/₄, NW¹/₄ of Section 25, Township 4 South, Range 93 West of the 6th P.M., approximately 1,600 feet from the West Section line and 2,500 feet from the North Section line (Garfield County). A map of the ponds is on file with the Court as Exhibit A. Source: **The Middle Fork of Rifle Creek, tributary to the Colorado River via deliveries from the Youker Ditch with a total decreed flow rate of 1.3 c.f.s.** Appropriation date: October 31, 1992. Amounts: DBS Pond No. 1: 3.125 acre-feet, with the right to fill and refill when in priority. The Court decreed 1.5 acre-feet of this water right absolute for all decreed uses in Case No. 95CW335, while 1.625 acre-feet remain conditional; DBS Pond No. 2: 2.5 acre-feet, with the right to fill and refill when in priority. The Court decreed 1.25 acre-feet absolute for all decreed uses in Case No. 95CW335, while 1.25 acre-feet remain conditional; DBS Pond No. 3: 0.85 acre-feet conditional, with the right to fill and refill when in priority. Uses: Recreation, piscatorial, stock watering, and fire protection. Maximum height of dams: DBS Pond No. 1: Under 165 feet; DBS Pond No. 2: Under 150 feet; DBS Pond No. 3: Under 150 feet. Capacity of reservoirs: DBS Pond No. 1: 3.125 acre-feet (3.025 acre-feet active capacity and 0.1 acre-feet dead storage); DBS Pond No. 2: 2.5 acre-feet (2.4 acre-feet active capacity and 0.1 acre-feet dead storage); DBS Pond No. 3: 0.85 acre-feet (0.75 acre-feet active capacity and 0.1 acre-feet dead storage). Surface areas: DBS Pond No. 1: 0.625 acres; DBS Pond No. 2: 0.5 acres; DBS Pond No. 3: 0.21 acres. Claim for finding of reasonable diligence: A detailed description of the work done to complete the appropriation, including expenditures, is on file with the Court as Exhibit B. Remarks: Applicant owns the land upon which the structures are and will be located, upon which the water is and will be stored, and upon which the water is and will be placed to beneficial use. The DBS Pond No. 1, 2, and 3 are components of an integrated water supply project for applicant's property as decreed in Case No. 17CW3122. Applicant requests a finding of reasonable diligence for the amounts and uses remaining conditional at the DBS Pond Nos. 1, 2, and 3. **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

9. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3201 (17CW3086; 10CW173; 03CW121; 95CW336) GARFIELD COUNTY – COLORADO RIVER OR ITS TRIBUTARIES. Puma Paw, LLC, c/o Paul L. Noto, Esq. & Lauren N. Hoover, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt CO, 81621 (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. **First Claim: For Finding of Reasonable Diligence:** Name of water right: Puma Paw Spring. Original decree: June 9, 1997, Case No. 95CW336, Division 5 Water Court. Subsequent diligence decrees: June 21, 2004, Case No. 03CW121; April 3, 2011, Case No. 10CW173; December 17, 2017, Case No. 17CW3086. Legal description: The SE ¹/₄, NE ¹/₄, NE ¹/₄ of Section 24, Township 4 South, Range 93 West of the 6th P.M., approximately 625 feet from the East Section line and 925 feet from the North Section line (Garfield County). A map is on file with the Court as Exhibit A. Source: **Middle Fork of Rifle Creek, tributary to the Colorado River.** Appropriation date: May 14, 1994. Amount: 0.3 c.f.s. (135 g.p.m.) conditional. Uses: Domestic, commercial, and manufacturing, including commercial use for the production of bottled water. Claim for finding of reasonable diligence: A detailed description of the work done to complete the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land upon which the structure will be located, upon which the new diversion will occur, and upon which the water will be placed to beneficial use. **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

10. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.

23CW3202 GRAND COUNTY. Grand View Lake, LLC, c/o Anh Minh Tran, Mortgage One Solutions, Inc., 8609 Westwood Center Dr. Suite 200, Vienna, VA 22182. Applicant is represented by Katie Randall, Kent Whitmer, and Clay Culbreath, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Prior Decrees: November 26, 1996 (96CW50); March 7, 2001 (00CW72); March 31, 2004 (02CW312); June 23, 2011(10CW86); December 17, 2017(17CW3135); all in Water Court Division No. 5. Structures: WHC Wells No. 1-3 (a.k.a. Western Hills Cottages Wells No. 1, 2, and 3) and River Pines Exchange. Legal Descriptions: **WHC Well No. 1:** NE1/4SW1/4 Section 13, Township 3 North, Range 76 West of the 6th P.M. 1901 feet from the South line of said Section 13 and 1334 feet from the West line of said Section 13. **WHC Well No. 2:** NE1/4SW1/4 Section 13, Township 3 North, Range 76 West of the 6th P.M., 2034 feet from the South line of said Section 13 and 1359 feet from the West line of said Section 13. **WHC Well No. 3:** NW1/4SW1/4 Section 13, Township 3 North, Range 76 West of the 6th P.M. 1900 feet from the South line of said Section 13 and 1225 feet from the West line of said Section 13. Source of Water for Wells: Groundwater tributary to the Colorado River. Depth of Wells: WHC Well No. 1: 110 feet. WHC Well No. 2: 110 feet. WHC Well No. 3: 300 feet. Amounts and Uses: WHC Well No. 1 and WHC Well No. 2: 30 g.p.m. each for domestic, irrigation and fire protection purposes and 15 g.p.m. each for commercial purposes. WHC Well No. 3: 30 g.p.m. for commercial, domestic, irrigation and fire protection purposes. The total demand for WHC Well Nos. 1-3 is limited to 34.02af/yr. **Appropriative Right of Exchange:** Upstream Terminus: The upstream terminus of the exchange is at a point in the SW1/4 Section 13, Township 3 North, Range 76 West of the 6th P.M. where the N/S line between NE1/4SW1/4 and NW1/4SW1/4 intersects the Colorado River. Downstream Terminus: Colorado River to a point where releases from Wolford Mountain Reservoir meet the Colorado River (confluence of Muddy Creek with the Colorado River). Releases from Wolford Mountain Reservoir meet the Colorado River in the NW1/4NE1/4 of Section 19, Township 1 North, Range 80 West of the 6th P.M., at a point of approximately 2000 feet from the East line of said Section 19 and 200 feet from the North line of said Section 19. Augmentation/Exchange Source: Applicant has entered into a Water Allotment Contract with Middle Park Water Conservancy District to augment the uses contemplated in 96CW50, 00CW72 and 10CW86. Augmentation water will be provided from Granby Reservoir or Wolford Mountain Reservoir. Amount of Exchange: 3.0af/yr, as described in greater detail in the application. Appropriation Dates: January 10, 1996. April 12, 2000, and March 7, 2001, as described in greater detail in the application. Additional Information: Applicant requests a finding of diligence for the conditional water rights described herein. The previous decrees set forth additional terms and conditions, including a plan for augmentation, that continue to be in effect for the water rights of this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (24 pages).

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23CW3203 (17CW3098; 10CW183; 02CW79) PITKIN COUNTY – ROARING FORK RIVER OR ITS TRIBUTARIES. Ranch Lake 1, LLC, Ranch Lake II, Inc., Ranch Lake IV, LLC, c/o Paul L. Noto, Esq. and Lauren N. Hoover, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE: Claim: For Finding of Reasonable Diligence:** Names of water rights: Crystal Island Ranch Alluvial Well Field, Crystal Island Ranch Property Well Field, Lower Thomas Ranch Spring, Polo Ditch Augmentation Enlargement, Thomas Feeder Ditch Augmentation Enlargement, Polo Pond Augmentation Enlargement, Lewis Lake Augmentation Enlargement, and Polo Pond No. 2. Original Decree: June 11, 2004, Case No. 02CW79, Division 5 Water Court. Subsequent diligence decrees: April 3, 2011, Case No. 10CW183; December 17, 2017, Case No. 17CW3098. Legal descriptions: A map of all water rights that are the subject of this application is on file with the Court as Exhibit A. Crystal Island Ranch Alluvial Well Field: One or more wells located in portions of the E ½ of Section 22, Township 8 South, Range 88 West of the 6th P.M. (Pitkin County), and limited to the area shown on Exhibit A. The Court decreed this legal description as the changed location of the well field in Case No. 10CW183. The proposed approximate depth of all wells within the well field is between 50 and 100 feet; Crystal Island Ranch Property Well Field: One or more wells located in portions of the E ½ of Section 22, portions of the E ½ of Section 27, and portions of Sections 23 and 26, Township 8 South, Range 88 West of the 6th P.M. (Pitkin County), and limited to the area shown on Exhibit A. The Court decreed this legal description as the changed location of the well field in Case No. 10CW183. The proposed approximate depth of all wells in the well field is between 50 and 150 feet; Lower Thomas Ranch Spring: The NW ¼, SE ¼ of Section 22, Township 8 South, Range 88 West of the 6th P.M., at a point approximately 1,975 feet from the South Section line and 1,450 feet from the East Section line (Pitkin County). The Court decreed this legal description as the changed location of the spring in Case No. 05CW237; Polo Ditch Augmentation Enlargement: The SW ¼, NW ¼ of Section 23, Township 8 South, Range 88 West of the 6th P.M., approximately 1,950 feet from the North Section line and 900 feet from the West Section line (Pitkin County); Thomas Feeder Ditch Augmentation Enlargement: The NW ¼, NE ¼ of Section 26, Township 8 South, Range 88 West of the

6th P.M., approximately 550 feet from the North Section line and 2,450 feet from the East Section line (Pitkin County); Polo Pond Augmentation Enlargement: The NE ¼, SE ¼ of Section 22, Township 8 South, Range 88 West of the 6th P.M., approximately 2,250 feet from the South Section line and 550 feet from the East Section line (Pitkin County); Lewis Lake Augmentation Enlargement: The SE ¼, SW ¼ of Section 23, Township 8 South, Range 88 West of the 6th P.M., approximately 1,100 feet from the South Section line and 2,000 feet from the West Section line (Pitkin County); Polo Pond No. 2: The SW ¼, NE ¼ of Section 22, Township 8 South, Range 88 West of the 6th P.M., approximately 2,925 feet from the South Section line and 1,700 feet from the East Section line (Pitkin County). The Court decreed this legal description as the changed location of the pond to reflect its actual location in Case No. 05CW237. **Sources:** Crystal Island Ranch Alluvial Well Field: **Alluvium of the Crystal River, tributary to the Roaring Fork and Colorado Rivers;** Crystal Island Ranch Property Well Field: **Groundwater tributary to the Crystal River, tributary to the Roaring Fork and Colorado Rivers;** Lower Thomas Ranch Spring: **Spring water tributary to the Crystal River, tributary to the Roaring Fork and Colorado Rivers;** Polo Ditch Enlargement, Thomas Feeder Ditch Augmentation Enlargement, Polo Pond Augmentation Enlargement, Lewis Lake Augmentation Enlargement, and Polo Pond No. 2: **Thomas Creek, tributary to the Crystal, Roaring Fork, and Colorado Rivers.** **Appropriation Date:** September 1, 2001. **Amounts:** Crystal Island Ranch Alluvial Well Field: 150 g.p.m., conditional; Crystal Island Ranch Property Well Field: 100 g.p.m., conditional; Lower Thomas Ranch Spring: 0.25 c.f.s., conditional for domestic and augmentation uses and for filling Polo Pond No. 2. The Court decreed this water right absolute for 0.25 c.f.s. for irrigation, stock watering, recreation, piscatorial, and aesthetic uses in Case No. 02CW79; Polo Ditch Augmentation Enlargement: 1.0 c.f.s., conditional; Thomas Feeder Ditch Augmentation Enlargement: 1.0 c.f.s., conditional; Polo Pond Augmentation Enlargement: 10 acre-feet, conditional; Lewis Lake Augmentation Enlargement: 10 acre-feet, conditional; Polo Pond No. 2: 10 acre-feet, conditional. **Uses:** Crystal Island Ranch Alluvial Well Field and Crystal Island Ranch Property Well Field: Domestic and irrigation; Lower Thomas Ranch Spring: Conditional for domestic and augmentation purposes, and for filling Polo Pond No. 2 for subsequent augmentation, piscatorial, and aesthetic purposes, and absolute for irrigation, stock watering, recreation, piscatorial, and aesthetic purposes; Thomas Feeder Ditch Augmentation Enlargement: Filling the Lewis Lake Augmentation Enlargement for subsequent augmentation, piscatorial, and aesthetic purposes; Polo Pond Augmentation Enlargement, Lewis Lake Augmentation Enlargement, and Polo Pond No. 2: Augmentation, piscatorial, and aesthetic. **Remark:** In Case No. 02CW79, the Court decreed all of the water rights that are the subject of this case as component parts of Applicants' integrated water supply system under C.R.S. § 37-92-301(4)(b). A detailed outline of the work done to complete the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicants own the land upon which the diversion and storage structures are and will be located, upon which the water will be stored, and upon which the water is and will be put to beneficial use.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

12. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. 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.

23CW3204 MESA COUNTY. Application for Findings of Reasonable Diligence and to Make Conditional Water Rights Absolute. Applicant: Jake L. Segrest, c/o Scott Grosscup & Andrea Hall, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant requests a finding of reasonable diligence in the development of the conditional water rights decreed to Ramona Springs and Seep, Jake Sr. Springs and Seep, Jake Jr. Springs and Seep, Darra Springs and Seep, Kinley, Springs and Seep, Janna Springs and Seep and the Segrest Springs & Seep, herein described as (the "Subject Water Rights"). Applicant further seeks a finding confirming the Subject Water Rights are made absolute in whole. A map showing the locations of the structures is attached as Figure 1 on file with the Water Ct. (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Ct.) Decree information for all Subject Water Rights: Original Decree: 99CW197 entered 07/19/2004 in Div. 5 Water Ct. Subsequent Diligence Decrees: 10CW192 entered 04/03/2011 and 17CW3070 entered on 12/17/2017, Dist. Ct., Water Div. 5. Approp. Date for All Subject Water Rights (except as noted): 07/19/1985. First Claim for Finding of Reasonable Diligence. Structure: Ramona Springs and Seep. Legal Description: Located in the SE1/4 NE1/4, Sec. 14, T. 10 S., R. 97 W., 6th P.M. at a point 150 ft. W. of the E. line and 1,970 ft. S. of the N. line of said Sec. 14. **Source: Springs and seeps tributary to Plateau Creek, tributary to CO River.** Amt.: 0.25 c.f.s., conditional. 0.25 c.f.s. was made absolute for supplemental irr. of 25 acres in 17CW3070. Uses: Dom., power generation, and irr. of 10 acres. Structure: Jake Sr. Springs and Seep. Legal Description: Located in the NE1/4 NE1/4 Sec. 14, T. 10 S., R. 97 W., 6th P.M. at a point on the E. line and 790 ft. S. of the N. line of said Sec. 14. **Source: Springs and seeps tributary to Plateau Creek, tributary to CO River.** Amt.: 0.15 c.f.s., conditional. 0.15 c.f.s. was made absolute for supplemental irr. of 30.8 acres in 17CW3070. Uses: Dom., power generation, and irr. of 4.2 acres. Structure: Jake Jr. Springs and Seep. Legal Description: Located in the NE1/4 NE1/4 Sec. 14, T. 10 S., R. 97 W., 6th P.M. at a point 250 ft. W. of the E. line and 700 ft. S. of the N. line of said Sec. 14. **Source: Springs and seeps tributary to Plateau Creek, tributary to CO River.** Amt.: 0.05 c.f.s., conditional. 0.05 c.f.s. was made absolute for supplemental irr. of 30.8 acres in 17CW3070. Uses: Dom., power generation, and irr. of 4.2 acres. Structure: Darra Springs and Seep. Legal Description: Located in the NE1/4 NE1/4 Sec. 14, T. 10 S., R. 97 W., 6th P.M. at a point 725 ft. W. of the E. line and 725 ft. S.

of the N. line of said Sec. 14. Source: Springs and seeps tributary to Plateau Creek, tributary to CO River. Amt.: 0.10 c.f.s., conditional. 0.10 c.f.s. was made absolute for supplemental irr. of 30.8 acres in 17CW3070. Uses: Dom., power generation, and irr. of 4.2 acres. Structure: Kinley Springs and Seep. Legal Description: Located in the NE1/4 NE1/4 Sec. 14, T. 10 S., R. 97 W., 6th P.M. at a point 1,200 ft. W. of the E. line and 1,025 ft. S. of the N. line of said Sec. 14. Source: Springs and seeps tributary to Plateau Creek, tributary to CO River. Amt.: 0.18 c.f.s., conditional. 0.18 c.f.s. was made absolute for supplemental irr. of 30.8 acres in 17CW3070. Uses: Dom., power generation, and irr. of 4.2 acres. Structure: Janna Springs and Seep. Legal Description: Located in the NW1/4 NE1/4 Sec. 14, T. 10 S., R. 97 W., 6th P.M. at a point 1,700 ft. W. of the E. line and 725 ft. S. of the N. line of said Sec. 14. Source: Springs and seeps tributary to Plateau Creek, tributary to CO River. Amt.: 0.15 c.f.s., conditional. 0.15 c.f.s. was made absolute for supplemental irr. of 30.8 acres in 17CW3070. Uses: Dom., power generation, and irr. of 4.2 acres. Name of Structure: Segrest Springs & Seep. Legal Description: Located in the SE1/4 NE1/4 Sec. 14, T. 10 S., R. 97 W., 6th P.M., at a point 150 ft. W. of the E. line and 1,970 ft. S. of the N. line of said Sec. 14. Source: Springs and seeps tributary to Plateau Creek, tributary to CO River. Approp. Date: 12/21/2001, for conditional uses. Amt. & Uses: 0.25 c.f.s., conditional for dom., generation of electrical power. 0.186 c.f.s., conditional for irr. of 17 acres. 0.314 c.f.s. was made absolute for supplemental irr. of 18 acres in 17CW3070.) A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Second Claim to Make Absolute. Applicant has developed the additional irrigated acreage, as shown in Figure 2, and applied the subject water rights to that land. Applicant collects water from the springs and delivers it to the western side of the property by a ditch and to the N. side of the property by a pipeline. The Subject Water Rights feed into the Shuey Ditch, and all irr. water rights are used. Applicant requests a finding that the following Subject Water Rights be confirmed absolute by their application to beneficial use as follows. Date of Beneficial Use for All Water Rights: 07/01/2019. Records maintained by the CDW resources indicate that no administrative call was in place on Plateau Creek or the mainstem of the CO River on 07/01/2019. Structure: Ramona Springs and Seep, as described above. Amt. Claimed as Absolute: 0.25 c.f.s. for irr. of 4.2 acres. Structure: Jake Sr. Springs and Seep, as described above. Amt. Claimed as Absolute: 0.15 c.f.s. for irr. of 4.2 acres. Structure: Jake Jr. Springs and Seep, as described above. Uses: Irr. of 4.2 acres. Amt. Claimed as Absolute: 0.05 c.f.s. for irr. of 4.2 acres. Structure: Darra Springs and Seep, as described above. Uses: Irr. of 4.2 acres. Amt. Claimed as Absolute: 0.10 c.f.s. for irr. of 4.2 acres. Structure: Kinley Springs and Seep, as described above. Amt. Claimed as Absolute: 0.18 c.f.s. for irr. of 4.2 acres. Structure: Janna Springs and Seep, as described above. Amt. Claimed as Absolute: 0.15 c.f.s. for irr. of 4.2 acres. Structure: Segrest Springs and Seep, as described above. Amt. claimed as absolute: 0.186 c.f.s. for irr. of 17 acres. Names and address of owners of land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. (9 pages of original application, Figures 1 & 2)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

13. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3205 EAGLE COUNTY, COLORADO. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION. 1. Name and address of applicant: Upper Eagle Regional Water Authority, c/o General Manager, 846 Forest Road, Vail, CO 81657, c/o Kristin H. Moseley, Michael W. Daugherty, Somach Simmons & Dunn, P.C., 1155 Canyon Blvd., Suite 110, Boulder, CO 80302, (303) 449-2834, kmoseley@somachlaw.com, mdaugherty@somachlaw.com. 2. Description of water rights to be augmented directly or by exchange: Applicant seeks to augment up to 162 acre feet of water per year (less transport losses from the replacement sources) of out of priority depletions resulting from municipal diversions (to include municipal, domestic, irrigation, commercial, industrial, recreational and all other water uses furnished by Applicant) at the following structures: 2.1. Metcalf Ditch Headgate (WDID 3700708), located at a point from which the SE corner of the SW/4, Section 7, T. 5 S., R. 81 W. of the 6th P.M. bears S. 53°00'40" E. 1446 feet, which can also be described as on the Eagle River in the SE/4 SW/4 of Section 7, T. 5 S., R. 81 W., 6th P.M. at a point 870 feet from the south section line and 1,485 feet from the west section line. UTM NAD83 (Zone 13), X 370662.0; Y 4387386.0; Latitude 39.626482, Longitude -106.507010. 2.2. Raw Water Booster Pump Headgate (WDID 3701202), located at a point from which the SW corner of the NW/4, Sec. 12, T. 5 S., R. 82 W. of the 6th P.M. bears S. 18°01'34" W. 1551.13 feet, which can also be described as on the Eagle River in the NW/4 NW/4 of Section 12, T. 5 S., R. 82 W., 6th P.M. at a point 1,165 feet from the north section line and 480 feet from the west section line. UTM NAD83 (Zone 13), X 368701.3; Y 4388400.7; Latitude 39.635326, Longitude -106.530053. The above structures are used by Applicant pursuant to the decrees of the District Court in and for Water Division No. 5 (the "Water Court") in Case Nos. 85CW608 through 85CW613, and in subsequent decrees including in Case No. 00CW83. 2.3. UERWA Point A (WDID 3701107), located on Lake Creek in the SE/4 NE/4 of Section 6, T. 5 S., R. 82 W., 6th P.M. at a point 1,700 feet from the north section line and 410 feet from the east section line, or at a headgate well in the alluvium of Lake Creek. This diversion was decreed in Water Court Case No. 93CW291 for 11.6 cfs. UTM NAD83 (Zone 13), X 361908.0; Y 4390012.0; Latitude 39.648766, Longitude -106.609520. 2.4. Edwards Water District Well No. 2 (WDID 3706032), located in the Eagle River alluvium in the SE/4 SW/4 of Section 4, T. 5 S., R. 82 W., 6th P.M. at a point 750 feet from the south section line and 2,100 feet from the West section line for 0.440 cfs in accordance with

the decrees in Water Court Case Nos. 81CW161, 81CW195 and 85CW610. UTM NAD83 (Zone 13), X 364248.0; Y 4389055.0; Latitude 39.640521, Longitude -106.582060. 2.5. June Creek Ranch Well No. 1 (WDID 3705125), located in the Eagle River alluvium and tied to the NW Corner, Section 4, T. 5 S., R. 82 W. of the 6th P.M., N. 24°55'55" W. 2040.12 ft. in accordance with the decree in Water Court Case Nos. W-3999. UTM NAD83 (Zone 13), X 363693; Y 4389355.0; Latitude 39.643135, Longitude -106.588587. 2.6. June Creek Ranch Well No. 2 (WDID 3705126) (as changed in Case No. 84CW233), located in the Eagle River alluvium and tied to the NW corner, Section 4, T. 5 S., R. 82 W. of the 6th P.M., N. 07°08'00" W. 3092.28 feet. While not decreed as such, it can be located in the NW/4 SW/4 of Section 4, T. 5 S., R. 82 W., 6th P.M. at a point 2,240 feet from the south section line and 510 feet from the west section line, for 1.11 cfs in accordance with the decrees in Water Court Case Nos. W-3999, 82CW228, 84CW200, 84CW233, 88CW268 and 85CW613. UTM NAD83 (Zone 13), X 363794.0; Y 4389500.0; Latitude 39.644457, Longitude -106.587441. 2.7. June Creek Ranch Well No. 3 (WDID 3705127), located in the Eagle River alluvium and tied to the NW Corner, Section 4, T. 5 S., R. 82 W. of the 6th P.M., N. 12°41'13" E. 3141.71 ft. in accordance with the decree in Water Court Case Nos. W-3999. UTM NAD83 (Zone 13), X 363942.0; Y 4389702.0; Latitude 39.646300, Longitude -106.585758. 2.8. June Creek Ranch Well No. 4 (WDID 3705128) (aka, Berry Creek Well No. 3) (as changed in Case No. 84CW233, tied to the NW corner, Section 4, T. 5 S., R. 82 W. of the 6th P.M., N. 00°32'17" W. 2530.24 feet, which can also be located in the Eagle River alluvium in the SW/4 NW/4 of Section 4, T. 5 S., R. 82 W., 6th P.M. at a point 2,530 feet from the north section line and 125 feet from the west section line, for 100 gpm in accordance with the decrees in Water Court Case Nos. W-3999, 82CW228, 84CW200, 84CW233, 88CW268 and 85CW613. UTM NAD83 (Zone 13), X 363676.0; Y 4389647.0; Latitude 39.645763, Longitude -106.588846. 2.9. June Creek Ranch Well No. 5 (WDID 3705129), located in the Eagle River alluvium and tied to the NW Corner, Section 4, T. 5 S., R. 82 W. of the 6th P.M., N. 24°28'27" E. 4791.01 ft. in accordance with the decree in Water Court Case Nos. W-3999. UTM NAD83 (Zone 13), X 364336.0; Y 4389234.0; Latitude 39.642148; Longitude -106.581071. 2.10. June Creek Ranch Well No. 6 (WDID 3705130) (as changed in Case No. 84CW233), tied to the NW corner, Section 4 T. 5 S., R. 82 W. of the 6th P.M., N. 09°29'46" W. 3692.17 feet, which can also be located in the Eagle River alluvium in the NW/4 SW/4 of Section 4, T. 5 S., R. 82 W., 6th P.M. at a point 1,680 feet from the south section line and 760 feet from the west section line, for 1.11 cfs in accordance with the decrees in Water Court Case Nos. W-3999, 82CW228, 84CW200, 84CW233, 88CW268 and 85CW613. UTM NAD83 (Zone 13), X 363854.0; Y 4389326.0; Latitude 39.642900; Longitude -106.586706. The depletions caused by the June Creek Ranch Wells Nos. 2, 4, and 6, and the Edwards Water District Well No. 2 will be calculated using the lagging factors identified for each well in the decree in Water Court Case No. 11CW92. 2.11. Stag Gulch Wellfield (WDID 3705568), aka the Fenno Wells ("the Wellfield") including up to thirty-five individual wells, all located in the County of Eagle, Colorado. The locations of the Stag Gulch Wells are described in the decree in Case No. 91CW77, as amended by the decree in Case No. 96CW021. In the decree in Case 91CW77, Applicant was granted the right to develop its ground water supplies through the wellfield concept, without having to amend the decree each time a new well location is determined. The location of the Wellfield is in Tract 73 which is part of Sections 10 and 11, Tract 53, which is part of Sections 10, 11 and 14, Tract 55, which is part of Sections 11 and 14, Tract 62 which is part of Sections 14 and 15, Tract 63 which is part of Sections 14 and 15, Tract 51 which is part of Section 10, Tract 48 which is part of Sections 9 and 10, Tract 54, which is part of Sections 10, 11, 14, and 15, and a tract of land designated as the "Cliff Tract" lying in the northeast corner of said Tract 53; all in Township 5 South Range 83 West of the 6th P.M. according to the Independent Resurvey accepted June 6, 1923. UTM NAD83 (Zone 13), X 356939.0; Y 4387466.0; Latitude 39.625019; Longitude -106.666862. In Case No. 96CW021, the Court permitted 2 of the 35 permitted wells to be located in Section 14, Township 5 South Range 83 West of the 6th P.M. **The source of the Wellfield is groundwater from bedrock aquifers hydraulically connected to the Eagle River, a tributary to the Colorado River, or to Squaw Creek, a tributary to the Eagle River, tributary to the Colorado River,** with an appropriation date of April 26, 1990, for 450 gallons per minute for the Wellfield, for irrigation, domestic, municipal, stock watering, augmentation, replacement, exchange, commercial, storage, recreation, piscatorial, golf course hazard and fire protection purposes. A total of 250 g.p.m. was previously made absolute by the decree in Case No. 98CW8 for all uses listed above, except for augmentation, replacement, and exchange purposes. 2.12. Edwards Water Facility (WDID 3701298), being a point located in the NW/4 SW/4 of Section 4, T. 5 S., R. 82 W., 6th P.M., on the northerly bank of the Eagle River at a point 1,393 feet from the south section line and 654 feet from the west section line. UTM NAD83 (Zone 13), X 363802.8; Y 4389330.1; Latitude 39.642928; Longitude -106.587301. This structure was decreed as an alternate point of diversion for water rights owned by Applicant in Case No. 00CW83 and is sought as a point of diversion for 0.4 cfs in Case No. 02CW403. 3. Description of the water rights to be used as the source of augmentation water: Up to 162 acre feet of water from Eagle Park Reservoir from the following sources: (1) 112 acre feet of water owned by Applicant pursuant to Eagle Park Reservoir Company Stock Certificate Nos. 67 and 68; and (2) 50 acre feet of water associated with a pending lease from the Colorado River Water Conservation District. Eagle Park Reservoir is further described as follows: 3.1. Eagle Park Reservoir is decreed by the Water Court in Case Nos. 92CW340 and 93CW301, for a combined total capacity of 27,600 acre feet, with an appropriation date of March 16, 1991, for 5,300 acre feet, and May 18, 1993, for 22,300 acre feet, together with the right to divert at the rate of 80 cfs under the August 10, 1956 appropriation date of the Pando Feeder Canal pursuant to the decree of the Water Court in Case No. 97CW288, for mining, milling, industrial, snowmaking, municipal, domestic, stock watering, recreation, fish and wildlife, irrigation, agricultural, exchange, replacement, augmentation and all other beneficial purposes. The north abutment of the dam crest is located approximately 160 feet north of the south section line and 650 feet east of the west section line of Section 28, T. 7 S., R. 79 W., 6th P.M., Eagle County, Colorado. Eagle Park Reservoir is augmented by exchange by decree of the Water Court in Case No. 95CW348. Eagle Park Reservoir Company has made absolute 3,301 acre-feet of the original 5,300 acre-feet by decree of the Water Court entered in Case No. 13CW11. The source of Eagle Park Reservoir is the East Fork of the Eagle River including runoff, surface flow and seepage from the area above the reservoir and tributary thereto, and water tributary to Tenmile Creek a tributary of the Blue River. In addition to the tributary area

upstream of the reservoir, the specific points of diversion into storage for Eagle Park Reservoir are as follows: 3.1.1. The East Fork Interceptor Ditch, which has a capacity of 48 cfs and diverts from unnamed tributaries of the East Fork of the Eagle River at the following points, all of which are located in Eagle County, Colorado: 3.1.2. 900 feet south of the north section line and 1100 feet west of the east section line of Section 5, T. 8 S., R. 79 W., 6th P.M. 3.1.3. 1250 feet south of the north section line and 700 feet east of the west section line of Section 4, T. 8 S., R. 79 W., 6th P.M. 3.1.4. 1200 feet north of the south section line and 800 feet east of the west section line of Section 33, T. 7 S., R. 79 W., 6th P.M. 3.1.5. Runoff, surface flow, and seepage from the area above the East Fork Interceptor Ditch as it runs between the above-described points of diversion and Eagle Park Reservoir. 3.2. The Chalk Mountain Interceptor Ditch, which has a capacity of 12 cfs and diverts runoff and seepage as it runs a distance of approximately 3.4 miles from Fremont Pass, located in the W/2 of Section 11, T. 8 S., R. 79 W., 6th P.M., northwesterly along State Highway 91 and the South side of Robinson Tailing Pond, thence westerly to the south of Chalk Mountain Reservoir and Robinson Reservoir, thence northwesterly to Eagle Park Reservoir. The Chalk Mountain Interceptor Ditch diverts water from the headwaters of Tenmile Creek in Summit County and from the headwaters of the East Fork of the Eagle River in Eagle County. 3.3. The East Interceptor Ditch, which has a capacity of 20 cfs and runs northeasterly from a point whence the northeast corner of Section 2, T. 8 S., R. 79 W., 6th P.M. bears N. 77°20' East a distance of 850 feet at the north fork of McNulty Creek, thence along the east side of Robinson and Tenmile Tailing Ponds into Supply Canal No. 1 described below. The East Interceptor Ditch diverts water from the north fork of McNulty Creek and surface flow, seepage, and runoff from watersheds above it that are tributary to Tenmile Creek. 3.4. The Supply Canal No. 1, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points: 3.4.1. On the west bank of Humbug Creek at a point whence the southwest corner of Section 18, T. 7 S., R. 78 W. 6th P.M. bears S. 71°35' West a distance of 3250 feet. 3.4.2. On the south bank of Mayflower Creek at a point whence the northeast corner of Section 24, T. 7 S., R. 79 W., 6th P.M. bears N. 16°55' East a distance of 2250 feet. 3.4.3. Runoff, surface flow, and seepage from the area above the Supply Canal No. 1 as it runs between the above-described points of diversion and the Climax Mill. 3.5. The Supply Canal No. 2, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points: 3.5.1. On the west bank of Searle Creek at a point whence U.S.L.M. Kokomo bears S. 45°58' East 3740 feet (located in the NW/4 of the SE/4 of Section 13, T. 7 S., R. 79 W., 6th P.M.). 3.5.2. On the south bank of Kokomo Creek at a point whence U.S.L.M. Kokomo bears N. 39°36' east 2635 feet (located in the SE/4 of Section 22, T. 7 S., R. 79 W., 6th P.M.). 3.5.3. Runoff, surface flow, and seepage from the area above the Supply Canal No. 2 as it runs between the above-described points of diversion and the Climax Mill. 3.6. The East Fork Pumping Plant, which has a capacity of 6 cfs and diverts from the East Fork of the Eagle River at a point in the SE/4 of the NE/4 of Section 32, T. 7 S., R. 79 W., 6th P.M. at a point whence the NE corner of said Section 32 bears N. 31°53' E. a distance of 2414 feet. The East Fork Pumping Plant is augmented by exchange by decree of the Water Court in Case No. 03CW211. 4. Description of plan for augmentation: Applicant seeks the right to divert out of priority the water rights at the structures described in paragraph 2 above, on a year-round basis for use throughout Applicant's service area, as that service area may expand over time. To permit the requested out of priority diversions, Applicant proposes to cause the release of up to 162 acre feet of water per year from Eagle Park Reservoir, described in paragraph 3, above, to replace out of priority depletions. 4.1. Additional supplies of augmentation water: Pursuant to C.R.S. § 37-92-305(8)(c), Applicant may use water for augmentation from additional water rights not described herein, including water leased by Applicant, if such sources are decreed for such use or part of a substitute water supply plan approved pursuant to C.R.S. § 37-92-308. 5. Remarks: The Metcalf Ditch Headgate is located on land owned by Tanya Argo and Chris Striebich whose address is 2274 S. Ogden St., Denver, CO 80210, and land owned by Lyman K. Steil Living Trust whose address is 25 Robb Farm Rd., Saint Paul, MN 55127. The Raw Water Booster Pump Headgate is on land owned by the Eagle River Water & Sanitation District whose address is 846 Forest Rd., Vail, CO 81657. UERWA Point A is located on land owned by Southfork Meadows Homeowners Association Inc. whose address is c/o McNeil Property Management, P.O. Box 8366, Avon, CO 81620. Edwards Water District Well No. 2 is located on land owned by The Reserve on the Eagle River Condominium Association whose address is 34999 U.S. Highway 6, Edwards, CO 81632. June Creek Ranch Well No. 1 is located on land owned by the Applicant. June Creek Ranch Wells No. 2 and 4 are located on land owned by Colorado Mountain Junior College District whose address is 802 Grand Ave., Glenwood Springs, CO 81601. June Creek Ranch Well No. 3 is located on land owned by Eagle County School District RE-50J whose address is P.O. Box 740, Eagle, CO 81631. June Creek Ranch Wells Nos. 5 and 6 are located on land owned by Eagle County whose address is P.O. Box 850, Eagle CO 81631. The existing Stag Gulch Wellfield wells are located on land owned by Cordillera Metro District whose address is 408 Carterville Rd., Cordillera, CO 81632; Wind Rose Properties LLC whose address is 655 Clubhouse Dr., Edwards, CO 81632; Jeffrey Horswell and Deborah Tapler whose address is 96 Abbey Woods Ln., Dallas, TX 75248; Kimberley A. Allen and Lawrence D. Mendes whose address is 503 Milwaukee St., Denver, CO 80206; Carollyn S. and Kevin J. Foley whose address is 5910 Wedgewood Heights Way, Houston, TX 77059; Ian and Heather McClure whose address is 5701 Windmier Cir., Dallas, TX 75252; and on land owned or obtained by easement by the Applicant. The Edwards Water Facility is located on land owned by the Applicant. Eagle Park Reservoir is owned by the Eagle Park Reservoir Company. A map showing the structures described in paragraph 2, above, as well as Eagle Park Reservoir and the Applicant's existing service area is attached as **Exhibit A**. WHEREFORE, Applicant requests that this Court enter a decree that (1) approves the plan for augmentation described in paragraph 4, above, and (2) finds that as a result of the subject plan for augmentation, there will be no injury to any owner of or persons entitled to use water under a vested water right or decreed conditional water right.

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14. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3206 GARFIELD COUNTY. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. Puckett Land Company (“Puckett”), Attention: Eric R. Stearns, 5460 South Quebec Street, Suite 250, Greenwood Village, CO 80111, Telephone: (303) 763-1000. Direct pleadings and correspondence to: Peter D. Nichols, Megan Christensen, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302, (303) 402-1600, pdn@bhgrlaw.com, megan.christensen@bhgrlaw.com. The Oil Shale Corporation (“TOSCO”), c/o Kenneth Moursund, Senior Counsel, ConocoPhillips Company, 925 North Eldridge Parkway, Houston, Texas 77079, Telephone: (281) 293-1298. Direct pleadings and correspondence to: Alan E. Curtis, Nicoli R. Bowley, White & Jankowski LLC, 1333 W. 120th Ave., Suite 302, Westminster, CO 80234, Telephone: (303) 595-9441, alanc@white-jankowski.com, nicolib@white-jankowski.com. 2. Summary of Application: Puckett and TOSCO seek a finding of reasonable diligence for the water right for The Oil Shale Corporation Pipeline and Pumping Plant (the “TOSCO Pipeline and Pumping Plant Water Right”). 3. TOSCO Pipeline and Pumping Plant Water Right: 3.1. Date of Original Decree: November 10, 1966, Case No. CA4914, Water Div. No. 5. 3.2. Subsequent decrees awarding findings of diligence (Case No. and date of decree): W-121, June 22, 1971; W-698, January 4, 1973; W-698-76, April 21, 1977; 80CW222, November 24, 1980; 84CW128, October 25, 1984; 88CW193, December 4, 1989; 95CW301, July 30, 1996; 02CW200, October 14, 2003 (“02CW200 Decree”); 09CW159, April 4, 2011; 17CW3106, December 17, 2017 (“17CW3106 Decree”); all Water Div. 5. 3.3. Subsequent decrees for alternate points of diversion (Case No. and date of decree): W-2785 (January 27, 1977, alternate point of diversion); 07CW239, September 25, 2016 (add as alternate point of diversion); both in Water Div. 5. 3.4. Legal description of original and alternate points of diversion: On the right bank of the Colorado River at a point whence the SE corner of Section 32, T6S, R95W of the 6th P.M. bears North 77° 37’ West, 122.16 feet. By the decree entered on January 27, 1977 in Case No. W-2785, an alternate point of diversion was approved for the water right on the right bank of the Colorado River at a point whence the East 1/4 corner of Section 6, T7S, R95W, of the 6th P.M., bears North 35° 00’ East, 1,880 feet. The locations of the points of diversion are shown on the map attached hereto as Exhibit 1. 3.5. Alternate Legal Descriptions: The decreed locations for the original and alternate point of diversion are set forth above. For purposes of this Application only, estimated alternate legal descriptions are provided, as shown on Exhibit 1. The decreed location for the original point of diversion is estimated to be in the NW 1/4 of the NW 1/4 of Section 4, T7S, R95W, 6th P.M., Garfield County, 119 feet from the west line and 22 feet from the north line of said Section 4. The decreed location for the alternate point of diversion is estimated to be in the SE 1/4 of the SE 1/4 of Section 6, T7S, R95W, 6th P.M., Garfield County, 1,033 feet from the south line and 1,072 feet from the east line of said Section 6. 3.6. Source of water: Colorado River. 3.7. Appropriation date: December 3, 1956. 3.8. Amount: 100 cfs, conditional. 3.9. Use: Industrial, mining, retorting, refining, power, domestic and all other uses necessary and related to the production of oil shale and its byproducts. 4. Application for Findings of Reasonable Diligence. 4.1. Co-Applicant Puckett: Puckett is a Colorado corporation that currently holds interests in approximately 17,500 acres of land in Garfield and Rio Blanco Counties, Colorado. The TOSCO Pipeline and Pumping Plant Water Right was appropriated and is needed for the commercial development of Puckett’s oil, gas, coalbed methane, and/or oil shale minerals associated with these lands, including industrial, domestic, recreational, and other beneficial uses associated with such developments. 4.1.1. Puckett’s Integrated System: The TOSCO Pipeline and Pumping Plant Water Right is part of a decreed integrated system for the benefit of Puckett’s lands in Garfield and Rio Blanco Counties. Pursuant to the decrees in Case Nos. 95CW298, 02CW16, 02CW161, 02CW162, 07CW239, 07CW244, 07CW245, 07CW246, 09CW16, 10CW39, and 10CW40, Water Division 5, the other parts of the integrated system include but are not limited to the Thompson Creek Reservoir, the TOSCO Pumping Plant and Pipeline, the DOW Pumping Plant and Pipeline, and the Eaton Pipeline No. 1. Each structure and water right of the system has a direct bearing on, and is necessary for the functioning of, the entire system. Accordingly, diligence with respect to any part of the system constitutes diligence with respect to the entire system. C.R.S. § 37-92-301(4)(b). 4.2. Co-Applicant TOSCO: TOSCO is a Delaware Corporation qualified to do business in the State of Colorado. TOSCO is a wholly owned subsidiary of the ConocoPhillips Company (“Conoco”) and has been since January 1, 2003. TOSCO and Conoco hold interest in fee in over 37,700 acres of oil shale lands in Garfield and Rio Blanco counties in Colorado. The TOSCO Pipeline and Pumping Plant Water Right was appropriated and is needed for the commercial development of TOSCO and Conoco’s oil shale properties, including industrial, domestic, municipal, environmental, recreational, irrigation, power, mining, retorting, refining, dust control and reclamation uses associated with such development. 4.2.1. TOSCO’s Integrated Water Development System: The TOSCO Pipeline and Pumping Plant Water Right is part of the integrated water supply system needed for the commercial development of TOSCO and Conoco’s oil shale properties (“TOSCO’s Integrated Water Development System”), which includes, without limitation, water rights associated with the following: 4.2.1.1. Conditional Surface Water Rights. The Oil Shale Company Pipeline and Pumping Plant (C.A. 4914, Garfield County, alternate point of diversion W-2785, Water Division 5); Trail Gulch Reservoir (C.A. 6404, Garfield County, enlargement and alternate place of storage on Carr Creek, 79CW353, Water Division 5); the Ertl Pipeline (decreed in C.A. 1269, alternate point of diversion decreed in Case Nos. 80CW503, 81CW16 and 81CW17); the Miller Creek Reservoir and Enlargement (decreed in W-278 and 79CW352); the Story Gulch/Parachute Creek Pipeline (decreed in W-279, alternate point of diversion decreed in Case Nos. 80CW503, 81CW16 and 81CW17); the Ohio/Ertl Pipeline (decreed in W-280, alternate point of diversion decreed in Case Nos. 80CW503, 81CW16 and 81CW17); the Hunter Creek Reservoir (W-276); the Story Gulch Reservoir and Enlargement (decreed in W-277 and 79CW354); and the Miller Creek Pumping Pipeline (decreed in 79CW355). 4.2.1.2. Conditional and Absolute Underground Water Rights. Bute No. 25 Well (W-3499, Water

Division 5); Camp Bird No. 12 Well (W-3575, Water Division 5); Camp Bird No. 12A Well (W-3577, Water Division 5); Liberty Bell No. 12 Well (W-3578, Water Division 5); Ohio No. 41 Well (W-3576, Water Division 5); SG-20 Well (W-3543, Water Division 5); The Oil Shale Corporation Well, a.k.a. Oldland Well No. 3 (W-307, Water Division 5); Oldland Brothers No. I-4 Well (W-3500, Water Division 5); TG 71-3 Well (W-3561, Water Division 5); TG 71-4 Well (W-3562, Water Division 5); TG 71-5 (W-3563, Water Division 5).

4.2.1.3. Absolute Surface Water Rights. MHM German Consolidated Ditch; Robert McKee Ditch, Last Chance Ditch; Gardenheir Ditch (C.A. 624); Piceance Creek Ditch; Oldland and Magor Ditch; Oldland No. 1 Ditch; Oldland No. 2 Ditch (C.A. 624); Oldland Ditch No. 3 (C.A. 624); Emily Ditch, Blue Grass Ditch (C.A. 133); Jessup Ditch No. 1; Jessup Ditch No. 2; Rye Grass Ditch (C.A. 133); Watson Thompson Ditch; East Stewart Gulch Ditches; BM&H Ditch; Belot Moffat Ditch; Florence Ditch; Forney Corcoran Ditch; McWilliams and George Ditch; Rullison-Miller Ditch; West Stewart Gulch Reservoir Ditches; and West Stewart Gulch Reservoir; Sylvan Spring; Moo Pond Spring; Anvil Points Spring; Upper Anvil Points Reservoir; and Lower Anvil Points Reservoir.

4.2.1.4. Purpose of TOSCO's Integrated Water Development System. The water rights and structures that comprise TOSCO's Integrated Water Development System have been acquired and developed to provide a flexible system of interdependent water diversions, reservoirs, pipelines, wells, and other rights to optimize the efficient beneficial use of water for oil shale development and other purposes and to minimize economic and environmental costs. When TOSCO's Integrated Water Development System is completed and the water appropriated is put to beneficial use, the water from these and other rights will be commingled in the various water structures owned by TOSCO. For this reason, work, and expenditures on any individual part of the TOSCO's Integrated Water Development System is for purposes of putting both TOSCO's Integrated Water Development System water rights and the individual water rights that comprise it to beneficial use within a reasonable time. The Court confirmed in the 02CW200 Decree and the 17CW3106 Decree that the TOSCO Pipeline and Pumping Plant Water Right is part of TOSCO's Integrated Water Development System.

4.3. Economic Conditions: The commercial development of oil shale is one prerequisite to beneficial use of water under the subject conditional water rights. Current economic conditions are adverse to oil shale production. Pursuant to section 37-92-301(4)(c), C.R.S. (2016), current economic conditions beyond the control of applicant which adversely affect the feasibility of perfecting a conditional right shall not be considered sufficient to deny a diligence application so long as other facts and circumstances which show diligence are present.

4.4. Diligence Period: The most recent diligence period for the TOSCO Pipeline and Pumping Plant Water Right was from December 17, 2017 when the 17CW3106 Decree was entered, through December 31, 2023 ("Diligence Period").

4.5. Co-Applicant Puckett's Diligence Activity: During the Diligence Period, in continuing the development of the TOSCO Pipeline and Pumping Plant Water Right, Puckett has been engaged in the legal defense and protection of the TOSCO Pipeline and Pumping Plant Water Right and has been diligent in the continued development of the TOSCO Pipeline and Pumping Plant Water Right, including expenditures for legal, consulting, and engineering work. The foregoing activities are described in more detail as follows:

4.5.1. Eaton Pipeline No. 1 Application. The Division 5 Water Court approved a Puckett application to add an alternate point of diversion for the Eaton Pipeline No. 1 water right in Case No. 20CW3110. Puckett filed the Application in Case No. 20CW3110 to increase the flexibility of its integrated system.

4.5.2. Meeting Attendance. Attended various meetings and engaged in correspondence to understand state and local water programs and the Colorado Water Plan developed by the Colorado Water Conservation Board, Interbasin Compact Committee and Yampa River Basin Roundtable.

4.5.3. Well and Reclamation Work. At this time, Puckett's properties are primarily used for cattle grazing, hay production, and operation of existing oil and gas wells. Puckett has also worked on plugging one well and reclaiming the surface, including stormwater controls, seeding, and revegetation. At the same time, infrastructure is being installed in furtherance of new mineral development activities on Puckett's property that is anticipated to require additional water use in the coming years.

4.5.4. Maintenance, Repair, and Upgrades to Water Infrastructure. Puckett has expended significant resources including nearly \$100,000 on maintaining, repairing, and upgrading its irrigation infrastructure and overall water system on its properties in the Colorado River Basin.

4.5.5. Operational Activities and Expenditures. Puckett has expended significant resources including over \$80,000 on operational activities related to maintaining, repairing, and upgrading infrastructure and its properties in general in order to make beneficial use of the TOSCO Pipeline and Pumping Plant Water Right and integrated water system. Such activities include, but are not limited to, seeding, road maintenance, erosion control, hauling gravel, and electricity charges for water pumps, buildings, and other uses on the property.

4.5.6. Professional Services. Puckett has further expended over \$16,000 on professional services related to operating and maintaining its properties in the Colorado River Basin, including but not limited to survey work and title work.

4.5.7. Water Court Participation. Puckett reviewed the water resume of applications as published by the Water Court for Water Division 5 for protection of the subject conditional rights. As a result, Puckett has filed Statements of Opposition to applications in the Colorado River basin and participated in these cases to prevent injury to the TOSCO Pipeline and Pumping Plant Water Right. Puckett expended over \$80,000 on legal services during the diligence period to protect and develop its water rights.

4.6. Co-Applicant TOSCO's Diligence Activity: During the Diligence Period, TOSCO engaged in studies, engineering work, legal proceedings and other activities related to development of the TOSCO Pipeline and Pumping Plant Water Right totaling approximately Five Hundred Forty Three Thousand Dollars (\$543,000.00 Dollars) and completed the following activities in connection with the TOSCO Pipeline and Pumping Plant Water Right and TOSCO's Integrated Water Development System:

4.6.1. Work On The Diligence Application In This Matter. TOSCO, its legal counsel and consultants worked with Puckett to prepare this diligence application.

4.6.2. Ertl Gages Site Visits. BBA Water Consultants, Inc ("BBA") visited the Ertl Pipeline Gages annually to download stream stage data, perform maintenance on or replace the measuring equipment, and gage the streamflows. After each site visit, BBA calculated the streamflow in each creek using the stream stage and gaged streamflow data.

4.6.3. Ground Water Well Investigations. BBA performed multiple on-site investigations for TOSCO's Piceance Creek ground water wells that are part of TOSCO's Integrated Water Development System to: (1) observe and document the condition of the wells; (2) estimate flow rates of flowing artesian wells; (3) confirm water quality conditions; and (4) consider current and potential uses at each well. Additionally, BBA collected and submitted annual meter readings and production summaries to the

Division 6 Engineer for the Bute No. 25 Well and Oldland I-4 Well. 4.6.4. Water Resources Development Plan. BBA and TOSCO developed a water resources development plan that lays out the conceptual order in which TOSCO's Integrated Water Development System could be developed to meet varying levels of oil shale production demand. 4.6.5. Diligence Decrees. TOSCO obtained findings of reasonable diligence for water rights that are part of TOSCO's Integrated Water Development System in the following Division 6 Water Court decrees: (1) Ertl Pipeline, Miller Creek Pumping Pipeline, Hunter Creek Reservoir, Miller Creek Reservoir and Miller Creek Reservoir First Enlargement, Story Gulch Reservoir and Story Gulch Reservoir First Enlargement, Ohio/Ertl Pipeline, and Story Gulch/Parachute Creek Pipeline (17CW3014); (2) Trail Gulch Reservoir (17CW3158); and (3) Puckett Enlargement of the Miller Ditch (18CW3014). 4.6.6. Pending Division 6 Cases. (1) consolidated Case Nos. 21CW3011 and 21CW3019-21CW3025 (consolidated diligence proceedings for the following TOSCO conditional water rights: (a) Camp Bird No. 12A Well; (b) S.G. No. 20 Well; (c) Camp Bird No. 12 Well; (d) TG 71-5 Well; (e) TG 71-3 Well; (f) Ohio No. 41 Well; (g) TG 71-4 Well; and (h) Liberty Bell No. 12 Well); (2) Case No. 22CW3094 (proceeding to correct the established, but erroneously described points of diversion for the Camp Bird No. 12 Well, the Camp Bird No. 12A Well and the TG 71-4 Well pursuant to C.R.S. § 37-92-305(3.6)); and (3) TOSCO prepared required Division 6 diligence filings for the Bute No. 25 Well and Oldland I-4 Well for filing in December 2023. 4.6.7. Protection of Water Rights. TOSCO: (1) reviewed Division 5 and 6 Water Court resumes and substitute water supply plan notices to identify applications requiring opposition; (2) filed statements of opposition and actively participated in numerous matters in Water Divisions 5 and 6 as necessary to protect the water rights that are part of TOSCO's Integrated Water Development System, including the TOSCO Pipeline and Pumping Plant Water Right; (3) successfully defended 2,535 acres of oil shale lands against adverse possession and prescriptive easement claims; (4) without filing a statement of opposition, entered into a stipulation with the Yellow Jacket Water Conservancy District in Division 6 Case No. 20CW3031 to protect the water rights that are part of TOSCO's Integrated Water Development System, including the TOSCO Pipeline and Pumping Plant Water Right; (5) reviewed and prepared objections to the 2020 Division 5 and 6 water rights abandonment lists; (6) reviewed proposed Water Division 6 water measurement rules; and (7) dealt with condemnation issues applicable to TOSCO's and Conoco's Colorado properties. 5. Land Ownership Information. Mobil Oil Corporation, P.O. Box 64106, Spring, TX 77387-4106; XTO Energy Inc., PO Box 64106, Spring, TX 77387. Requested Ruling. Based on the foregoing, Co-Applicants Puckett and TOSCO seek entry of a decree confirming they have exercised reasonable diligence toward completion of the appropriation for the TOSCO Pipeline and Pumping Plant Water Right, and the entire 100 cfs of the conditional TOSCO Pipeline and Pumping Plant Water Right is continued for all decreed purposes for another six-year diligence period. (12 pages, incl. 1 exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE UNTIL THE LAST DAY OF FEBRUARY 2024 TO FILE WITH THE WATER CLERK A VERIFIED STATEMENT OF OPPOSITION SETTING FORTH FACTS AS TO WHY THIS APPLICATION SHOULD NOT BE GRANTED OR WHY IT SHOULD BE GRANTED IN PART OR ON CERTAIN CONDITIONS. A COPY OF SUCH STATEMENT OF OPPOSITION MUST ALSO BE SERVED UPON THE APPLICANT OR THE APPLICANT'S ATTORNEY AND AN AFFIDAVIT OR CERTIFICATE OF SUCH SERVICE SHALL BE FILED WITH THE WATER CLERK, AS PRESCRIBED BY RULE 5, CRCP. (FILING FEE: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

15. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3207 (17CW3105) GARFIELD COUNTY. CATTLE CREEK ALLUVIUM, TRIB. TO THE ROARING FORK AND COLORADO RIVERS. Application for Finding of Reasonable Diligence. Applicant: Turnberry Ranch Properties LLC, c/o Garfield & Hecht, P.C., 910 Grand Ave., Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Name and description of conditional water rights: Cattle Creek Well No. 1: Original decree: Entered on April 24, 1978 in Case No. W-3488, Water Div. No. 5. Subsequent decrees finding reasonable diligence: Case Nos. 17CW3105, 09CW013, 02CW243, 96CW130, 90CW081, 86CW083 and 82CW084. Location: NE1/4 NW1/4, Section 8, Township 7 South, Range 87 West of the 6th P.M., at a point approx. 500 feet from the north section line and 1700 feet from the west section line of said Section 8. A water rights location map is filed with the application. Source: Cattle Creek alluvium, tributary to the Roaring Fork River, tributary to the Colorado River. Amount: 0.2 c.f.s., conditional. Appropriation Date: June 9, 1977. Uses: All municipal uses, irrigation, and domestic, and to fill Cattle Creek Reservoir. Note: the conditional municipal use may only be utilized by a special district or municipality for purposes of making the water right absolute. Cattle Creek Well No. 2: Original decree: Entered on April 24, 1978 in Case No. W-3489, Water Div. No. 5. Subsequent decrees finding reasonable diligence: Case Nos. 17CW3105, 09CW0103, 02CW243, 96CW130, 90CW081, 86CW083 and 82CW084. Location: NW1/4 NW1/4, Section 8, Township 7 South, Range 87 West of the 6th P.M., at a point approx. 800 feet from the north section line and 1150 feet from the west section line of said Section 8. Source: Cattle Creek alluvium, tributary to the Roaring Fork River, tributary to the Colorado River. Amount: 0.2 c.f.s., conditional. Appropriation Date: June 9, 1977. Uses: All municipal uses, irrigation, and domestic, and to fill Cattle Creek Reservoir. Note: the conditional municipal use may only be utilized by a special district or municipality for purposes of making the water right absolute. Cattle Creek Well No. 3: Original Decree: Entered on April 24, 1978 in Case No. W-3490, Water Div. No. 5. Subsequent decrees finding reasonable diligence: Case Nos. 17CW3105, 09CW013, 02CW243, 96CW130, 90CW081, 86CW083 and 82CW084. Location: SE1/4 SW1/4, Section 5, Township 7 South, Range 87 West of the 6th P.M., at a point approx. 175 feet from the south section line and 2450 feet from the west section line of said Section 5. Source: Cattle Creek alluvium, tributary to the Roaring Fork River, tributary to the Colorado River. Amount: 0.2 c.f.s., conditional. Appropriation Date: June 9, 1977. Uses: All municipal uses, irrigation, and domestic, and to fill Cattle Creek Reservoir. Note: the conditional municipal use may only be utilized by a special district or municipality for purposes of making the water right absolute. Cattle Creek Reservoir: Original Decree: Entered on April 24, 1978 in

Case No. W-3491, Water Div. No. 5. Subsequent decrees finding reasonable diligence: Case Nos. 17CW3105, 09CW013, 02CW243, 96CW130, 90CW081, 86CW083 and 82CW084. Location: NE1/4 SW1/4 Section 8, Township 7 South, Range 87 West of the 6th P.M., at a point whence the southwest corner of Section 8 bears South 47°00' West a distance of 2450 feet. Note: The PLSS description of the southeast corner of the dam is located at a point approximately 1,770 feet from the south section line and 1,790 feet from the west section line. Source: Cattle Creek and local drainage lying above the dam, tributary to the Roaring Fork River, tributary to the Colorado River, via deliveries from Eureka No. 1 Ditch and Cattle Creek Well Nos. 1, 2 and 3. Amount: 60 acre-feet, conditional. Appropriation Date: June 8, 1977. Uses: Irrigation, domestic, industrial, municipal, recreational, and subdivision purposes, either directly or by exchange, and aesthetic, piscatorial, and wildlife propagation uses. Note: the conditional municipal use may only be utilized by a special district or municipality for purposes of making the water right absolute. Cattle Creek Reservoir No. 2: Original Decree: Entered on April 15, 1998 in Case No. 96CW296, Water Div. No. 5. Subsequent decrees finding reasonable diligence: Case Nos. 17CW3105, 09CW013, 02CW243, 96CW130, 90CW081, 86CW083 and 82CW084. Location: S1/2 SW1/4 of Section 5 and the N1/2 NW1/4 of Section 8, Township 7 South, Range 87 West of the 6th P.M. The south edge of the pond is located at a point whence the northwest corner of Section 8, Township 7 South, Range 87 West of the 6th P.M. bears North 83°15' West a distance of 1,630 feet. Note: The PLSS description of the south edge of the pond is located in the NE1/4 NW1/4 of Section 8, Township 7 South, Range 87 West of the 6th P.M., at a point approximately 150 feet from the north section line and 1,620 feet from the west section line. Source: Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River, via deliveries from Eureka No. 1 Ditch, the Cattle Creek Reservoir Feeder Ditch, and Cattle Creek Well Nos. 1, 2 and 3. Amount: Decreed as an alternate place of storage for 20 acre-feet of the Cattle Creek Reservoir, with a maximum rate of fill of 2.0 c.f.s. Uses: Irrigation, domestic, industrial, municipal, recreational, and subdivision purposes, either directly or by exchange, and aesthetic, piscatorial, and wildlife propagation uses. Note: the conditional municipal use may only be utilized by a special district or municipality for purposes of making the water right absolute. Integrated System: In Case No. 96CW130, the water court decreed that the conditional water rights subject of this case, along with other absolute water rights owned by the Applicant, are component parts of an integrated water supply system. Pursuant to C.R.S. § 37-92-301(4)(b), work on any one feature of the system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as a whole. The application includes a detailed outline of what has been done toward or for completion of the appropriations and application of water to beneficial use as conditionally decreed, including expenditures. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: (A) Cattle Creek Well Nos. 1, 2, and 3 and Cattle Creek Reservoir No. 2: Applicant owns the land on which the diversion and storage structures will be constructed and upon which water will be stored and used. Bravado Farms LLC, 8225 Young Lane, Austin, TX 78737, owns the land on which the water rights are currently decreed to be located. (B) Cattle Creek Reservoir: Applicant. Applicant requests the Court to enter a decree finding and concluding that the Applicant has shown reasonable diligence in the development of the subject conditional water rights and continuing such conditional water rights throughout the next diligence period.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

16. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3208 (17CW3101; 09CW104; 85CW337) GRAND COUNTY, GRAND COUNTY, FRASER RIVER. The Town of Fraser, Colorado (the "Applicant"), by and through its counsel, Greenberg Traurig, LLP; Christopher L. Thorne #20003 and Matthew K. Tieslau #47483, 1144 15th Street, Suite 3300, Denver, Colorado 80202, Telephone: (303) 572-6500, Facsimile: (303) 572-6540, thornech@gtlaw.com requests approval of this Application For Finding of Reasonable Diligence ("Application"). In support of this Application, Applicant states as follows: Town of Fraser, Attn: Town Manager, P.O. Box 370, Fraser, CO 80442, Phone: (970) 726-5491. This application requests a finding of reasonable diligence on a conditional appropriative right of exchange originally decreed in Case No. 85CW337 for 25 acre feet of water stored in Granby Reservoir (the "Subject Exchange") and contracted for by Applicant with the Middle Park Water Conservancy District (the "District"). The structures to which the Subject Exchange may be operated include Fraser Wells Nos. 1, 2, 3(a), 3(b), 4, 5, and 7 through 9 (together, the "Fraser Wells"). The locations of the Fraser Wells are shown on Figure 1, attached to the Application. Information from previous decree: Original decree: Case No. 85CW337 (Water Div. 5), decree dated October 25, 1989. Findings of reasonable diligence were made by this Court, and the conditional water rights were continued, on August 26, 2003 in Case No. 02CW59, on April 3, 2011 in Case No. 09CW104, and on December 28, 2017 in Case No. 17CW3101. Decreed point of diversion: Locations of the points of diversion are as follows: Fraser Well No. 1: In the SE1/4NE1/4 of Section 19, Township 1 South, Range 75 West of the 6th P.M. at a point 1,550 feet South of the North line and 450 feet West of the East line of said Section 19. Fraser Well No. 2: In the NE1/4NE1/4 of Section 19, Township 1 South, Range 75 West of the 6th P.M. at a point 950 feet South of the North line and 325 feet West of the East line of said Section 19. Fraser Well No. 3(a): In the SE1/4NE1/4 of Section 19, Township 1 South, Range 75 West of the 6th P.M. at a point 2,380 feet South of the North line and 300 feet West of the East line of said

Section 19. Fraser Well No. 3(b): In the SE1/4NE1/4 of Section 19, Township 1 South, Range 75 West of the 6th P.M. at a point 2,020 feet South of the North line and 635 feet West of the East line of said Section 19. Fraser Well No. 4: In the NE1/4NE1/4 of Section 19, Township 1 South, Range 75 West of the 6th P.M. at a point 475 feet South of the North line and 375 feet West of the East line of said Section 19. Fraser Well No. 5: In the NE1/4NE1/4 of Section 19, Township 1 South, Range 75 West of the 6th P.M. at a point 50 feet South of the North line and 475 feet West of the East line of said Section 19. Fraser Well No. 7: In the NE1/4NE1/4, Section 19, Township 1 South, Range 75 West of the 6th P.M. at a point 850 feet South of the North line and 770 feet West of the East line of said Section 19. Fraser Well No. 8: In the NE1/4NE1/4, Section 19, Township 1 South, Range 75 West of the 6th P.M. at a point 280 feet South of the North line and 880 feet West of the East line of said Section 19. Fraser Well No. 9: In the NW1/4NE1/4, Section 19, Township 1 South, Range 75 West of the 6th P.M. at a point 360 feet South of the North line and 1470 feet West of the East line of said Section 19. Description of Exchange Reach: Pursuant to paragraph 5 of the Original Decree, the “effected reach” (the “Exchange Reach”) is between the Fraser Wells, and the “confluence of the Fraser and Colorado Rivers in Section 25, Township 2 North, Range 77 West of the 6th P.M.”. See Figure 2, attached to and incorporated in the Application, for a depiction of the Exchange Reach. As a supplement to but not a modification of the Original Decree, the Fraser Wells can be characterized as the upstream termini of the Subject Exchange, and the confluence of the Fraser and Colorado Rivers can be characterized as the downstream terminus of the Subject Exchange. For location purposes only, the confluence of the Fraser and Colorado Rivers is located in the SW1/4 SW1/4 of Section 25, Township 2 North, Range 77 West of the 6th P.M., at a point 4,700 feet from the East line, and 590 feet from the South line. Appropriation Date: July 11, 1985. Amount and Rate of Exchange: 25 acre feet. The Original Decree is silent regarding the Subject Exchange’s rate of exchange. However, the decreed rates of diversion for the Fraser Wells are set forth below. Because the Fraser Wells are the exchange to points, and they are decreed for a total diversion amount of 3.3 cfs, Applicant recognizes that the operation of the Subject Exchange will not exceed 3.3 cfs. Fraser Well No. 1 at 0.33 cfs (150 gpm); Fraser Well No. 2 at 0.44 cfs (200 gpm); Fraser Well No. 3(a) at 0.22 cfs (100 gpm); Fraser Well No. 3(b) at 0.33 cfs (150 gpm); Fraser Well No. 4 at 0.44 cfs (200 gpm); Fraser Well No. 5 at 0.44 cfs (200 gpm); Fraser Well No. 7 at 0.33 cfs (150 gpm); Fraser Well No. 8 at 0.33 cfs (150 gpm); Fraser Well No. 9 at 0.44 cfs (200 gpm) for a total of 3.3 cfs (1,500 gpm). Source of Water: Fraser River, tributary to the Colorado River. Decreed Use: Pursuant to paragraph 6 of the Original Decree, the purpose of the Subject Exchange is to allow diversions from the Fraser Wells, via exchange, when the water rights associated with the Fraser Wells may not otherwise be in priority. The Fraser Wells, to which this Subject Exchange can be operated, are decreed for irrigation, domestic, industrial and all other municipal uses. Place of Use: The Original Decree does not specify a place of use, however, Applicant recognizes that the Subject Exchange will be used within the municipal boundaries and the water service areas for the Town, as those boundaries currently exist and as they may be modified in the future. As decreed in Case No. 09CW104, the Subject Exchange is one component of an integrated water supply system serving the Town of Fraser, known as the “Fraser Water System.” A detailed description of the work done to complete the appropriation is in the Application on file with the Court. Name and address of owners of land on which the exchange to structures (the Fraser Wells) are located and upon which water is placed to beneficial use: (a) Applicant; (b) George Clayton, P.O. Box 26, Fraser, CO 80442; (c) Cristie G. Taylor, P.O. Box 1741, Fraser, Colorado 80442; (d) Michael D. Emal and Robert C. Emal, P.O. Box 96, Fraser, Colorado 80442; and (e) Condominiums Y Desarrollos Terra-Nova, P.O. Box 511, Tabernash, CO 80478. Applicant respectfully requests that the Court enter an order and decree: confirming that the activities outlined in this Application are sufficient to support a finding of reasonable diligence on the Subject Exchange; Applicant has been reasonably diligent in developing the Subject Exchange for all decreed uses, and continuing the Subject Exchange, as conditional, for all decreed uses in full force and effect in accordance with the original decree; and granting such other relief as the Court deems just and proper.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant’s attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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23CW3209 GRAND COUNTY, LITTLE BEAVER CREEK, TRIBUTARY TO RANCH CREEK, TRIBUTARY TO FRASER RIVER, TRIBUTARY TO COLORADO RIVER. APPLICATION TO CHANGE CONDITIONAL STORAGE RIGHT IN PART AND FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING AN EXCHANGE. 1. Name and address of Applicant: The Ranches at Devil’s Thumb, Inc., c/o Robert Fanch, 1500 Wynkoop St., Suite 200, Denver, Colorado 80202, please address all pleadings and correspondence to: Peter J. Ampe, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80230, 303-296-8100, peterampe@hillandrobbs.com. I. PARTIAL CHANGE OF CONDITIONAL STORAGE RIGHT. 2. Decreed water right for which change is sought. 2.1 Name of structure: 2.1.1 Little Beaver Creek Reservoir. 2.1.2 Little Beaver Creek Pipeline No. 1. 2.1.3 Little Beaver Creek Pipeline No. 2. 2.2 Date of original and all relevant subsequent decrees: 2.2.1 In the Matter of the Supplemental Adjudication of Rights to the Use of Water in Water District No. 51, CA No. 1768, District Court, Grand County, Partial Master-Referee’s Report Regarding the Claims of Raymond D. Sloan and Beverly M. Sloan, August 5, 1974. 2.2.2 In the Matter of the Supplemental Adjudication of Rights to the Use of Water in Water District No. 51, CA No. 1768, District Court, Grand County, Order,

Judgment and Decree, August 1, 1974. 2.2.3 In the Matter of the Supplemental Adjudication of Rights to the Use of Water in Water District No. 51, CA No. 1768, District Court, Grand County, Order, Judgment and Decree [correcting date of priority], August 1, 1975. 2.2.4 In the Interest of Grand County Ranches LLC, District Court in and for Water District No. 5, Case No. 15CW3035, Decree: Order Continuing Diligence, June 5, 2016. 2.3 Legal description of structure as described in most recent decree that adjudicated the location: 2.3.1 Little Beaver Creek Reservoir: The point of diversion is located at a point on the right abutment of the dam forming the reservoir whence the Northwest Corner of Section 22, Township 1 South, Range 75 West of the 6th P.M. bears North 80°36' West a distance of 4430.5 feet. Applicant's calculation of the above legal description, expressed in terms of distances from section lines, is as follows: A point in the Northeast 1/4 of the Northeast 1/4 of Section 22, Township 1 South., Range 75 West, 6th P.M. at a point approximately 515 feet from the north section line and approximately 700 feet from the east section line of the said Section 22. 2.3.2 Little Beaver Creek Pipeline No. 1: The point of diversion is located at a point on the North bank of Ranch Creek, whence the Southeast Corner of Section 22, Township 1 South, Range 75 West of the 6th P.M. bears South 12°35' West a distance of 2686 feet. Applicant's calculation of the above legal description, expressed in terms of distances from section lines, is as follows: A point in the Southwest 1/4 of the Northwest 1/4 of Section 23, Township 1 South, Range 75 West, 6th P.M. at a point approximately 2,520 feet from the north section line and approximately 540 feet from the west section line of the said Section 23. 2.3.3 Little Beaver Creek Pipeline No. 2: Headgate No. 1 of Little Beaver Creek Pipeline No. 2 is located at a point on the East bank of the South Fork of Ranch Creek, whence the Southeast Corner of Section 22, Township 1 South, Range 75 West of the 6th P.M. bears South 49°25' East a distance of 2104 feet. Applicant's calculation of the above legal description, expressed in terms of distances from section lines, is as follows: A point in the Northwest 1/4 of the Southeast 1/4 of Section 22, Township 1 South, Range 75 West, 6th P.M. at a point approximately 1,330 feet from the south section line and approximately 1605 feet from the east section line of the said Section 22. Headgate No. 2 of Little Beaver Creek Pipeline No. 2 is located at a point on the North bank of the Middle Fork of Ranch Creek whence the Southeast Corner of Section 22, Township 1 South, Range 75 West of the 6th P.M. bears South 31°51' East a distance of 2620 feet. Applicant's calculation of the above legal description, expressed in terms of distances from section lines, is as follows: A point in the Northwest 1/4 of the Southeast 1/4 of Section 22, Township 1 South, Range 75 West, 6th P.M. at a point approximately 2,190 feet from the south section line and approximately 1,405 feet from the east section line of the said Section 22. 2.4 Decreed source of water: 2.4.1 Little Beaver Creek Reservoir: Little Beaver Creek, a tributary of Ranch Creek, a tributary of the Fraser River, a tributary of the Colorado River; Ranch Creek, a tributary of the Fraser River, a tributary of the Colorado River; Middle Fork Ranch Creek, a tributary of Ranch Creek, a tributary of the Fraser River, a tributary of the Colorado River. 2.4.2 Little Beaver Creek Pipeline No. 1: Ranch Creek, a tributary of the Fraser River, a tributary of the Colorado River. 2.4.3 Little Beaver Creek Pipeline No. 2: South Fork Ranch Creek, a tributary of Ranch Creek, a tributary of the Fraser River, a tributary of the Colorado River; Middle Fork Ranch Creek, a tributary of Ranch Creek, a tributary of the Fraser River, a tributary of the Colorado River. 2.5 Appropriation Date: January 1, 1957. 2.6 Total quantity decreed: 2.6.1. Little Beaver Creek Reservoir: 1,033.1 acre-feet (conditional). 2.6.2. Little Beaver Creek Pipeline No. 1: 50 cfs (conditional). 2.6.3. Little Beaver Creek Pipeline No. 2: 50 cfs (conditional). 2.7 Decreed use or uses: Domestic, irrigation, recreational. Recreational use does not include recreational use within Little Beaver Creek Pipeline No. 1 or Little Beaver Creek Pipeline No. 2. 2.8 Amount of water that Applicant intends to change: 2.8.1 Little Beaver Creek Reservoir: Up to 20.0 acre-feet to the alternate place of storage, as described below, with the right to refill. 2.8.2 Little Beaver Creek Pipeline No. 1: 2.0 cfs to the alternate point of diversion as described below. 2.8.3 Little Beaver Creek Pipeline No. 2: 2.0 cfs each from Headgate 1 and Headgate 2 to the alternate point of diversion as described below. 2.8.4 Diversions at the alternate point of diversion as described below will be limited to a total instantaneous diversion of 2.0 cfs. 3. Detailed description of proposed change: Applicant will change a portion of the previously decreed conditional storage, described in paragraph 2, above, to an alternate place of storage, to be known as the Ranches Community Pond, described below. Diversions at the alternate point of diversion, described below, will be limited to such times as there is sufficient water at the original point(s) of diversion to supply the alternate point of diversion. The new place of storage will have a capacity of approximately 20 acre-feet with a maximum dam height of 10 feet and will be lined to avoid intercepting groundwater. 3.1 Changed alternate point of diversion: Klein Ditch, which diverts from the west bank of Ranch Creek whence the E1/4 Section Corner Section 16, T01S, R75W, 6th PM bears N. 51° 40' E. 1347 feet. 3.1.1. Maximum diversion rate of 2 cfs CONDITIONAL. 3.2 Changed alternate place of use: Ranches Community Pond, A point on the Pond embankment is located in the NW1/4 SW1/4 of section 9, T. 1 S., R. 75 W. of the 6th P.M. at a point 945 feet from the West section line and 2,022 feet from the South section line. (UTM NAD 83 Zone 13 432464 Easting 4424950 Northing). 3.2.2 Maximum storage of 20 acre-feet, with the right to fill and refill when in priority or under the terms of the decreed plan for augmentation, requested below CONDITIONAL. Total storage between original place of use and alternate place of use limited to a combined 1033.1 acre-feet. 3.3 Changed additional uses at alternate place of use: Piscatorial, wildlife, aesthetics, recreation CONDITIONAL. 4. Remarks: 4.1 Direct runoff and precipitation may also be used a source of supply for the Ranches Community Pond. 4.2 Injurious out-of-priority depletions will be replaced pursuant to a plan for augmentation, see section III, below. III. APPROVAL OF PLAN FOR AUGMENTATION INCLUDING AN EXCHANGE 5. Name of Structure to be Augmented and Legal Description of Approximate Centroid of Structure: Ranches Community Pond. A point on the Pond embankment is located in the NW1/4 SW1/4 of section 9, T. 1 S., R. 75 W. of the 6th P.M. at a point 945 feet from the West section line and 2,022 feet from the South section line. (UTM NAD 83 Zone 13 432464 Easting 4424950 Northing). See map, Exhibit A. 6. Water right(s) to be used for augmentation: 6.1 Water Supply Contract No. CW23004 with the Colorado River Water Conservation District to release up to 4.0 acre-feet of water from Wolford Mountain Reservoir. 6.1.1 Wolford Mountain Reservoir. The River District owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) which has the following water rights. 6.1.1.1 Case No. 87CW283: 6.1.1.1.1 Decree Date: November 20, 1989. 6.1.1.1.2 Name of Structure: Gunsight Pass Reservoir. 6.1.1.1.3 Legal description of place of storage: The dam is located in

the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25. 6.1.1.1.4 Source: Muddy Creek and its tributaries, all tributary to the Colorado River. 6.1.1.1.5 Amount: 59,993 acre-feet conditional; of this amount, 32,986 acre-feet were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251, and the full amount was made absolute for all purposes by decree entered in Water Court Case No. 02CW107. 6.1.1.1.6 Appropriation Date: December 14, 1987. 6.1.1.1.7 Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987 between the River District and the City and County of Denver. 6.1.1.2 Case No. 95CW281: 6.1.1.2.1 Decree Date: August 26, 1997. 6.1.1.2.2 Name of Structure: Wolford Mountain Reservoir Enlargement. 6.1.1.3 Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53°24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75° 28' 29" E. 6.1.1.3.1 Source: Muddy Creek and its tributaries, all tributary to the Colorado River. 6.1.1.3.2 Amount: 6,000 acre-feet, conditional. 6.1.1.3.3 Appropriation Date: January 16, 1995. 6.1.1.3.4 Use: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial, and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5. 6.1.1.4 Case No. 98CW237: 6.1.1.4.1 Decree Date: July 6, 2000. 6.1.1.4.2 Name of Structure: Wolford Mountain Reservoir. 6.1.1.4.3 Legal Description of place of storage: Same as for 95CW281. 6.1.1.4.4 Source: Muddy Creek and its tributaries, all tributary to the Colorado River. 6.1.1.4.5 Amount: 30,000 acre-feet conditional, with 15,895 acre-feet being absolute for recreational and piscatorial and flood control. 6.1.1.4.6 Appropriation Date: November 17, 1998. 6.1.1.4.7 Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water Division No. 5 (November 20, 1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (August 26, 1997 Judgment and Decree). 6.1.1.4.8 Case No. 87CW283: The reservoir will be used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. This will involve all uses, including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area. 6.1.1.4.9 Case No. 95CW281: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial, and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, or exchange. 6.1.1.4.10 Remarks: The Refill Right decreed to Wolford Mountain Reservoir will be exercised to provide supply for the Western Slope uses of water from Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the District. The Refill Right will not be used in conjunction with the Reservoir capacity (24,000 a.f.) which is allocated for the supply of water to the Denver Board of Water Commissioners under Applicant's contractual relationship with Denver, or the Reservoir capacity (6,000 AF) which is allocated for Colorado River endangered fish releases. 6.1.2 Ruedi Reservoir. The River District holds Contracts No. 009D6C0111 (500 AF), 009D6C0118 (700 AF), 039F6C0011 (530 AF), 079D6C0106 (5,000 AF), and 139D6C0101 (4,683.5 AF) from the United States Bureau of Reclamation for 11,413.5 acre-feet of annual supply from Ruedi Reservoir. This water will be used in addition to and substitution for Wolford Mountain Reservoir water in appropriate circumstances where Ruedi water is physically equivalent to Wolford water. 6.1.2.1 Legal description of place of storage: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82°10'W. a distance of 1,285 feet. PLSS: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point 130 feet South of the North section line and 1,280 feet East of the West section line of Section 7, T. 8 S., R. 84 W. of the 6th P.M. 6.1.2.2 Source: Fryingspan River. 6.1.2.3 Previous storage decrees: 6.1.2.3.1 Civil Action No. 4613: 6.1.2.3.1.1 Decree Date: June 20, 1958. 6.1.2.3.1.2 Court: Garfield County District Court. 6.1.2.3.1.3 Amount: 140,697.3 acre-feet, reduced to 102,369 acre-feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85. 6.1.2.3.1.4 Appropriation Date: July 29, 1957. 6.1.2.3.1.5 Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. 6.1.2.3.2 Case No. 81CW34: 6.1.2.3.2.1 Decree Date: April 8, 1985. 6.1.2.3.2.2 Court: District Court, Water Div. No. 5. 6.1.2.3.2.3 Amount: 101,280 acre-feet (refill); of this amount, 44,509 acre-feet were made absolute in Case No. 95CW95 and 25,257 acre-feet were made absolute in Case No. 01CW269, for a total of 69,766 acre-feet absolute. 6.1.2.3.2.4 Appropriation Date: January 22, 1981. 6.1.2.3.2.5 Use: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought. 6.2 Direct releases from water previously stored in the Ranches Community Pond. 7. Exchange: (CONDITIONAL) 7.1 Name of Exchange: Ranches Community Pond exchange. 7.2 Wolford Mountain Reservoir Exchange From Point: The confluence of Muddy Creek and the Colorado River, near Kremmling, Colorado, located in the NW ¼ NE ¼ Section 19,

Township 1 North, Range 80 West of the 6th P.M. (UTM NAD 83 Zone 13 380762 Easting 4433469 Northing). 7.3 Ruedi Reservoir Exchange from Point: The confluence of the Roaring Fork River and the Colorado River near Glenwood Springs, Colorado, located in the SE ¼ NW ¼ Section 9, Township 6 South, Range 89 West of the 6th P.M. (UTM NAD 83 Zone 13 299765 Easting 4380341 Northing). 7.4 Exchange to Point: Klein Ditch, which diverts from the west bank of Ranch Creek whence the E1/4 Section Corner Section 16, T01S, R75W, 6th PM bears N. 51° 40' E. 1347 feet. 7.5 Operation of Exchange: At such time the diversions to replacement of evaporation from the Ranches Community Pond is out of priority and sufficient exchange potential exists, the Colorado River Water Conservation District, on behalf of and pursuant to a valid contract with Applicant, will release water to the stream(s) to the Exchange From Point and such water will be exchanged to the Exchange to Point in order to replace out-of-priority depletions in time, location, and amount. 8. Detailed statement of plan for augmentation: The Ranches Community Pond will be filled by diversions through the existing Klein Ditch. The purpose of an augmentation plan will be to replace out-of-priority depletions resulting from evaporative losses to water delivered through the Klein Ditch to the Ranches Community Pond. Water rights that will be used for augmentation include a contract with the Colorado River Water Conservation District and direct releases from water previously stored in the Ranches Community Pond. Applicant will provide water from one or all of these sources listed in paragraphs 6.1. and 6.2. in its sole discretion and upon notice to the Division Engineer. When relying upon substitution releases from Wolford Mountain Reservoir, during all times of a valid call by a downstream senior water right when Applicant is diverting water to the Ranches Community Pond through the Klein Ditch, Applicant will provide a substitute supply of water available to offset depletions caused by evaporation from the Pond. Applicant will provide a substitute supply of water with water provided under a contract with the Colorado River Water Conservation District, and the substitute supply will be delivered from Wolford Mountain Reservoir. When the use of releases from Wolford Mountain Reservoir will not replace out-of-priority depletions in time, location, and amount, Applicant will lower the water surface elevation of the Ranches Community Pond to reflect evaporation. 9. Applicant proposed the following terms and conditions: 9.1 Applicant will rely on the area-capacity tables as will be completed after final build-out, for the Ranches Community Pond. Water storage levels will be monitored and recorded monthly. 9.2 Applicant will submit a water accounting summary to the Water Commissioner annually or at more frequent intervals, if requested, on forms to be approved by the Division Engineer. The forms may be revised at the direction of the Water Commissioner or Division Engineer. 10. Name(s) and address(es) of owner(s) of the land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use other than Applicant: Applicant owns said lands. (12 pages plus exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

18. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3210 GARFIELD COUNTY, Application for Findings of Reasonable Diligence. Applicant: Riverbend Water & Sewer Company; *please direct all correspondence to Applicant's attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com.* Applicant requests entry of findings of reasonable diligence with regard to the following water right: **Riverbend Effluent Pond**. *Original Decree:* Case No. W-2126, July 23, 1974, Division 5 Water Court; *Subsequent findings of reasonable diligence:* Case No. W-2125-78, Case No. 82CW69, Case No. 86CW164, Case No. 90CW64, Case No. 96CW73, Case No. 02CW229, Case No. 10CW191 and Case No. 17CW3132. *Legal Description:* at a point whence the Southwest Corner of Section 34, Township 5 South, Range 90 West, of the 6th P.M. bears North 77°00' West a distance of 1,200 feet. The dam will extend in a general northeasterly direction from the said abutment. It can also be described as: Northeast ¼ Southwest ¼ of Section 34, Township 5 South, Range 90 West of the 6th P.M., 2,223 feet north of the South section line and 2,490 feet east of the West section line. See Exhibit A attached to the Application. **Source: Alluvium tributary to the Colorado River.** *Date of Appropriation:* June 1, 1973. *Amount:* 97.5 acre-feet, conditional. *Uses:* domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, and recreational purposes, specifically including the re-use of said water for these purposes. The municipal use may only be exercised and made absolute by a municipality or special district. *Owner of land upon which pond is located:* Applicant. Applicant requests findings of reasonable diligence with regard to the following water rights: **Riverbend Wells Nos. 1 through 5**. *Original Decree:* Case No. W-2125, July 23, 1974, Division 5 Water Court. *Subsequent findings of reasonable diligence:* Case No. W-2126-78, Case No. 82CW70, Case No. 86CW165, Case No. 90CW65, Case No. 96CW73, Case No. 02CW229, Case No. 10CW191 and Case No. 17CW3132. *Legal Descriptions:* **Riverbend Well No. 1:** at a point whence the Southwest Corner of Section 35, Township 5 South, Range 90 West of the 6th P.M. bears South 20°30' West a distance of 2,680 feet, also described as being in the Southwest ¼ Northwest ¼ of Section 35, Township 5 South, Range 90 West of the 6th P.M. 2,657 feet north of the South section line and 380 feet east of the West section line. See Exhibit A attached to the Application. **Riverbend Well No. 2:** at a point whence the Southwest Corner of Section 35, Township 5 South, Range 90 West of the 6th P.M. bears South 10°30' West a distance of 2,600 feet, also described as being in the Southwest ¼ Northwest ¼ of Section 35, Township 5 South, Range 90 West of the 6th P.M., 2,657 feet north of the South section line and 838 feet east of the West section line. See Exhibit A attached to the Application. **Riverbend Well**

No. 3: at a point whence the Southwest Corner of Section 35, Township 5 South, Range 90 West of the 6th P.M. bears South 18°00' West a distance of 2,610 feet, also described as being in the Northwest ¼ Southwest ¼ of Section 35, Township 5 South, Range 90 West of the 6th P.M. 2,517 feet north of the South section line and 851 feet east of the West section line. See Exhibit A attached to the Application. Riverbend Well No. 4: at a point whence the Southwest Corner of Section 35, Township 5 South, Range 90 West of the 6th P.M. bears South 26°00' West a distance of 2,500 feet, also described as being in the Northwest ¼ Southwest ¼ of Section 35, Township 5 South, Range 90 West of the 6th P.M., 2,591 feet north of the South section line and 1,048 feet east of the West section line. See Exhibit A attached to the Application. Riverbend Well No. 5: at a point whence the Southwest Corner of Section 35, Township 5 South, Range 90 West of the 6th P.M. bears South 34°30' West a distance of 2,675 feet, also described as being in the Northwest ¼ of the Southwest ¼ of Section 35, Township 5 South, Range 90 West of the 6th P.M. 2,512 feet north of the South section line and 1,205 feet east of the West section line. See Exhibit A attached to the Application. *Source*: Alluvium tributary to the Colorado River. *Date of Appropriation*: June 1, 1973. *Amounts*: All five wells are cumulatively limited to 340 acre-feet per year. Riverbend Well Nos. 1, 2 and 5: 0.67 c.f.s., conditional. Riverbend Well No. 3: 0.23 c.f.s., conditional (in Case No. W-2125-78, the Court decreed 0.44 c.f.s. absolute for all beneficial uses). Riverbend Well No. 4: 0.644 c.f.s., conditional (in Case No. 10CW91, the Court decreed 0.026 c.f.s. absolute for all beneficial uses). *Well Depths*: Riverbend Well No. 1: 43 feet. Riverbend Well No. 2: 58 feet. Riverbend Well No. 3: 61 feet. Riverbend Well No. 4: 49 feet. Riverbend Well No. 5: 54 feet. *Decreed Uses*: municipal purposes, commercial, industrial, domestic, sewage treatment, irrigation, recreation and fish and wildlife propagation, including storage for each of these purposes. The municipal use may only be exercised and made absolute by a municipality or special district. *Owner of Land Upon Which Wells are Located*: Nutrient Farms LLC, PO Box 560, New Castle, CO 81647. The Application includes a detailed outline of work performed during the diligence period toward the development of the conditional water rights (6 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

19. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. 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.

23CW3211 GARFIELD COUNTY. Application for Findings of Reasonable Diligence. Applicant: Solvay Chemicals, Inc., c/o David Valvoda, Plant Manager, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Solvay Chemicals, Inc. ("Applicant") requests a finding of reasonable diligence in the development of the conditional water rights for the Union 76 Well Nos. 2, 3, 4 and 5, collectively referred to as the ("Subject Water Rights"), (also known, together with Union 76 Well Nos. 1 and 1A, as the "Meadow Wells"). A map showing the location of the Union 76 Water Well Nos. 2, 3, 4 and 5 and other water rights is attached as Exhibit A, on file with the Water Ct. Claim for Finding of Reasonable Diligence. Structures: Union 76 Water Wells Nos. 2, 3, 4 and 5. Original Decree: 82CW380, Dist. Ct., Water Div. 5, on 03/14/1985. Subsequent Decrees Awarding Findings of Diligence: 89CW58 on 02/01/1991; 97CW58 on 07/09/1997; 03CW142 on 03/31/2004; 10CW67 on 03/09/2011; and 17CW3060 on 12/28/2017, all in Dist. Ct., Water Div. 5. Legal Descriptions: Union 76 Water Well No. 2: located in the SE1/4 of the NE1/4 of Sec. 36, T. 5 S., R. 96 W. of the 6th P.M., at a point 1,550 ft. from the North Sec. line and 550 ft. from the E. Sec. line of said Sec. Union 76 Water Well No. 3: located in the NE1/4 of the SE1/4 of Sec. 36, T. 5 S., R. 96 W. of the 6th P.M. at a point 1,950 ft. from the S. Sec. line and 850 ft. from the E. Sec. line of said Sec. Union 76 Water Well No. 4: located in the SE1/4 of the SE1/4 of Sec. 25, T. 5 S., R. 96 W. of the 6th P.M. at a point 1,300 ft. from the S. Sec. line and 650 ft. from the E. Sec. line of said Sec. Union 76 Water Well No. 5: located in the SE1/4 of the SE1/4 of Sec. 25, T. 5 S., R. 96 W. of the 6th P.M. at a point 400 ft. from the S. Sec. line and 350 ft. from the E. Sec. line of said Sec. **SOURCES: THE ALLUVIUM OF PARACHUTE CREEK, TRIBUTARY TO THE CO RIVER.** Date of Approp.: 12/04/1980 for each of the wells. Amts and Uses: Union 76 Water Well No. 2: 0.557 c.f.s. (250 g.p.m.), of which 0.495 c.f.s. (222 g.p.m.) is decreed absolute for industrial, dom, and all other uses related to the provision of a water supply for shale mining, processing and refining facilities and operations, including storage (hereinafter referred to as "industrial and dom uses"); 0.062 c.f.s. (28 g.p.m.) remains conditional for industrial and dom uses; and 0.557 c.f.s. remains conditional for irr. use. Union 76 Water Well No. 3: 0.557 c.f.s. (250 g.p.m.), of which 0.524 c.f.s. (235 g.p.m.), is decreed absolute for industrial and dom uses; 0.033 c.f.s. (15 g.p.m.) remains conditional for industrial and dom uses; and 0.557 c.f.s. remains conditional for irr. use. Union 76 Water Well No. 4: 0.557 c.f.s. (250 g.p.m.), of which 0.557, is decreed absolute for industrial and dom uses; and 0.557 c.f.s. remains conditional for irr. use. Union 76 Water Well No. 5: 0.557 c.f.s. (250 g.p.m.), of which 0.557 c.f.s. is decreed absolute for industrial and dom uses; 0.557 c.f.s. remains conditional for irr. use. Depth: Union 76 Water Well No. 2: 51 ft. Union 76 Water Well No. 3: 53 ft. Union 76 Water Well No. 4: 54 ft. Union 76 Water Well No. 5: 57 ft. Remarks: In 99CW300, the Ct. confirmed the Union 76 Water Well Nos. 2, 3, 4, and 5 as alternate POD for Parachute Creek drainage water rights decreed in W-2206 and for a portion of the Pumping Pipeline water right decreed in W-3946. The Ct. also confirmed the Subject Water Rights may be used for general industrial, mining, processing, retorting, refining and comm. purposes, including (without limiting the generality of the foregoing) any and all uses in connection with all aspects the Applicant's project to extract and process nahcolite and minerals (including oil shale) upon the Applicant's lands located in the Parachute Creek and Piceance Creek basins, including rights as may be needed for reclamation. Irr. use will not be made or perfected in the Piceance Creek

Basin. In 05CW89, the Ct. confirmed the Union 76 Water Well Nos. 2, 3, 4, and 5 may be used within Garfield and Rio Blanco Counties within the CO and Piceance Creek Basins for all industrial uses, including for oil and gas development. The diversions from the wells are contemplated to be 100% consumptive. In 10CW67, the Ct. eliminated municipal use of the Union 76 Water Well Nos. 2, 3, 4, and 5. Integrated System: The above-described structures are a part of an integrated water supply for Solvay Chemicals, Inc. “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). Consequently, all work and expenditures by Applicant in connection with its respective projects during their period of ownership of the conditional water right directly and indirectly constitute part of the Applicant’s reasonable diligence in developing the conditional water rights to be used in its water system. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is Caerus Piceance LLC, c/o Allison Woolston, 1001 17th St., Suite 1600, Denver, CO 80202; in care of counsel: Jennifer DiLalla, Esq.; Moses, Wittemyer, Harrison and Woodruff, P.C.; 2595 Canyon Blvd., Suite 240, Boulder, CO 80302. (7 pages of original application, Exh. A)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant’s attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

20. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3212 (17CW3061; 09CW158; 02CW70; 96CW65; 89CW320) PITKIN COUNTY – ROARING FORK RIVER OR ITS TRIBUTARIES. JBM Riverrun Partnership, L.P., c/o Paul L. Noto, Esq. and Lauren N. Hoover, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. APPLICATION TO MAKE WATER RIGHT ABSOLUTE. **First Claim: To Make Water Right Absolute:** Name of structure: Oh-Be-Joyful Pipeline. Original decree: April 12, 1990, Case No. 89CW320, Division 5 Water Court. Subsequent diligence decrees: July 30, 1996, Case No. 96CW65; September 16, 2003, Case No. 02CW70; March 28, 2001, Case No. 09CW158; December 17, 2017, Case No. 17CW3061. Legal description: The decree point of diversion is the SW ¼, NE ¼, Section 34, Township 8 South, Range 86 West of the 6th P.M., at a point whence the offset stake identifying Property Corner No. 43 of Lot 4 of Sky River Subdivision (formerly known as Oh-Be-Joyful Subdivision) bears 30° 30' E. 190 feet. The point of diversion is more specifically described as the SW ¼, NE ¼, Section 34, Township 8 South, Range 86 West of the 6th P.M., at a point approximately 2,000 feet from the North section line and 2,350 feet from the East section line (Pitkin County). Note that his second legal description does not modify the decreed location, but rather serves to provide additional information. A map is on file with the Court as Exhibit A. Source: Snowmass Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: September 7, 1989. Amount: 0.10 c.f.s., conditional. Uses: Fish culture and recycling water through the Oh-Be-Joyful Pond to lower water temperature for trout survival and to keep the water in the pond of sufficient quality, quantity, and temperature for such purposes. A detailed description of the work done to complete the appropriation, including expenditures, is on file with the Court as Exhibit B. Claim to make absolute: Date water applied to beneficial use: October 27, 2023; Amount: 0.1 c.f.s.; Uses: Fish culture and recycling water through the Oh-Be-Joyful Pond to lower water temperature for trout survival and to keep the water in the pond of sufficient quality, quantity, and temperature for such purposes; Statement of beneficial use: Applicant installed and activated a pump to divert water through the Oh-Be-Joyful Pond. An initial cost estimate is on file with the Court as Exhibit C. The invoice is on file with the Court as Exhibit D. The diversion plan is on file with the Court as Exhibit E. Applicant installed an aeration system in the Oh-Be-Joyful Pond and stocked the Oh-Be-Joyful Pond with fish. The invoice for the aeration system is on file with the Court as Exhibit F, and the invoice for stocking the pond with fish is on file with the Court as Exhibit G. Photos are on file with the Court as Exhibits H, I, J, and K. Applicant owns the land on which the diversion structure will be located, where the water will be stored, and where the water will be put to beneficial use. Remark: The Oh-Be-Joyful Pipeline is a component of an integrated water supply systems as decreed in Case No. 17CW3061.

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21. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3213 (17CW3095; 09CW9; 99CW319) PITKIN COUNTY – IN THE ROARING FORK RIVER OR ITS TRIBUTARIES. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART. Holland Hills Metropolitan District, c/o Scott C. Miller, Esq., and Lauren N. Hoover, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. First claim: For Finding of Reasonable Diligence. Name of structure: Holland Hills Well No. 1. Date of original decree: January 3, 2003, Case No. 99CW319, Division 5 Water Court. Subsequent findings of reasonable diligence: April 3, 2011, Case No. 09CW9; December 17, 2017, Case No. 17CW3095. Legal description: SW ¼ of the SE ¼, Section 17, Township 8 South, Range 86 West of the 6th P.M., at a point 1,490 feet from the East Section line and 350 feet from the South Section line. A map is on file with the Court as Exhibit A. **Source: Groundwater tributary to the Roaring Fork River, tributary to the Colorado River.** Appropriation date: May 18, 1999. Amount: 0.22 c.f.s. conditional. Uses: Domestic, commercial, fire protection, and irrigation. Claim for finding of reasonable diligence: A detailed description of the work done to complete the appropriation, including expenditures, is on file with the Court as Exhibit B. Remark: Holland Hills Well No. 1 is a component part of an integrated water supply plan for Applicant's property as decreed in Case Nos. 99CW319 and 17CW3095. Applicant owns the land upon which the water right will be used. Second claim: For Finding of Reasonable Diligence. Name of structure: Holland Hills Well No. 2. Date of original decree: January 3, 2003, Case No. 99CW319, Division 5 Water Court. Subsequent findings of reasonable diligence: April 3, 2011, Case No. 09CW9; December 17, 2017, Case No. 17CW3095. Legal description: SW ¼ of the SE ¼, Section 17, Township 8 South, Range 86 West of the 6th P.M., at a point 1,380 feet from the East Section line and 235 feet from the South Section line. A map is on file with the Court as Exhibit A. **Source: Groundwater tributary to the Roaring Fork River, tributary to the Colorado River.** Appropriation date: May 18, 1999. Amount: 0.22 c.f.s. conditional. Uses: Domestic, commercial, fire protection, and irrigation. Claim for finding of reasonable diligence: A detailed description of the work done to complete the appropriation, including expenditures, is attached as Exhibit B. Remark: Holland Hills Well No. 2 is a component part of an integrated water supply plan for Applicant's property as decreed in Case Nos. 99CW319 and 17CW3095. Applicant owns the land on which the water right will be placed to beneficial use. Third claim: For Finding of Reasonable Diligence. Name of structure: Holland Hills Well #C. Date of original decree: January 3, 2003, Case No. 99CW319, Division 5 Water Court. Subsequent findings of reasonable diligence: April 3, 2011, Case No. 09CW9; December 17, 2017, Case No. 17CW3095. Legal description: NW ¼ of the NE ¼, Section 20, Township 8 South, Range 86 West of the 6th P.M., at a point 1,340 feet from the East Section line and 100 feet from the North Section line. A map is on file with the Court as Exhibit A. **Source: Groundwater tributary to the Roaring Fork River, tributary to the Colorado River.** Appropriation date: May 18, 1999. Amounts and uses: 0.11 c.f.s. conditional for domestic, commercial, and fire protection; 0.22 c.f.s. conditional for irrigation. Note: Holland Hills Well #C was decreed absolute for 0.11 c.f.s. for domestic, commercial, and fire protection purposes in Case No. 09CW9, Division 5 Water Court. Well depth: 80 feet. Claim for finding of reasonable diligence: A detailed work of the work done to complete the appropriation, including expenditures, is on file with the Court as Exhibit B. Remark: Holland Hills Well #C is a component part of an integrated water supply plan for Applicant's property as decreed in Case Nos. 99CW319 and 17CW3095. Applicant owns the land on which the water right is and will be placed to beneficial use. Fourth claim: For Finding of Reasonable Diligence. Name of structure: Holland Hills Well #D. Date of original decree: January 3, 2003, Case No. 99CW319 Division No. 5 Water Court. Subsequent findings of reasonable diligence: : April 3, 2011, Case No. 09CW9; December 17, 2017, Case No. 17CW3095. Legal description: NE ¼ of the NE ¼, Section 20, Township 8 South, Range 86 West of the 6th P.M., at a point 890 feet from the East Section line and 245 feet from the North Section line. Note that this is the corrected legal description as decreed in Case No. 09CW9, Division No. 5 Water Court. A map is on file with the Court as Exhibit A. **Source: Groundwater tributary to the Roaring Fork River, tributary to the Colorado River.** Appropriation date: May 18, 1999. Amount: 0.22 c.f.s. conditional. Uses: Domestic, commercial, fire protection, and irrigation. Claim for finding of reasonable diligence: A detailed description of the work done to complete the appropriation, including expenditures, is on file with the Court as Exhibit B. Remark: Holland Hills Well #D is a component part of an integrated water supply plan for Applicant's property as decreed in Case Nos. 99CW319 and 17CW3095. Applicant owns the land on which the water will be placed to beneficial use. Fifth claim: For Finding of Reasonable Diligence and to Make Absolute in Part. Name of structure: Timroth Well No. 1 Enlargement. Date of original decree: January 3, 2003, Case No. 99CW319, Division No. 5 Water Court. Subsequent findings of reasonable diligence: April 3, 2011, Case No. 09CW9; December 17, 2017, Case No. 17CW3095. Legal description: Legal Description: SE ¼ of the SE ¼, Section 17, Township 8 South, Range 86 West of the 6th P.M., at a point 36 feet from the South Section line and 1,212 feet from the East Section line. A map is on file with the Court as Exhibit A. Note that this is the corrected legal description as decreed in Case No. 09CW9. **Source: Groundwater tributary to the Roaring Fork River, tributary to the Colorado River.** Appropriation date: January 15, 2001. Amounts and uses: 0.142 c.f.s., conditional for domestic, commercial, and fire protection; 0.22 c.f.s., conditional for irrigation; note that Timroth Well No. 1 was decreed absolute for 0.033 c.f.s. for domestic purposes in Case No. W-1251; Timroth Well No. 1 Enlargement was decreed absolute for 0.078 c.f.s. for domestic, commercial, and fire protection in Case No. 09CW9. Herein, Applicant requests 30 g.p.m. additional be made absolute as described below. Well depth: 70 ft. A detailed description of the work done to complete the appropriation, including expenditures, is on file with the Court as Exhibit B. Remark: Timroth Well No. 1 Enlargement is a component part of an integrated water supply plan for Applicant's property as decreed in Case Nos. 99CW319 and 17CW3095. Applicant owns the land upon which the water right is and will be placed to beneficial use. Claim to make absolute in part: Date water applied to beneficial use: December 18, 2023; Amount: 0.067 c.f.s., 30 g.p.m. absolute (note: 35 g.p.m. already made absolute under Tim Roth Well No. 1 Enlargement water right for domestic, commercial, and fire protection); Uses: Domestic, commercial, and fire protection; Description of place of use where water is applied to beneficial use: Holland Hills Metro District Service Area as described in Pitkin County Resolution #00-187 recorded at Reception Number 448111. Applicant requests a finding of reasonable diligence for 35 g.p.m. and an award of 30 g.p.m. absolute for the Timroth Well No. 1 Enlargement water right described above for domestic, commercial, and fire protection, thereby confirming a total of 65 g.p.m. absolute and 35 g.p.m. conditional for these uses going forward.

To the extent the Court finds any portion of the water right is not proven absolute in this proceeding, Applicant requests a finding of diligence for such portion. Applicant also requests a finding of reasonable diligence for the 100 g.p.m. for irrigation for the Timroth Well No. 1 Enlargement. **Sixth claim:** For Finding of Reasonable Diligence. **Name of structure:** Holland Hills Appropriative Exchange. **Date of original decree:** January 3, 2003, Case No. 99CW319, Division No. 5 Water Court. **Subsequent findings of reasonable diligence:** April 3, 2011, Case No 09CW9; December 17, 2017, Case No. 17CW3095. **Legal description:** Decreed legal description: A segment of the Roaring Fork River from the point of impact of the structures described in Paragraph 27 of the Final Decree in Case No. 99CW319, Division No. 5 Water Court, to the confluence of the Frying Pan River with the Roaring Fork River. A map is on file with the Court as Exhibit C. Supplemental legal descriptions: Upper Terminus of Holland Hills Appropriative Exchange: NE¼, NE¼, Section 20, Township 8 South, Range 86 West of the 6th P.M., at a distance 730 feet from the North Section line and 1,045 feet from the East Section line. A map is on file with the Court as Exhibit C; Lower Terminus of Holland Hills Appropriative Exchange: SW¼, SE¼, Section 7, Township 8 South, Range 86 West of the 6th P.M., at a point 750 feet from the South Section line and 1,424 feet from the East Section line. A map is on file with the Court as Exhibit C. Remark: The confluence legal description is provided based on its present location. Should that location change in the future due to circumstances beyond Applicant's control, Applicant shall not be required to file a change application. **Source:** Groundwater tributary to the Roaring Fork River, tributary to the Colorado River. **The augmentation supplies, which are the sources for the exchange, are described in paragraph 28 of the decree in Case No. 99CW319, Water Division No. 5.** **Appropriation date:** May 18, 1999. **Amount:** 0.39 c.f.s., conditional. **Uses:** Exchange and replacement. **Claim for finding of reasonable diligence:** A detailed description of the work done to complete the appropriation, including expenditures, is on file with the Court as Exhibit B. **Remarks:** Appropriative Exchange is a component part of an integrated water supply plan for Applicant's property as decreed in Case Nos. 99CW319 and 17CW3095. Holland Hills Appropriative Exchange is a component part of an integrated water supply plan for Applicant's property as decreed in Case Nos. 99CW319 and 17CW3095. The combined average annual amount of ground water to be appropriated by Holland Hills Wells Nos. 1, 2, C and D, and the Timroth Well No. 1 Enlargement, as described in this Application, in combination shall not exceed 53.84 acre-feet, to the extent these water rights are subject to call and Applicant relies on the plan for augmentation decreed in Case No. 99CW319, Division No. 5 Water Court, to prevent injury. The operation of the Holland Hills Well Nos. 1, 2, C & D, the Timroth Well No. 1 Enlargement and the Holland Hills Appropriative Exchange when serving up to 128 EQRs shall occur pursuant to the plan for augmentation decreed in Case No. 99CW319, Division No. 5 Water Court. Should Applicant seek to serve more than 128 EQRs with these water rights, Applicant will be required to apply for another plan for augmentation to cover any out of priority depletions associated with such additional use.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

22. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. 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.

23CW3214 GARFIELD COUNTY, APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. **Name and address of applicant:** M.R. Lookout, LLC; J.D. Lookout, LLC; Flying Finger LLC; and Caroline Apts. Co. ("Applicants"), c/o Paula Rienti, 5161 Collins Ave., PH D, Miami Beach, FL 33140. c/o Michael Daugherty, Somach Simmons & Dunn, P.C., 1155 Canyon Blvd., Suite 110, Boulder, CO 80302. 2. **Description of the conditional water rights:** 2.1. **Lookout Mountain Ranch Pond No. 1** (WDID 3804269). 2.1.1. **Decrees:** District Court in and for Water Division No. 5 ("Water Court") Case No. 98CW300 (May 19, 2004); Water Court Case No. 10CW144 (April 3, 2011); Water Court Case No. 17CW3087 (December 17, 2017). 2.1.2. **Location:** The center of the dam for Pond No. 1 is located in the NW 1/4 of the NE 1/4 of Section 23, T. 6 S., R. 89 W. of the 6th P.M. at a point 1675 feet from the East Section line and 290 feet from the North Section line. A general water rights location map is attached as **Exhibit A**. 2.1.3. **Source:** Red Canyon Creek, tributary to the Roaring Fork River, tributary to the Colorado River via diversions under the Red Ditch Pump and Pipeline First Enlargement. 2.1.4. **Appropriation date:** December 31, 1998. 2.1.5. **Amount:** 17.8 acre-feet, conditional. 2.1.6. **Uses:** Irrigation, domestic, augmentation, storage, irrigation, piscatorial, and aesthetic. 2.2 **Lookout Mountain Ranch Pond No. 2** (WDID 3804270). 2.2.1. **Decrees:** Water Court Case No. 98CW300 (May 19, 2004); Water Court Case No. 10CW144 (April 3, 2011); Water Court Case No. 17CW3087 (December 17, 2017). 2.2.2. **Location:** The center of the dam for Pond No. 2 is located in the SE 1/4 of the NW 1/4 of Section 24, T. 6 S., R. 89 W. of the 6th P.M. at a point 2300 feet from the West Section line and 1800 feet from the North Section line. A general water rights location map is attached as **Exhibit A**. 2.2.3. **Source:** Red Canyon Creek, tributary to the Roaring Fork River, tributary to the Colorado River via diversions under the Red Ditch Pump and Pipeline First Enlargement. 2.2.4. **Appropriation date:** December 31, 1998. 2.2.5. **Amount:** 6.7 acre-feet, conditional. 2.2.6. **Uses:** Irrigation, domestic, augmentation, storage, irrigation, piscatorial, and aesthetic. 2.3. **Lookout Mountain Ranch Pond No. 3** (WDID 3804271) 2.3.1. **Decrees:** Water Court Case No. 98CW300 (May 19, 2004); Water Court Case No. 10CW144 (April 3, 2011); Water Court Case No. 17CW3087 (December 17, 2017). 2.3.2. **Location:** The center of the dam for Pond No. 3 is located in the NE 1/4 of the SE 1/4 of Section 23, T. 6 S., R. 89 W. of the 6th P.M. at a point 585 feet from the East Section line and 2450 feet from the South Section line. A general water rights location map is attached as **Exhibit A**. 2.3.3. **Source:** Red Canyon Creek, tributary to the Roaring Fork River, tributary to the Colorado River via

diversions under the Red Ditch Pump and Pipeline First Enlargement. 2.3.4. Appropriation date: December 31, 1998. 2.3.5. Amount: 6.1 acre-feet, conditional. 2.3.6. Uses: Irrigation, domestic, augmentation, storage, irrigation, piscatorial, and aesthetic. 2.4. Lookout Mountain Ranch Pond No. 4 (WDID 3804272). 2.4.1. Decrees: Water Court Case No. 98CW300 (May 19, 2004); Water Court Case No. 10CW144 (April 3, 2011); Water Court Case No. 17CW3087 (December 17, 2017). 2.4.2. Location: The center of the dam for Pond No. 4 is located in the NE 1/4 of the SE 1/4 of Section 23, T. 6 S., R. 89 W. of the 6th P.M. at a point 1010 feet from the East Section line and 2400 feet from the South Section line. A general water rights location map is attached as **Exhibit A**. 2.4.3. Source: Red Canyon Creek, tributary to the Roaring Fork River, tributary to the Colorado River via diversions under the Red Ditch Pump and Pipeline First Enlargement. 2.4.4. Appropriation date: December 31, 1998. 2.4.5. Amount: 7.0 acre-feet, conditional. 2.4.6. Uses: Irrigation, domestic, augmentation, storage, irrigation, piscatorial, and aesthetic. 2.5. Lookout Mountain Ranch Pond No. 5 (WDID 3804273). 2.5.1. Decrees: Water Court Case No. 98CW300 (May 19, 2004); Water Court Case No. 10CW144 (April 3, 2011); Water Court Case No. 17CW3087 (December 17, 2017). 2.5.2. Location: The center of the dam for Pond No. 5 is located in the NW 1/4 of the SE 1/4 of Section 23, T. 6 S., R. 89 W. of the 6th P.M. at a point 1525 feet from the East Section line and 2380 feet from the South Section line. A general water rights location map is attached as **Exhibit A**. 2.5.3. Source: Red Canyon Creek, tributary to the Roaring Fork River, tributary to the Colorado River via diversions under the Red Ditch Pump and Pipeline First Enlargement. 2.5.4. Appropriation date: December 31, 1998. 2.5.5. Amount: 9.0 acre-feet, conditional. 2.5.6. Uses: Irrigation, domestic, augmentation, storage, irrigation, piscatorial, and aesthetic. 2.6. Lookout Mountain Ranch Pond No. 6 (WDID 3804274). 2.6.1. Decrees: Water Court Case No. 98CW300 (May 19, 2004); Water Court Case No. 10CW144 (April 3, 2011); Water Court Case No. 17CW3087 (December 17, 2017). 2.6.2. Location: The center of the dam for Pond No. 6 is located in the NW 1/4 of the SE 1/4 of Section 23, T. 6 S., R. 89 W. of the 6th P.M. at a point 1970 feet from the East Section line and 2364 feet from the South Section line. A general water rights location map is attached as **Exhibit A**. 2.6.3. Source: Red Canyon Creek, tributary to the Roaring Fork River, tributary to the Colorado River via diversions under the Red Ditch Pump and Pipeline First Enlargement. 2.6.4. Appropriation date: December 31, 1998. 2.6.5. Amount: 6.9 acre-feet, conditional. 2.6.6. Uses: Irrigation, domestic, augmentation, storage, irrigation, piscatorial, and aesthetic. 2.7. Lookout Mountain Ranch Pond No. 7 (WDID 3804275). 2.7.1. Decrees: Water Court Case No. 98CW300 (May 19, 2004); Water Court Case No. 10CW144 (April 3, 2011); Water Court Case No. 17CW3087 (December 17, 2017). 2.7.2. Location: The center of the dam for Pond No. 7 is located in the NW 1/4 of the SE 1/4 of Section 23, T. 6 S., R. 89 W. of the 6th P.M. at a point 2280 feet from the East Section line and 2290 feet from the South Section line. A general water rights location map is attached as **Exhibit A**. 2.7.3. Source: Red Canyon Creek, tributary to the Roaring Fork River, tributary to the Colorado River via diversions under the Red Ditch Pump and Pipeline First Enlargement. 2.7.4. Appropriation date: December 31, 1998. 2.7.5. Amount: 4.8 acre-feet, conditional. 2.7.6. Uses: Irrigation, domestic, augmentation, storage, irrigation, piscatorial, and aesthetic. 2.8. Lookout Mountain Ranch Pond No. 8 (WDID 3804276). 2.8.1. Decrees: Water Court Case No. 98CW300 (May 19, 2004); Water Court Case No. 10CW144 (April 3, 2011); Water Court Case No. 17CW3087 (December 17, 2017). 2.8.2. Location: Pursuant to the change in legal description decreed in Case No. 11CW2, the center of the dam for Pond No. 8 is located in the SW 1/4 of the SE 1/4 of Section 23, T. 6 S., R. 89 W. of the 6th P.M. at a point 1,775 feet from the East Section line and 1,249 feet from the South Section line. A general water rights location map is attached as **Exhibit A**. 2.8.3. Source: Red Canyon Creek, tributary to the Roaring Fork River, tributary to the Colorado River via diversions under the Red Ditch Pump and Pipeline, First Enlargement. 2.8.4. Appropriation date: December 31, 1998. 2.8.5. Amount: 4.3 acre-feet, conditional. 2.8.6. Uses: Irrigation, domestic, augmentation, storage, irrigation, piscatorial, and aesthetic. 2.9. The Red Ditch Pump and Pipeline, First Enlargement (WDID 3801345). 2.9.1. Decrees: Water Court Case No. 98CW300 (May 19, 2004); Water Court Case No. 10CW144 (April 3, 2011); Water Court Case No. 17CW3087 (December 17, 2017). 2.9.2. Location: Pursuant to the change in legal description decreed in Case No. 11CW2, the point of diversion for the Red Ditch Pump and Pipeline, First Enlargement is in the SE 1/4 of the NE 1/4 of Section 24, T. 6 S., R. 89 W. of the 6th P.M. at a point 1,103 feet from the East Section line and 2,677 feet from the South Section line. A general water rights location map is attached as **Exhibit A**. 2.9.3. Source: Red Canyon Creek, tributary to the Roaring Fork River and tributary to the Colorado River. 2.9.4. Appropriation date: December 31, 1998. 2.9.5. Amount: 3.0 cubic feet per second, conditional. 2.9.6. Uses: Domestic, augmentation, storage, irrigation, and fill and refill of the Lookout Mountain Ranch Ponds Nos. 1-8. 3. Outline of work done to complete the project and apply water to beneficial use: The conditional water rights described in paragraph 2, above, will be an essential aspect of the water supply system for the Lookout Mountain Ranch, a development to be located in Garfield County, Colorado. During the subject diligence period since the final decree was entered in Case No. 17CW3087, Applicants have undertaken the following specific activities that demonstrate diligence: 3.1. Applicants have paid annually for their water allotment contract from the Basalt Water Conservancy District and anticipate using the water service provided under this contract as the property is developed; 3.2. Applicants have retained legal counsel to oversee matters including water rights issues arising from the development of the Lookout Mountain Ranch; and 3.3. Applicants have retained Phelps Engineering Services, Inc., to develop a subdivision plan for the Lookout Mountain Ranch property. 4. Ownership: Applicants own the land upon which the Lookout Mountain Ranch Ponds Nos. 1-8 are located. The Red Ditch Pump and Pipeline, First Enlargement, is located on land owned by Wayne Rudd, 132 Park Avenue, Basalt, CO 81621. WHEREFORE, Applicants request that the Court enter a finding of reasonable diligence with respect to Lookout Mountain Ranch Ponds Nos. 1 through 8 and the Red Ditch Pump and Pipeline, First Enlargement, and continue said conditional water rights for all decreed uses in the full decreed amounts.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

23. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3215 EAGLE COUNTY, FRYINGPAN RIVER, ROARING FORK RIVER, COLORADO RIVER. The Estate of Meredith Long c/o Anne Marie McPhee, Oates, Knezevich, Gardenswartz, Kelly & Ticsay, P.C., 533 E. Hopkins Ave., Third Floor, Aspen, CO 81611, (970) 920-1701. **First Claim: To Make Water Right Absolute.** Structure: Long Irrigation Well. Permit No.: 82124-F Date of Original Decree: 12/17/2017. Case No. 17CW3027. Legal description: UTM coordinates: NAD 83, Zone 13, Easting: 331740 m. Northing: 4360892 m. PLSS legal description: SW 1/4, SW 1/4, Section 1, Twsp 8 S., R. 86 W. of the 6th P.M. 235 ft east of the west section line and 775 ft north of the south section line. Source: Fryingpan River, trib. to the Roaring Fork and Colorado Rivers. Approp. Date: 01/31/2017. Amount: 0.067 cfs, cond., with an annual amount of 2.7 af. Use: Irr. of 1.7 acres. Well Depth: Approx. 10 ft. Date applied to beneficial use: 6/1/2021. Amt: 0.067 cfs Use: Irr. **Second Claim: To Make Water Right Absolute.** Structure: Long Exchange. Date of Original Decree: 12/17/2017. Case No. 17CW3027. Location Upstream terminus: Long Irrigation Well, described above. Downstream Termini: For exchange of Green Mountain Reservoir water: The confluence of the Roaring Fork and Colorado Rivers: Located in the SE 1/4, NW 1/4 of Sec. 9, Twsp. 6 S., R. 89 W., 6th P.M., at a point approx. 2,200 ft from the north section line and 2,350 ft from the west section line. For exchange of Robinson Ditch water: The point of diversion for the Robinson Ditch on the Roaring Fork River, located in the NW 1/4, SE 1/4, Sec. 11, T. 8 S., R. 87 W., 6th P.M., 2,307 ft from the south section line and 2,309 ft from the east section line. Sources: A BWCD contract for 2.7 af utilizing Green Mountain Reservoir, Ruedi Reservoir, Troy and Edith Ditch, and Robinson Ditch water rights. Approp. date: 5/31/2017. Rate: 0.067 cfs, cond. Uses: Exchange for the subsequent use of irrigation. Operation plan: The augmentation plan decreed in 17CW3027. Date applied to beneficial use: July 2022 (rate of 0.015 cfs); 2021 (volume of 1.29 af). Rate: 0.015 cfs; remaining 0.052 cfs shall remain cond. Use: Exchange for the subsequent use of irrigation. A detailed description of the work to complete the appropriations, map of the subject water rights and exchange reach are on file with the Court. Owner of land where the structures are located and beneficially used: Applicant.

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23CW3216 PITKIN COUNTY, COLORADO. The Wonderful Company LLC c/o Paul L. Noto and Lauren H. Hoover, Patrick, Miller & Noto, P.C., 229 Midland Avenue, Basalt, CO 81621 (970) 920-1030. APPLICATION FOR SURFACE WATER RIGHT AND APPROVAL OF PLAN FOR AUGMENTATION INCLUDING EXCHANGE PROJECT. Name of structure: RIC Pump & Pipeline No. 2, First Enlargement. Legal description: NW ¼, SW ¼ of Section 17, Township 10 South, Range 84 West of the 6th P.M., at a point on the westerly bank of the Roaring Fork River approximately 1430 feet from the south section line and 565 feet from the west section line of said Section 17 in Pitkin County. **Source: Roaring Fork River, tributary to the Colorado River.** Appropriation date: December 29, 2023. How appropriation was initiated: Field inspection, formulation of intent to apply water to beneficial use, and filing of this application. Date water applied to beneficial use: N/A. Amount: 0.3 c.f.s., conditional, as a use enlargement to the RIC Pump and Pipeline No. 2 decreed in Case No. 05CW189. Applicant will limit diversions at the RIC Pump and Pipeline No. 2 under both water rights to 1.33 c.f.s. as decreed in 05CW189. Use: Irrigation. Number of acres historically irrigated: 0. Number of acres proposed to be irrigated: 6.85 acres. Legal description of irrigated acreage: A portion of Parcel 2, Stillwater Ranch Parcels, according to the First Amended Plat thereof recorded December 2, 1993, in Plat Book 33 at Page 34 of the Pitkin County records, is on file with the court as Exhibit B. The location shown is approximate based on current planning for the property. Operation: Diversions from the RIC Pump and Pipeline No. 2, First Enlargement will flow into Pine Lake. Water will be pumped from Pine Lake to irrigate 6.85 acres on Applicant's property. RIC Pump and Pipeline No. 2, First Enlargement is part of an integrated water supply along with RIC Pump and Pipeline and RIC Pump and Pipeline No. 2, as decreed in Case No. 05CW189. ShadowWood LLC, 11444 W. Olympic Blvd., 10th Floor, Los Angeles, CA 90064, owns the land upon which the structure is located. Applicant owns the land upon which the water will be put to beneficial use. **Second Claim: For Approval of Plan for Augmentation: Name of structure to be augmented: RIC Pump and Pipeline No. 2, First Enlargement. Legal description: Described above. Water rights to be used for augmentation: Basalt Water Conservancy District ("BWCD") Allotment Contract for 10.2 acre-feet from the following sources: Green Mountain Reservoir. Source: Blue River, tributary to the Colorado River. Legal description: Located approximately 16 miles Southeast of the Town of Kremmling in Summit County, Colorado, and more particularly in all or parts of Sections 11, 12, 13, 14, 15, and 24 of Township 2 South, Range 80 West, and in Sections 17, 18, 19, 20, 21, 28, 29, and 34, Township 2 South, Range 79 West of the 6th P.M. Adjudication date: October 12, 1955. Appropriation date: August 1, 1935. Case Nos.: Civil Action 2782, 5016, and 5017, U.S. District Court of Colorado. Decreed**

amount: 154,645 acre-feet. Decreed uses: In accordance with paragraph 5(a), (b), and (c) of the section entitled “Manner of Operation of Project Facilities and Auxiliary Facilities” in Senate Document 80. District Interest: The BWCD holds Contract No. 8-07-60-W0727 with the United States Bureau of Reclamation. This contract entitles the District to delivery of 1000 AF of water annually from the marketable yield of Green Mountain Reservoir, subject to the terms and conditions of the contracts between the District and Bureau of Reclamation. Ruedi Reservoir: Source: Frying Pan River, tributary to the Colorado River. Legal description: An on-channel reservoir located in Sections 7, 8, 9, 11, and 14 through 18, Township 8 South, Range 84 West of the 6th P.M. The reservoir is located in portions of Eagle and Pitkin counties. Adjudication date: June 20, 1958. Appropriation date: July 29, 1957. Case No.: Civil Action 4613, Garfield County District Court. Decreed amount: 102,369 acre-feet (originally decreed for 140,697.3 acre-feet; reduced to 102,369 acre-feet in Case No. W-789-76, Division 5 Water Court). The full amount was made absolute in Case No. 88CW85. Decreed uses: Generation of electric energy, domestic, municipal, piscatorial, industrial, and irrigation. Refill: By decree of the Water Court in Case No. 81CW34, Ruedi Reservoir was decreed a refill right in the amount of 101,280 AF, conditional. In Water Court Case No. 95CW95, 44,509 AF of the refill right was made absolute. In Water Court Case 01CW269, an additional 25,257 AF of the refill right was made absolute, for a total of 69,766 AF absolute in the refill right. District Interest: The BWCD holds contract numbers 2-07-70-W0546, 009D6C0014, 039F6C0012 and 139D6C0099 with the United States Bureau of Reclamation. These four contracts collectively entitle the District to delivery of 1790 AF of water annually from the regulatory capacity of Ruedi Reservoir, subject to the terms and conditions of the contracts between the District and Bureau of Reclamation. Troy Ditch and Edith Ditch water rights: see table, on file with the court. In Case No. W-2281, Division 5, the Court decreed that 453 AF of annual consumptive-use credits were available to these ditches, and that 300 AF could be stored in an unnamed reservoir. Applicant owns 412.89 AF of the 453 AF and makes the water rights available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. This Court changed the use of the 412.89 AF to include augmentation and exchange in Case Nos. 98CW26 and 98CW89 (Consolidated). The Troy and Edith augmentation water can be delivered to the Frying Pan, Roaring Fork or Colorado Rivers by bypassing water at the headgate on the Frying Pan River. Robinson ditch water rights: see table, on file with the court. Legal descriptions: The point of diversion as decreed is located on the North bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Section 11, T. 8 S., R. 87 West, 6th P.M. Historic Use: Irrigation of approximately 137.2 acres of hay and pasture under District’s interest in the Robinson Ditch water rights. In Case No. 93CW319, the Court decreed that 360 AF of annual consumptive-use credits are associated with said irrigation. In that case, the Court also decreed a change of use of District’s Robinson Ditch rights to include augmentation. The District makes the credits available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. The District applies the credits principally to the augmentation of Blue Creek and the Roaring Fork River. Complete statement of plan for augmentation, covering all applicable matters under C.R.S. § 37-92-103(9), -302(1)(2), and -308(8): Background: Applicant will irrigate 6.85 acres of lawns and gardens as shown on the map on file with the court as Exhibit B. The location shown is approximate based on current planning for the property. Applicant intends to utilize the RIC Pump and Pipeline No. 2, First Enlargement to sprinkler irrigate this land. The water will be pumped from the Roaring Fork River and placed into Pine Lake, and then pumped out of Pine Lake for the irrigation. Water requirements: A table describing the water demands and depletions for the RIC Pump and Pipeline No. 2, First Enlargement is attached as Table 1. Irrigation under the RIC Pump and Pipeline No. 2, First Enlargement will total 6.85 acres. Applicant’s engineer used the Blaney-Criddle method with Pochop adjustments to calculate irrigation requirements, resulting in a net irrigation requirement of 1.744 acre-feet per acre. Assuming an irrigation efficiency of 80 percent, the total annual diversion requirement is 14.94 acre-feet, and irrigation consumptive use is 11.95 acre-feet. Downstream call: If the calling water right is below the confluence of the Roaring Fork and Fryingpan Rivers, Applicant will augment the out of priority depletions by using water rights owned or controlled by the BWCD, as described above. Applicant is in the process of applying for an allotment contract for 10.2 acre-feet of water annually. The contract will cover irrigation depletions for the 6.85 acres of new irrigation. The augmentation will be administered through the exchange project claimed below. Table 2 outlines an augmentation schedule for a downstream call, such as the Cameo Call. ShadowWood LLC owns the land upon which the RIC Pump and Pipeline No. 2, First Enlargement is located. Third Claim: For Exchange Project: Name of structure: TWC Green Mountain Exchange. Location of downstream terminus: The confluence of the Roaring Fork and Colorado Rivers, located in the SE ¼ NW ¼ of Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point approximately 2,200 feet from the North section line and 2,350 feet from the West section line (Garfield County; UTM NAD83 Z13 coordinates: Northing – 4380346, Easting – 299776). Location of upstream terminus: The point of diversion from the Roaring Fork River for the RIC Pump and Pipeline No. 2, First Enlargement, located in the NW ¼, SW ¼ of Section 17, Township 10 South, Range 84 West of the 6th P.M., at a point on the westerly bank of the Roaring Fork River approximately 1430 feet from the south section line and 565 feet from the west section line of said Section 17 in Pitkin County (Pitkin County). A map is on file with the court as Exhibit C. Source: Water attributable to the BWCD’s interests in Green Mountain Reservoir and for which Applicant will apply for an Allotment Contract for the use of, as described above. Date of appropriation: December 29, 2023. How appropriation was initiated: Formulation of intent to apply water to beneficial use and filing of the Application in this case. Amount: 0.05 c.f.s. (22.5 g.p.m.), conditional, up to 9 acre-feet per year. Use: Exchange to implement the plan for augmentation described above. Name of structure: TWC Fryingpan Exchange. Location of downstream terminus: The confluence of the Roaring Fork and Fryingpan Rivers, located in the SW ¼ SE ¼ of Section 7, Township 8 S., Range 86 W., of the 6th P.M., at a point 647 feet from the South section line and 1,475 feet from the East section line (Eagle and Pitkin Counties, UTM NAD83 Z13 coordinates: Northing – 4359437, Easting – 324739). Location of upstream terminus: The point of diversion from the Roaring Fork River for the RIC Pump and Pipeline No. 2, First Enlargement, located in the NW ¼, SW ¼ of Section 17, Township 10 South, Range 84 West of the 6th P.M., at a point on the westerly bank of the Roaring Fork River approximately 1430 feet from the south section line and 565 feet from the west section line of said Section 17 in Pitkin County. A map is on file with the court as Exhibit C. Source: Water attributable to the BWCD’s interests in Ruedi Reservoir and the Troy and Edith Ditch, and for which Applicant has

applied for an Allotment Contract for the use of, as described above. Date of appropriation: December 29, 2023. How appropriation was initiated: Formulation of intent to apply water to beneficial use, and filing of the Application in this case. Amount: 0.05 c.f.s. (22.5 g.p.m.), conditional, up to 9 acre-feet per year. Use: Exchange to implement the plan for augmentation described above. Name of structure: TWC Robinson Ditch Exchange. Location of downstream terminus: The point of diversion as decreed is located on the North bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Section 11, T. 8 S., R. 87 W., 6th P.M. (Eagle County, UTM NAD83 Z13 coordinates: Northing – 4359863, Easting – 321622). Location of upstream terminus: The point of diversion on the Roaring Fork River for the RIC Pump and Pipeline No. 2, First Enlargement, located NW ¼, SW ¼ of Section 17, Township 10 South, Range 84 West of the 6th P.M., at a point on the westerly bank of the Roaring Fork River approximately 1430 feet from the south section line and 565 feet from the west section line of said Section 17 in Pitkin County. A map is on file with the court as Exhibit C. Source: Water attributable to the BWCD's interests in the Robinson Ditch, and for which Applicant has applied for an Allotment Contract for the use of, as described above. Date of appropriation: December 29, 2022. How appropriation was initiated: Formulation of intent to apply water to beneficial use and filing of the Application in this case. Amount: 0.05 c.f.s. (22.5 g.p.m.), conditional, up to 9 acre-feet per year. Use: Exchange to implement the plan for augmentation described above.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

25. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3217 MESA COUNTY. Application for Finding of Reasonable Diligence. Applicant: Big Vu, LLC, 200 Grand Avenue, Suite 400, Grand Junction, Colorado 81501. Attorney for Applicant: John T. Howe, Hoskin, Farina & Kampf, Professional Corporation, Post Office Box 40, Grand Junction, Colorado 81502; (970) 986-3400. Name of structure: Big Vu Well No. 2. Original Decree: Case No. 2001CW340, November 25, 2002. Subsequent decrees: Case No. 2008CW144, September 18, 2010; 2016CW3076, December 17, 2017. **Source: groundwater tributary to Wallace Gulch, tributary to Plateau Creek, tributary to the Colorado River.** Location: SW¼NW¼ of Section 25, Township 10 South, Range 97 West of the 6th P.M., 1,605 feet from the North section line and 1,070 feet from the West section line. UTM coordinates: Northing 4339488; Easting 225859; Zone 13; NAD 83. Use: domestic. Appropriation Date: December 18, 2000. Quantity: 0.033 c.f.s. (25 gpm), annual limit of 0.392 acre feet. Additional Information: Big Vu Well No. 2 was made absolute in Case No. 2016CW3076 in the amount of 0.033 c.f.s. with an annual limit of 23,350 gallons. Applicant seeks a finding of diligence with respect to the remaining conditional amount. The application contains a detailed description of the work performed during the diligence period.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

26. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3218 GRAND, EAGLE AND GARFIELD COUNTIES. APPLICATION FOR CONDITIONAL WATER STORAGE RIGHTS, CONDITIONAL SURFACE WATER RIGHTS, APPROPRIATIVE RIGHTS OF EXCHANGE, APPROVAL OF POINTS OF REDIVERSION, AND PLAN FOR AUGMENTATION 1. **Applicants:** Sun River Run Ranch RV, LLC ("Sun"), c/o Emmerson Prosser, 27777 Franklin Road, Suite 200, Southfield, MI 48034, (248) 208-2500, eprosser@suncommunities.com and Town of Granby, Colorado ("Granby"), c/o Town Manager, P.O. Box 440, Granby, CO 80446, (970) 887-2501, dhess@townofgranby.com. Sun and Granby shall be referred to as "Applicants." Direct all pleadings to: Madoline Wallace-Gross and Anthony J. Basile, Lyons Gaddis, P.O. Box 978, Longmont, CO 80502-0978, (303) 776-9900 and Scotty P. Krob and Nathan Krob, Krob Law Office, LLC, 8400 E. Prentice Avenue Penthouse, Greenwood Village, CO 80111, (303) 694-0099. 2. **Description of Application:** Applicants are the owners of approximately 1,550 acres located in Sections 19, 20, 29, 30, and 31, Township 2 North, Range 76 West of the 6th P.M. and Sections 24, 25, and 36 Township 2 North, Range 77 West of the 6th P.M., Grand County, Colorado, depicted in EXHIBIT A ("Property"). The Colorado River generally bisects the Property. The "north side" and "south side" descriptions relate to whether the land and/or structures are north or south of the Colorado River. The purpose of the application is to: 1) supplement the water supply for the Property's south side irrigation and construction; and 2) adjudicate a new water supply for the Property's north side irrigation and construction. As detailed below, Applicants seek claims for conditional storage water rights, conditional surface water rights, conditional appropriative

rights of exchange, approval of points of diversion, and a plan for augmentation. The locations of the relevant structures are depicted in EXHIBIT A. CONDITIONAL STORAGE WATER RIGHTS 3. Name of Structure: Sun-RRR Pond C (f/k/a North Shorefox Pond)

3.1 Legal description. An on-channel reservoir in the NE ¼ NW ¼, Section 30, Township 2 North, Range 76 West 6th P.M., Grand County, Colorado. 3.2 Prior decrees. Case Nos. 03CW336 and 05CW288, District Court, Water Division 5. 3.3 Sources. Colorado River, Willow Creek, and an unnamed tributary, all tributary of the Colorado River. 3.4 Name of structures used to fill the pond: 3.4.1 Shorefox Diversion No. 5: At a point on the Colorado River in the SW1/4 NW1/4 of Section 30, Township 2 North, Range 76 West of the 6th P.M., 110 feet East of the West Section line and 2430 feet South of the North Section line of said Section 30. This point of diversion was decreed in Case No. 05CW288. 3.4.2 Bunte Highline Ditch: Located on the right bank of Willow Creek whence the Southeast Corner of Section 17, Township 2 North, Range 76 West of the 6th P.M. bears South 32° 10' East 4234 feet, also described as a point in the SW ¼ of the NE ¼ of Section 17, T 2N, Range 76 West of the 6th P.M., 1890 feet from the North Section Line and 2340 feet from the East section line. The capacity of the ditch is 50 c.f.s. 3.5 Claimed Amount. 99 AF, conditional. 3.6 Claimed fill rates. 3.6.1 Shorefox Diversion No. 5: 5 c.f.s. 3.6.2 Bunte Highline Diversion: 4 c.f.s. 3.7 Date of appropriation. December 12, 2023. How appropriation was initiated. By developing landscape and construction plans for the Property; hiring engineers and attorneys to file the application; approval of a resolution by co-applicant (Granby) board of trustees; and filing the application with the Water Court. 3.8 Uses. Construction and irrigation of not more than 200 acres on the north and south sides of the Colorado River on the Property shown on EXHIBIT B, with a right to reuse and successively use the return flows from irrigation for augmentation. Irrigation on the south side will be supplemental. Irrigation on the north side will be primary. Lagged accretions from reusable irrigation return flows that cannot be used for augmentation in this case may be used in any of Applicants' plans for augmentation or substitute water supply plans, subject to the terms and conditions of the decrees or administrative approvals. 3.9 Pond characteristics. 3.9.1 Surface area of high water line: 35 acres. 3.9.2 Maximum height of dam: less than 10 feet. 3.9.3 Length of dam: 1200 feet. 3.9.4 Total capacity of reservoir: 99 acre-feet, all active capacity. 3.10 Remark 1: Sun-RRR Pond C is constructed as an unlined pond well augmented pursuant to Case No. 19CW3084 as RRR Pond Well C. Sun-RRR Pond C will only be used for operations and storage, after RRR Pond Well C is lined. 3.11 Remarks. This water may be piped and re-stored in South Shorefox Pond (aka South Shorefox Pond A and South Shorefox Pond B) described in paragraph 4. 4. Name of Structure: South Shorefox Pond. 4.1. Legal description. South Shorefox Ponds A and B are located in the SE1/4 SE1/4, Section 25, Township 2 North, Range 77 West, 6th P.M., Grand County Colorado. 4.2. Prior decrees. Case Nos. 03CW333, 03CW336, and 05CW288, District Court, Water Division 5. 4.3. Sources. Colorado River and Smith Creek, tributary to Colorado River. 4.4. Name of structures used to fill the pond. 4.4.1. Shorefox Diversion No. 5: See ¶ 3.4.1. 4.4.2. Granby Smith Creek Pump Station: located in the SW ¼ SE ¼ of Section 25, Township 2 North, Range 77 West of the 6th P.M., in Grand County (UTM (ZONE 13 North): 417,772m E, 4,439,279m N). 4.5. Claimed amount. 99 acre-feet, conditional. 4.6. Claimed fill rates. 4.6.1. Shorefox Diversion No. 5: 4 c.f.s. 4.6.2. Granby Smith Creek Pump Station: 4 c.f.s. 4.7. Date of appropriation. December 12, 2023. How appropriation was initiated. By developing landscape and construction plans for the Property; hiring engineers and attorneys to file the application; approval of a resolution by co-applicant (Granby) board of trustees; and filing the application with the Water Court. 4.8. Uses. See ¶ 3.8. 4.9. Pond characteristics. 4.9.1. Surface area of high water line: 15 acres. 4.9.2. Maximum height of dam: less than 10 feet. 4.9.3. Length of dam: 900 feet. 4.9.4. Total capacity of reservoir: 99 acre-feet, all active capacity. 4.10. Remark 1: Shorefox Pond A is constructed as a lined pond. Granby Pond Well B is constructed as an unlined pond well augmented pursuant to Case No. 19CW3084. Pond B will only be used for operations and storage, if Pond B is later lined. 4.11. Remark 2: This water may be piped and re-stored in Sun-RRR Pond C described in paragraph 3. 5. Name of Structure: Shorefox Augmentation Pond No. 1. 5.1. Legal description. in the SW1/4, SE1/4 of Section 19, Township 2 North, Range 76 West of the 6th P.M., 540 feet North of the South section line and 1,720 feet West of the East section line. 5.2. Prior decree. Case No. 06CW257, District Court, Water Division 5. 5.3. Sources. Colorado River and Willow Creek, tributary to Colorado River. 5.4. Name of structure used to fill the pond. 5.4.1. Shorefox Diversion No. 5. See ¶ 3.4.1. 5.4.2. Bunte Highline Diversion. See ¶ 3.4.2. 5.5. Claimed amount. 99 acre-feet, conditional. 5.6. Claimed fill rate. 5 c.f.s. 5.7. Date of appropriation. December 12, 2023. How appropriation was initiated. By developing landscape and construction plans for the Property; hiring engineers and attorneys to file the application; approval of a resolution by co-applicant (Granby) board of trustees; and filing the application with the Water Court. 5.8. Uses. See ¶ 3.8. 5.9. Pond characteristics. 5.9.1. Surface area of high water line: 15 acres. 5.9.2. Maximum height of dam: less than 10 feet. 5.9.3. Length of dam: 350 feet. 5.9.4. Total capacity of reservoir: 99 acre-feet, all active capacity. 5.10. Remark: This water may be piped and re-stored in South Shorefox Pond A, South Shorefox Pond B or Sun-RRR Pond C described in paragraphs 3 and 4. 6. Name of Structure: Shorefox Augmentation Pond No. 2. 6.1. Legal description. in the SE1/4, SE1/4 of Section 19, Township 2 North, Range 76 West of the 6th P.M., 340 feet North of the South section line and 1,270 feet West of the East section line. 6.2. Prior decree. Case No. 06CW257, District Court, Water Division 5. 6.3. Sources. Colorado River and Willow Creek, tributary to Colorado River. 6.4. Name of structures used to fill the pond. 6.4.1. Shorefox Diversion No. 5. See ¶ 3.4.1. 6.4.2. Bunte Highline Diversion. See ¶ 3.4.2. 6.5. Amount. 99 acre-feet, conditional. 6.6. Diversion rate. 5 c.f.s. 6.7. Date of appropriation. December 12, 2023. How appropriation was initiated. By developing landscape and construction plans for the Property; hiring engineers and attorneys to file the application; approval of a resolution by co-applicant (Granby) board of trustees; and filing the application with the Water Court. 6.8. Uses. See ¶ 3.8. 6.9. Pond characteristics. 6.9.1. Surface area of high water line: 15 acres. 6.9.2. Maximum height of dam: less than 10 feet. 6.9.3. Length of dam: 325 feet. 6.9.4. Total capacity of reservoir: 99 acre-feet, all active capacity. 6.10. Remark: This water may be piped and re-stored in Sun-RRR Pond A, Sun-RRR Pond B or Sun-RRR Pond C described in paragraphs 3 and 4. SURFACE WATER RIGHTS 7. Name of Water Right: Shorefox Diversion No. 5 7.1. Legal description. See ¶ 3.4.1. 7.2. Prior decrees. Case Nos. 03CW333, 03CW334, 03CW335, 03CW336, 05CW288, 06CW257, District Court, Water Division No. 5. 7.3. Sources. Colorado River. 7.4. Rate. 5 c.f.s. 7.5. Date of appropriation. December 12, 2023. How appropriation was initiated. By developing landscape and construction plans for the Property;

hiring engineers and attorneys to file the application; approval of a resolution by co-applicant (Granby) board of trustees; and filing the application with the Water Court. 7.6. Uses. See ¶ 3.8 8. Name of Water Right: Granby Smith Creek Pumpstation. 8.1. Legal description. See ¶ 4.4.2. 8.2. Prior decree. 19CW3084, District Court, Water Division No. 5. 8.3. Sources. Smith Creek 8.4. Rate. 4 c.f.s. 8.5. Date of appropriation. December 12, 2023. How appropriation was initiated. By developing landscape and construction plans for the Property; hiring engineers and attorneys to file the application; approval of a resolution by co-applicant (Granby) board of trustees; and filing the application with the Water Court. 8.6. Uses. See ¶ 3.8 9. Name of Water Right: Bunte Highline Ditch. 9.1. Legal description. See ¶ 3.4.2. 9.2. Prior decrees. Case Nos. 03CW333, 03CW334, 03CW335, 03CW336, 05CW288, 06CW257, District Court, Water Division No. 5. 9.3. Sources. Willow Creek 9.4. Rate. 4 c.f.s. 9.5. Date of appropriation. December 12, 2023. How appropriation was initiated. By developing landscape and construction plans for the Property; hiring engineers and attorneys to file the application; approval of a resolution by co-applicant (Granby) board of trustees; and filing the application with the Water Court. 9.6. Uses. See ¶ 3.8 PLAN FOR AUGMENTATION 10. Augmented Structures: 10.1 Shorefox Diversion No. 5, for direct use for irrigation and construction pursuant to ¶ 7 and for delivery to storage in Sun-RRR Pond A, Sun-RRR Pond B and Sun-RRR Pond C pursuant to ¶¶ 3 and 4. 10.2 Granby Smith Creek Pump Station, for direct use for irrigation and construction pursuant to ¶ 8 and for delivery to storage in Sun-RRR Ponds A and B identified in ¶ 4. 10.3 Bunte Highline Ditch, for direct use for irrigation and construction pursuant to ¶ 9 and for delivery to storage in Sun-RRR Pond C pursuant to ¶ 3. 11. Water Rights Used for Augmentation: Maps of the water rights used for augmentation are attached hereto as EXHIBIT C. 11.1 Consumptive Use. Consumptive use credits attributable to Applicants’ interest in water rights previously decreed to the Peterson No. 1 Ditch, Griffith Ditch, Selak-Larabee Ditch, and Selak-Larabee Ditch Enlargement, quantified and changed in Case No. 03CW336 and are described as follows:

Ditch Name	Appropriation Date	Source	Decreed Flow Rate	Granby’s Ownership
Peterson No. 1 Ditch	May 15, 1885	Fraser River	6.9 cfs	5.15 cfs
Griffith Ditch	August 31, 1883	Fraser River	9.75 cfs	9.75 cfs
Selak-Larabee Ditch	May 15, 1888	Colorado River	7.75 cfs	3.875 cfs
Selak-Larabee Ditch, Enlargement	May 15, 1888	Colorado River	7.75 cfs	3.5 cfs

11.1.1 Decreed point of diversion for Peterson No. 1 Ditch: Right bank of the Fraser River at a point whence the SE corner, Sec. 31, Township 2 N, Range 76 W of the 6th P.M. bears N 63° 45’W 1,519 feet. 11.1.2 Decreed point of diversion for Griffith Ditch: Right bank of Fraser River at a point whence the South Quarter Corner, Section 31, Township 2 North, Range 76 West of the 6th P.M. Bears North 77° 10’ West, 413 feet. 11.1.3 Decreed point of diversion for Selak-Larabee Ditch: The Selak-Larabee Ditch extends approximately 2.7 miles from the headgate on the south bank of the Colorado River, formerly known as the Grand River, at a point whence the SE corner, Section 20, Township 2 North, Range 76 West of the 6th P.M. bears South 43° East, 2435 feet in Grand County (UTM (ZONE 13 North): 421,012m E, 4,441,212m N) to a point identified as the Selak-Larabee Pond A Intersection in the SE ¼ SE ¼ of Section 25, Township 2 North, Range 77 West of the 6th P.M., in Grand County (UTM (ZONE 13 North): 418,333m E, 4,439,262m N). 11.1.4 Original Decree for all Ditches except Selak-Larabee Ditch Enlargement: C.A. 183, District Court, Grand County, State of Colorado, entered August 3, 1911. 11.1.5 Original decree for Selak-Larabee Ditch Enlargement: C.A. 795, District Court, Grand County, State of Colorado, entered October 1, 1943. 11.1.6 Originally Decreed Use for all Ditches: Irrigation. 11.1.7 Subsequent Decree: Case No. 03CW336, District Court, Water Division No. 5, entered June 2, 2014. The following table summarizes the quantified historical consumptive use for each ditch.

Month	Consumptive Use (af/acre)	Griffith 94 acres	Peterson No. 1 128 acres	Selak-Larabee 126 acres	Average Consumptive Use (AF)
May	0.12	11.28	15.36	15.12	41.76
June	0.24	22.56	30.72	30.24	83.52
July	0.31	29.14	39.68	39.06	107.88
Annual	0.67	62.98	85.76	84.42	233.16

11.1.8 Decreed Uses: Domestic, commercial, municipal, stock watering, fish and wildlife enhancement and augmentation. 11.1.9 Dry-Up and Consumptive Use: Pursuant to the procedures set forth in ¶14.D. of Case No. 03CW336, Applicants have established the dry up of 216.8 acres, which yields 145.3 acre-feet of average historic consumptive use credits annually. Applicants reserve the right to increase or decrease the dry up and consumptive use credits pursuant to ¶14.D. of Case No. 03CW336 that can be used as an augmentation source in this case. 11.2 **Releases from Wolford Mountain Reservoir via Colorado River Water Conservation District Contract (“River District”)**. Applicants are or will be entitled to releases of water stored in Wolford Mountain Reservoir pursuant to a then-current contract with the River District. The River District owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir), which has the following water rights. 11.2.1 Case No. 87CW283: 11.2.1.1 Decree Date: November 20, 1989. 11.2.1.2 Name of Structure: Gunsight Pass Reservoir. 11.2.1.3 Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54’20” E. a distance of 3,716.46 feet from the NW Corner of said Section 25. 11.2.1.4 Source: Muddy Creek and its tributaries, all tributary to the Colorado River. 11.2.1.5 Amount: 59,993 acre-feet conditional; of this amount, 32,986 acre-feet were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251, and the full amount was made absolute for

all purposes by decree entered in Water Court Case No. 02CW107. 11.2.1.6 Appropriation Date: December 14, 1987. 11.2.1.7 Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987 between the River District and the City and County of Denver. 11.2.2 Case No. 95CW281: 11.2.2.1 Decree Date: August 26, 1997. 11.2.2.2 Name of Structure: Wolford Mountain Reservoir Enlargement. 11.2.2.3 Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53°24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75° 28' 29" E. 11.2.2.4 Source: Muddy Creek and its tributaries, all tributary to the Colorado River. 11.2.2.5 Amount: 6,000 acre-feet, conditional. 11.2.2.6 Appropriation Date: January 16, 1995. 11.2.2.7 Use: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5. 11.2.3 Case No. 98CW237: 11.2.3.1 Decree Date: July 6, 2000. 11.2.3.2 Name of Structure: Wolford Mountain Reservoir. 11.2.3.3 Legal Description of place of storage: Same as for 95CW281. 11.2.3.4 Source: Muddy Creek and its tributaries, all tributary to the Colorado River. 11.2.3.5 Amount: 30,000 acre-feet conditional, with 15,895 acre-feet being absolute for recreational and piscatorial and flood control. 11.2.3.6 Appropriation Date: November 17, 1998. 11.2.3.7 Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water Division No. 5 (November 20, 1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (August 26, 1997 Judgment and Decree). 11.2.3.8 87CW283: The reservoir will be used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. This will involve all uses, including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area. 11.2.3.9 95CW281: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, or exchange. 11.2.3.10 Remarks: The Refill Right described herein will be exercised to provide supply for the Western Slope uses of water from Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the District. The Refill Right will not be used in conjunction with the Reservoir capacity (24,000 a.f.) which is allocated for the supply of water to the Denver Board of Water Commissioners under Applicant's contractual relationship with Denver, or the Reservoir capacity (6,000 AF) which is allocated for Colorado River endangered fish releases. 11.2.4 Case No. 03CW302: 11.2.4.1 Decree Date: October 19, 2014. 11.2.4.2 Name of Structure: Wolford Mountain Reservoir Second Enlargement. 11.2.4.3 Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53 24'56" E. a distance of 3,395.51 feet from the NW Corner of said Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75 28' 29" E. 11.2.4.4 Source: Muddy Creek and its tributaries, all tributary to the Colorado River. 11.2.4.5 Amount: The amount is 9,775 acre-feet, for the initial fill, with the right to refill when in priority subject to a maximum amount of 9,775 acre-feet, conditional. 11.2.4.6 Appropriation Date: November 17, 2003 11.2.4.7 Uses: 11.2.4.7.1 The WMR Second Enlargement storage right may be used for the purposes previously decreed to the Wolford Mountain Reservoir. 11.2.4.7.2 The WMR Second Enlargement storage right also may be used for all beneficial uses, including but not limited to municipal, commercial, industrial, domestic, irrigation, agricultural, livestock, hydro-power production, evaporation, piscatorial and recreational (including in-reservoir and in-river fish habitat and river flow maintenance and enhancement uses, and uses in furtherance of the Upper Colorado River Basin Fishes Recovery Program) with the right to reuse and successively use the water to extinction; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, replacement or exchange in Water Divisions 1, 2, and/or 5. 11.2.4.8 PLSS: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point 1,940 feet South of North section line and 2,760 feet East of the West section line of said Section 25. 11.3 **Releases from Granby Reservoir pursuant to Middle Park Water Conservancy District Contract.** Applicants may utilize a portion of the water stored in Granby Reservoir pursuant to the Town of Granby's contract with Middle Park Water Conservancy District ("Middle Park"). This water is a portion of the 3,000 acre-feet which the Municipal Subdistrict, Northern Colorado Water Conservancy District has agreed to annually place in storage in Granby Reservoir. The legal description of the place of storage is NW ¼ NW ¼ Section 18, Township 8 South, Range 84 West of the 6th P.M. 11.4 Shorefox Augmentation Pond No. 1. decreed in Case No. 06CW257, District Court, Water Division 5. 11.4.1 Legal description of place of storage: See ¶ 5.1. 11.4.1.1 Source: Willow Creek and the Colorado River. 11.4.1.2 Structures used to fill

Shorefox Augmentation Pond No. 1: 11.4.1.2.1 Shorefox Diversion No. 5 as described in paragraph 9.A.iii.d.2 above. 11.4.1.2.2 Bunte Highline as described in paragraph 9.A.iii.a, above. 11.4.1.3 Date of Appropriation: March 1, 2006 11.4.1.4 Active Amount: 99 acre-feet, conditional with the right to fill and refill. 11.4.1.5 Uses: Fire protection, wildlife watering, commercial, construction and augmentation purposes. 11.5 Shorefox Augmentation Pond No. 2. which was decreed in Case No. 06CW257, District Court, Water Division 5. 11.5.1 Legal description of place of storage: See ¶ 6.1. 11.5.2 Source: Willow Creek and Colorado River. 11.5.3 Structures used to fill Shorefox Augmentation Pond No. 2: 11.5.3.1 Shorefox Diversion No. 5 as described in paragraph 9.A.iii.d.2, above. 11.5.3.2 Bunte Highline decreed in Case No. 06CW257, as described in paragraph 9.A.iii.a, above. 11.5.4 Date of Appropriation: March 1, 2006. 11.5.5 Active Storage Amount: 99 acre-feet, conditional with the right to fill and refill. 11.5.6 Fire protection, wildlife watering, commercial, construction and augmentation purposes. 11.6 Reusable Irrigation Return Flows: 11.6.1 Lagged irrigation return flows from fully augmented out-of-priority diversions to storage in South Shorefox Ponds A and B and Sun-RRR Pond C, pursuant to ¶¶ 3 and 4. 11.6.2 Lagged irrigation return flows from fully consumable in priority diversions under the storage water rights in South Shorefox Ponds A and B, Sun-RRR Pond C, and Sun-RRR Augmentation Pond Nos. 1 and 2, pursuant to ¶¶ 3 to 6. 11.6.3 Lagged irrigation return flows fully consumable in priority diversions under the surface water rights from Shorefox Diversion No. 5, Granby Smith Creek Pumpstation and Bunte Highline Ditch, pursuant to ¶¶ 7 to 9. 11.7 Additional sources authorized pursuant to C.R.S. §37-92-305(8). 12. Complete Statement of Plan for Augmentation: 12.1 Complete Statement of Plan for Augmentation: Applicants may divert water out of priority at the surface diversions described in ¶¶ 7 to 9 and either: 1) deliver it to storage in South Shorefox Ponds A and B and Sun-RRR Pond C; 2) apply it directly for beneficial use; or 2) deliver it to a control structure for less than 72 hours and then apply it to beneficial use. All water diverted out of priority will be used for irrigation and/or construction purposes. 12.2 Depletions. Water diverted for construction purposes shall be 100 percent consumptive. Water diverted for sprinkler irrigation shall be 80 percent consumptive, with 20 percent return flows. 12.3 Operations. Applicant will replace out-of-priority depletions in time, place and amount using the sources described in ¶ 11 herein. Specifically, when the diversions are out of priority to the stream on a day that there is a call senior to December 12, 2023 then Applicants will either: 12.3.1. Make releases from Shorefox Augmentation Pond No. 1 and Shorefox Augmentation Pond No. 2 described in ¶¶ 11.4 and 11.5 to the Colorado River. 12.3.2. By-pass consumptive use credits described in ¶ 11.1. and, if necessary, operate the exchanges described in ¶¶ 13 and 14. 12.3.3. Cause releases to be made from Granby Reservoir described in ¶ 11.3 to the Colorado River. 12.3.4. Cause releases to be made from Wolford Mountain Reservoir controlled by the River District described in ¶ 11.2 to the Colorado River and tributaries and operate the exchange described in ¶ 14. 12.3.5. Take a credit for lagged irrigation return flows accruing to the Colorado River described in ¶¶ 11.6 after the initial beneficial use. CONDITIONAL RIGHTS OF APPROPRIATIVE EXCHANGE 13. Name of Exchange: Sun-RRR Fraser Ditches Augmentation Exchange. A map depicting the location of the exchange is attached hereto as EXHIBIT D. 13.1. Downstream Terminus: Confluence of the Fraser River and the Colorado River described as follows: SW ¼ SW ¼ of Section 25, Township 2 North, Range 77 West of the 6th P.M., in Grand County (UTM (ZONE 13 North): 416,985m E, 4,439,314m N. 13.2. Upstream Termini: 13.2.1. Shorefox Diversion No. 5: See ¶ 3.4.1. 13.2.2. Bunte Highline Ditch: See ¶ 3.4.2. 13.2.3. Granby Smith Creek Pump Station: See ¶ 4.4.2. 13.3. Source: Historical consumptive use from the Griffith and Peterson No. 1 Ditches described in ¶ 11.1. 13.4. Date of appropriation: December 12, 2023. How appropriation was initiated: By developing landscape and construction plans for the Property; hiring engineers and attorneys to file the application; approval of a resolution by co-applicant (Granby) board of trustees; and filing the application with the Water Court. 13.5. Amount claimed: 2.775 c.f.s., conditional. 13.6. Uses: Augmentation. 13.7. Operation: Historical consumptive use credits will be by-passed at the headgates of the Griffith and Peterson No. 1 Ditches, carried down the Fraser River to its confluence with the Colorado River, and exchanged up the Colorado River to either the Shorefox Diversion No. 5, to the Colorado River's confluence with Willow Creek and then up Willow Creek to the headgate of the Bunte Highline Ditch, or to the Colorado River's confluence with Smith Creek and then up Smith Creek to the Smith Creek Pump Station. 14. Name of Exchange: Sun-Granby RRR Fraser Ditches Irrigation Exchange. A map depicting the location of the exchange is attached hereto as EXHIBIT E. 14.1. Downstream Terminus: See ¶ 13.1. 14.2. Upstream Terminus: Shorefox Diversion No. 5: See ¶ 3.4.1. 14.3. Source: Unchanged irrigation water rights in the Griffith and Peterson No. 1 Ditches. 14.4. Date of appropriation: December 12, 2023. How appropriation was initiated: By developing landscape and construction plans for the Property; hiring engineers and attorneys to file the application; approval of a resolution by co-applicant (Granby) board of trustees; and filing the application with the Water Court. 14.5. Amount claimed: 0.10 c.f.s., conditional. 14.6. Uses: Irrigation. 14.7. Operation: Unchanged shares in the Griffith and Peterson No. 1 Ditches will be by-passed at the headgates of the Griffith and Peterson No. 1 Ditches, carried down the Fraser River to its confluence with the Colorado River, and exchanged up the Colorado River to Shorefox Diversion No. 5 for irrigation of the historically irrigated acreage of the Griffith and Peterson No. 1 Ditches. 15. Name of Exchange: Sun-Granby RRR Selak-Larabee Augmentation Exchange. A map depicting the location of the exchange is attached hereto as EXHIBIT F. 15.1. Downstream Termini: 15.1.1. Confluence of Smith Creek and the Colorado River described as follows: SW ¼ SW ¼ of Section 25, Township 2 North, Range 77 West of the 6th P.M., in Grand County (UTM (ZONE 13 North): 416,985m E, 4,439,314m N. 15.1.2. Headgate of Selak- Larabee Ditch as described in ¶ 11.1.3. 15.2. Upstream Termini: 15.2.1. Granby Smith Creek Pump Station: See ¶ 3.4.1. 15.2.2. Bunte Highline Ditch: See ¶ 3.4.2. 15.3. Source: Historical consumptive use from the Selak-Larabee Ditch and Selak-Larabee Ditch Enlargement described in See ¶ 11.1. 15.4. Date of appropriation: December 12, 2023. How appropriation was initiated: By developing landscape and construction plans for the Property; hiring engineers and attorneys to file the application; approval of a resolution by co-applicant (Granby) board of trustees; and filing the application with the Water Court. 15.5. Amount claimed: 0.10 c.f.s., conditional. 15.6. Uses: Augmentation. 15.7. Operation: Historical consumptive use credits will be by-passed at the headgate of the Selak-Larabee Ditch, and Selak-Larabee Ditch Enlargement, carried down the Colorado River and exchanged up either Smith Creek to the Smith Creek Pump Station or up Willow Creek to the headgate of the Bunte Highline Ditch. 16. Name of Exchange: Sun-Granby RRR Selak-Larabee Irrigation Exchange. A map depicting the location of the exchange is

attached hereto as EXHIBIT G. 16.1. Downstream Terminus: Confluence of Smith Creek and the Colorado River described as follows: SW ¼ SW ¼ of Section 25, Township 2 North, Range 77 West of the 6th P.M., in Grand County (UTM (ZONE 13 North): 416,985m E, 4,439,314m N. 16.2. Upstream Terminus: Granby Smith Creek Pump Station: See ¶ 4.4.2. 16.3. Source: Unchanged irrigation water rights in the Selak-Larabee Ditch and Selak-Larabee Ditch Enlargement. 16.4. Date of appropriation: December 12, 2023. How appropriation was initiated: By developing landscape and construction plans for the Property; hiring engineers and attorneys to file the application; approval of a resolution by co-applicant (Granby) board of trustees; and filing the application with the Water Court. 16.5. Amount claimed: 1.36 c.f.s., conditional. 16.6. Uses: Irrigation. 16.7. Operation: Unchanged shares in the Selak-Larabee Ditch, and Selak-Larabee Ditch Enlargement will be by-passed at the headgate of the Selak-Larabee Ditch, and Selak-Larabee Ditch Enlargement, carried down the Colorado River to its confluence with the Smith Creek, and exchanged up Smith Creek to the Granby Smith Creek Pump Station for irrigation of the historically irrigated acreage of the Selak-Larabee Ditch. 17. Name of Exchange: Sun-Granby RRR River District Augmentation Exchange. A map depicting the location of the exchange is attached hereto as EXHIBIT H. 17.1. Downstream Terminus: Confluence of Muddy Creek and the Colorado River described as follows: in the NW ¼ of the NE ¼ of Section 19, Township 1 North, Range 80 West of the 6th P.M. based on BLM PLSS, Grand County, Colorado. NAD 83 Zone 13 easting: 380,748 northing: 4,433,448. 17.2. Upstream Termini: 17.2.1. Shorefox Diversion No. 5: See ¶ 3.4.1. 17.2.2. Granby Smith Creek Pump Station: See ¶ 4.4.2. 17.2.3. Bunte Highline Ditch: See ¶ 3.4.2. 17.3. Source: Contract water rights described in ¶ 11.3. herein. 17.4. Date of appropriation: December 12, 2023. How appropriation was initiated: By developing landscape and construction plans for the Property; hiring engineers and attorneys to file the application; approval of a resolution by co-applicant (Granby) board of trustees; and filing the application with the Water Court. 17.5. Amount claimed: 5 c.f.s., conditional. 17.6. Uses: Augmentation. 17.7. Operation: Applicants will cause contract water to be released from Wolford Mountain Reservoir, carried down Muddy Creek, and exchanged up the Colorado River: to Shorefox Diversion No. 5; to its confluence with the Smith Creek and then up Smith Creek to the Granby Smith Creek Pump Station; or to its confluence with Willow Creek and then up Willow Creek to the headgate of the Bunte Highline Ditch. APPROVAL OF POINTS OF REDIVERSION AND/OR RESTORAGE 18. Rediversion of Windy Gap Augmentation Water. 18.1. Water Right. Pursuant to the contract between Granby and Middle Park, described in ¶ 11.3, a portion of the 3,000 acre-feet stored in Granby Reservoir may be released and rediverted. 18.2. Release Point. The outlet of Lake Granby described in ¶ 11.3. 18.3. Rediversion Point. Shorefox Diversion No. 5 described in ¶ 3.4.1. for storage in Shorefox Augmentation Pond Nos. 1 or 2 described in ¶¶ 11.4 and 11.5. 18.4. Operation. Water available to Granby stored in Lake Granby will be measured and released from Lake Granby, carried in the Colorado River, and measured and rediverted at Shorefox Surface Diversion No. 5 (less transit loss) for storage in Shorefox Augmentation Pond Nos. 1 or 2 described in ¶¶ 11.4 and 11.5 for future release for augmentation. 19. Rediversion of Selak-Larabee Irrigation Water Rights No. 1. 19.1. Water Right. Selak-Larabee and 1st enlargement. 19.2. Release Point. A point in the NE ¼ SW ¼ of Section 30, Township 2 North Range 76 West of the 6th P.M. at a point 2,575 feet east of the West Section Line and 2,685 feet south of the North Section Line based on BLM PLSS. Also described as NAD 83 Zone 13, easting: 419208.6 feet northing: 4439952.8 feet. 19.3. Re-diversion Point. Shorefox Diversion No. 5 described in ¶ 3.4.1. 19.4. Operation. Water diverted at the Selak-Larabee Ditch headgate, carried in the ditch and then in the north lateral will be measured and discharged to the Colorado River, carried in the Colorado River, and measured and rediverted at Shorefox Diversion No. 5 (less transit loss) for irrigation of the historically irrigated acreage under the Selak-Larabee Ditch. 20. Rediversion of Selak-Larabee Irrigation Water Rights No. 2. 20.1. Water Right. Selak-Larabee and 1st enlargement. 20.2. Release Point. Headgate of Selak-Larabee Ditch. See ¶ 11.1.3. 20.3. Re-diversion Point. Shorefox Diversion No. 5 described in ¶ 3.4.1. 20.4. Operation. Water diverted at the Selak-Larabee Ditch headgate will be measured and discharged to the Colorado River and rediverted at Shorefox Diversion No. 5 (less transit loss) for irrigation of the historically irrigated acreage under the Selak-Larabee Ditch. 21. Integrated Water Supply Plan. The water rights described herein are components of Applicants' integrated water supply system, which consists of underground water rights, storage water rights, appropriative rights of exchange, surface water rights, non-tributary groundwater rights and plans for augmentation. Pursuant to C.R.S. § 37- 92-301(4)(B), work on one feature of the integrated system shall be considered in finding that reasonable diligence has been shown for all features of the integrated system. 22. Owners of Land upon which the Structures are or will be Located. 22.1. Co-Applicant Granby owns the land on which the following structures are located: South Shorefox Ponds A and B; Shorefox Surface Diversion No. 5; Granby Smith Creek Pump Station, Peterson No. 1 Ditch headgate; and Shorefox Augmentation Ponds Nos. 1 and 2. 22.2. Co-Applicant Sun owns the land on which Sun-RRR Pond C (f/k/a North Shorefox Pond) is located. 22.3. Northern Colorado Water Conservancy District, whose address is 220 Water Ave., Berthoud CO 80513-9245, owns the land on which the Bunte Highline Ditch headgate is located. 22.4. The Alice Marie Nordloh Family, whose address is PO Box 194, Granby, CO 80446-0194, owns the land on which the headgate of the Griffith Ditch is located. 22.5. Dines Family Holdings, LLLC, whose address is c/o Katherine Dines, 2595 E Cedar Ave, Denver, CO 80209, owns the land on which the headgate of the Selak-Larabee Ditch is located. 22.6. The United States of America owns the land on which Granby Reservoir is located. Notice will be sent to Shadow Mountain National Recreation Area, USDA Forest Service, 1400 Independence Ave SW, Washington DC 20250; Arapaho National Forest, 2150 Centre Ave. Bldg E, Fort Collins, CO 80526-8119; US Forest Service, Rocky Mountain Regional Office, 1617 Cole Blvd. #17, Lakewood, CO 80401; and White River National Forest, Supervisor's Office, 900 Grand Ave., Glenwood Spring, CO 81601-3602. 22.7. Colorado River Water Conservation District, whose address is PO Box 1120, Glenwood Springs, 81602-1120, owns the land on which Wolford Mountain Reservoir is located. WHEREFORE, Applicants respectfully request that this Court: A) approve Applicants' conditional storage water rights for the South Shorefox Pond A, South Shorefox Pond B, Sun-RRR Pond C, Shorefox Augmentation Ponds No. 1, and Shorefox Augmentation Ponds No. 2; B) approve Applicants' conditional surface water rights for the Shorefox Diversion No. 5, Granby Smith Creek Pump Station and Bunte Highline Ditch; C) approve Applicants' plan for augmentation; D) approve Applicants' conditional appropriative rights of exchange; and E) approve Applicants' points of rediversion.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

27. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3219 EAGLE COUNTY – EAGLE RIVER OR ITS TRIBUTARIES. SAGEBRUSH SERVICES, INC. c/o Kevin L. Patrick, Esq. and Lauren N. Hoover, Esq., Patrick, Miller & Noto, P.C. 229 Midland Ave. Basalt, CO 81621. APPLICATION FOR SURFACE WATER RIGHT. Claim for Surface Water Right: Name of structure: Ranger's MicroHydro. Description of water right: Legal Description: The plant will consist of up to two chambers, one of which is contemplated to be a kinetic run of the river unit and the other a run of the river lowhead facility located within the road crossing culvert in the NE ¼ NE ¼ of Section 11, Township 5 S, Range 83 W of the 6th P.M., at a point 590 feet from the North section line and 749 feet from the East section line of said Section 11 (Eagle County). UTM NAD83 Zone 13N Northing: 4388743.6; Easting: 358251.0. A map of the structure is on file with the Court as Exhibit A. Source: Squaw Creek, tributary to the Eagle and Colorado Rivers. Appropriation date: December 1, 2023. How appropriation was initiated: Field selection, investigations of hydroelectric demand, manufacturers, monumentation, and formulation of intent to appropriate and place water to beneficial use. Date water applied to beneficial use: n/a. Amount: 70 c.f.s., conditional. Use: Non-consumptive hydro-electrical generation. Applicant has the written authority of the owners of the land upon which the water right is located and will be placed to beneficial use. The name and address of the owner of the land and where the water will be beneficially used is LCJM LLC, 700 W. Squaw Creek Rd, Edwards CO. Remark: The design being employed is a run-of-river kinetic energy generation plant which does not impound water and hence is non-consumptive in nature.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

28. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3220 GARFIELD COUNTY – APPLICATION FOR CONDITIONAL WATER STORAGE RIGHTS – 1) Name and Address of Applicant. Deep Creek Ranch, LLLP, P.O. Box 827, Rancho Santa Fe, CA 92067. Copies of all pleadings to: Stephen C. Larson, Esq., Cameron C. Frazier, Esq., Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, CO 80027. 2) **Claim for Conditional Water Right.** a) Name of Structure. Bath tub Cabin Pond Enlargement. b) Legal Description of Structure. The pond centroid is located in the NE1/4 SE1/4, Section 9, Township 4 South, Range 87 West of the 6th P.M., at a point 984 feet West of the East section line and 1,463 feet North of the South section line. UTM coordinates: Northing: 4398467, Easting: 314722, Zone 13, NAD 83. This point is depicted on the general location map attached hereto as Exhibit A. c) **Source.** Short Creek, via DD Ditch at a point whence the W1/4 corner of Section 10, Township 4 South, Range 87 West of the 6th P.M., bears South 58°44'E 14162.6", at a rate of 5 cfs. Short Creek is a tributary to Deep Creek, a tributary to the Colorado River. d) Date of Appropriation. Date of application. The appropriation was initiated by formation of the requisite intent, coupled with actions to put third parties on notice, including the filing of this application. e) Amount Claimed. 35 acre-feet, conditional, with a right to run freshening flows and to fill and refill in priority. f) Enlargement Rate of Fill. 5 cfs. g) Uses. Fish and wildlife habitat, fire protection, recreation, stock watering and irrigation. All uses except irrigation will be *in situ* at the high-water line of the reservoir. Irrigation use will be via subsequent release from the reservoir. h) Surface Area of High Water Line. 5 acres. i) Vertical Height of Dam. The enlarged Bath tub Cabin dam is anticipated to be less than 10 feet in height. j) Length of Dam. The enlarged Bath tub Cabin dam is estimated to be 430 feet longer than the one decreed in Case No. 18CW3230, bringing the estimated total length of the dam to approximately 650 feet. k) Storage Capacity of Pond. 35.66 acre-feet, consisting of 35 acre-feet active storage and 0.66 acre-feet dead storage. l) Remarks. This is an off-channel reservoir. Bath tub Cabin Pond was decreed in Case No. 18CW3230 for 0.66 acre-feet, absolute, with a rate of fill of 100 gpm from the Bath tub Cabin Spring. 3) **Claim for Conditional Water Right.** a) Name of Structure. Upper Jack Creek Reservoir. b) Legal Description of Structure. The reservoir centroid is located in the NW1/4 SW1/4, Section 10, Township 4 South, Range 87 West of the 6th P.M., at a point 2,291 feet West of the East section line and 1,401 feet North of the South section line. UTM coordinates: Northing: 4397365.5, Easting: 316170.5, Zone 13, NAD 83. This point is depicted on the general location map attached hereto as Exhibit A. c) Source. Short Creek, via DD Ditch at a point whence the W1/4 corner of Section 10, Township 4 South, Range 87 West of the 6th P.M., bears South 58°44'E 14162.6", at a rate of 5 cfs. Short Creek is a tributary to Deep Creek, a tributary to the Colorado River. d) Date of Appropriation.

Date of application. The appropriation was initiated by formation of the requisite intent, coupled with actions to put third parties on notice, including the filing of this application. e) Amount Claimed. 35 acre-feet, conditional, with a right to run freshening flows and to fill and refill in priority. f) Rate of Fill. 5 cfs. g) Uses. Fish and wildlife habitat, fire protection, recreation, stock watering and irrigation. All uses except irrigation will be *in situ* at the high-water line of the reservoir. Irrigation use will be via subsequent release from the reservoir. h) Surface Area of High Water Line. 5 acres. i) Vertical Height of Dam. Any dam constructed with Upper Jack Creek Reservoir is anticipated to be less than 10 feet in height. j) Length of Dam. Any dam constructed with Upper Jack Creek Reservoir is estimated to be less than 650 feet in length. k) Storage Capacity of Reservoir. 35 acre-feet, consisting of 35 acre-feet active storage and 0 acre-feet dead storage. l) Remarks. This is an off-channel reservoir. **4) Claim for Conditional Water Right.** a) Name of Structure. South Jack Creek Reservoir. b) Legal Description of Structure. The reservoir centroid is located in the NW1/4 NW1/4, Section 15, Township 4 South, Range 87 West of the 6th P.M., at a point 1,729 feet West of the East section line and 2,047 feet North of the South section line. UTM coordinates: Northing: 4398417.2, Easting: 316023.5, Zone 13, NAD 83. This point is depicted on the general location map attached hereto as Exhibit A. c) Source. Short Creek, via DD Ditch at a point whence the W1/4 corner of Section 10, Township 4 South, Range 87 West of the 6th P.M., bears South 58°44'E 14162.6", at a rate of 5 cfs. Short Creek is a tributary to Deep Creek, a tributary to the Colorado River. d) Date of Appropriation. Date of application. The appropriation was initiated by formation of the requisite intent, coupled with actions to put third parties on notice, including the filing of this application. e) Amount Claimed. 115 acre-feet, conditional, with a right to run freshening flows and to fill and refill in priority. f) Rate of Fill. 5 cfs. g) Uses. Fish and wildlife habitat, fire protection, recreation, stock watering and irrigation. All uses except irrigation will be *in situ* at the high-water line of the reservoir. Irrigation use will be via subsequent release from the reservoir. h) Surface Area of High Water Line. 13 acres. i) Vertical Height of Dam. Any dam constructed with South Jack Creek Reservoir is anticipated to be less than 10 feet in height. j) Length of Dam. Any dam constructed with South Jack Creek Reservoir is estimated to be less than 950 feet in length. k) Storage Capacity of Reservoir. 115 acre-feet, consisting of 115 acre-feet active storage and 0 acre-feet dead storage. l) Remarks. This is an off-channel reservoir. Storage inflows from Short Creek will be conveyed over to South Jack Creek using existing or enlarged irrigation delivery laterals. The contemplated draft for the first fill of the subject three reservoirs in the aggregate is 185 acre-feet. Applicant reserves the right to modify the size of any subject reservoir so long as said contemplated draft is not exceeded. **5) Name and Address of Landowner upon which any New or Modified Diversion or Storage Structure is Located**. All new or modified diversion and storage structures are located on land owned by Applicant. **WHEREFORE**, Applicant respectfully requests that the Court grant the claims for the water storage rights as requested in paragraphs 2, 3 and 4 above. (6 pages plus exhibit)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

29. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3221 GRAND COUNTY. Application for Findings of Reasonable Diligence. Applicant: Ben A. Nicholas c/o Christopher L. Geiger & Blake C. Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Summary of Application: Applicant requests a finding of reasonable diligence in the development of the Nicholas Water Right used on the Applicant's property located in the Mildred June Weaner Subdivision at 247 CR 637, Granby, CO 80446, in Grand Cty ("Applicant's Property"). A map depicting the general location of the Nicholas Water Right's two points of diversion ("POD") is shown on Exhibit A on file with the Water Ct. Name of Surface Water Right: Nicholas Water Right. Original Decree: 14CW03, entered on 12/31/2017, by the Dist. Ct, Water Div. 5. Legal Description: As decreed in 14CW03, the Nicholas Water Right operates at the following two decreed structures. Structure: Woolfolk Pipeline. Location: The POD for the Woolfolk Pipeline is located on Grouse Creek in the NW1/4 NW1/4 of Sec. 23, T. 2 N., R. 75 W. of the 6th P.M., at a point approx. 118 ft. from the N. Sec. line and 1,475 ft. from the E. Sec. line of said Sec. A 1932 Map and Filing Statement for the Woolfolk Pipeline describes the POD as a point on the S. bank of Grouse Creek, whence the E1/4 corner of Sec. 23, T. 2 N., R. 75 W. of the 6th P.M. bears South 30°40' E. 2,806.6 ft. UTM coordinates Zone 13, NAD 83, Easting 435,524 m, Northing 4,442,017 m. The Woolfolk Pipeline is used to divert the 0.04 c.f.s. dom. use portion of the Nicholas Water Right. Structure: Nicholas Hydropower Structure. Location: The POD for the Nicholas Hydropower Structure will be located on Grouse Creek. UTM Zone 13, NAD 83, Easting 435,533 m, Northing 4,442,006 m. The Nicholas Hydropower Structure will be used to divert the 1.0 c.f.s. hydropower use portion of the Nicholas Water Right. **Source: Grouse Creek, a tributary to the South Fork of the CO River.** Dates of Approp.: Dom., 11/7/1932, Hydropower, 1/30/2014. Amt.: 1.04 c.f.s., of which the Ct. confirmed 0.04 c.f.s. as absolute for dom. uses in 14CW03, and 1.0 c.f.s. remains conditional for hydropower uses, cumulative, at the two PODs; however, no more than 1.0 c.f.s. may be diverted for hydropower uses, and no more than 0.04 c.f.s. may be diverted for dom. uses. Uses: Non-potable dom. uses, and hydropower uses to the cabin on Applicant's Property. Water from the Woolfolk Pipeline has historically provided non-potable domestic water to Applicant's Property. The Nicholas Water Right has provided and will continue to provide water for non-potable domestic uses, consistent with the historical use, for Applicant's Property. Remarks: Terms and Conditions for use of the Nicholas Water Right is in paragraph 12 of 14CW03 Decree. A list of diligence activities performed in the six years preceding the filing of this

Application is on file with this court. Name and address of the owner of the land upon which the above-described water rights are located: United States of America; Shadow Mountain National Recreation Area, Washington, DC 20013. (5 pages of original application, Exh. A)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

30. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2023. *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.*

23CW3222 COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 6060 Broadway, Denver, CO 80216. Please send all correspondence and inquires regarding this matter to: Elizabeth M. Joyce 720-508-6761 and Ema I. G. Schultz 720-508-6761, Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado. **APPLICATION FOR ABSOLUTE AND CONDITIONAL WATER STORAGE RIGHTS, in GUNNISON COUNTY. 1. Name, mailing address, e-mail address, and telephone number of Applicant:** Colorado Division of Parks and Wildlife ("CPW") Attn: Robert K. Harris Water Resources Section Manager 6060 Broadway, Denver, Colorado 80216; 303-291-7550; robert.harris@state.co.us **2. Background:** The Beaver Lake State Wildlife Area (SWA) consists of approximately 68 acres of fish and wildlife habitat and recreational access near and adjacent to Beaver Lake in Gunnison County. Beaver Lake is an integral part of the Beaver Lake State Wildlife Area. CPW holds a storage right for Beaver Lake in the amount of 72.5 acre feet, originally adjudicated with a priority date of September 8, 1961 in CA5884. Aerial imagery from 1970 shows that the approximate surface area of the lake has been unchanged since the date of adjudication and there have been no enlargement or dredging efforts in the lake's history. In 2023, CPW performed a survey of Beaver Lake using updated technology and methodology which revealed that the physical capacity of Beaver Lake is 101.23 acre-feet. This application seeks to adjudicate an enlargement water right for Beaver Lake for the undecreed capacity of Beaver Lake, but does not represent an increase in the physical capacity of Beaver Lake. **3. Claim for new water storage right: Beaver Lake-1st Enlargement** A. Name of Structure: Beaver Lake B. Location of Structure: See **Exhibit A** for location map. i. Legal Description: As originally decreed in CA5884, the initial point of survey of the highwater line of the dike is located at a point whence the Northwest corner of Section Twenty-five (25), Township Eleven (11) South, Range Eighty-eight (88) West of the Sixth Principal Meridian, and bears North 6° 19' West, a distance of 1753.22 feet. ii. UTM Coordinates: 4326824.0 Northing, 311311.0 Easting, Zone13, NAD 83, estimated from CDSS. C. **Source: Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River.** D. Appropriation: i. For the absolute water right: a. Appropriation Date: September 8, 1961. b. How appropriation initiated: By filing a map and filing statement, construction of the reservoir, and diverting and storing water in Beaver Lake to its full physical capacity for beneficial use. The surveyed capacity of the lake is 101.23 acre-feet and the existing decreed storage right is 72.5 acre-feet. Based on review of aerial imagery, Beaver Lake has filled to its full physical capacity regularly since the original appropriation. c. Date applied to beneficial use: September 8, 1961. ii. For the conditional water right: a. Appropriation Date: December 29, 2023. b. How appropriation was initiated: By conducting a survey of Beaver Lake, performing internal evaluation of CPW's augmentation and replacement needs, and filing this application. c. Date applied to beneficial use: n/a; conditional E. Amount: i. 28.73 acre-feet, absolute for uses described in 3.F.i, with the right to refill to keep the lake full when in priority. The original decreed capacity is 72.5 acre-feet, absolute, with the right to refill to keep the lake full when in priority. The 2023 surveyed capacity of the lake is 101.23 acre-feet. See **Exhibit B**. CPW has diverted the full physical capacity into Beaver Lake regularly since the original adjudication. See **Exhibit C**. This application does not affect the original decreed amount. ii. 101.23 acre-feet, conditional for uses described in 3.F.ii, with the right to refill. In addition to adjudicating the full physical capacity for the uses decreed in CA5884, this application seeks to add new uses. F. Uses: i. For the absolute water right: fish propagation, waterfowl habitat, productions of furbearing mammals and other recreational uses. These are the same uses decreed in the original decree. ii. For the conditional water right: Augmentation, replacement, substitution, and use by exchange. Water will be released from storage in Beaver Lake for augmentation on the Crystal River or the Colorado River. CPW can also divert the water right by exchange for use along the Colorado River and its tributaries. Any such use would be pursuant to administrative or judicial authorization. **4. Remarks:** Beaver Lake is located upstream of several instream flow reaches decreed to the Colorado Water Conservation Board (CWCB) which are junior to CPW's existing storage right for Beaver Lake. Accordingly, fill and refill to replace evaporation in Beaver Lake under the CA5884 decree are senior to the instream flows based on decreed priority. This application seeks to adjudicate the undecreed capacity that was in existence and use at the time of the original Beaver Lake adjudication. Accordingly, the absolute uses are uses made "pursuant to appropriation or practices in existence" when the instream flows were appropriated, which the instream flow appropriations are subject to under to section 37-92-102(3)(b), C.R.S. CPW intends to seek confirmation of this administration in consultation with CWCB. Because the conditional uses were not part of CPW's uses at the time of the original adjudication, those will be administered junior to the instream flows. **5. Name of owners of land upon which structures are located:** Applicant. WHEREFORE, CPW respectfully requests this Court enter a decree adjudicating the water rights as described herein, and for such other relief as this Court deems just and proper. (4 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2024 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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23CW3223 PITKIN COUNTY. COLORADO RIVER OR ITS TRIBUTARIES, INDEPENDENCE 44681, LLC, c/o Paul L. Noto, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION FOR UNDERGROUND WATER RIGHT, STORAGE WATER RIGHT, AND APPROVAL OF PLAN FOR AUGMENTATION INCLUDING EXCHANGE. Summary: Applicant owns land at 44681 Highway 82, Aspen, CO 81611. An exempt well serves the property, permitted as State Engineer's Office well permit no 148203. Applicant wishes to expand use of the well beyond the limitations of the existing well permit. Applicant requests an underground water right for this well, a storage right for an augmentation tank, and seeks approval of a plan for augmentation including exchange to augment the well's out-of-priority depletions. First Claim: For Underground Water Right. Name of structure: Independence 44681 Well. Legal description. The Independence 44681 Well is located in the SW ¼ NW ¼ of Section 28, Township 10 South, Range 84 West of the 6th P.M., at a point approximately 1,460 feet from the north section line and 300 feet from the west section line (Pitkin County). UTM NAD83 Z13: Northing – 4335610.6, Easting – 345792.5. A map is on file with the court as Figure 1. Source: Groundwater tributary to the Roaring Fork River, tributary to the Colorado River. Depth: 87 feet. Appropriation dates: September 9, 1987 for domestic use; December 29, 2023 for all other uses. How appropriation was initiated: Construction of the well, beneficial use inside one single-family home, development of further plans for the well, intent to apply water to beneficial use, and filing of this application. Date water applied to beneficial use: September 9, 1987 for domestic use; N/A for all other uses. Amount: 15 g.p.m., absolute, for domestic use; 15 g.p.m., conditional, for stockwatering, filling and refilling the Independence 44681 Augmentation Tank, filling and replacing evaporation from water feature, pool, and hot tub, and irrigation. Uses: Domestic, stockwatering, irrigation, fill and re-fill of the Independence 44681 Augmentation Tank, and filling and replacing evaporation from water feature, pool, and hot tub. Number of acres historically irrigated: 0; proposed to be irrigated: 0.10 (4,356 sq.ft.). The irrigated acreage will be in the vicinity of the main house shown on Figure 2, on file with the court. Does the Applicant intend to use this water to supplement irrigation? No. Non-irrigation: Domestic use inside one single-family residence, stockwatering, filling and replacing evaporation from water feature, pool, and hot tub and fill and re-fill of the Independence 44681 Augmentation Tank. Applicant owns the land on which the well is located and where water is put to beneficial use. Remarks: Applicant will re-permit the well after obtaining the final decree in this case. Second Claim: For Storage Water Right. Name of structure: Independence 44681 Augmentation Tank. Legal description: The Independence 44681 Augmentation Tank is located in the SW ¼ NW ¼ of Section 28, Township 10 South, Range 84 West of the 6th P.M., at a point approximately 1,390 feet from the north section line and 310 feet from the west section line (Pitkin County). UTM NAD83 Z13: Northing – 4335630.2, Easting – 345794.4 A map is on file with the Court as Figure 1. Source: Independence 44681 Well, as described in the First Claim, above, tributary to the Roaring Fork River, tributary to the Colorado River. In addition, Applicant may elect to supply additional water to the Independence 44681 Augmentation Tank, including the initial fill, with hauled water. Appropriation date: December 29, 2023. How appropriation was initiated: Field inspection, formulation of intent to apply water to beneficial use, development of plans for the tank, and filing of this application. Date water applied to beneficial use: N/A. Amount: 65,000 gallons (0.20 acre-feet), conditional, with the right to fill and refill in priority. Uses: Augmentation and fire protection. The Independence 44681 Augmentation Tank will fill from the Independence 44681 Well and release water to the Roaring Fork River to augment out-of-priority well depletions during times of local call. The tank will also be available for standby fire protection use. Applicant owns the land upon which the water right will be located and where water will be put to beneficial use. Third Claim: For Approval of Plan for Augmentation. Name of structure to be augmented: Independence 44681 Well. Legal description: See paragraph 4.A. Water rights to be used for augmentation: Basalt Water Conservancy District ("BWCD") Allotment Contract from the sources described in paragraph 12 and the Independence 44681 Augmentation Tank. Complete statement of plan for augmentation: Background: Applicant is in the process of developing its property to include a single primary residence, a 160 sq.ft. pool, a hot tub, an 88 sq.ft. water feature, and up to 4,356 square feet of irrigation. The property is currently served by an in-house use only exempt well permit no. 148203. Applicant uses a non-evaporative septic tank and leachfield wastewater disposal system which results in 90 percent of all in-house water deliveries being returned to the stream. Irrigation will be done through sprinklers, which Applicant's engineer assumed to be 80 percent efficient. The Independence 44681 Well will also fill and refill the Independence 44681 Augmentation Tank, pool, hot tub, and water feature. The tank will then release water directly back to the Roaring Fork River to offset out-of-priority depletions from the Independence 44681 Well during a local call. Water requirements: Tables describing the water demands and depletions for the Independence 44681 Well are on file with the court as Table 1 and Table 2. The single-family home will require 350 gallons per day, or 0.39 acre-feet per year. The consumptive use amount associated with the domestic uses is assumed to be 10% or 0.039 acre-feet per year. Water from the Independence 44681 Well will be used to irrigate a maximum of 4,356 square feet (0.10 acre) of lawn and gardens on Applicant's property. Applicant's engineer used the Modified Blaney-Criddle Method to estimate irrigation requirements for the lawn and landscape areas, indicating a consumptive use of 1.76 acre-feet per acre and a net irrigation requirement of 2.20 acre-feet per

acre, assuming an irrigation efficiency of 80 percent. The total annual diversion requirement is 0.22 acre-feet, and irrigation consumptive use is 0.176 acre-feet. The Independence 44681 Augmentation Tank will initially fill in priority, considering lagged depletions. The tank can alternatively be filled with hauled water if the timing of the fill could result in out-of-priority lagged depletions locally in any given year. The Independence 44681 Augmentation Tank is 65,000 gallons (0.20 acre-feet). This use is considered 100 percent consumptive for filling. The Independence 44681 Well will be used for watering 3 alpacas with a total demand of 12 gallons per day. The annual demand is estimated at 0.013 acre-feet and is 100% consumptive. The Independence 44681 Well will be used for filling and replacing evaporation from a water feature (88 square feet) and a pool/hot tub (160 square feet). The annual evaporation rate is 2.84 acre-feet per acre using SB 120 guidelines for an elevation above 6,500 feet. The total annual demand is estimated at 0.02 acre-feet and is 100% consumptive. The total estimated diversions and depletions from all sources are 0.85 acre-feet per year and 0.45 acre-feet per year, respectively, as shown on Table 2 on file with the court. Diversions from the Independence 44681 Well will deplete the stream within the same month as pumping occurs. Similarly, wastewater and irrigation return flows will also accrue to the stream within the same month as pumping occurs. Applicant's engineer utilized the Glover methodology to determine the timing of lagged diversions and accretions. Downstream call: If the calling water right is below the confluence of the Roaring Fork and Fryingpan Rivers, Applicant will augment the out-of-priority depletions by using water rights owned or controlled by the BWCD, as described above. Applicant is in the process of applying for an Allotment contract for 1.0 acre-feet of water, annually. The contract will cover domestic, irrigation, and stockwatering uses, fill and evaporation from a water feature, pool, and hot tub, and fill and refill of the Independence 44681 Augmentation Tank. The augmentation will be administered through the Independence 44681 Exchange Project, applied for below. Applicant's engineer estimates that up to 0.233 acre-feet, including transit loss, of BWCD augmentation water may be required. Table 3 on file with the court outlines an augmentation schedule for a downstream call, such as the Cameo Call. Local call: In the event of a local call above the confluence of the Roaring Fork and Fryingpan Rivers, Applicant will replace out-of-priority depletions from the Independence 44681 Well by releases from the Independence 44681 Augmentation Tank. Applicant will fill and refill the Independence 44681 Augmentation Tank from the Independence 44681 Well when in priority, considering lagged stream depletions, or alternatively via trucked water if necessary to time out-of-priority lagged depletions to avoid the possibility of depletions occurring during a local call. Applicant will deliver water released from the tank directly back to the Roaring Fork River. Applicant's engineer calculated that the well diversions deplete the Roaring Fork River within the same month as pumping and the return flows from irrigation and the onsite wastewater treatment system accrue to the river within the same month as pumping. The net depletions to the Roaring Fork River are 0.45 acre-feet per year, as shown on Table 4 on file with the court and the local call replacements may be up to 0.18 acre-feet per year as shown on Table 4. Applicant's releases will be in an amount and timing as required to fully augment out-of-priority depletions from the Independence 44681 Well. Applicant owns the land on which the augmented right is located and where the water is placed to beneficial use. Fourth Claim: For Exchange Project. Name of right: Independence 44681 Green Mountain Exchange. Location of downstream terminus: The confluence of the Roaring Fork and Colorado Rivers, located in the SE ¼ NW ¼ of Section 9, Township 6 South, Range 89 West of the 6th P.M., at a point approximately 2,200 feet from the North section line and 2,350 feet from the West section line (Garfield County; UTM NAD83 Z13 coordinates: Northing – 4380346, Easting – 299776. Location of upstream terminus: The point of depletion to the Roaring Fork River from the Independence 44681 Well, located in the SW ¼ NW ¼ of Section 28, Township 10 South, Range 84 West of the 6th P.M., at a point approximately 1,460 feet from the north section line and 300 feet from the west section line (Pitkin County). UTM NAD83 Z13: Northing – 4335610.6, Easting – 345792.5. A map is on file with the court as Figure 3. Source: Water rights owned or controlled by the BWCD in Green Mountain Reservoir and for which Applicant is in the process of applying for an Allotment Contract for the use of, as described above. Appropriation date: December 29, 2023. How appropriation was initiated: Formulation of intent to apply water to beneficial use, application to the BWCD for an Allotment Contract, and filing this Application. Date water applied to beneficial use: N/A. Amount: 0.001 c.f.s., conditional, up to 0.21 acre-feet per year. Use: Exchange to implement the plan for augmentation described above. Remarks: All Independence 44681 Exchange Projects utilize the same BWCD Contract, include a portion of the Roaring Fork River, and have an upstream terminus at the point of depletion on the Roaring Fork River from the Independence 44681 Well. Operation of the Exchange may be considered operation of the Independence 44681 Fryingpan Exchange and/or the Independence 44681 Robinson Ditch Exchange for the specific uses and replacement specified in the operation of the plan for augmentation applied for in this case for all contemplated water sources that are available during operation of the exchange. When filing a claim to make the exchange project right absolute, Applicant will provide evidence that the individual sources of replacement water associated with each exchange were available on the claimed date of beneficial use. Name of right: Independence 44681 Fryingpan Exchange. Location of downstream terminus: The confluence of the Roaring Fork and Fryingpan Rivers, located in the SW ¼ SE ¼ of Section, Township 8 S., Range 86 W., of the 6th P.M., at a point 647 feet from the South section line and 1,475 feet from the East section line (Eagle and Pitkin Counties, UTM NAD83 Z13 coordinates: Northing – 4359437, Easting – 324739). Location of upstream terminus: The point of depletion to the Roaring Fork River from the Independence 44681 Well, located in the SW ¼ NW ¼ of Section 28, Township 10 South, Range 84 West of the 6th P.M., at a point approximately 1,460 feet from the north section line and 300 feet from the west section line (Pitkin County). UTM NAD83 Z13: Northing – 4335610.6, Easting – 345792.5. A map is on file with the court as Figure 3. Source: Water rights owned or controlled by the BWCD on the Fryingpan River and for which Applicant is in the process of applying for an Allotment Contract for the use of, as described above. Appropriation date: December 29, 2023. How appropriation was initiated: Formulation of intent to apply water to beneficial use, application to the BWCD for an Allotment Contract, and filing this Application. Date water applied to beneficial use: N/A. Amount: 0.001 c.f.s., conditional, up to 0.21 acre-feet per year. Use: Exchange to implement the plan for augmentation described above. Remarks: All Independence 44681 Exchange Projects utilize the same BWCD Contract, include a portion of the Roaring Fork River, and have an upstream terminus at the point of depletion on the Roaring Fork River from the Independence 44681 Well. Operation of the Exchange may be considered operation of the Independence

44681 Green Mountain Exchange and/or the Independence 44681 Robinson Ditch Exchange for the specific uses and replacement specified in the operation of the plan for augmentation applied for in this case for all contemplated water sources that are available during operation of the exchange. When filing a claim to make the exchange project right absolute, Applicant will provide evidence that the individual sources of replacement water associated with each exchange were available on the claimed date of beneficial use. Name of right: Independence 44681 Robinson Ditch Exchange. Location of downstream terminus: The point of diversion as decreed is located on the North bank of the Roaring Fork River on-half mile below the mouth of Sopris Creek in Section 11, T. 8 S., R. 87 W., 6th P.M. (Eagle County, UTM NAD83 Z13 coordinates: Northing – 4359863, Easting – 321622). Location of upstream terminus: The point of depletion to the Roaring Fork River from the Independence 44681 Well, located in the SW ¼ NW ¼ of Section 28, Township 10 South, Range 84 West of the 6th P.M., at a point approximately 1,460 feet from the north section line and 300 feet from the west section line (Pitkin County). UTM NAD83 Z13: Northing – 4335610.6, Easting – 345792.5. A map is on file with the court as Figure 4. Source: Water rights owned or controlled by the BWCD in the Robinson Ditch and for which Applicant is in the process of applying for an Allotment Contract for the use of, as described above. Appropriation date: December 29, 2023. How appropriation was initiated: Formulation of intent to apply water to beneficial use, application to the BWCD for an Allotment Contract, and filing this Application. Date water applied to beneficial use: N/A. Amount: 0.001 c.f.s., conditional, up to 0.21 acre-feet per year. Use: Exchange to implement the plan for augmentation described above. Remarks: All Independence 44681 Exchange Projects utilize the same BWCD Contract, include a portion of the Roaring Fork River, and have an upstream terminus at the point of depletion on the Roaring Fork River from the Independence 44681 Well. Operation of the Exchange may be considered operation of the Independence 44681 Fryingpan Exchange and/or the Independence 44681 Green Mountain Exchange for the specific uses and replacement specified in the operation of the plan for augmentation applied for in this case for all contemplated water sources that are available during operation of the exchange. When filing a claim to make the exchange project right absolute, Applicant will provide evidence that the individual sources of replacement water associated with each exchange were available on the claimed date of beneficial use.

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23CW8 MESA COUNTY- NATURAL SPRING TRIBUTARY TO PLATEAU CREEK TRIBUTARY TO THE COLORADO RIVER. Clay and Logan Engstrom; 53580 Hwy. 330; Collbran, CO 81624. (970)270-8256. Taiter Spring-Application for Conditional Water Right (Surface). Location: NW¼NE¼ of Sec. 13, T.10S, R.96W. of the 6th P.M. UTM: E236339.2 N4342855.1 Z13. Appropriation date: 6/10/2021. Amount: 0.04 c.f.s., conditional. Uses: irrigation, stock, lawn and garden and fire protection. Name and Address of Landowner on which structure is located: Vance Wilson; 53478 Hwy. 330; Collbran, CO 81624.

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23CW9 MESA COUNTY-UNNAMED TRIBUTARY (IRRIGATION WASTEWATER DITCH) TRIBUTARY TO THE COLORADO RIVER. Gaylen Kettle; 893 20 Rd.; Fruita, CO 81521. (970)234-9005. Kettle Diversion Home Place X Wastewater Ditch-Application for Conditional Water Rights (Surface). Location: SE¼SE¼ of Sec. 22, T.1S, R.2W. of the Ute P.M. UTM: E699894.34 N4334732.50 Z12. Appropriation Date: 12.30.23 Amount: 264.0 g.p.m., conditional. Use: irrigation.

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