

DIVISION 5 WATER COURT- JUNE 2024 RESUME

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 JUNE 2024. *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.*

24CW3067 GRAND COUNTY. Town of Kremmling, P.O. Box 538, 200 Eagle Avenue, Kremmling, CO 80459. 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 TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN PART AND FOR A FINDING OF REASONABLE DILIGENCE. Name of Structure: Jones Reservoir No. 2, Second Enlargement, Refill Right. Decrees: May 9, 2005 (04CW048); January 28, 2012 (11CW65); June 10, 2018 (18CW3000); all in Water Court Division No. 5. Legal Description: Reservoir is located in parts of NE1/4 SE1/4, and SW1/4 SE1/4, Section 10, Township 1 North, Range 81 West, 6th P.M. A legal description of location of dam: Located in the E1/2 of the SE1/4 of Section 10, Township 1 North, Range 81 West of the 6th P.M. The south end of the axis of the reservoir is located at a point whence the Northeast corner of Section 15, Township 1 North, Range 81 West, 6th P.M. bears South 15 degrees, 54 minutes East, a distance of 816.18 feet. Source: South Fork of Sheep Creek, tributary to the Colorado River. Jones Reservoir No. 2 is located on the South Fork of Sheep Creek and flows from the South Fork of Sheep Creek may be taken and directly stored. Appropriation Date: March 17, 2004. Amount: 139.07 acre-feet, conditional. Uses: The water is to be used for all municipal purposes, including domestic, mechanical, manufacturing, generation of electric power, fire protection, use for sewage treatment, street sprinkling, watering of parks, lawns and grounds, maintaining adequate storage reserves, irrigation, replacement, adjustment and regulation of the Town of Kremmling water supply system within themselves and with other water users. Amount Claimed Absolute: 25 acre-feet. Amount Requested to be Continued Conditionally: 114.07 acre-feet. Additional Information: Applicant requests that the Court make absolute in the amount of 25 acre-feet the Jones Reservoir No. 2, Second Enlargement, Refill Right, with the remaining 114.07 acre-feet continued conditionally. In the alternative, Applicant asks the Court to continue the entire storage right conditionally. The application and attached exhibits contain additional support for the absolute claim and a detailed outline of the work performed during the diligence period (6 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 2024. *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.*

24CW3068 SUMMIT COUNTY. Application for Finding of Reasonable Diligence. Applicants: Joe Bart Fowler & Heather Belanger Fowler, c/o Scott Grosscup and Andrea Hall, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546. Applicants seek a finding of reasonable diligence in the development of the conditional water rights decreed to Well No. SE-53. Original Decree: 90CW245, Dist. Ct., Water Div. 5, on 03/28/1991. Subsequent Findings of Reasonable Diligence: 97CW52 on 07/09/1997, 03CW110 on 11/24/2004, 10CW283 on 10/27/2011, and 17CW3191 on 06/03/2018, Dist. Ct., Water Div. 5. Decreed Location: Located in the NW1/4 of the NW1/4 of Sec. 21, T. 6 S., R. 77 W. of the 6th P.M., Summit Cty., CO at a point 800 ft. from N. Sec. line and 1,000 ft. from W. Sec. line of said Sec. 21, Summit Cty., CO. Source: Alluvium and fractured bedrock tributary to the Swan River. Date of Approp.: 10/30/1989. Amt.: 0.033 c.f.s., conditional. Uses: Household use only in a single-family dwelling. Well Permit No. 88082-F, see Exhibit A on file with the Water Ct. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. 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: Applicants. (4 pages of original application, Exhs. A & B)

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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 JUNE 2024. *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.*

24CW3069 GARFIELD COUNTY. Application for Findings of Reasonable Diligence. Applicant: Glenwood Hot Springs Lodge & Pool, Inc., c/o Scott Grosscup & Andrea Hall, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970)945-6546. Summary: Applicant requests a finding of reasonable diligence in the development of the conditional water right decreed to Mineral Hot Springs Area No. 3. Name of Structure: Mineral Hot Springs Area No. 3. Original Decree: 04CW29 on 02/28/2005, Dist.

Ct., Water Div. 5. Subsequent Diligence Decrees: 11CW16 on 11/17/2011, and 17CW3210 on 6/03/2018, Dist. Ct., Water Div. 5. Legal Description: The spring area is located on the S. bank of the CO River on Applicant's property. The center of said area bears N. 16°40'11" E., a distance of 5,232 ft. from the witness corner to the SW corner of Sect. 10, T. 6 S., R. 89 W., of the 6th P.M. The length of said area is 125 ft. and width is 50 ft. along the axis. The bearing of the axis of the spring is N. 28°07'00". The center of this area may also be described as located in the NE1/4 NW1/4 Sec. 10, T. 6 S., R. 89 W. of the 6th P.M. at a point 350 ft. from the N. line and 1350 ft. from the W. line of said Sec. 10. Map attached as Figure 1, on file with the Water Ct. Date of Approp.: 3/12/2003. Source: Spring, tributary to the CO River. Amt.: 200 g.p.m., (0.445 c.f.s.), conditional. Use: Bathing, healing, swimming, medicinal, heating of buildings, and other beneficial uses. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. 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. (5 pages of original application, Fig. 1)

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24CW3070 GARFIELD COUNTY, SOURCE: SPRINGS TRIBUTARY TO CLEAR CREEK AND BRUSH CREEK, TRIBUTARY TO ROAN CREEK, ALL TRIBUTARY TO THE COLORADO RIVER. Application for Finding of Reasonable Diligence, Franklin Dee Norell & Vicky L. Norell, 1005 County Road 4, Meeker, CO 81641, 970-878-5220, /o Edward B. Olszewski, Esq., Olszewski & Massih, P.C., P.O. Box 916, Glenwood Springs, CO 81602, (970) 928-9100. Please direct all pleadings and correspondence to Applicants' counsel. Names of Structures: ADAMS WATER SYSTEM NO. 1, consisting of Cabin Spring (made absolute in Case No. 02CW221), Clear Creek Spring No. 1 (made absolute in Case No. 02CW221), Clear Creek Spring No. 2, Cynda Spring (made absolute in Case No. 17CW3075), Brush Creek Spring (made absolute in Case No. 17CW3075, and Jason Spring. Describe conditional water rights: Original Decree: August 30, 1996, Case No. 95CW360 Court: Garfield County District Court, Water Division No. 5. Subsequent decree awarding findings of diligence: Case No. 02CW221, decreed on May 6, 2004; Case No. 10CW168, decreed on April 3, 2011; and Case No. 17CW3075, decreed on June 3, 2018. Location: Clear Creek Spring No. 2: SW1/4NE1/4, Sec. 4, T5S, R99W, 6th P.M. 2,409 feet from the North line, 1,640 feet from the East line. Jason Spring: SE1/4SE1/4, Sec. 6, T5S, R99W, 6th P.M., 1,110 feet from the South line, 655 feet from the East line. Source: Springs tributary to Clear Creek and Brush Creek, tributary to Roan Creek, all tributary to the Colorado River. Appropriation: June 3, 1994 Amount: Clear Creek Spring No. 2: 15 g.p.m. conditional. Jason Spring: 3 g.p.m. conditional. Uses: Clear Creek Spring No. 2: Stock and wildlife water Jason Spring: Domestic. The Application contains a description of what has been done for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures during the previous diligence period. All structures are located lands owned by the Applicants (4 pages, 1 map).

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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 JUNE 2024. *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.*

24CW3071 GARFIELD COUNTY, COLORADO, COLORADO RIVER OR ITS TRIBUTARIES. Ranch at Coulter Creek HOA, c/o Scott C. Miller, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. **First Claim: For Finding of Reasonable Diligence.** Name of structure: Laurence Pond No. 1. Date of original decree: May 28, 1996, Case No. 95CW94, Division 5 Water Court. Subsequent diligence decrees: 02CW114, June 6, 2005; 11CW104, November 17, 2011; June 2, 2018, all Division 5 Water Court. Legal description: The center of the Laurence Pond No. 1 is located in the NW ¼, SE ¼ of Section 6, Township 7 South, Range 87 West of the 6th P.M. at a point 1800 feet from the South section line and 2050 feet from the East section line of said Section 6. A map is on file with the Court as Exhibit A. **Source: The source of the water is from snowmelt, run-off and seepage waters tributary to Coulter Creek and from Mesa Creek and West Coulter Creek via the Laurence Ditch, all tributary to Colter Creek, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River.** Appropriation date: April 15, 1989. Amount: 20 acre-feet, conditional. Use: Irrigation, as to historically irrigated lands located within the Laurence Ranch not currently irrigated by Laurence Pond Nos. 1 and

2 (approximately 211 acres). Note: Laurence Pond No. 1 was decreed absolute in Case No. 02CW114 for 20 acre-feet for livestock watering, wildlife watering, irrigation of approximately 20 acres, piscatorial, fire protection, and wetlands creation, with the right to fill and refill in priority. Surface area of high water line: 5 acres. Maximum height of dam: 15 feet. Length of dam: 500 feet. Total capacity of reservoir: 20 acre-feet. Active capacity: 15.53 acre-feet. Dead storage: 4.47 acre-feet. Applicant has exercised reasonable diligence towards the completion of the Laurence Pond No. 1 water right. A detailed outline of work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where the water will be put to beneficial use. **Second Claim: For Finding of Reasonable Diligence.** Name of structure: Laurence Pond No. 2. Date of original decree: May 28, 1996, Case No. 95CW94, Division 5 Water Court. Subsequent diligence decrees: 02CW114, June 6, 2005; 11CW104, November 17, 2011; June 2, 2018, all Division 5 Water Court. Legal description: The center of the Laurence Pond No. 2 is located in the SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 6, Township 7 South, Range 87 West of the 6th P.M. at a point 1200 feet from the South section line and 1750 feet from the East section line of said Section 6. A map is on file with the Court as Exhibit A. Source: The source of the water is from snowmelt, run-off and seepage waters tributary to Coulter Creek and from Mesa Creek and West Coulter Creek via the Laurence Ditch, all tributary to Coulter Creek, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: April 15, 1989. Amount: 30 acre-feet (as chanted in Case No. 02CW114), conditional. Use: Irrigation, as to historically irrigated lands located within the Laurence Ranch not currently irrigated by Laurence Pond Nos. 1 and 2 (approximately 211 acres). Note: Laurence Pond No. 2 was decreed absolute in Case No. 02CW114 for 30 acre-feet for livestock watering, wildlife watering, irrigation of approximately 20 acres, piscatorial, fire protection, and wetlands creation, with the right to fill and refill in priority. Surface area of high water line: 5 acres. Maximum height of dam: 15 feet. Length of dam: 500 feet. Total capacity of reservoir: 30 acre-feet. Active capacity: 28.07 acre-feet. Dead storage: 1.91 acre-feet. Applicant has exercised reasonable diligence towards completion of the Laurence Pond No. 2 water right. A detailed outline of work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where the water will be put to beneficial use. **Third Claim: For Finding of Reasonable Diligence.** Name of structure: Laurence Pond No. 3. Date of original decree: May 28, 1996, Case No. 95CW94, Division 5 Water Court. Subsequent diligence decrees: 02CW114, June 6, 2005; 11CW104, November 17, 2011; June 2, 2018, all Division 5 Water Court. Legal description: The center of the Laurence Pond No. 3 is located in the NE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 6, Township 7 South, Range 87 West of the 6th P.M. at a point 1800 feet from the South section line and 1600 feet from the West section line of said Section 6. A map is on file with the Court as Exhibit A. Source: The source of the water is from snowmelt, run-off and seepage waters tributary to Coulter Creek and from Mesa Creek and West Coulter Creek via the Laurence Ditch, all tributary to Coulter Creek, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: April 15, 1989. Amount: 20 acre-feet (as changed in Case No. 02CW114), conditional. Use: Livestock watering, wildlife watering, irrigation, piscatorial and fire protection, with the right to fill and refill in priority. Surface area of high water line: 5 acres. Maximum height of dam: 15 feet. Length of dam: 500 feet. Total capacity of reservoir: 20 acre-feet. Active capacity: 20 acre-feet. Dead storage: 0. Applicant has exercised reasonable diligence towards completion of the Laurence Pond No. 3 water right. A detailed outline of work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where the water will be put to beneficial use. **Fourth Claim: For Finding of Reasonable Diligence.** Name of structure: Laurence Pond No. 4. Date of original decree: May 28, 1996, Case No. 95CW94, Division 5 Water Court. Subsequent diligence decrees: 02CW114, June 6, 2005; 11CW104, November 17, 2011; June 2, 2018, all Division 5 Water Court. Legal description: The center of the Laurence Pond No. 4 is located in the SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 6, Township 7 South, Range 87 West of the 6th P.M. at a point 1150 feet from the South section line and 1450 feet from the West section line of said Section 6. A map is on file with the Court as Exhibit A. Source: The source of the water is from snowmelt, run-off and seepage waters tributary to Coulter Creek and from Mesa Creek and West Coulter Creek via the Laurence Ditch, all tributary to Coulter Creek, tributary to Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: April 15, 1989. Amount: 30 acre-feet, conditional. Use: Livestock watering, wildlife watering, irrigation, piscatorial, and fire protection, with the right to fill and refill in priority. Surface area of high water line: 5 acres. Maximum height of dam: 15 feet. Length of dam: 500 feet. Total capacity of reservoir: 30 acre-feet. Active capacity: 30 acre-feet. Dead storage: 0. Applicant has exercised reasonable diligence towards completion of the Laurence Pond No. 4 water right. A detailed outline of work performed towards completion of the appropriation, including expenditures, is on file with the Court as Exhibit B. Applicant owns the land on which the water right is located and where the water will be put to beneficial use.

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24CW3072(17CW3238) DISTRICT COURT, WATER DIVISION NO. 5, COLORADO, STATE OF COLORADO, Garfield County Courthouse, 109 8th Street, Suite 104 Glenwood Springs, CO 81601. IN THE MATTER OF THE APPLICATION FOR

WATER RIGHTS OF AMERICAN GYPSUM COMPANY LLC, IN **EAGLE COUNTY**, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. 1. Name, address, and telephone number of Applicant: American Gypsum Company, LLC ("Applicant"), P.O. Box 980, 740 Highway 6, Gypsum, Colorado 81637, (970) 524-9700, Direct all pleadings and/or correspondence to: Steven J. Bushong, Gunnar J. Paulsen, Bushong & Holleman PC, 1966 13th Street, Suite 270, Boulder, Colorado 80302, E-mail: sbushong@bh-lawyers.com; gpaulsen@bh-lawyers.com 2. Name of structures: Eagle Gypsum Reservoir No. 1. 3. Description of conditional water rights: 3.1. Decree: Originally decreed by the District Court in and for Water Division No. 5 ("Water Court") in Case No. 89CW132, 3.2. Subsequent Decrees: Decrees granting findings of reasonable diligence were entered in Case Nos. 96CW198, 02CW300, 10CW295, and 17CW3238, Water Court, 3.3. Decreed location: The dam will be located in the NW1/4NE1/4 and NE1/4NW1/4 of Section 5, T.5 S., R. 85 W., of the 6th P.M. The right abutment of the dam will be located at a point whence the witness corner to the NW corner of said Section 5 bears N. 68 degrees 07' W. a distance of 3,024 feet. This point can be plotted as 1,082 feet from the North section line and 2,468 feet from the East section line of said Section 5, 3.4. **Source: Surface and groundwater tributary to the Eagle River, tributary to the Colorado River**, 3.5. Appropriation date: June 28, 1989, 3.6. Amount: 40 acre-feet, with the right to fill and refill the reservoir continually whenever the right is in priority, however no more than 242-acre feet of cumulative storage shall occur in any given calendar year, 3.7. Use: Industrial, landscape irrigation, recreational, piscatorial and augmentation. 4. Detailed outline of work done to complete project and apply water to beneficial use: Applicant has undertaken the following specific activities within the last six years that demonstrate its diligence regarding the remaining conditional portions of the Eagle Gypsum Reservoir No. 1: 4.1. The Eagle Gypsum Reservoir No. 1 is part of an overall water augmentation plan as originally decreed in Case No. 89CW132, as amended and restated by a decree in Case No. 02CW391, Water Court. The Eagle Gypsum Reservoir No. 1 water right will allow releases of on-site augmentation water to replace depletions from Applicant's well system in the event of an extended call from water rights on the Eagle River. Such an extended call has not occurred yet but may in the future, 4.2. By the decree entered in Case No. 19CW3030, Applicant obtained findings of reasonable diligence with respect to both the Applicant's Eagle Gypsum Wellfield, which wells are among the structures to be augmented by the Eagle Gypsum Reservoir No. 1 water right, and the Eagle River Intakes which will divert water for storage in the Eagle Gypsum Reservoir No. 1, 4.3. By the decree entered in Case No. 23CW3165, Applicant obtained a finding of reasonable diligence with respect to the remaining conditional portion of the Eagle Gypsum Exchange, which will provide water for storage in the Eagle Gypsum Reservoir No. 1, 4.4. Applicant continues to operate and improve the water supply system of which the Eagle Gypsum Reservoir No. 1 is an integral feature. Such work included upgrades to the well system, which involved installing individual flow meters on all the wells, upgrading the well casing water level indicators, and upgrading programmable logic controllers and input/output module upgrades, drive upgrades, and human machine interface at a cost exceeding \$369,000, 4.5. Applicant maintained contracts for 270 acre-feet of water from Green Mountain Reservoir and Wolford Mountain Reservoir. Applicant also continued its contract for 20 acre feet annually of water from Eagle Park Reservoir. This contract water is an essential element of the Applicant's overall water system, of which the Eagle Gypsum Reservoir No. 1 is a part, 4.6. Applicant acquired additional land and water rights in Eagle County to facilitate its further development plans and allow expansion of the facilities at the existing plant, for which the Eagle Gypsum Reservoir No. 1 is a vital component, 4.7. Applicant actively participated as an objector in other water court cases that could adversely affect its water rights, 4.8. Applicant continues to rely upon the Eagle Gypsum Reservoir No. 1 and has no intention to abandon the same. 5. Land on which any new structures will be built. Applicant. A map depicting the location of the structures involved in this application is attached as Exhibit A. WHEREFORE, Applicant requests that (1) the Court enter a decree with a finding of reasonable diligence with respect to the remaining conditional amount decreed to the Eagle Gypsum Reservoir No. 1; and (2) granting any other relief that the Court deems just and appropriate. (5 pages + Exhibit)

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24CW3073 EAGLE COUNTY. Application for Direct Flow Right, Groundwater Right, and Plan for Augmentation Including Appropriative Right of Exchange. Applicant: Debra Levitz, c/o Scott A. Grosscup & Blake C. Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546. Application: Applicant requests the Ct. grant a conditional direct flow right in the Levitz Pump Station, a conditional groundwater right in the Levitz Well, and approve a proposed plan for aug. including a conditional appropriative right of exchange. The requested plan for aug. will replace Applicant's out-of-priority depletions occurring from its requested Levitz Pump Station and Levitz Well rights. A map depicting the general locations of the structures as depicted in Exh. A on file with the Water Ct. (All Exhs. mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Ct.) First Claim for Conditional Surface Water Right. Name of Structure: Levitz Pump Station. Legal Description: Along the CO River within the SE1/4 SE1/4 of Sec. 13, T. 3 S., R. 86 W. of the 6th P.M. at a point 62 ft. from the E. Sec. line and 567 ft. from the S. Sec. line of said Sec. 13, all within Eagle Cty., CO. **Source: CO River.** Date of Approp.: 5/02/2023. How Approp. was Initiated: Formation of intent to appropriate water for beneficial use coupled with the engagement of counsel to advise in its development.

Amt. Claimed: 50 g.p.m. (0.111 c.f.s.), conditional. Uses: Irr. of up to 3 acres of land and stock watering for up to 5 heads. Number of Acres Proposed to be Irrigated: Up to 3 acres in Exh. A. Second Claim for Conditional Underground Water Right Name of Well: Levitetz Well. Legal Description: Within the SE1/4 SE1/4 of Sec. 13, T. 3 S., R. 86 W. of the 6th P.M. Also described as UTM Zone 13, NAD83, Easting 330764.3 meters and Northing 4405741.9 meters. Source: Groundwater tributary to the CO River. Depth: 40 ft. The Well Completion and Pump Installation Report dated 2/21/1985, is attached as Exh. B. Date of Approp.: 06/25/2024. How Approp. was Initiated: The filing of this application. Amt. Claimed: 15 g.p.m. (0.033 c.f.s.), conditional. Uses: Dom. for one single-family dwelling and stock watering for up to 5 heads. Well Permit No. 129234. Remark: The Levitetz Well is currently permitted as an exempt well for in-house use. Applicant will obtain a new well permit allowing for stock water use from the Levitetz Well upon entry of a decree and prior to such pumping occurring. Third Claim for Approval of Plan for Aug. Names and Locations of Structures to be Augmented: Levitetz Pump Station and Levitetz Well as described above. Water Rights to be Used for Aug.: Pursuant to this plan for aug. and Applicant's fourth claim for relief (below), Applicant will augment its out-of-priority depletions occurring from the Levitetz Pump Station and Levitetz Well during a valid downstream administrative call by releasing water for direct aug. from Wolford Mountain Reservoir and/or by exchange from Ruedi Reservoir, depending on the location of the calling water right. Prior to operating this plan for aug., Applicant shall obtain a water supply contract from the CRWCD for 5.5 AF annually, from both Wolford Mountain Reservoir and Ruedi Reservoir to replace Applicant's total estimated annual depletions plus transit losses as to be determined by the Division Engineer. Aug. water will be provided through a contract with the CRWCD by the proposed aug. plan below. The Applicant water uses will be augmented during an administrative call by releases from the CRWCD's CO River Supply Sources as described in the application and available on CRWCD's website www.crwcd.org and include Wolford Mountain Reservoir and Ruedi Reservoir. Pursuant to C.R.S. § 37-92-305(b), Applicant reserves the right to use additional or alternative sources of water for replacement on a temporary or permanent basis, subject to approval by the Water Ct. and/or the State Engineer's Office. No additional or alternative sources of replacement water right may be used in this plan for aug. as discussed in paragraph 6.3 unless Applicant first provides notice as described in this paragraph 6.3.1. Such additional or alternative sources of replacement water must be decreed or lawfully available for such use as a part of a substitute water supply plan approved pursuant to C.R.S. § 37-92-308, and use of such additional or alternative sources of replacement water shall be in accordance with C.R.S. § 37-92-305(8)(c). If the Applicant seeks to add such additional or alternative sources of replacement water, Applicant shall give thirty five (35) days written notice of the use of additional replacement water to the Ct. and the Division Engineer, which notice shall describe: (1) the replacement water to be used by name and decree; (2) the projected annual and monthly Amt.s of water available to Applicant from the replacement source, the period that such replacement water is available, and the stream location(s) at which the water will be available; (3) the date of proposed initial use of such water and the proposed duration of use; (4) how Applicant will utilize the additional replacement water, including whether such water will be delivered to the stream downstream of the location of depletions, and, if so, identification of the depleted reach of the stream from the location of depletions to the location where replacement water will be delivered to the stream; (5) how the additional replacement water will replace out of-priority depletions from the [depleting structure(s)] in time, location, and Amt. necessary to prevent injury, including any relevant terms and conditions on the use of such water to prevent injury to other water rights; (6) evidence demonstrating Applicant's lawful ability to use such additional water supply, including evidence that such water supply is not already dedicated for use by another water user; and (7) the manner in which Applicant will account for use of the noticed replacement water. If the Division Engineer for Water Division 5 wishes to object to the addition of the noticed water in this plan for aug., a written objection setting forth with particularity the reasons for such objection shall be filed with the Ct. within thirty-five (35) days after the date on which the notice is served by Applicant. Applicant shall bear the initial burden of proof that no injury to vested water rights and decreed conditional water rights will result from the use of such additional substitute water supplies. If no objection is so filed, Applicant may use the noticed water in this plan in the manner stated in the notice, immediately and without further action by the Ct. If an objection is filed and not resolved between Applicant and the Division Engineer, Applicant may not use the noticed water until the Ct. has determined whether any terms and conditions are necessary to meet all legal requirements, including without limitation to prevent injury to vested water rights and decreed conditional water rights, including any period of retained jurisdiction for the added replacement source. Where the use of any new source requires the operation of any new exchanges, including the expansion of any existing exchange reach, Applicant must obtain approval of the Division Engineer and Water Commissioner prior to operating such exchanges. Applicant must submit a separate water Ct. application if seeking to adjudicate such exchanges. Detailed Statement of Plan for Aug.: This proposed plan for aug. will replace all out-of-priority depletions from the Levitetz Pump Station and Levitetz Well pursuant to Applicant's contract with CRWCD depending on the location of the calling water right. Whenever a valid downstream administered call occurs that would otherwise prevent Applicant from diverting water through Levitetz Pump Station or Levitetz Well, Applicant will augment or administer the structures under this plan for aug. The proposed plan for aug. for the Applicant's Dom., Irr., and stock watering requirements requested by this Application, if properly implemented and administered in accordance with the terms and conditions of this requested ruling, will fully replace all out-of-priority depletions attributable to Applicant's use of Levitetz Pump Station and Levitetz Well. No injury will result to any vested or decreed conditional water right of others as a result of the Applicant's contemplated use of water described in this Application, so long as the terms and conditions set forth herein are complied with. Water Requirements: Applicant's diversions and depletions estimated to occur under this plan for aug. are summarized below. Dom.: In-house Dom diversions are expected to occur at 315 gallons per day (3.5 persons at 90 gallons per person, per day) for a total of 0.353 AF per year. 10 percent of in-house Dom. diversions are depleted, for a total depletion rate of 0.035 AF per year. Stock: Stock watering is expected to occur at 15 gallons of water per head, per day, for a total of 0.084 AF per year. 100 percent of stock water diversions are depleted. Irr.: Irr. is expected to occur at a diversion rate of 6.93 AF per year and a depletion rate of 4.83 AF per year, as further detailed in the table below:

IRRIGATION DIVERSIONS AND DEPLETIONS

MONTH	UNIT DIVERSION (AF/acre)	UNIT CONSUMPTIVE USE (AF/acre)	TOTAL DIVERSION (3 Acres) (AF)	TOTAL DEPLETION (3 Acres) (AF)
April	0.11	0.08	0.33	0.24
May	0.29	0.20	0.87	0.60
June	0.49	0.34	1.47	1.02
July	0.6	0.42	1.8	1.26
August	0.46	0.32	1.38	0.96
September	0.26	0.18	0.78	0.54
October	0.10	0.07	0.3	0.21
TOTAL	2.31	1.61	6.93	4.83

Number of Irrigated Acres: 3 acres. Lands to be Irrigated: A map depicting the proposed irrigated acreage is shown in Exh. A. Anticipated Point and Timing of Return Flows: Levitz Pump Station, as further described above. Return flows are expected to reach the CO River within one month of the date of diversion because the Applicant's property is bounded on the N. side by the CO River. Downstream Call: If the calling water right is at or below the confluence of the Roaring Fork and CO Rivers, Applicant will augment out-of-priority depletions by using water rights owned or controlled by CRWCD in either Ruedi Reservoir or Wolford Mountain Reservoir, as described above. The aug. will be administered through the Levitz Ruedi Reservoir Exchange, as further detailed in Applicant's fourth claim for relief. Local Call: If the calling water right is above the confluence of the Roaring Fork and Colorado Rivers, Applicant will augment out-of-priority depletions by using water rights owned or controlled by CRWCD in Wolford Mountain Reservoir, as described above. Releases will be made upstream to the point of depletion. Fourth Claim for Conditional Appropriative Right of Exchange. Name of Water Right: Levitz Ruedi Reservoir Exchange. Location: Upstream Terminus: Levitz Pump Station, as further described above. Downstream Terminus: The confluence of the Roaring Fork and CO Rivers located in the SE1/4 NW1/4 of Sec. 9, T. 6 S., R. 89 W., of the 6th P.M. at a point 2,940 ft. from the E. Sec. line, and 3,150 ft. from the S. Sec. line. Sources: Ruedi Reservoir, as further described above. Amt. Claimed: The rate of exchange is 9.2 g.p.m. (0.02 c.f.s.), conditional, and not to exceed 5.5 AF annually. Use: Aug. of out-of-priority depletions from the Levitz Pump Station and Levitz Well. Date of Approp.: 06/25/2024. How Approp. was Initiated: Filing of the Application. Name and address of the owner of the land upon which the above-described water rights are located: Applicant. Integrated System: Applicant requests the Ct. confirm the Levitz Pump Station, Levitz Well, and Levitz Ruedi Reservoir Exchange are components of Applicant's integrated water supply system. Applicant is developing a horse sanctuary that will use the named rights to irrigate its fields, water its stock, and provide in-home Dom. use. "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). WHEREFORE, Applicant respectfully requests the Ct. enter a Decree (1) granting the conditional Levitz Pump Station in the Amt. and uses described herein; (2) granting the conditional Levitz Well in the Amt. and uses described herein; (3) approving the plan for aug. requested herein; (4) granting the conditional Levitz Ruedi Reservoir Exchange in the Amt. and uses described herein; and (5) for such other relief as the Ct. deems proper. (14 pages of original application, Exh. A & B)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 2024. 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.

24CW3074 EAGLE COUNTY – EAGLE RIVER OR ITS TRIBUTARIES. Cotton Ranch Metropolitan District and the Town of Gypsum c/o Kevin Patrick and Jason Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE. **First Claim: For Finding of Reasonable Diligence.** Cotton Ranch Diversion. Original decree: Case No. 95CW347, Water Division 5. January 11, 1999. Subsequent diligence decrees: Case No. 05CW10, Water Division 5. October 26, 2011. Case No. 2017CW3197. June 3, 2018. Legal description: The Cotton Ranch Diversion water right may be diverted at any time, including periods outside the normal irrigation season, at any one or more of the four following alternate points of diversion: Grundell Brothers Ditch: NE ¼ of the NE ¼ of Section 18, Township 5 South, Range 85 West of the 6th P.M., at a point approximately 500 feet from the east section line and 200 feet from the north section line of said Section 18. A.F. Grundell Ditch: SE ¼ of the SE ¼ of Section 7, Township 5 South, Range 85 West of the 6th P.M., at a point approximately 380 feet from the east section line and 620 feet from the south section line of said Section 7. Ulin Ditch: SW ¼ of the NW ¼ of Section 8, Township 5 South, Range 85 West of the 6th P.M., at a point approximately 720 feet from the west section line and 2,050 feet from the north section line of said Section 8. Chatfield and Bartholomew Ditch: NW ¼ of the SE ¼ of Section 18, Township 5 South, Range 85 West of the 6th P.M., at a point approximately 1,885 feet from the east section line and 1,650 feet from the south section line of said Section 18. Source: Gypsum Creek, tributary to the Eagle River, tributary to the Colorado River.

Appropriation Date: August 31, 1994. Amount: 3.0 c.f.s., conditional. Use: Domestic. Landowner information: 803 Cottonwood Pass LLC, 236 3rd Street Baton Rouge, LA 70801; Eugene E. Slaughter III Trust - Laurie M. Slaughter Trust, P.O. Box 414 Gypsum, CO 81637; and Applicant Town of Gypsum own the land where certain above-described structures are located. The water is or will be put to beneficial use throughout the Applicants' respective water service areas, which may change from time to time. **Second Claim: To Make Absolute:** Cotton Pond, First Enlargement (FE). Original decree: Case No. 95CW347, Water Division 5, January 11, 1999. Subsequent diligence decrees: Case No. 05CW10, Water Division 5, October 26, 2011. Case No. 2017CW3197. June 3, 2018. Legal description: SW ¼ of the NW ¼ of Section 8, Township 5 South, Range 85 West of the 6th P.M., at a point approximately 1,050 feet from the west section line and 1,850 feet from the north section line of said Section 8. Source: The Cotton Ranch Diversion water right, as described herein, and tributaries of Gypsum Creek and the Eagle River, including but not limited to the "Swamp Ditch," tributary to the Colorado River. Appropriation Date: August 31, 1995. Amount: 9 acre-feet, conditional, to be filled and refilled on a continuous basis whenever in priority. Uses: Domestic, commercial, fire protection, augmentation and replacement uses. Claim to make absolute: 9 acre-feet for domestic, commercial, fire protection, and augmentation and replacement uses. Date of beneficial use: On August 7, 2013, C.R.S. § 37-92-301(4)(e) became effective and states: "[a] decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure." In the years following August 7, 2013, Applicants have filled and refilled the Cotton Pond, First Enlargement to at least 9 acre-feet in priority. A pond survey and stage capacity table is on file with the court. Applicants request a finding of reasonable diligence for the Cotton Pond, First Enlargement in the alternative. Landowner information: Applicant Town of Gypsum owns the land where the Cotton Pond, First Enlargement is located. **Third Claim: To Make Absolute in Part and for Finding of Reasonable Diligence:** Cotton Ranch Pond No. 3. Original decree: Case No. 95CW347, Water Division 5. January 11, 1999. Subsequent diligence decrees: Case No. 05CW10, Water Division 5. October 26, 2011. Case No. 17CW3197. June 3, 2018. Legal description: NE ¼ of the NW ¼ of Section 8, Township 5 South, Range 85 West of the 6th P.M., at a point approximately 1,950 feet from the west section line and 880 feet from the north section line of said Section 8. Source: The Cotton Ranch Diversion water right, as described herein, and tributaries of Gypsum Creek and the Eagle River, including but not limited to the "Swamp Ditch," tributary to the Colorado River. Appropriation date: August 31, 1995. Amounts and Uses: 4.986 acre-feet, conditional to be filled and refilled on a continuous basis whenever in priority, for irrigation, recreational, piscatorial, and wildlife uses. 5.5 acre-feet, conditional to be filled and refilled on a continuous basis whenever in priority, for domestic, commercial, fire protection, and augmentation and replacement uses. Claim to make absolute in part: 0.514 acre-foot for domestic, commercial, fire protection, and augmentation and replacement uses. Date of beneficial use: On August 7, 2013, C.R.S. § 37-92-301(4)(e) became effective and states: "[a] decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure." In the years following August 7, 2013, Applicants have filled and refilled the Cotton Ranch Pond No. 3 to at least 0.514 acre-foot in priority. A pond survey and stage capacity table is on file with the court. Applicants request a finding of reasonable diligence for all amounts and uses of the Cotton Ranch Pond No. 3 that are not made absolute in this case. Landowner information: Applicant Town of Gypsum owns the land where the Cotton Ranch Pond No. 3 is located. **Fourth Claim: To Make Absolute in Part and for Finding of Reasonable Diligence:** Cotton Ranch Pond No. 4. Original decree: Case No. 95CW347, Water Division 5. January 11, 1999. Subsequent diligence decrees: Case No. 05CW10, Water Division 5. October 26, 2011. Case No. 17CW3197. June 3, 2018. Legal description: SE ¼ of the NE ¼ of Section 7, Township 5 South, Range 85 West of the 6th P.M., at a point approximately 400 feet from the east section line and 1,500 feet from the north section line of said Section 7. Source: The Cotton Ranch Diversion water right, as described herein, and tributaries of Gypsum Creek and the Eagle River, including but not limited to the "Swamp Ditch," tributary to the Colorado River. Appropriation Date: August 31, 1995. Amounts and Uses: 0.49 acre-foot, conditional to be filled and refilled on a continuous basis whenever in priority, for irrigation, recreational, piscatorial, and wildlife uses. 3.40 acre-feet, conditional to be filled and refilled on a continuous basis whenever in priority, for domestic, commercial, fire protection, and augmentation and replacement uses. Claim to make absolute in part: 2.91 acre-feet for domestic, commercial, fire protection, and augmentation and replacement uses. Date of beneficial use: On August 7, 2013, C.R.S. § 37-92-301(4)(e) became effective and states: "[a] decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure." In the years following August 7, 2013, Applicants have filled and refilled the Cotton Ranch Pond No. 4 to at least 2.91 acre-feet in priority. The water is stored on the Applicant Town of Gypsum's property. A stage capacity table is on file with the court. Applicants request a finding of reasonable diligence for all amounts and uses of the Cotton Ranch Pond No. 4 that are not made absolute in this case. Landowner information: Applicant Town of Gypsum owns the land where the Cotton Ranch Pond No. 4 is located. A map and detailed outline of diligence activities are on file with the court.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 2024. 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.

24CW3075 EAGLE COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 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. 1. Name and address of applicant: Upper Eagle Regional Water Authority (the "Applicant" or "Authority"), c/o General Manager, 846 Forest Road, Vail, Colorado 81657. 2. Description of the conditional water rights: 2.1. UERWA Pipeline (aka UERWA Point A) (WDID 3701107). 2.1.1. Decrees: UERWA Pipeline (aka UERWA Point A) was originally decreed by the District Court in and for Water Division No. 5 (the "Water Court") in Case No. 93CW291 on February 25, 1998. Subsequent findings of diligence, continuing the subject water right in full force and effect, were made in Water Court Case Nos. 04CW22, 10CW233, and 17CW3167. 2.1.2. Location: On Lake Creek in the SE1/4 NE1/4 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. A map indicating the location of the point of diversion for this water right is attached as **Exhibit A**. 2.1.3 Source: **Lake Creek, tributary to the Eagle River, tributary to the Colorado River.** 2.1.4 Amount: 11.6 cfs, conditional. 2.1.5. Appropriation date: August 26, 1993. 2.1.6. Uses: Municipal; domestic; fire protection; recreation; aesthetic; commercial; livestock watering; piscatorial; mechanical; manufacturing; sewage treatment; street sprinkling; watering of parks, lawns, and grounds; generation of power, and power generally. Use will be within the Authority's service area, as such area may from time to time expand, such expansion to be limited under this decree to an area within three miles of the boundaries of the Authority's service area as it existed at the time of the decree entered in Case No. 17CW3167, as shown on the attached **Exhibit A**. 3. Detailed outline of work done to complete appropriation and apply water right to beneficial use: The Authority seeks a finding of reasonable diligence with regard to the water right described in paragraph 2.1, above. The Authority and its members operate an integrated water system in which work done on any component of the system advances the whole. The Authority and its members have incurred expenditures of approximately \$253,000,000 over the past five years to operate, protect, maintain, upgrade, and expand their water facilities. 4. Name and addresses of owners of land on which the subject water rights is or will be located: The land on which the subject structure is located is owned by Southfork Meadows Homeowners Association Inc., P.O. Box 8366, Avon, CO 81620-8300. WHEREFORE, the Authority requests the Court enter a finding of reasonable diligence with respect to the UERWA Pipeline, and continue said conditional water right for all decreed uses in the full decreed amounts.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 2024. *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.*

24CW3077 EAGLE COUNTY - EAGLE RIVER OR ITS TRIBUTARIES. The Town of Gypsum, c/o Kevin Patrick and Jason Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621. (970) 920-1030. APPLICATION TO MAKE ABSOLUTE. Gypsum Dry Lake MX Well Field. Original decree: 2017CW3050, Water Division 5. June 24, 2018. Legal description: A well field in the SW ¼ of Section 18, Township 4 South, Range 85 West of the 6th P.M., described as beginning at a point whence the southwest corner of Section 18, Township 5 South, Range 85 West of the 6th Principal Meridian bears S 60°26'37.50" W a distance of 1237.33 feet to the point of beginning. Thence N 35°43'6.72" E a distance of 1278.73 feet; thence N 47°45'25.06" W a distance of 333.00 feet; thence N 44°28'27.78" E a distance of 244.85 feet; thence S 46°46'5.38" E a distance of 541.36 feet; thence S 36°7'25.33" W a distance of 1502.15 feet; thence N 50°45'13.23" W a distance of 232.96 feet to the point of beginning consisting of 10 acres. **Source:** **Groundwater tributary to the Colorado River.** Appropriation date: October 4, 2016. Amount: 0.05 c.f.s., conditional, cumulatively between all wells in the well field, with a cumulative withdrawal of 7.752 acre-feet, annually. Uses: Municipal use, including, but not limited to, domestic, irrigation, commercial, recreation, dust suppression, and fire protection. Acreage to be irrigated or upon which water will be supplied for dust suppression: Up to 5.92 acres within the developed 145 acres shown in Exhibit B. If non-irrigation, describe purpose fully: all municipal uses described above. Claim to make absolute: 0.05 c.f.s. for municipal use including, but not limited to, domestic, irrigation, commercial, recreation, dust suppression, and fire protection. Date of beneficial use: During September 2020 and June 2023, Applicant diverted the Gypsum Dry Lake Well Field Well No. 1 under Permit No. 82262-F and put the water to beneficial use at the Dry Lake Motocross Park. Applicant requests a finding of reasonable diligence in the alternative and to the extent any portion of the Gypsum Dry Lake MX Well Field is not made absolute in this case. A map and detailed outline of the expenditures and activities toward completing the conditional appropriation are on file with the court.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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.

11. 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 JUNE 2024. *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.*

24CW3078 GRAND COUNTY. Application for Finding of Reasonable Diligence. Applicant: Flying C Ranch LLC, c/o Sara M. Dunn & Andrea J. Hall, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546. Applicant requests the Court find it has exercised reasonable diligence in the development of Vagabond Ranch Hydroelectric Diversion. Structure: Vagabond Ranch Hydroelectric Diversion. Original Decree: 11CW133 on 1/28/2012, Dist. Ct., Water Div. 5. Subsequent Findings of Reasonable Diligence: 18CW3008 on 6/03/2018, Dist. Ct., Water Div. 5. Legal Description: Point of diversion is in the NW1/4 of the NE1/4 of Sec. 10, T. 4 N., R. 77 W. of the 6th P.M., at a point 469 ft. from the N. Sec. Line and 1,347 ft. from the E. Sec. Line, as depicted on the topographic map in Figure 1 on file with the Water Ct. Source: The Vagabond Ranch Hydroelectric Diversion diverts water from Bill Creek and returns it to Bill Creek. Bill Creek is a tributary of Willow Creek, tributary to the CO River. Date of Approp.: 1/9/2009. Amt.: 6.0 c.f.s., conditional. Use: Power generation. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Name and address of owner of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed, or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. (4 pages of original application, Fig. 1)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 2024. *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.*

24CW3079 EAGLE COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 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. Names of structures: 2.1. Cordillera Reservoirs Nos. 1 through 6 (WDIDs 3703969 through 3703974). 2.2. SCR Diversion Point No. 1 (WDID 3701375). 3. Description of conditional water rights: 3.1. Cordillera Reservoirs Nos. 1 through 6: 3.1.1. Decrees: Decreed by the District Court in and for Water Division No. 5 (the "Water Court") in Case No. 87CW309 on July 22, 1988. Subsequent findings of reasonable diligence, continuing the subject water rights in full force and effect, were made in Water Court Case Nos. 87CW309, 96CW231, 03CW163, 10CW182, and 17CW3192. 3.1.2. Location: The decreed locations of Cordillera Reservoirs Nos. 1 through 6 are as follows, as depicted on the attached **Exhibit A:** 3.1.2.1. Cordillera Reservoir No. 1 is located in Section 12, T. 5 S., R. 83 W. of the 6th P.M., the approximate center of said reservoir being located at a point 1,763 feet south of the north section line and 3,472 feet west of the east section line in the SE1/4 of the NW1/4 of said section; 3.1.2.2. Cordillera Reservoir No. 2 is located in Section 12, T. 5 S., R. 83 W. of the 6th P.M., the approximate center of said reservoir being located at a point 1,334 feet south of the north section line and 2,850 feet west of the east section line in the SW1/4 of the NE1/4 of said section; 3.1.2.3. Cordillera Reservoir No. 3 is located in Section 1, T. 5 S., R. 83 W. of the 6th P.M., the approximate center of said reservoir being located at a point 123 feet north of the south section line and 450 feet east of the west section line in the SW1/4 of the SW1/4 of said section; 3.1.2.4. Cordillera Reservoir No. 4 is located in Section 1, T. 5 S., R. 83 W. of the 6th P.M., the approximate center of said reservoir being located at a point 985 feet north of the south section line and 1,830 feet west of the east section line in the SW1/4 of the SE1/4 of said section; 3.1.2.5. Cordillera Reservoir No. 5 is located in Section 12, T. 5 S., R. 83 W. of the 6th P.M., the approximate center of said reservoir being located at a point 1,453 feet north of the south section line and 1,982 feet east of the west section line in the NE1/4 of the SW1/4 of said section; and 3.1.2.6. Cordillera Reservoir No. 6 is located in Section 14, T. 5 S., R. 83 W. of the 6th P.M., the approximate center of said reservoir being located at a point 1,380 feet south of the north section line and 2,350 feet west of the east section line in the NW1/4 of the NE1/4 of said section. 3.1.3. Sources: **Unnamed intermittent tributary of Squaw Creek, tributary to the Eagle River, tributary to the Colorado River; groundwater decreed in Case No. 86CW153; and Squaw Creek, tributary to the Eagle River, tributary to the Colorado River.** 3.1.4. Appropriation date: November 19, 1987. 3.1.5. Amounts: 10 acre-feet, conditional, for each reservoir. For Cordillera Reservoirs Nos. 1 through 5, each reservoir is decreed as an alternate storage site for each of the other four reservoirs. By the decree of the Water Court entered on July 15, 1997, in Case No. 96CW231, 7.5 acre-feet of the 10 acre-feet awarded conditionally to Cordillera Reservoir No. 1 was decreed absolute and unconditional for irrigation, augmentation, replacement, exchange, stock watering, recreation, and fire protection purposes; 2.5 acre-feet of the 10 acre feet originally decreed to Cordillera Reservoir No. 1 was continued as conditional for irrigation, augmentation, replacement, exchange, stock watering, recreation, and fire protection purposes; and 10.0 acre-feet was continued as conditional, for domestic, commercial, lodge, restaurant, and health club purposes. The water rights decreed to Cordillera Reservoirs Nos. 2 through 6 have been continued as conditional for all originally decreed purposes, most recently in Case No. 17CW3192. 3.1.6. Uses: Irrigation,

domestic, augmentation, replacement, exchange, stock watering, commercial, lodge, restaurant, health club, recreation, and fire protection purposes. These water rights were incorporated as sources of augmentation water in Case No. 87CW310, and were included as sources of water supply and augmentation water as amended and/or changed in Case No. 89CW217 on October 11, 1990; in Case No. 91CW78 on January 3, 1992; in Case No. 95CW41 on March 11, 1996; in Case No. 97CW280 on August 28, 1998; in Case No. 99CW170 on March 23, 2000; and in Case No. 00CW11 on August 14, 2000.

3.2. SCR Diversion Point No. 1: 3.2.1. Decrees: Decreed by the Water Court in Case No. 89CW218 on October 11, 1990. Subsequent findings of reasonable diligence, continuing the subject water right in full force and effect, were made in Water Court Case Nos. 89CW218, 96CW270, 03CW165, 10CW182, and 17CW3912.

3.2.2. Location: SCR Diversion Point No. 1 is located on West Lake Creek at a point whence the NE corner of Section 7, T. 5 S., R. 82 W. of the 6th P.M. bears North 88°15' East at a distance of 1,100 feet. By virtue of the decrees entered in Cases Nos. 91CW78, 97CW280, and 01CW123, SCR Diversion Point No. 1 may be alternately diverted at, stored in, and/or used to augment directly or by exchange the following, which are depicted on the attached **Exhibit B**:

3.2.2.1. The Metcalf Headgate, located on the North Bank of the Eagle River in the SE1/4 of the SW1/4 of Section 7, T. 5 S., R. 81 W. of the 6th P.M., approximately 870 feet from the south section line and 1,485 feet from the west section line, at a point from which the SE Corner of the SW1/4 of said Section 7 bears S. 53°00'40" E. 1,446 feet;

3.2.2.2. The Raw Water Booster Pump Headgate, which is located at a point on the North Bank of the Eagle River in the NW1/4 of the NW1/4 of Section 12, T. 5 S., R. 82 W., of the 6th P.M., approximately 1,165 feet from the north section line and 480 feet from the west section line, at a point from which the SW Corner of the NW1/4 of Section 12, T. 5 S., R. 82 W. of the 6th P.M. bears S. 18°01'34" W. 1,551.13 feet;

3.2.2.3. The Edwards Drinking Water Facility, which is located on the North Bank of the Eagle River at a point in the NW1/4 of the SW1/4 of Section 4, T. 5 S., R. 82 W. of the 6th P.M., approximately 1,393 feet from the south section line 654 feet from the west section line, at a point from which the SW Corner of said Section 4 bears S. 25°8'58" W. 1,539.12 feet; and

3.2.2.4. UERWA Pipeline (aka UERWA Point A), located on Lake Creek in the SE1/4 NE1/4 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.

3.2.3. Source: West Lake Creek and Squaw Creek, tributary to the Eagle River, tributary to the Colorado River.

3.2.4. Appropriation Date: May 5, 1989.

3.2.5. Amount: 5 cfs, conditional. By decrees of the Water Court entered in Case Nos. 96CW270, 03CW165, 10CW182, and 17CW3192, the water right decreed to SCR Diversion Point No. 1 was continued for all originally decreed purposes.

3.2.6. Uses: Irrigation, domestic, augmentation, replacement, exchange, storage, stock watering, commercial, municipal, club, recreation, and fire protection purposes. This water right was included as a source of supply in the amended augmentation plans decreed in Case No. 91CW78 on January 3, 1992; in Case No. 95CW41 on March 11, 1996; in Case No. 97CW280 on August 28, 1998; in Case No. 99CW170 on March 23, 2000; and in Case No. 00CW11 on August 14, 2000. In *Upper Eagle Regional Water Authority v. Wolfe*, 371 P.3d 681, 682 (Colo. 2016), a case directly involving the SCR Diversion Point No. 1, the Colorado Supreme Court held that "where there is no evidence of waste, hoarding, or other mischief, and no injury to the rights of other water users, the owner of a portfolio of water rights is entitled to select which of its different, in-priority conditional water rights it wishes to first divert and make absolute." Thus, the Authority is entitled to continue to request findings of reasonable diligence for the SCR Diversion Point No. 1 as a senior conditional water right.

4. Detailed outline of work done to complete the project and apply water to a beneficial use: The Authority seeks a finding of reasonable diligence with regard to the subject water rights described in paragraphs 3.1 and 3.2, above. The Authority and its members operate an integrated water system in which work done on any component of the system advances the whole.

4.1. The Authority and its members have incurred expenditures of approximately \$8,027,374 during the diligence period to operate, protect, maintain, upgrade, and expand its water facilities associated with Cordillera Reservoirs Nos. 1 through 6 and SCR Diversion Point No. 1, including the following:

4.1.1. The Authority expended approximately \$4,087,763 on the repair and conveyance of the Fenno Well House, which can be used as an alternate point of source of diversion and augmentation for Cordillera Reservoirs Nos. 1 through 6.

4.1.2. The Authority expended approximately \$127,157 on the repair and maintenance of the Edwards Drinking Water Facility, which is an alternate point of diversion, storage, and source of augmentation for SCR Diversion Point No. 1.

4.1.3. The Authority expended approximately \$3,652,662 on the infrastructure improvements at the Avon Drinking Water Facility, which is an alternate point of diversion, storage, and source of augmentation for SCR Diversion Point No. 1 and Cordillera Reservoirs Nos. 1 through 6, including the design of the optimization of the filters at the Avon Drinking Water Facility, the replacement and upgrade of the facilities PLC.

4.1.4. The Authority expended approximately \$159,792 on the operation and maintenance of the Metcalf Ditch, a water source for the Avon Drinking Water Facility, which is an alternate source of augmentation for SCR Diversion Point No. 1 and Cordillera Reservoirs Nos. 1 through 6.

5. Names and addresses of owners of land upon which the subject water rights are or will be located: Cordillera Reservoir Nos. 1, 5, and 6 are located on land owned by Cordillera Metropolitan District, whose address is 408 Carterville Rd., Cordillera, CO 81632. Cordillera Reservoir No. 2 is located on land owned by Charles and Beth A. Leinberry, whose address is 426 Granada Glen, Cordillera, CO 81632. Cordillera Reservoir No. 3 is located on land owned by Cordillera Metropolitan District, Ken Sikora and Terrill Q. Trumble, whose address is 408 Carterville Rd., Edwards, CO 81632. Cordillera Reservoir No. 4 is located on land owned by CSMN Investments LLC, whose address is 2205 Cordillera Way, Cordillera, CO 81632. SCR Diversion Point No. 1 is located on land owned by Judith D. Pyle 1995 Revocable Trust, whose address is 7780 Elmwood Ave., Suite 200, Middleton, WI 53562. The Raw Water Booster Pump Headgate is located on land owned by the Eagle River Water & Sanitation District, whose address is 846 Forest Rd., Vail, CO 81657. The Edwards Drinking Water Facility is located on land owned by the Authority. The Metcalf Headgate is located on land owned by Tanya Argo and Chris Striebich, whose address is 2274 S. Ogden St., Denver, CO 80210. UERWA Point A is located on land owned by the Southfork Meadows Homeowners Association Inc., whose address is P.O. Box 8366, Avon, CO 81620. WHEREFORE, the Authority requests that the Court enter a finding of reasonable diligence with respect to Cordillera Reservoirs Nos. 1 through 6 and SCR Diversion Point No.1 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 AUGUST 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 JUNE 2024. *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.*

24CW3080 – EAGLE COUNTY – APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name, Mailing Address, Phone Number, and E-Mail Address of Applicant. The Piney Valley Ranches Trust, c/o Marcus Lindholm, Trustee, P.O. Box 9429, Avon, Colorado 81620; Phone: (970)748-4995; E-mail: marcuslindholm@traercreek.com. Direct all pleadings to: Richard A. Johnson, David F. Bower, and Michael S. Davidson, Johnson & Repucci LLP, 850 W. South Boulder Road #100, Louisville, Colorado 80027; Phone: 303-442-1900; E-mail: rajohnson@j-rlaw.com; dfbower@j-rlaw.com; msdavis@j-rlaw.com. 2. Original and Subsequent Decrees. The conditional water rights that are the subject of this application were originally decreed in Case No. 94CW224 (consolidated with Case No. 95CW182), Water Division 5, dated January 7, 1997. Subsequent decrees making findings of diligence were entered in Case No. 03CW141, Water Division 5, dated June 7, 2004, Case No. 10CW158, Water Division 5, dated November 16, 2011, and Case No. 17CW3213, Water Division 5, dated June 3, 2018. 3. Description of Conditional Water Rights. (a) Name and Legal Description of Structures. (i) Spring SP17-1: SW1/4 NW1/4 of Section 17, Township 3 South, Range 83 West of the 6th P.M., at a point approximately 1,400 feet from the north and 1,150 feet from the west section lines of said Section 17. (ii) Spring SP17-2: SW1/4 NW1/4 of Section 17, Township 3 South, Range 83 West of the 6th P.M., at a point approximately 1,620 feet from the north and 570 feet from the west section lines of said Section 17. (iii) Spring SP17-3: NE1/4 SW1/4 of Section 17, Township 3 South, Range 83 West of the 6th P.M., at a point approximately 2,300 feet from the south and 2,250 feet from the west section lines of said Section 17. (iv) Spring SP7-1: SW1/4 SW1/4 of Section 7, Township 3 South, Range 83 West of the 6th P.M., at a point approximately 670 feet from the south and 1,300 feet from the west section lines of said Section 7. (v) Spring SP7-3: SW1/4 NW1/4 of Section 7, Township 3 South, Range 83 West of the 6th P.M., at a point approximately 1,450 feet from the north and 1,400 feet from the west section lines of said Section 7. (vi) Spring SP8-1: NE1/4 NW1/4 of Section 8, Township 3 South, Range 83 West of the 6th P.M., at a point approximately 1,150 feet from the north and 2,300 feet from the west section lines of said Section 8. (vii) Spring SP8-2: NW1/4 NW1/4 of Section 8, Township 3 South, Range 83 West of the 6th P.M., at a point approximately 1,100 feet from the north and 750 feet from the west section lines of said Section 8. (viii) Spring SP8-3: NW1/4 SW1/4 of Section 8, Township 3 South, Range 83 West of the 6th P.M., at a point approximately 2,000 feet from the south and 750 feet from the west section lines of said Section 8. (ix) Pond P8-1: SE1/4 SW1/4 of Section 8, Township 3 South, Range 83 West of the 6th P.M., at a point approximately 1,900 feet from the south and 1,700 feet from the west section lines of said Section 8. A map showing the location of the structures is attached hereto as Exhibit A. (b) Decreed Sources. (i) Springs SP17-1, SP17-2, SP17-3, and SP8-3: Alkali Creek, tributary to the Eagle River, tributary to the Colorado River. (ii) Springs SP7-1, SP7-3, SP8-1, and SP8-2: Willow Creek, tributary to the Eagle River, tributary to the Colorado River. (iii) Pond P8-1: Alkali Creek, tributary to the Eagle River, tributary to the Colorado River. (c) Amounts. (i) Spring SP17-1: 0.01 cfs, conditional. (ii) Spring SP17-2: 0.02 cfs, conditional. (iii) Spring SP17-3: 0.01 cfs, conditional. (iv) Spring SP7-1: 0.05 cfs, conditional. (v) Spring SP7-3: 0.045 cfs, conditional. (vi) Spring SP8-1: 0.01 cfs, conditional. (vii) Spring SP8-2: 0.05 cfs, conditional. (viii) Spring SP8-3: 0.045 cfs, conditional. (ix) Pond P8-1: 0.29 acre-feet, conditional. (d) Appropriation Dates. (i) Springs SP17-1, SP17-2, SP17-3, SP7-1, SP8-1, and SP8-2: September 30, 1994. (ii) Springs SP7-3 and SP8-3 and Pond P8-1: August 31, 1995. (e) Uses. In accordance with the decree entered in Case No. 94CW224, uses for all water rights are domestic, irrigation, and stockwatering for use on up to 115 lots as shown on the map attached hereto as Exhibit B. Irrigation on each parcel is limited to no more than 2,000 square feet per lot. Pursuant to the decree entered in Case No. 96CW063, Water Division 5, all of the foregoing springs may also be used to fill Horse Mountain Reservoir No. 1 and Alkali Reservoir HM-1 for augmentation purposes and recreation. 4. Claim for Finding of Reasonable Diligence. PVRT seeks to continue as conditional the water rights originally decreed in Case No. 94CW224 as described above. During the subject diligence period, the following activities were performed proving PVRT's intention to put the subject water rights to beneficial use and the actions taken by PVRT to do so: (a) Marketing Activities. PVRT has continued to evaluate the marketing of its residential lots within the Horse Mountain Ranch development. The domestic and irrigation water demands for these lots are decreed to be served by the subject water rights. (b) Livestock Grazing. PVRT continues to graze between sheep and cows (up to 6,000 ewes and up to 1,000 cows) annually on and across the Horse Mountain Ranch and remainder of PVRT property, and the subject springs and pond continue to serve as a water supply for the stock. PVRT has also maintained its grazing leases with the Bureau of Land Management and the State Land Board on adjacent properties, with livestock moved between the leased and fee lands across the Horse Mountain Ranch. PVRT has also improved fields for grazing in the vicinity of Horse Mountain Ranch and continues to explore other ways to improve pastureland for grazing and other agricultural purposes. (c) Water Rights Survey. Beginning in the fall of 2023, PVRT undertook a detailed investigation of its water rights portfolio. As part of this process, PVRT has begun prioritizing the capital expenditures required to develop its remaining conditional water rights, while also protecting and preserving its other water rights. (d) General Legal Fees and Expenses. PVRT has also incurred legal fees associated with maintaining and developing the subject conditional water rights, as well as monitoring other applications in Water Division 5 that could potentially injure its interests. 5. Names and Addresses of Landowners upon which

any New or Modified Diversion or Storage Structure are Located. Pursuant to the real property records of Eagle County, the subject water rights are located on land owned by the following individuals or entities: Structure/Owner and Mailing Address: Springs SP17-1 and SP17-2 - Eric and Katie Gage, 51 Benthaven Place, Boulder, CO 80305-6253; Spring SP17-3; Daniel J. Shafer, 774 Rosevine, Erie, CO 80516-7064; Spring SP7-1 - Tequesta Trust, c/o Deborah Nunez, Trustee, 18 Harborage, Fort Lauderdale, FL 33316-2306; Spring SP8-1 PVRT; Spring SP7-3 - Linda Overcash, P.O. Box 1278, Avon, CO 81620-1278; Spring SP8-2 and Pond 8-1 - BOXWR LLC, P.O. Box 9429, Avon, Colorado 81620-9401; Spring SP8-3 - Leslie Roubos, P.O. Box 1219, Avon, CO 81620-1219. WHEREFORE, PVRT respectfully requests that the Court enter a decree finding that it has been reasonably diligent in its efforts to develop the conditional water rights originally decreed in Case No. 94CW224 based upon the activities set forth in this application, and continue those rights for their full decreed conditional amounts and uses for an additional six-year diligence period or until such time as a determination is made that the rights have been made absolute in their entirety or are otherwise disposed of. (6 pages plus exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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.

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 JUNE 2024. *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.*

24CW3081 GRAND COUNTY, Application for Findings of Reasonable Diligence. Applicant: Gary K. Loser; *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:* Daxton Irrigation Well No. 1. *Prior Decrees:* Case No. 03CW31, originally entered as an Amended Ruling and Decree by this Court on May 2, 2005; Second Amended Ruling and Decree entered on July 15, 2010. *Subsequent findings of reasonable diligence:* Case No. 11CW82 and 17CW3217 District Court in and for Water Division No. 5. *Location of well:* In the NW ¼ NW ¼ Section 23, Township 1 South, Range 76 West of the 6th P.M. Grand County, Colorado, located approximately 45 feet from the West and 300 feet from the North section lines. See Exhibit A to the Application. *Appropriation Date:* November 6, 2002. *Source:* Groundwater tributary to Crooked Creek, tributary to the Colorado River. *Depth:* From 25 to 125 feet. *Date of application of water to beneficial use:* N/A. *Amount claimed:* 0.50 c.f.s., conditional. *Proposed uses:* Irrigation of 20 acres of Applicant's property located in the NE ¼ NE ¼ of Section 22, and the NW ¼ NW ¼ of Section 23, Township 1 South, Range 76 West of the 6th P.M., stockwatering and fire protection. *Remarks:* The Daxton Irrigation Well No. 1 will be located less than 100 feet from and within the alluvium of Crooked Creek and the well shall be administered as a surface area water right. Application includes a detailed description of activities undertaken during the diligence period toward the application of the remaining subject conditional water rights to beneficial use. (4 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 2024. *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.*

24CW3082 EAGLE COUNTY, Application for Finding of Reasonable Diligence and to Confirm Absolute, in Part. Applicant: Eagle Springs Golf Club, c/o Christopher Geiger & Blake Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546. Applicant seeks a finding of reasonable diligence for the Eagle Springs Golf Club Appropriative Right of Exchange (the "Eagle Springs Golf Club Exchange Project" or the "Exchange Project"), and to confirm the Exchange Project is absolute in part. A map of the Exchange Project's reaches is attached as Exhibit A on file with the Water Ct. First Claim Finding of Reasonable Diligence. Name of Water Right: Eagle Springs Golf Club Appropriative Right of Exchange. Original Decree: 16CW3182 on 06/10/2018, by the Dist. Ct., Water Div. 5. Description of Exchange Operation: Under the plan for aug. decreed in 16CW3182, replacement water will be delivered from the supply sources to augment the structures identified in that decree. Wolford Mountain Reservoir Releases: Upstream Exchange Terminus: The point of diversion for the O'Neill and Holland Ditch Second Enlargement, which is on the W. Bank of the Eagle River in the SE1/4 NW1/4 of Sec. 36, T. 4 S., R. 83 W. of the 6th P.M. Downstream Exchange Terminus: At the confluence of the CO River and the Eagle River, which is in the SW1/4 NE1/4 and the NW1/4 SE1/4 of Sec. 5, T. 5 S., R. 86 W. of the 6th P.M. at a point approx. 2,400 ft. from the N. Sec. line and 1,900 ft. from the East Sec. of line. This exchange reach is referenced below as the Eagle Springs Golf Club Wolford Mountain Reservoir Exchange. Ruedi Reservoir Releases: Upstream

Exchange Terminus: The point of diversion for the O'Neill and Holland Ditch Second Enlargement, which is on the W. Bank of the Eagle River in the SE1/4 NW1/4 of Sec. 36, T. 4 S., R. 83 W. of the 6th P.M. Downstream Exchange Terminus: At the confluence of the CO River and the Roaring Fork River, which is in the SE1/4 NW1/4 of Sec. 9, T. 6 S., R. 89 W. of the 6th P.M. at a point approx. 2,200 ft. from the N. Sec. line and 2,350 ft. from the W. Sec. line of said Sec. 9. This exchange reach is referenced below as the Eagle Springs Golf Club Ruedi Reservoir Exchange. Date of Approp.: 12/30/2016. Amt.: The average peak monthly rate of exchange is 0.032 c.f.s., conditional, up to 5.8 AF/yr. Use: The Exchange Project is a water management practice that is administered by the State Engineer through which the Applicant provides a sufficient substitute supply of water to a senior appropriator in order to continue to divert water at the structures augmented under the amended plan for augmentation approved in 16CW3182. *See Empire Lodge Homeowners' Ass'n. v. Moyer*, 39 P.3d 1139, 1155 (Colo. 2001). The Exchange Project facilitates the use of replacement supplies utilized by exchange to replace the out-of-priority depletions pursuant to the amended plan for augmentation decreed in Case No. 16CW3182. Exchange Project reach includes Golf Well No 1: The point of diversion of Golf No. 1, as described in 16CW3182, is within the exchange reaches described above (i.e. - downstream of the O'Neill and Holland Ditch Second Enlargement headgate). Terms and Conditions: The Exchange Project may only operate when in priority and when the exchanged replacement supplies are legally and physically available. At any time that the Exchange Project is out of priority due to administration of a call, including a call made for the CWCB's minimum instream flow rights decreed in 80CW126 or 80CW124, located within the described exchange reaches, the exchange will not operate as decreed in 16CW3182. Integrated System: Applicant requests that the Ct. find the Exchange Project is a component of Applicant's integrated water supply system for the Eagle Springs Golf Club, which the Ct. decreed in 02CW109. Applicant uses the Exchange Project to replace its out-of-priority depletions resulting from use of its water rights to serve the Eagle Springs Golf Club. The decree entered in Case No. 16CW3182 amended the plan for augmentation for the Applicant's integrated water supply system including, through addition, the Exchange Project. "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). A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Name and address of owners of lands on which structures are 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. Second Claim Confirmation of Absolute Water Rights, In Part. Applicant requests that the Ct. confirm the Exchange Project is absolute, in part, by Applicant's application to beneficial use. Name of Water Right: Eagle Springs Golf Club Exchange Project, as described above. Eagle Springs Golf Club Wolford Mountain Reservoir Exchange: Upstream Terminus, O'Neill and Holland Ditch Second Enlargement: as described above. Downstream Terminus, Wolford Mountain Reservoir Releases: as described above. Date of Beneficial Use: 7/21/2022. Amt. Claimed as Absolute: 0.0161 c.f.s. Amt. Remaining Conditional: 0.0159 c.f.s. Statement of Beneficial Use: Water was released from Wolford Mountain Reservoir pursuant to Applicant's supply contracts at a rate of 0.0161 c.f.s. to satisfy an administrative call in effect on 7/21/2022. Eagle Springs Golf Club Ruedi Reservoir Exchange: Upstream Terminus, O'Neill and Holland Ditch Second Enlargement: as described above. Downstream Terminus, Ruedi Reservoir Releases: as described above. Date of Beneficial Use: 7/31/2022. Amt. Claimed as Absolute: 0.032 c.f.s. Amt. Remaining Conditional: 0 c.f.s. Statement of Beneficial Use: Water was released from Ruedi Reservoir pursuant to Applicant's supply contracts at a rate of 0.032 c.f.s. to satisfy an administrative call in effect on 7/31/2022. (7 pages of original application, Exh. A)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 2024. *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.*

24CW3083 GARFIELD COUNTY, ROARING FORK RIVER. Westbank Mesa Homeowners Association, Inc. c/o Ryan Jarvis and Charles Simon, JVAM PLLC, 305 Gold Rivers Ct, Ste 200, Basalt CO, 81621, (970) 922-2122. Application for Findings of Reasonable Diligence. First Claim; Name of structure: Westbank Well #IV-A. Original decree: 94CW143, entered on 01/29/1996, Div 5. Subsequent decrees: 02CW15, 10CW25, and 17CW3211. Location: Lot 13 of Sec 1 T7S R89W 6th PM, at a point from whence the NW corner of said Sec 1 bears N 12°13'57" W a distance of 1,567.27 ft and is approx. located 1,532 ft from the N sec. line and 311 ft from the W sec. line of said Sec 1. Source: Groundwater in Roaring Fork alluvium, trib. to Roaring Fork River. Approp. date: 04/11/1988. Amounts and uses: 0.22 cfs total. 0.11 cfs, abs., for domestic, irrigation, and fire protection purposes (as decreed in 02CW15). 0.11 cfs, cond. for domestic, irrigation, and fire protection purposes. Remarks: Westbank Well IV#-A operates pursuant to Well Permit No. 47968-F. The total annual volume to be produced by this well in combination with Westbank Well #IV-B is limited to 51.97 af. Second Claim; Westbank Well #IV-B. Original decree: 94CW143, entered on 01/29/1996, Div 5. Subsequent decrees: 02CW15, 10CW25, and 17CW3211. Location: Lot 13 of Sec 1 T7S R89W 6th PM, at a point from whence the NW corner of said Sec 1 bears N 07°25'16" W a distance of 1,376.93 ft and is approx. located 1,365 ft from the N sec. line and 159 ft from the W sec. line of said Sec 1. Source: Groundwater in Roaring Fork alluvium, trib. to Roaring Fork River. Approp. date: 04/11/1998. Amounts and uses: 0.22 cfs, total. 0.11 cfs, abs., for domestic, irrigation, and fire protection purposes (as decreed in 10CW25). 0.11 cfs, cond., for domestic, irrigation, and fire

protection purposes. Remarks: Westbank Well IV#-B operates pursuant to Well Permit No. 61746-F. The total annual volume to be produced by this well in combination with Westbank Well #IV-A is limited to 51.97 af. Third Claim; Westbank Ranch No. 1, Ltd., Well No. 3. Original decree: W-3691, entered on 10/11/1978, Div 5. Subsequent decrees: 82CW182, 86CW194, 92CW183, 98CW247, 02CW118, 05CW134, 12CW86, and 17CW3211. Location: SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 35 T6S R89W 6th PM at a point 1,017 ft N of the S Sec Line, and 1,326 ft W of the E Sec Line of said Sec 35. Source: Trib. to the Roaring Fork River. Approp. date: 04/11/1976. Amounts and uses: 0.077 cfs (35 gpm), abs., for domestic and commercial use (as decreed in W-3691 and 02CW118). 0.011 cfs (5 gpm), cond., for domestic and commercial use. Remarks: Westbank Ranch No. 1, Ltd., Well No. 3 operates pursuant to Well Permit No. 44829-F. This water right is owned in part by Westbank Ranch HOA and in part by the Applicant. Applicant is the sole owner of the remaining cond. portion of the water right. Application on file with the court includes a list of activities demonstrating diligence. (6 pages, 1 exhibit).

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17. 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 JUNE 2024. 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.

24CW3084 GRAND COUNTY. Application for Finding of Reasonable Diligence. Applicant: Williams Fork Valley Ranch, LLC, c/o Sara M. Dunn & Andrea J. Hall, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546. Application: Applicant requests the Ct. find it has exercised reasonable diligence in the development of the conditional water rights for Upper Grand Creek Ranch Reservoir and Lower Grand Creek Ranch Reservoir ("Subject Water Rights"). The Subject Water Rights are shown in Figure 1 on file with the Water Ct. All water rights were originally decreed in Dist. Ct., Water Div. 5 in 09CW180 entered on 11/21/2011 and subsequent diligence decreed in 17CW3228 on 6/03/2018. Name of Structure: Upper Grand Creek Ranch Reservoir. Legal Description: An on-channel structure, the dam for which crosses Skylark Creek in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 20, T. 1 S., R. 78 W. of the 6th P.M., 1,100 ft. from the N. Sec. line and 560 ft. from the W. Sec. line of said Sec. 20. Source: Skylark Creek, a tributary to the Williams Fork River, a tributary to the CO River. Date of Approp.: 8/26/2008. Amt.: 31.0 AF, of which 20.9 AF were confirmed absolute in 17CW3228, and 10.1 AF remain conditional, with a right to refill repeatedly when such Reservoir is in priority and to the extent storage space is available. Use: Stock water, piscatorial, rec., in-place wildlife watering use, and irr. of 240 acres in Secs. 19 and 20, T. 1 S., R. 78 W., of the 6th P.M. Remarks: In 17CW3228, the Ct. found that 20.9 AF had been diverted and stored in this reservoir for decreed beneficial uses. This finding means this volume should be absolute for all decreed uses pursuant to C.R.S. § 37-92-301(4)(e)(IV). Applicant hereby requests the Ct. to confirm this result. Name of Structure: Lower Grand Creek Ranch Reservoir. Legal Description: an on-channel structure, the dam for which crosses Skylark Creek in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 17, T. 1 S., R. 78 W. of the 6th P.M., 2,500 ft. from the N. Sec. line and 150 ft. from the W. Sec. line of said Sec. 17. Source: Skylark Creek, a tributary to the Williams Fork River, a tributary to the CO River. Date of Approp.: 08/26/2008. Amt.: 3.5 AF, of which 3.35 AF was confirmed absolute in 17CW3228, and 0.15 AF remains conditional, with right to refill repeatedly when such Reservoir is in priority and to the extent storage space is available. Use: Stock watering, piscatorial, and rec. Remarks: In 17CW3228, the Ct. found that 3.35 AF had been diverted and stored in this reservoir for decreed beneficial uses. This finding means this volume should be absolute for all decreed uses pursuant to C.R.S. § 37-92-301(4)(e)(IV). Applicant hereby requests the Ct. to confirm this result. Integrated System: The Subject Water Rights for the Williams Fork Valley Ranch comprise an integrated system of water rights and structures decreed and to be used for the uses and proposed uses identified in 17CW3228. *See Decree ¶ 12, 17CW3228.* All work performed, and efforts and costs expended on any water right or structure that is part of this integrated water system constitutes development of water rights for all features of the system. C.R.S. § 37-92-301(4)(b). Work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of the conditional water rights. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. 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. (6 pages of original application, Fig. 1)

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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 JUNE 2024. 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.

24CW3085 MESA COUNTY. Application to Make Absolute. Applicants: Jason Arthur and Erin Arthur, c/o John T. Howe, Hoskin, Farina & Kampf, Professional Corporation, Post Office Box 40, Grand Junction, Colorado 81502; (970) 986-3400. Prior Decree: June 10, 2018, Case No. 2017CW3246, Water Division 5. Name of Structure: Castle Peak Diversion. Source: Spring Creek, tributary to Plateau Creek, tributary to the Colorado River. Location of point of diversion: UTM: Zone 12, Easting 750300.81, Northing 4340812.15; PLSS: SE1/4 SE1/4 of Section 16, Township 10 South, Range 96 West of the Sixth Principal Meridian. Location of alternate point of diversion: UTM: Zone 12, Easting 750306.87, Northing 4340842.14; PLSS: SE1/4 SE1/4 of Section 16, Township 10 South, Range 96 West of the Sixth Principal Meridian. Use: Year-round hydroelectric power generation. Appropriation Date: December 29, 2017. Quantity: 0.50 c.f.s. conditional. Landowner: Applicants. Applicants seek to make Castle Peak Diversion absolute in the amount of 0.50 c.f.s. for the decreed use of year-round hydroelectric power generation.

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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 JUNE 2024. *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.*

24CW3086 (17CW3232) (10CW198) – GRAND COUNTY – APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name, Mailing Address, Phone Number, and E-mail Address of Applicant, Fraser Valley Metropolitan Recreation District, c/o Scott Ledin, Executive Director, P.O. Box 3348, Winter Park, Colorado 80482, Phone: (970) 726-8968, E-mail: scott@fraservalleyrec.org. Direct all pleadings to David F. Bower and Cameron C. Frazier, Johnson & Repucci LLP, 850 W. South Boulder Road #100, Louisville, Colorado 80027, Phone: (303) 546-5608, E-mail: dfbower@j-rlaw.com and ccfrazier@j-rlaw.com. 2. Overview. Applicant requests a finding of reasonable diligence for the conditional portion of the two underground water rights decreed to the FVMRD Sports Complex Well Nos. 1 and 2. The subject water rights are used to provide municipal and commercial water supply to FVMRD's Sports Complex, including for the "The IceBox," the partially enclosed ice rink at the Sports Complex. The Sports Complex is located north of the Town of Fraser on County Road 5, just west of U.S. Highway 40. A map showing the location of the Sports Complex and the subject wells is attached hereto as Figure 1. 3. Original and Subsequent Decrees. The original decree for the subject water rights was entered on November 17, 2011, in Case No. 10CW198, Water Division 5. A subsequent decree making portions of the rights absolute and a finding of reasonable diligence for the remainder of the rights was entered on June 10, 2018, in Case No. 17CW3232, Water Division 5. 4. Description of Underground Water Rights. (a) Name of Well. FVMRD Sports Complex Well No. 1 [WDID 5105911]. (i) Legal Description. NE1/4 SW1/4 of Section 18, Township 1 South, Range 75 West, of the 6th P.M., at a point 2,300 feet from the south section line and 3,000 feet from the east section line of said Section 18. (ii) Source of Water. Groundwater tributary to the Fraser River, tributary to the Colorado River. (iii) Uses. Municipal and commercial (including drinking and sanitary purposes), irrigation, and recreation (including operation of an ice resurfacer) uses. Irrigation is limited to minor incidental irrigation around Sports Complex buildings. (iv) Amount. 9.6 gpm, absolute, 40.4 gpm conditional. The total cumulative diversion from FVMRD Sports Complex Well No. 1 and FVMRD Sports Complex Well No. 2, combined shall be no more than 5 acre-feet/year. (v) Appropriation Dates. (A) May 4, 1999, for drinking and sanitary purposes, for 1/3 acre-foot/year and a maximum pumping rate of 15 gpm. (B) July 30, 2010, for municipal, commercial, irrigation and recreation uses, including operation of an ice resurfacer. (b) Name of Well. FVMRD Sports Complex Well No. 2 [WDID 5105912]. (i) Legal Description. NE1/4 SW1/4 of Section 18, Township 1 South, Range 75 West, of the 6th P.M., at a point 1,668 feet from the south section line and 2,349 feet from the west section line of said Section 18. (ii) Source of Water. Groundwater tributary to the Fraser River, tributary to the Colorado River. (iii) Uses. Municipal and commercial (including drinking and sanitary purposes), irrigation, and recreation (including operation of an ice resurfacer) uses. Irrigation is limited to minor incidental irrigation around Sports Complex buildings. (iv) Amount. 10 gpm, absolute, 40 gpm, conditional. The total cumulative diversion from FVMRD Sports Complex Well No. 1 and FVMRD Sports Complex Well No. 2, combined shall be no more than 5 acre-feet/year. (v) Appropriation Dates. (A) May 4, 1999, for drinking and sanitary purposes, for 1/3 acre-foot/year and a maximum pumping rate of 15 gpm. (B) July 30, 2010, for municipal, commercial, irrigation and recreation uses, including operation of an ice resurfacer. (c) Remarks. FVMRD originally used two commercial-exempt groundwater wells, permitted under Permit Nos. 251341 and 251343, to provide a municipal water supply to the Sports Complex. Due to increasing water demand at the Sports Complex, FVMRD obtained a plan for augmentation and water rights for the two wells in Case No. 10CW198. As a result, the original well permits were cancelled and FVMRD Sports Complex Well Nos. 1 and 2 were re-permitted under Permit Nos. 75842-F and 75841-F, respectively, issued on January 27, 2012. 5. Claim for Finding of Reasonable Diligence. FVMRD seeks to continue as conditional the remainder of the water rights decreed in Case No. 10CW198 not recognized as absolute in Case No. 17CW3232. Besides continuing to use the wells and account for that pumping with the Division Engineer's Office, the following activities have been performed to put the subject water rights to beneficial use during the subject diligence period, and also show that FVMRD continues to have a need for the conditional water rights: (a) Rink Refrigeration. In 2017, FVMRD added refrigeration to the IceBox at substantial expense. This resulted in ice rink operations increasing from 100 days a year to a hockey and skating season that now runs from early October to the middle of April. The increased winter season at the IceBox has also resulted in more water demand, whether it be for players and visitors using the restrooms and locker facilities, other commercial

operations, or running the ice resurfacer with water supplied by the Sports Complex wells. (b) Hockey Expansion. Besides the extended winter season at the IceBox, youth and adult hockey leagues continue to grow in the area, with FVMRD running out of ice time for all users. FVMRD has also been in contact with local hockey groups to expand The IceBox facilities, including four additional locker rooms with sinks and showers and two additional water filling stations. FVMRD is also considering flooding an old ice rink at the Sports Complex to provide additional ice time for youth hockey programs when the weather permits. This additional ice rink would further increase immediate water needs. (c) Ice Resurfacer. FVMRD also pays approximately \$3,200 per year for ice resurfacer maintenance, which uses water from the FVMRD Sports Complex Well No. 1 for resurfacing the rink at The IceBox. With additional hockey leagues and other usage coming to The IceBox, the total costs are expected to increase. (d) Year-Round IceBox Events. FVMRD has also purchased sport court tile which covers the ice rink surface at the IceBox in the spring and fall. The surface is used for box lacrosse leagues and pickleball, resulting in more year-round visitors. (e) Additional Sports Complex Facility Expansion. Large tournaments and events continue to increase at the Sports Complex, including Labor Day Weekend, Fraser Valley Double Volleyball Tournament, Leaving Planet Earth Party, and the Grand Foundation Corn Hole Tournament. Winter Park Adventure Quest also leases space at the Sports Complex for a ropes course and paintball activities. To address all of this increased demand, FVMRD is currently planning future facility and infrastructure projects that rely upon and will be served by the FVMRD Sports Complex Well Nos. 1 and 2, including permanent restrooms at the center of the Sports Complex and expanded restrooms along County Road 5. In addition, two more outdoor water fountains are planned for the Sports Complex. (f) Well O&M Activities and Expenses. FVMRD has also continued to incur expenses in operating and maintaining the FVMRD Sports Complex Well Nos. 1 and 2. (g) General Engineering and Legal Expenses. FVMRD has also incurred legal and engineering fees associated maintaining and developing the subject conditional water rights, as well as monitoring other applications in Division 5 that could potentially injure its interests. 6. Integrated System. The FVMRD Sports Complex Well Nos. 1 and 2 are used in conjunction with each other to provide the total water supply to the Sports Complex's water system. Because the water rights that are the subject of this diligence application are all component parts of an integrated water supply system pursuant to paragraph 4 of Section III of the decree entered in Case No. 10CW198, any work on one feature of the system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system, pursuant to C.R.S. § 37-92-301(4)(b). 7. Name and Address of Landowner upon which any New or Modified Diversion or Storage Structure is Located. The FVMRD Sports Complex Well Nos. 1 and 2 are on land owned by FVMRD. WHEREFORE, Applicant respectfully requests that the Court enter a decree finding that Applicant has been reasonably diligent in its efforts to develop the conditional portion of the FVMRD Sports Complex Well Nos. 1 and 2 based upon the activities set forth in this application, and continue those rights for their full decreed conditional amounts for an additional six-year diligence period or until such time as a determination is made that the rights have been made absolute in their entirety. (6 pages plus exhibit)

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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 JUNE 2024. *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.*

24CW3087 GARFIELD COUNTY. PROPER AND WEATHERLY SPRING NO. 1 and PROPER AND WEATHERLY SPRING NO. 2, TRIBUTARY TO EAST ELK CREEK TRIBUTARY TO THE COLORADO RIVER. Cory B. Nielson and Jong Ok Nielson, c/o Robert M. Noone, Esq., The Noone Law Firm, P.C., P.O. Drawer 39, Glenwood Springs, Colorado 81602. (970) 945-4500. Application to Make Conditional Irrigation Water Right Absolute. Name of Structure: Proper and Weatherly Spring No. 1 and Proper and Weatherly Spring No. 2. Original Decree: March 16, 1973, Case No. W-1109; Water Court, Division No. 5. Legal Description: The Proper and Weatherly Spring No. 1 is located at a point whence the Northeast Corner of section 6, T. 5S., R. 90W. of the 6th P.M. bears N. 30°22'10" E. 4,775.66 ft. The Proper and Weatherly Spring No. 2 is located at a point whence the Northeast Corner of Section 6, T. 5S., R. 90W. of the 6th P.M. bears N. 89°34'44" W. 12 feet and N. 30°22'10" E. 4,775.66 feet. Source: Springs tributary to East Elk Creek, tributary to the Colorado River. Appropriation Date: October 15, 1971. Amount Decreed and Uses: The original decreed amount of 0.20 cfs (89.77 gpm) was decreed 0.09 cfs (40.39 gpm), absolute, for domestic and irrigation uses, and 0.11 cfs (49.39 gpm), conditional, for domestic and irrigation uses. Of the 0.20 cfs (89.77 gpm) total original decreed amount, 0.06 cfs (26.93 gpm) was for domestic use and 0.14 cfs (62.84 gpm) was for irrigation use. Request to Make Irrigation Rights Absolute: Background: Irrigation Use: 0.03 cfs/13.5 gpm were decreed absolute in Case No. W-1109 for the irrigation of 4.0 acres claimed in the Application as then being irrigated. Because Proper and Weatherly divided the water rights decreed to the Proper and Weatherly Springs equally, the Applicants are entitled to claim 0.015 cfs/6.75 gpm decreed absolute for the irrigation of their 2 acres previously owned by Weatherly and pumped from Spring No. 2 located on the Applicants' property. Of the total 6.4 acres irrigated by the Applicants, therefore, 2.0 acres are being irrigated under the 0.015 cfs/6.72 gpm absolute irrigation right decreed in Case No. W-1109. For the irrigation of their remaining 4.4 acres, the Applicants have also pumped from Spring No. 2 under the conditional irrigation right at the rate of 0.046 cfs/20.6 gpm (as measured on June 20, 2017), and the Court granted their request in Case No. 17CW3173 that 0.046 cfs/20.6 gpm be made absolute, while continuing as conditional the remaining 0.009 cfs/4.03 gpm balance of their one-half share of the rights

conditionally decreed in Case No. W-1109 for irrigation purposes. It is the remaining 0.009 cfs/4.03 gpm balance of their one-half share of the rights conditionally decreed in Case No. W-1109 for irrigation purposes and continued as conditional in Case No. 17CW3173 that the Applicants are requesting be made absolute, thereby completing the appropriation of their full irrigation water entitlement. 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: During the preceding diligence period the Applicants have undertaken a number of activities which demonstrate completion of the appropriation of the irrigation component of the subject water right. Examples of specific activities undertaken by the Applicant during the preceding diligence period (June 30, 2018, through June 30, 2024) are as follows: A. Commencing July 1, 2018, and having incurred expenses of no less than \$5,000.000, the Applicants have taken steps to further improve and maximize the efficiency of their irrigation water collection and distribution system by burying all new piping and electrical conduit, and, during the past year, purchasing and installing a new submersible Goulds 25GS15 pump in their wet well where their water is collected from the Proper and Weatherly Spring Nos. 1 and 2. B. As recently as June 27, 2024, and based on pressure readings, pump curve, and stabilization of the wet well where their water is collected from the Proper and Weatherly Spring Nos. 1 and 2, the Applicant, Cory B. Nielson, was able to pump the Applicants' full irrigation entitlement of 0.07 cfs/31.38 gpm for the irrigation of their 6.4 acres depicted on the attached Figure 1 (including the 0.09 cfs/4.03 gpm conditional rights as decreed in the most recent diligence Case No. 2017CW3173). 5. Name and Address of Owner of Land on which point of diversion and place of use are located: Applicants. (4 pages, plus exhibit.)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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.

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 JUNE 2024. *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.*

24CW3088 PITKIN COUNTY, ROARING FORK RIVER. Board of County Commissioners of Pitkin County, Colorado c/o Laura Makar, Deputy County Attorney, 530 E. Main St., Ste. 301, Aspen, Co 81611, (970) 920-5190. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of structure: Aspen-Pitkin County Exchange. Type: Exchange. Original Decree: Case No.: 99CW306, District Court, Water Division 5, Colorado, January 31, 2005. Subsequent decree: 11CW6, District Court, Water Division 5, Colorado, October 30, 2011; 17CW3204, District Court, Water Division 5, Colorado, June 3, 2018. Legal description: Three maps illustrating the location of the Airport Exchange are on file with the court. The appropriative right of exchange will operate on the Roaring Fork River between the Airport property and the downstream confluence of the Roaring Fork River with the Fryingpan River by releases from Ruedi Reservoir, the location of which is located in parts of Sections 7, 8, 9, 11, 14, 15, 16, 17 and 18, Township 8 South, Range 84 West of the 6th P.M. in Pitkin and Eagle Counties, Colorado. The dam is located in the NW1/4 of Section 18, Township 8 South, Range 84 West of the 6th P.M. The initial point of survey of the dam is on the right abutment thereof at a point whence the southwest corner of Section 7, Township 8 South, Range 84 West of the 6th P.M. bears North 68°58' West a distance of 1126 feet. Exchange-From Point: The confluence of the Fryingpan River and Roaring Fork River which is currently located in Section 7, Township 8 South, Range 86 West, of the 6th P.M. Exchange-To Point: Section 2, Township 10 South, Range 85 West, of the 6th P.M., at a point approximately 1,350 feet south of the north section line and 1,850 feet east of the west section line. Source: Ruedi Reservoir, pursuant to a water allotment contract with the Basalt Water Conservancy District. Appropriation Date: December 29, 1999. Amount: 25 acre-feet per year, conditional; 0.14 c.f.s., conditional maximum exchange rate. Use: Augmentation and replacement by exchange of depletions to the Roaring Fork River. A detailed outline of what has been done toward completion of the appropriation is on file with the Court. Name and address of owner of the land upon which structure is located and upon which water will be used: Applicant.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 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 JUNE 2024. *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.*

24CW3089 PITKIN COUNTY. CASTLE CREEK. ASP Properties, LLC, c/o Corona Water Law, 218 E. Valley Road #104 PMB 166, Carbondale, CO 81623, (970) 948-6523, cc@craigcoronalaw.com. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Structure: Upper Pond (N2 Pond), First Enlargement. Original decree date: June 30, 2018. Case No.: 16CW3113. Water Court Division No. 5. Diligence decrees: N/A. Legal description: UTM: Northing: 4328551.4 Easting: 342549. PLSS: NW SW

S18, T11S, R84W, 6th P.M., 2,160 feet from south and 420 feet from the west line. Street address: 8473 & 8475 Castle Creek Road, Aspen, CO 81611. **Source: Sawyer Creek, tributary to Castle Creek, the Roaring Fork and Colorado Rivers, to be diverted through the Hayden Peak Ditch, No. 2.** Appropriation date: October 20, 2016. Amount: 2.25 acre-feet, conditional. Ditch diversion location, UTM: Northing 4328597, Easting 342320; PLSS: SE SE S13 T11S R85W, 6th PM; 925 feet from south, 330 feet from east. Uses: Augmentation pursuant to a decreed plan for augmentation, stock water; fire protection, piscatorial, recreation, and irrigation purposes. Work completed during diligence period on file with the Court. Amount remaining conditional: 2.25 acre-feet. For additional information, email Craig Corona at cc@craigcoronalaw.com.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 2024. *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.*

24CW3090 EAGLE COUNTY, EAGLE AND COLORADO RIVERS. Sweetwater Ranch, LLC c/o JVAM PLLC 305 Gold Rivers Court, Ste 200 Basalt, 81621, (970) 922-2122. Application for Findings of Reasonable Diligence and to Make Absolute in Part. First Claim: Dotsero Station Well No. 1. Original decree: 10CW306. Subsequent decrees: 18CW3002. Location: The well is located in the SE1/4 NE1/4, Sec 5 T5S R86W 6th PM at a point 2,600 ft from the S sec. line and 50 ft from the E sec. line of said Sec 5. Source: Groundwater trib. to the Eagle River, trib. to the Colorado River. Approp. date: 11/1/2010. Amounts and uses: 0.11 cfs (9.1 af annually), for domestic, commercial, irrigation, and fire protection. Legal desc. of irrigated area: Approx. 1.0 acre located within Applicant's property, now known as Lots 2A and 2B of the Dotsero Station at Sweetwater Ranch according to the plat recorded at Reception No. 201218686, Eagle Cty., and previously described as Lot 2 on the plat recorded at Reception No. 200623662, Eagle Cty. Depth: Approx. 33 ft. Remarks: This water right will operate in conjunction with the plan for aug approved in 10CW306, and in combination with Dotsero Station Well No. 2. The max combined rate of diversion and annual volume of groundwater production by Dotsero Station Well Nos. 1 and 2 shall not exceed 0.11 cfs or 9.1 af annually. Owner of land: Applicant. Claim to make abs. in part: On 5/1/2024, Applicant diverted up to 0.07 cfs from the Dotsero Well No. 1 for domestic use inside a single-family residence on Applicant's Property. Amounts and uses remaining cond: 0.04 cfs for domestic and 0.11 cfs for commercial, irrigation, and fire protection. Second Claim: Name of structure: Dotsero Station Well No. 2. Original decree: 10CW306. Subsequent decrees: 18CW3002. Location: The well is located in the SW1/4 NE1/4, Sec 5 T5S R86W 6th PM at a point 1,870 ft from the N sec. line and 1,770 ft from the E sec. line of said Sec 5. Source: Groundwater trib. to the Colorado River. Approp. date: 11/1/2010. Amounts and uses: 0.11 cfs (9.1 acre ft annually), cond., for domestic, commercial, irrigation, and fire protection. Legal desc. of irrigated area: Approx. 1.0 acre within Applicant's property. Depth: Approx. 100 ft. Remarks: This water right will operate in conjunction with the plan for aug decreed in 10CW306, and in combination with Dotsero Station Well No. 1. The max combined rate of diversion and annual volume of groundwater production by Dotsero Station Well Nos. 1 and 2 shall not exceed 0.11 cfs or 9.1 af annually. Owner of land: Applicant. Third Claim. Name of structure: Dotsero Station Exchange. Original decree: 10CW306. Subsequent decrees: 18CW3002. Downstream terminus: Confluence of Roaring Fork River and Colorado River, which is located in SE1/4 NW1/4 Sec 9 T6S R89W 6th PM at a point 2,145 ft from the N sec. line and 2,407 ft from the W sec. line. Upstream terminus: Dotsero Station Well No. 1, as described above. Date of Approp.: 11/1/2010. Max rate of exchange: 0.04 cfs, cond. (limited to 3.5 af annually). Remarks: This exchange will be operated in conjunction with the plan for aug decreed in 10CW306. Water released from Ruedi Reservoir will be exchanged from the confluence of the Roaring Fork and Colorado Rivers to Dotsero Station Well No. 1. A shorter reach of this exchange will be used to exchange water released from Green Mountain and Wolford Mountain Reservoirs from the confluence of the Colorado and Eagle Rivers to Dotsero Station Well No. 1. This exchange will not operate when the instream flow rate on the Eagle River, decreed in 5-80CW124, is not met. An outline of the activities evidencing reasonable diligence in the development of the approp. for the subject water rights is included in the Application on file with the Court (6 pages, 2 exhibits).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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.

24. 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 JUNE 2024. *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.*

24CW3091 EAGLE, GRAND, AND PITKIN COUNTIES. Application for Conditional Groundwater Right and Plan for Augmentation Including Exchange Project. Applicant: Kathy Hagan, c/o Sara Dunn & Blake Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546. Applicant requests conditional groundwater right in the Irons Well No. 2 structure for dom. use within one additional single-family dwelling unit ("ADU") located on her property. Applicant further requests approval of a plan for aug. including exchange project to replace the out of priority depletions resulting from operation of this new water right to prevent injury to vested water rights holders in the Eagle River or CO River watersheds. Applicant owns Lot 2 of the Iron Oaks Subdivision near Wolcott, CO. Irons Well No. 2 (Permit No. 66816-F) serves Lot 2. Irons Well No. 2 provides dom. use in one single-family dwelling, irr. of 5,500 square ft., and fire protection uses. A map depicting the location of Irons Well No. 2 attached as Exhibit A 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.) Applicant is building an ADU on her property. Applicant will use the new groundwater right in Irons Well No. 2 applied for herein to supply the dom. demands of the ADU. Out-of-priority depletions resulting from use of this groundwater right to supply the ADU will be augmented through the plan for aug. requested herein. First Claim Conditional Groundwater Right. Name of Water Right: Irons Well No. 2, First Enlargement. Legal Description: NW1/4 SE1/4, Sec.27, T. 4 S., R. 83 W., of the 6th P.M., 2,740 ft. from the N. Sec. line and 2,520 ft. from the E. Sec. line. Source: Groundwater tributary to Travis Creek, tributary to Eagle River, tributary to CO River. Depth: 235 ft. Date of Approp.: 06/28/2024. How Approp. was Initiated: Formation of intent to construct ADU and the filing of the application. Amt. and Uses: 15 g.p.m., conditional, not to exceed 0.29 AF/year, for dom. use inside one ADU. Remarks: Irons Well No. 2 currently operates under Permit No. 66816-F. The Applicant shall obtain a new well permit for the well from the DWR prior to diversion of the Irons Well No. 2, First Enlargement. Applicant shall augment all out-of-priority depletions from Irons Well No. 2, First Enlargement pursuant to the plan for aug. requested in the Second Claim. Second Claim Approval of Plan for Aug. Water Right to be Augmented: Irons Well No. 2, First Enlargement. Water Rights to be Used for Aug.: Applicant will utilize the replacement water supplies described below available under a pending contract with CRWCD. The Applicant water uses will be augmented during an administrative call by releases from the CRWCD's CO River Supply Sources as described in the application and available on CRWCD's website <https://www.coloradoriverdistrict.org/lease-water/> including the Wolford Mountain Reservoir, Ruedi Reservoir and Eagle River Supply Sources. Statement of Plan for Aug.: Applicant requests a new plan for aug. that will replace out-of-priority depletions occurring on Travis Creek, a tributary of the Eagle River, a tributary of the CO River, caused by in-house dom. use of the Iron Wells No. 2, First Enlargement. Dom. use of the Iron Well No. 2, First Enlargement within one ADU will result in an annual depletion of 0.030 AF, as further described in Table 1 attached as Exhibit B. Out-of-priority depletions resulting from this dom. use will be augmented using the replacement supplies described above. Replacement of out-of-priority depletions will be delivered through the water exchange project described below, and the source of replacement delivered by exchange will or may vary depending on the location of the senior calling rights. The out-of-priority depletions and potential call replacement schedule for both the CO River replacement supplies and the Eagle River replacement supplies is summarized in Exhibit B. This plan for aug. utilizes 0.20 AF of CRWCD supplies to replace out-of-priority depletions resulting from use of the Irons Well No. 2, First Enlargement. The CRWCD aug. supply is adequate in volume to replace all out-of-priority depletions resulting from use of the Irons Well No. 2, First Enlargement under this plan for aug. Dom. Demands Associated with Irons Well No. 2, First Enlargement: Irons Well No. 2, First Enlargement will provide the dom. supply for the Applicant's ADU. The cumulative diversion volume for dom. use is estimated at 0.29 AF/year and the resulting depletion is estimated at 0.030 AF. A monthly summary of the diversions and depletions is on Table 1 of the attached Exhibit B. During periods when the Irons Well No. 2, First Enlargement would otherwise be subject to administrative curtailment to satisfy a senior call, water will be released under Applicant's CRWCD contract in an Amt. sufficient to offset the out-of-priority depletions for the uses identified above. This plan for aug. is sufficient to permit the continuation of diversions when curtailment would otherwise be required to meet a valid senior call for water on the CO River below its confluence with the Eagle River or the Eagle River below its confluence with Travis Creek, to the extent that the Applicant provides replacement water necessary to meet the lawful requirements of a senior water right at the time and location and to the extent the senior would be deprived of his or her lawful entitlement by the Applicant's diversion. When the Irons Well No. 2, First Enlargement is out of priority and subject to curtailment under a valid administrative call on the CO River mainstem, water will be supplied from Wolford Mountain Reservoir, Ruedi Reservoir, or the Eagle River Supplies described above to replace the out-of-priority depletions. If the administrative call is on the Eagle River, water will be made available from Eagle River Supplies to replace out-of-priority depletions. The replacement supplies utilized in each instance will vary depending on the location of the senior call to which replacement water is provided under this plan, described as follows: *Eagle River:* At times when the Irons Well No. 2, First Enlargement is out-of-priority due to a valid call administered on the Eagle River at or below its confluence with Travis Creek, diversions for the augmented uses may continue as long as there is sufficient aug. water available to Applicant under the Eagle River Supplies that can be delivered above the calling right to replace out-of-priority depletions augmented under this plan. All water made available from the Eagle River Supplies accrues to the Eagle River upstream of the confluence of the Eagle River and Travis Creek, which is where depletions from use of the Irons Well No. 2, First Enlargement first impacts the Eagle River. *CO River above the Roaring Fork River:* At times when the Irons Well No. 2, First Enlargement is out of priority due to a valid call administered on the CO River above its confluence with the Roaring Fork River, diversions for the augmented uses may continue as long as there is sufficient aug. water available to Applicant under the CO River Supplies from Wolford Mountain Reservoir or the Eagle River Supplies that can be delivered above the calling right to replace out-of-priority depletions augmented under this plan. All water made available from Wolford Mountain Reservoir and the Eagle River Supplies accrues to the CO River at or upstream of the confluence of the CO River and the Eagle River, which is where depletions from use of the Irons Well No. 2, First Enlargement first impacts the CO River. *CO River below the Roaring Fork River:* At times when the subject water rights are out of priority due to a valid call administered on the CO River below its confluence with the Roaring Fork River, diversions for the augmented uses may continue as long as there is sufficient

aug. water available to Applicant under the CO River Supplies from Wolford Mountain Reservoir or Ruedi Reservoir, or the Eagle River Supplies that can be delivered above the calling right to replace out-of-priority depletions augmented under this plan. Third Claim Conditional Water Exchange Project. Applicant is requesting approval of a water exchange project to utilize replacement sources in the above-described plan for aug. by exchange in accordance with C.R.S. §§ 37-92-103(9) and 37-92-305. Hagan Eagle River Supplies Exchange. Upper Terminus: the point of depletion for the Iron Well No. 2 on Travis Creek, generally described as the NW1/4 of the SE1/4 of Sec. 27, T. 4 S., R. 83 W. of the 6th P.M., at 1,800 ft. from the S. Sec. Line and 2,300 ft. from the E. Sec. Line, in Eagle Cty., CO. (UTM: 356422 Easting, 4392985 Northing NAD83). Lower Terminus: the confluence of Travis Creek and the Eagle River, located at a point in the NE1/4 of the SW1/4 of Sec. 23, T. 4 S., R. 83 W. of the 6th P.M., at 1,600 ft. from the S. Sec. Line and 2,500 ft. from the W. Sec. Line, in Eagle Cty., CO. (UTM: 357743 Easting, 4394194 Northing NAD83). Date of Approp.: 06/28/2024. Amt.: 0.2 g.p.m. (0.000042 c.f.s.) with an annual volumetric limit of 0.005 AF. Uses: Aug. of dom. depletions by exchange. The exchange project is comprised of the following three replacement exchanges. Hagan Wolford Mountain Reservoir Exchange. Upper Terminus: the point of depletion for the Irons Well No. 2 on Travis Creek, generally described as a point in the NW1/4 of the SW1/4 of Sec. 27, T. 4 S., R. 83 W. of the 6th P.M., at a distance of 1,800 ft. from the S. Sec. Line and 2,300 ft. from the E. Sec. Line, in Eagle Cty., CO. (UTM: 356422 Easting, 4392985 Northing NAD83). Lower Terminus: the confluence of the Eagle River and the CO River, located at a point in the SW1/4 of the NE1/4 of Sec. 5, T. 5 S., R. 86 W. of the 6th P.M., at a distance of 2,500 ft. from the N. Sec. Line and 2,000 ft. from the E. Sec. Line, in Eagle Cty., CO. (UTM: 323414 Easting, 4390485 Northing NAD83). Date of Approp.: 06/28/2024. Amt.: 0.2 g.p.m. (0.000042 c.f.s.), with an annual volumetric limit of 0.028 AF, cumulative with the Hagan Ruedi Reservoir Exchange described below. Uses: Aug. of dom. depletions by exchange. Hagan Ruedi Reservoir Exchange. Upper Terminus: the point of depletion for the Iron Well No. 2 on Travis Creek, generally described as NW1/4 of the SW1/4 of Sec. 27, T. 4 S., R. 83 W. of the 6th P.M., at a distance of 1,800 ft. from the S. Sec. line and 2,300 ft. from the E. Sec. line, in Eagle Cty., CO. (UTM: 356422 Easting, 4392985 Northing NAD83). Lower Terminus: the confluence of the Roaring Fork River and the CO River, located at SE1/4 of the NW1/4 of Sec. 9, T. 6 S., R. 89 W. of the 6th P.M., at 2,100 ft. from the N. Sec. Line and 2,400 ft. from the W. Sec. Line, in Garfield Cty., CO (UTM: 299761 Easting, 4380353 Northing NAD83). Date of Approp.: 06/28/2024. Amt.: 0.2 g.p.m. (0.000042 c.f.s.), with an annual volumetric limit of 0.028 AF, cumulative with Applicant's Wolford Mountain Reservoir Exchange described above. Uses: Aug. of dom. depletions by exchange. The exchange reaches described on the map attached as Exhibit C. 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: Applicant. WHEREFORE, the Applicant requests the Ct. enter a decree: 1) confirming a conditional groundwater right for the Irons Well No. 2, First Enlargement as described herein; 2) approving the plan for aug. as described herein; 3) confirming the conditional water exchange project as described herein; and 4) for such further relief that the Ct. may deem appropriate. (18 pages of original application, Exh. A-C)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 2024. *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.*

24CW3092 (17CW3064, 95CW272-A). EAGLE AND PITKIN COUNTIES. 1. Name, address and telephone number(s) of Applicant: Homestake Partners, comprising: The City of Colorado Springs, acting by and through its Enterprise Colorado Springs Utilities ("Colorado Springs"), c/o Kim Gortz, Water Supply Resources Manager, 1521 South Hancock Expressway, MC 1825, Colorado Springs, CO 80903, Phone: (719) 668-4052, Email: kgortz@csu.org; and: The City of Aurora, acting by and through its Utilities Enterprise, Aurora Water Utilities Department ("Aurora"), 15151 E. Alameda Parkway, Suite 3600, Aurora, CO 80012, Phone: (303) 695-7370, Email: AuroraWater@auroragov.org. Collectively, Colorado Springs and Aurora constitute the "Homestake Partners." Pleadings should be served on the undersigned counsel for the Applicant: *Homestake Partners:* Karl D. Ohlsen and Matthew L. Navarrette, Carlson, Hammond & Paddock, L.L.C., 1900 N. Grant St., Suite 1200, Denver, CO 80203, Phone: (303) 861-9000, Fax: (303) 861-9026, kohlson@chp-law.com, mnavarrette@chp-law.com; *Attorneys for the City of Colorado Springs, Colorado, acting by and through its enterprise, Colorado Springs Utilities:* Michael Gustafson and Nathan Endersbee, City Attorney's Office-Utilities Division, 30 S. Nevada Ave., Suite 501, P. O. Box 1575, Mail Code 510, Colorado Springs, CO 80901-1575, Phone: (719) 385-6422, Fax: (719) 385-5535, michael.gustafson@coloradosprings.gov, nathan.endersbee@coloradosprings.gov; *Attorneys for the City of Aurora, Colorado, acting by and through its Utility Enterprise:* Stephen C. Cann and Ian J. Best, 15151 E. Alameda Pkwy, Aurora, CO 80012-1555, Phone: (303) 517-6252, scann@auroragov.org, ibest@auroragov.org. **APPLICATION FOR A FINDING OF DILIGENCE. 2. Names of Structures:** 2.1. Blodgett Reservoir; 2.2. Homestake Creek Intake; 2.3. Turkey Creek Intake; 2.4. Eagle-Cross Pump and Pipeline; 2.5. Homestake Project structures, including: Homestake Conduit, East Fork Conduit, Homestake Tunnel, Homestake Reservoir, Eagle Arkansas Ditch; 2.6. Resolution Creek Reservoir; 2.7. Lower East Fork Reservoir; 2.8. Eagle Park Reservoir; 2.9. Eagle Park Wetland Irrigation System. **3. Describe conditional water rights:** 3.1. Blodgett Reservoir: 3.1.1. Original Decree: March 16, 2011, Case No. 95CW272-A, District Court Water Division No. 5. 3.1.2. Subsequent decrees awarding findings of

diligence: June 10, 2018, Case No. 17CW3064, District Court Water Division No. 5. 3.1.3. Location and Legal Description: The centerline of the dam axis is located on Homestake Creek within the NE¼ of the NE¼ of Section 6, T7S, R80W of the 6th P.M. at a point approximately 1,050 feet south of the north section line and 800 feet west of the east section line, Eagle County, Colorado. 3.1.4. Source: Homestake Creek. Water that is initially diverted from the Eagle River, Cross Creek, Fall Creek, Peterson Creek, or Turkey Creek may also be stored in Blodgett Reservoir pursuant to the provisions of the decree entered in Case No. 95CW272-A. 3.1.5. Appropriation Date: November 27, 1995. 3.1.6. Amount: 9,316 acre feet conditional. 3.1.7. Uses: 3.1.7.1. Exchange, augmentation, aquifer recharge, municipal, irrigation, commercial, domestic, industrial, snowmaking, recreation, fishery, wetland creation and irrigation, wildlife and including delivery to the Cities of Aurora and Colorado Springs, Colorado, for all such uses, and for reuse and successive use to extinction by the Cities of all such water delivered to the Eastern Slope. 3.1.7.2. Description of Non-Irrigation Purposes: Applicants may utilize the storage rights for purposes of developing their vested or conditionally decreed water rights, including those for the Homestake Project; for transmountain diversions directly to the Eastern Slope; and for meeting federal, state and local permit conditions that necessitate the use of water resources. Applicants may also use or transport water from this source for municipal, commercial, domestic, industrial, snowmaking, recreation, fishery, wildlife, exchange, and augmentation uses in the service areas of the Colorado River Water Conservation District, the Upper Eagle Regional Water Authority, and the Eagle River Water and Sanitation District as they now or hereafter exist, and of Cyprus-Climax Metals Company and Vail Associates, as they now exist. 3.1.7.3. Water delivered to the Eastern Slope may be used within any area capable of being served by these diversion and storage points and the Applicants' municipal water supply systems for any water supply obligations of Applicants for municipal and domestic purposes including, but not limited to, fire protection, irrigation of lawns, gardens, parks, private and municipal facilities, sanitary, commercial, manufacturing, mechanical and industrial use, recreational purposes, creation and maintenance of wetlands, stock watering, fish and wildlife propagation, allowable instream uses, if any, snowmaking, revegetation, storage and maintenance of storage reserves, reservoir evaporation replacement, augmentation, exchange, and replacement purposes, and for use, reuse for successive uses, disposition following initial use, and reuse until extinction. 3.1.7.4. Total Number of Acres Proposed to be Irrigated: Up to 275 acres within Eagle Park or Camp Hale ("Eagle Park") as described in Section 3.A.7.5 below. Applicants also reserve the right to use the water decreed herein for irrigation purposes within their respective water service areas. 3.1.7.5. Legal Description of Acreage Irrigated or to be Irrigated: The acreage to be irrigated on the Western Slope is located entirely within T7S, R80W of the 6th P.M. in an area comprising approximately 1,450 surface acres, in the following sections, commonly known as Eagle Park: Section 3: Part of the SW¼ of the SW¼; Section 4: Part of the SE¼; Section 9: Part of the E½; Section 10: Part of the W½ of the NW¼, Part of the NW¼ of the SW¼, Part of the S½ of the SW¼, Part of the SW¼ of the SE¼; Section 15: Part of the W½, Part of the W½ of the NE¼, Part of the SE¼; Section 16: Part of the E½ of the NE¼, Part of the NW¼ of the NE¼; Section 22: Part of the E½, Part of the E½ of the NW¼, Part of the NE¼ of the SW¼; Section 23: Part of the S½, Part of the S½ of the NW¼, Part of the SW¼ of the NE¼; Section 24: Part of the SW¼. See map attached hereto as Exhibit 1 and incorporated herein by this reference. 3.1.7.6. Delivery: Pipelines and/or one or more pumping stations may be constructed to deliver water from Blodgett Reservoir to other facilities referred to in the decree entered in Case No. 95CW272-A, including existing facilities, or to such newly constructed facilities as may be conducive for storage and transport to the final place of use by Applicants on the Eastern Slope of Colorado. 3.1.7.7. Augmentation Use: Reservoir releases may be made to augment or replace out of priority depletions as set forth in the Augmentation Plan described in Section 8 below, or to augment or replace out of priority depletions at other diversion facilities in the service areas of the Colorado River Water Conservation District, the Upper Eagle Regional Water Authority, and the Eagle River Water and Sanitation District, as they now or hereafter exist and of Cyprus-Climax Metals Company and Vail Associates, as they now exist; provided that augmentation use of the water, except as specified in Section 3.E below, shall only be made as provided in agreement with the owners of the water rights, and in accordance with the terms of a separately decreed augmentation plan providing for such use for the structures to be augmented. 3.1.8. Surface Area of Reservoir at High Water Line: 252 acres. 3.1.9. Maximum Height of Dam in Feet: 110 feet. 3.1.10. Length of Dam in Feet: 1,600 feet. 3.1.11. Total Capacity of Reservoir in Acre Feet: 9,316 acre feet. Active Capacity: 8,816 acre feet; Dead Storage: 500 acre feet. 3.1.12. Storage Capacity: The storage capacity claimed and decreed herein is the maximum volume that can be constructed at the claimed location outside the current boundaries of the Holy Cross Wilderness Area. 3.2. Homestake Creek Intake: 3.2.1. Original Decree: March 16, 2011, Case No. 95CW272-A, District Court Water Division No. 5. 3.2.2. Subsequent decrees awarding findings of diligence: June 10, 2018, Case No. 17CW3064, District Court Water Division No. 5. 3.2.3. Location and Legal Description: The proposed diversion facility will be located within the NE¼ of the SE¼ of Section 31, T6S, R80W of the 6th P.M. Eagle County, Colorado, at a point on Homestake Creek approximately 1,900 feet North of the South section line and 75 feet West of the East section line. 3.2.4. Source: Homestake Creek. 3.2.5. Appropriation Date: November 27, 1995. 3.2.6. Amount: 400 c.f.s., conditional. 3.2.7. Use: 3.2.7.1. Direct flow and storage for municipal, irrigation, exchange, augmentation, commercial, domestic, industrial, wetland creation and irrigation, recreation, fishery, wildlife uses, and including delivery to the Cities of Aurora and Colorado Springs, Colorado, for all such uses and for reuse and successive use to extinction by Applicants of all such water delivered to the Eastern Slope. 3.2.7.2. Description of Non-Irrigation Purposes: Applicants may utilize the water rights for purposes of developing their vested or conditionally decreed water rights, including those for the Homestake Project; for transmountain diversions directly to the Eastern Slope; and for meeting federal, state and local permit conditions that necessitate the use of water resources. Applicants may also use or transport water from this source for municipal, commercial, domestic, industrial, snowmaking, recreation, fishery, wildlife, exchange, and augmentation uses in the service areas of the Colorado River Water Conservation District, the Upper Eagle Regional Water Authority, and the Eagle River Water and Sanitation District as they now or hereafter exist, and of Cyprus-Climax Metals Company and Vail Associates, as they now exist. 3.2.7.3. Water delivered to the Eastern Slope may be used within any area capable of being served by these diversion and storage points and the Applicants' municipal water supply systems for any water supply obligations of Applicants for municipal and domestic purposes

including, but not limited to, fire protection, irrigation of lawns, gardens, parks, private and municipal facilities, sanitary, commercial, manufacturing, mechanical and industrial use, recreational purposes, creation and maintenance of wetlands, stock watering, fish and wildlife propagation, allowable instream uses, if any, snowmaking, revegetation, storage and maintenance of storage reserves, reservoir evaporation replacement, augmentation, exchange, and replacement purposes, and for use, reuse for successive uses, disposition following initial use, and reuse until extinction. 3.2.7.4. Delivery: Water diverted at this site may be delivered by pipeline to the Eagle Park Reservoir; to the Resolution Creek Reservoir; to the Lower East Fork Reservoir; to Homestake Reservoir, to Blodgett Reservoir, or to the Eastern Slope for storage and use by Applicants. 3.2.7.5. Augmentation Use. Augmentation use of the water diverted on this right on the Western Slope may be made in the service areas of the Colorado River Water Conservation District, the Upper Eagle Regional Water Authority, and the Eagle River Water and Sanitation District, as they now or hereafter exist and of Cyprus-Climax Metals Company and Vail Associates, as they now exist, pursuant to agreement with the Applicants and in accordance with the terms of separately decreed augmentation plans providing for such use for the structures to be augmented. 3.3. Turkey Creek Intake: 3.3.1. Original Decree: March 16, 2011, Case No. 95CW272-A, District Court Water Division No. 5. 3.3.2. Subsequent decrees awarding findings of diligence: June 10, 2018, Case No. 17CW3064, District Court Water Division No. 5. 3.3.3. Location and Legal Description: The proposed diversion facility will be located within the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, T6S, R80W of the 6th P.M., Eagle County, Colorado at a point on Turkey Creek approximately 1,500 feet South of the North section line and 880 feet East of the West section line. 3.3.4. Source: Turkey Creek. 3.3.5. Appropriation Date: November 27, 1995. 3.3.6. Amount: 200 cubic feet per second, conditional. 3.3.7. Use: 3.3.7.1. Direct flow and storage for municipal, irrigation, exchange, augmentation, commercial, domestic, industrial, wetland creation and irrigation, recreation, fishery, wildlife uses including delivery to the Cities of Aurora and Colorado Springs, Colorado, for all such uses, and for reuse and successive use to extinction by Applicants of all such water delivered to the Eastern Slope. 3.3.7.2. Description of Non-Irrigation Purposes: Applicants may utilize the water rights for purposes of developing their vested or conditionally decreed water rights, including those for the Homestake Project; for transmountain diversions directly to the Eastern Slope; and for meeting federal, state and local permit conditions that necessitate the use of water resources. Applicants may also use or transport water from this source for municipal, commercial, domestic, industrial, snowmaking, recreation, fishery, wildlife, exchange, and augmentation uses in the service areas of the Colorado River Water Conservation District, the Upper Eagle Regional Water Authority, and the Eagle River Water and Sanitation District as they now or hereafter exist, and of Cyprus-Climax Metals Company and Vail Associates, as they now exist. 3.3.7.3. Water delivered to the Eastern Slope may be used within any area capable of being served by these diversion and storage points and the Applicants' municipal water supply systems for any water supply obligations of Applicants for municipal and domestic purposes including, but not limited to, fire protection, irrigation of lawns, gardens, parks, private and municipal facilities, sanitary, commercial, manufacturing, mechanical and industrial use, recreational purposes, creation and maintenance of wetlands, stock watering, fish and wildlife propagation, allowable instream uses, if any, snowmaking, revegetation, storage and maintenance of storage reserves, reservoir evaporation replacement, augmentation, exchange, and replacement purposes, and for use, reuse for successive uses, disposition following initial use, and reuse until extinction. 3.3.7.4. Delivery: Water diverted hereunder may be delivered by pipeline to the Eagle Park Reservoir; to the Resolution Creek Reservoir; to the Lower East Fork Reservoir; to Blodgett Reservoir, to Homestake Reservoir; or to the Eastern Slope for storage and use by Applicants. 3.3.7.5. Augmentation Use: Augmentation use of the water diverted on this right on the Western Slope may be made in the service areas of the Colorado River Water Conservation District, the Upper Eagle Regional Water Authority, and the Eagle River Water and Sanitation District, as they now or hereafter exist and of Cyprus-Climax Metals Company and Vail Associates, as they now exist, pursuant to agreement with the Applicants and in accordance with the terms of separately decreed augmentation plans providing for such use for the structures to be augmented. 3.3.8. Conditions: All diversions shall be subject to the provisions of Paragraph 10.4 of the decree entered in Case No. 95CW272-A regarding the protection of CWCB Instream Flow water rights, and any out-of-priority diversions shall be fully augmented as provided in Section 3.F below. The maximum capacity of the Turkey Creek Intake shall be limited to 200 c.f.s. for diversions on this water right and on the Homestake Diversion Rights diverted at the intake pursuant to the change of water rights decreed in Section 7 of the decree entered in Case No. 95CW272-A. Diversions on this water right shall be subject to the volumetric limitations imposed in 3.D.8 below. 3.4. Eagle-Cross Pump and Pipeline: 3.4.1. Original Decree: March 16, 2011, Case No. 95CW272-A, District Court Water Division No. 5. 3.4.2. Subsequent decrees awarding findings of diligence: June 10, 2018, Case No. 17CW3064, District Court Water Division No. 5. 3.4.3. Location and Legal Description: 3.4.3.1. Cross Creek Intake: located within the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, T5S, R81W of the 6th P.M. at a point on Cross Creek approximately 2,000 feet East of the West section line and 1,250 feet North of the South section line. 3.4.3.2. Fall Creek Intake: located within the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13, T6S, R81W of the 6th P.M. at a point on Fall Creek approximately 4,300 feet East of the West section line and 2,400 feet South of the North section line. 3.4.3.3. Peterson Creek Intake: located within the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 24, T6S, R81W of the 6th P.M. at a point on Peterson Creek approximately 1,400 feet West of the East section line and 1,100 feet South of the North section line. 3.4.3.4. Eagle River Diversion: located within the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19, T6S, R80W of the 6th P.M. at a point on the Eagle River approximately 1,100 feet North of the South section line and 1,750 feet East of the West section line. 3.4.4. Source: Cross Creek, Fall Creek, Peterson Creek, and the Eagle River in the Eagle River Basin. 3.4.5. Appropriation Date: November 27, 1995. 3.4.6. Amount: 300 cubic feet per second, conditional, as follows: 3.4.6.1. Cross Creek intake: 300 c.f.s., conditional. 3.4.6.2. Fall Creek intake: 250 c.f.s., conditional. 3.4.6.3. Peterson Creek intake: 70 c.f.s, conditional. 3.4.6.4. Eagle River intake: 300 c.f.s., conditional. 3.4.7. Use: 3.4.7.1. Direct flow and storage for municipal, irrigation, exchange, augmentation, commercial, domestic, industrial, wetland creation and irrigation, recreation, fishery, wildlife uses, and including delivery to the Cities of Aurora and Colorado Springs, Colorado, for all such uses, and for reuse and successive use to extinction by Applicants of all such water delivered to the Eastern Slope. 3.4.7.2. Description of Non-Irrigation Purposes: Applicants may utilize the water rights for purposes of developing their vested or conditionally decreed water rights, including those for the Homestake Project; for transmountain diversions directly to

the Eastern Slope; and for meeting federal, state and local permit conditions that necessitate the use of water resources. Applicants may also use or transport water from this source for municipal, commercial, domestic, industrial, snowmaking, recreation, fishery, wildlife, exchange, and augmentation uses in the service areas of the Colorado River Water Conservation District, the Upper Eagle Regional Water Authority, and the Eagle River Water and Sanitation District as they now or hereafter exist, and of Cyprus-Climax Metals Company and Vail Associates, as they now exist. 3.4.7.3. Water delivered to the Eastern Slope may be used within any area capable of being served by these diversion and storage points and the Applicants' municipal water supply systems for any water supply obligations of Applicants for municipal and domestic purposes including, but not limited to, fire protection, irrigation of lawns, gardens, parks, private and municipal facilities, sanitary, commercial, manufacturing, mechanical and industrial use, recreational purposes, creation and maintenance of wetlands, stock watering, fish and wildlife propagation, allowable instream uses, if any, snowmaking, revegetation, storage and maintenance of storage resources, reservoir evaporation replacement, augmentation, exchange, and replacement purposes, and for use, reuse for successive uses, disposition following initial use, and reuse until extinction. 3.4.7.4. Delivery: Water diverted on this right may be delivered by pipeline to the Eagle Park Reservoir; to the Resolution Creek Reservoir; to the Lower East Fork Reservoir; to Homestake Reservoir; to Blodgett Reservoir, or to the Eastern Slope for storage and use by Applicants. 3.4.7.5. Augmentation Use: Augmentation use of the water diverted on this right on the Western Slope may be made in the service areas of the Colorado River Water Conservation District, the Upper Eagle Regional Water Authority, and the Eagle River Water and Sanitation District, as they now or hereafter exist and of Cyprus-Climax Metals Company and Vail Associates, as they now exist, pursuant to agreement with the Applicants and in accordance with the terms of separately decreed augmentation plans providing for such use for the structures to be augmented. 3.4.8. All diversions shall be subject to the provisions of Paragraph 10.4 of the decree entered in Case No. 95CW272-A regarding the protection of CWCB Instream Flow water rights, and any out-of-priority diversions shall be fully augmented as provided in Section 3.F below. The maximum capacity of the Eagle Cross-Pump and Pipeline will be limited to 400 c.f.s., and average daily diversions at the individual intakes, on both the Homestake Conditional Diversion Rights diverted at the Pipeline intakes pursuant to the changed and alternate points of diversion in Section E below and these water rights, will be limited to the following rates of flow: 3.4.8.1. Cross Creek intake: 300 c.f.s. or 600 acre-feet per day. 3.4.8.2. Fall Creek intake: 250 c.f.s. or 500 acre-feet per day. 3.4.8.3. Peterson Creek intake: 70 c.f.s. or 140 acre-feet per day. 3.4.8.4. Eagle River intake: 300 c.f.s. or 600 acre-feet per day. Cumulative diversions at the Homestake Creek Intake, the Turkey Creek Intake, and the Eagle-Cross Pump and Pipeline on both the Homestake Conditional Diversion Rights diverted at such intakes pursuant to the changed and alternate points of diversion in Section 7 below and these water rights, will be limited to a volume of 280,000 acre feet over any ten year period and limited in accordance with the provisions of the 1998 Memorandum of Understanding between the Applicants, the Colorado River Water Conservation District, the Upper Eagle Regional Water Authority, Cyprus - Climax Metals Company, the Eagle River Water and Sanitation District and Vail Associates (the "Eagle River MOU" or "MOU"), a copy of which is attached as Exhibit 2. Pursuant to the MOU, the Western Slope signatories are to receive "up to 10,000 a-f of firm dry year yield" from the phased joint use project identified therein. See MOU Paragraph iv(b)(1). The Cities are to receive 20,000 a-f of yield on a 25-year rolling average, MOU Paragraph iv(b)(2), with the possibility of receiving an additional increment of yield as allowed under MOU Paragraph IV.C.3.D, i.e., up to approximately 3,500 a-f. This "Cap" applies to the Cities' diversions to be made from the Eagle River Basin under the remaining conditional water rights decreed to the Homestake Project by the Homestake Project Decrees and the water rights decreed in Cases No. 88CW449 and 95CW272-A. It serves to limit the total amount of water available under such conditional water rights to the "capped" amount. 3.5. Plan for Augmentation Including Exchange: Applicants' diversions on the Homestake Project Water Rights and the 88CW449 Water Rights. 3.5.1. Water Rights to be Augmented: All rights absolutely or conditionally decreed to the Homestake Project, including the Homestake Conduit, East Fork Conduit, Homestake Tunnel, Homestake Reservoir, and Eagle-Arkansas Ditch, as well as all rights decreed to the Resolution Creek Reservoir, the Lower East Fork Reservoir, and the Eagle Park Wetland Irrigation System in Case Nos. 17CW3064 and 88CW449. 3.5.2. Original Decree: March 16, 2011, Case No. 95CW272-A, District Court Water Division No. 5. 3.5.3. Subsequent decrees awarding findings of diligence: June 10, 2018, Case No. 17CW3064, District Court Water Division No. 5. 3.5.4. Source: Water stored in Blodgett Reservoir, and available for release therefrom. 3.5.5. Statement of Plan for Augmentation, Including Exchange: To the extent that Applicants divert, deplete, or store water out of priority for their use on the water rights decreed in the Homestake Project Decrees at Homestake Reservoir; the Homestake Conduit; the East Fork Conduit; the Homestake Tunnel, or the Eagle Arkansas Ditch (as described in Paragraph 3.E.6 below) or at the Homestake Creek Intake, Turkey Creek Intake, or Eagle-Cross Pump and Pipeline (as described in Paragraphs 3.B, 3.C, and 3.D above), or on the water rights decreed in Case No. 88CW449 for the Eagle Park Wetland Irrigation system; the Resolution Creek Reservoir; or the Lower East Fork Reservoir, described below, when there is a lawful call placed that could result in curtailment of those rights, Applicants will release water to the Eagle River from storage in Blodgett Reservoir in an amount, up to the amount depleted by the Applicants' out-of-priority diversions, storage, or depletions, so as to prevent injury to downstream water rights exercising a lawful call for water. Replacement may be by direct release or exchange as set forth in Paragraph 3.E.6 below. 3.5.6. Exchange Reaches: The exchange reaches for operation of the exchanges herein extend from the confluence of the Eagle River and Cross Creek (most downstream point) upstream to: (1) Homestake Reservoir on Homestake Creek; (2) the diversion points of the Homestake Conduit on tributaries to Homestake Creek and the Eagle River; (3) the diversion point of the East Fork Conduit on the East Fork; (4) the diversion points of the Eagle-Arkansas Ditch on tributaries to the South and East Forks of the Eagle River; (5) Resolution Creek Reservoir on Resolution Creek; and (6) the Turkey Creek Intake (most upstream points) and are as follows: 3.5.6.1. From Blodgett Reservoir described in Section 3, above, upstream to Homestake Reservoir. Homestake Reservoir, also known as Elliott-Weers Reservoir, has a capacity of 83,338.98 acre feet CONDITIONAL, is located on Homestake Creek with a dam whence Homestake Peak bears South 73° 26' East 10,477 feet from the easterly end thereof and South 74° 57' East 13,347 feet from the westerly end thereof, said dam having a maximum height of 411.5 feet and a length of 3,380 feet. The sources of supply of said reservoir are Homestake Conduit,

East Fork Conduit, the Middle Fork of Homestake Creek and Homestake Creek and said reservoir has appropriated for storage 83,338.98 acre feet annually from said sources. Homestake Reservoir also conveys water from Homestake Conduit and East Fork Conduit to Homestake Tunnel. Existing Homestake Reservoir has a storage capacity of 43,504.7 acre feet ABSOLUTE and is located on Homestake Creek with a dam whence the NW Corner of Section 31, T7S, R80W of the 6th P.M. bears North 58° 30.6' East 24,659 feet from the East dam abutment and North 62° 25.8' East 25,746 feet from the West dam abutment; said dam has a maximum height of 265.0 feet and a length of 1,996 feet. The sources of supply of said existing Homestake Reservoir are Homestake Conduit, East Fork Conduit, the Middle Fork of Homestake Creek and Homestake Creek. Existing Homestake Reservoir has appropriated 43,504.7 acre feet annually from said sources and also conveys water from Homestake Conduit and East Fork Conduit to Homestake Tunnel. 3.5.6.2. From Blodgett Reservoir to the diversion points of the Homestake Conduit described below.

Stream or Other Source of Supply	Point of Diversion	Amount Cubic Feet Per Second of Time
Unnamed Creek	S 86° 25'E 35,177 ft. to NW cor 6-7S-80W	60 C*
Alternate Point:	S 86° 4.7'E, 35,286 ft. to NW cor 6-7S-80W	
Changed Points:	Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	
West Cross Creek	N 81° 58'E 36,256 ft. to NW cor 6-7S-80W	200 C*
Alternate Point:	N 79° 52.5'E 38,572 ft. to NW cor 6-7S-80W	
Changed Points:	Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	
Cross Creek	N 81° 26'E 36,064 ft. to NW cor 6-7S-80W	300 C*
Alternate Point:	N 75° 59.9'E 36,569 ft. to NW cor 6-7S-80W	
Changed Points:	Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	
East Cross Creek	S 74° 11'E 26,649 ft. to NW cor 6-7S-80W	130 C*
Alternate Point:	S 74° 52.9'E 25,882 ft. to NW cor 6-7S-80W	
Changed Points:	Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	
Fall Creek	S 82° 55'E 12,812 ft. to NW cor 6-7S-80W	260 C*
Alternate Point:	S 83° 01.8'E 14,320 ft. to NW cor 6-7S-80W	
Changed Points:	Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	
Peterson Creek	S 64° 05'E 6,822 ft. to NW cor 6-7S-80W	50 C*
Alternate Point:	S 76° 2.9'E 6,474 ft. to NW cor 6-7S-80W	
New Alternate Points:	Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline	

	Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	
Unnamed Creek	S 76° 45'E 10,572 ft. to SW cor 18-7S-80W	50 C*
Alternate Point:	S 73° 26.5'E 10,896 ft. to SW cor 6-7S-80W	
Changed Points:	Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	
Whitney Creek	N 81° 42'E 13,489 ft. to SW cor 18-7S-80W	80 C*
Alternate Point:	N 83° 27.8'E 13,879 ft. to SW cor 18-7S-80W	
Changed Points:	Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	
French Creek	S 82° 18.3'E 20,988 ft. to NW cor 31-7S-80W	62.18 A*
Alternate Points:	Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	117.82 C*
Fancy Creek	N 85° 10.5'E 25,280 ft. to NW cor 31-7S-80W	38.6 A*
Alternate Points:	Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	91.4 C*
Missouri	N 77° 12.4'E 28,800 ft. to NW cor 31-7S-80W	39.8 A*
Alternate Points:	Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	80.2 C*
Sopris Creek	N 74° 7.6'E 29,848 ft. to NW cor 31-7S-80W	41.3 A*
Alternate Points:	Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	118.7 C*
Small unnamed streams, springs, seeps, sheet flows and ground waters along Homestake Conduit		120 C*
Changed Points:	Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	
	Total	181.88 A* 1,658.12 C*

* A = ABSOLUTE
* C = CONDITIONAL

3.5.6.3. From Blodgett Reservoir to the diversion points of the East Fork Conduit described in this Paragraph. The East Fork Conduit diverts water from the East Fork of Homestake Creek pursuant to its appropriation of 70.8 cubic feet per second of time ABSOLUTE and 189.2 cubic feet per second of time CONDITIONAL therefrom and conveys these waters to Homestake Reservoir for conveyance to Homestake Tunnel or storage in the reservoir, said East Fork Conduit having a capacity of 260 cubic feet per second of time and a total length of approximately 3093 feet. The point of diversion of said conduit is on East Fork Homestake Creek at a point whence the Northwest Corner of Section 31, T7S, R80W bears North 55° 40.5' East, 22,917 feet. In addition to the originally decreed points of diversion, the East Fork Conduit may divert at the following alternate points of diversion as decreed in Case No. 95CW272-A: Blodgett Reservoir; the Homestake Creek Intake; the Turkey Creek Intake; or Cross Creek intake, Fall Creek intake, Peterson Creek intake, or Eagle River intake for the Eagle-Cross Pump and Pipeline. 3.5.6.4. From Blodgett Reservoir to the following diversion points of the Eagle Arkansas Ditch:

Stream or Other Source of Supply	Point of Diversion	Amount Cubic Feet Per Second of Time
	(Bearing and distance to land Corners of the Sections, Ranges and Townships Indicated, all refer to 6th P.M.)	
Cataract Creek Alternate Points:	S 54° 46'35"W 3,147.15 ft. to E/4 cor Sec 24-7S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	90 C*
Sheep Gulch Alternate Points:	S 61° 59'03"W 262.66 ft. to NW cor Sec 29-7S-79W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	20 C*
East Fork Eagle River Alternate Points:	N 27° 54'39"E 1,328.12 ft. to E/4 cor Sec 32-7S-79W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	230 C*
Jones Gulch Alternate Points:	N 29° 19'38"E 826.82 ft. to E/4 cor Sec 26-7S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	90 C*
Fiddler Creek Alternate Points:	N 83° 20'47"W 1,360.22 ft. to NW cor Sec 2-8S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	30 C*
Taylor Gulch Alternate Points:	S 9° 66'55"W 6,128.68 ft. to SW cor Sec 11-8S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	20 C*
Piney Creek Alternate Points:	S 52° 18'04"W 2,193.82 ft. to SW cor Sec 11-8S-80W Blodgett Reservoir, Homestake Creek Intake, Turkey Creek Intake, or Cross Creek Intake for the Eagle-Cross Pump and Pipeline, Fall Creek Intake for the Eagle-Cross Pump and Pipeline, Peterson Creek Intake for the Eagle-Cross Pump and Pipeline, or Eagle River Intake for the Eagle-Cross Pump and Pipeline	20 C*

Small unnamed streams, springs, seeps, sheet flows and ground water along Eagle-Arkansas Ditch, one of which is located at a point on an unnamed tributary of the East Fork of the Eagle River whence the S¼ cor of S¼ cor of Sec 29-7S-79W of the 6th P.M. bears S60° 9'47"W, a distance of 1,551.06 ft. 30 C*

Total 530 C*

* A = ABSOLUTE
* C = CONDITIONAL

3.5.6.5. From Blodgett Reservoir to Resolution Creek Reservoir located in the NE¼ of the NW¼, the SE¼ of the NW¼, the NW¼ of the NE¼, and the SW¼ of the NE¼ of Section 11, T.7S., R. 80 W. of the 6th P.M. in Eagle County. 3.5.6.6. From Blodgett Reservoir to the Turkey Creek Intake located in the SW¼ of the NW¼ of Section 20, T6S, R80W of the 6th P.M., Eagle County, Colorado at a point on Turkey Creek approximately 1,500 feet South of the North section line and 880 feet East of the West section line. 3.5.6.7. From Blodgett Reservoir to Lower East Fork Reservoir located in the NE¼ of the SW¼, and the SW¼ of the SW¼ of Section 24, T.7S., R.80W. of the 6th P.M. in Eagle County, Colorado. Exchanges may be operated to and from all points of diversion decreed in Case No. 95CW272-A, in the Homestake Project Decrees, and in Case No. 88CW449, that are located within the stream reaches described above; provided, however, that nothing in this Section will permit actual diversions of water to be made at the original decreed points of diversion of those Homestake Conditional Diversion Rights, including Unnamed Creek (near Cross Creek below West Cross confluence-Homestake Conduit) for 60 c.f.s.; West Cross Creek intake (Homestake Conduit) for 200 c.f.s.; Cross Creek (Homestake Conduit) for 300 c.f.s.; East Cross Creek (Homestake Conduit) for 130 c.f.s.; Fall Creek (Homestake Conduit) for 260 c.f.s.; Unnamed Creek (Tributary to Homestake Creek-Homestake Conduit) for 50 c.f.s.; Whitney Creek (Homestake Conduit) for 80 c.f.s.; Inflow to Homestake Conduit for 120 c.f.s. described in Paragraph 7.3.2 of the decree entered in Case No. 95CW272-A. Each of the exchanges is further described in Exhibit 3, attached. 3.5.7. Appropriation Date: November 27, 1995. 3.6. Plan for Augmentation Including Exchange: Facilities Decreed in Case No. 95CW272-A. 3.6.1. Original Decree: March 16, 2011, Case No. 95CW272-A, District Court Water Division No. 5. 3.6.2. Subsequent decrees awarding findings of diligence: June 10, 2018, Case No. 17CW3064, District Court Water Division No. 5. 3.6.3. Water Rights to be Augmented: Applicants' diversions on Blodgett Reservoir; Homestake Creek Intake; Turkey Creek Intake; and Eagle-Cross Pump and Pipeline, described above in Section 3. To the extent that Applicants divert or store water out of priority for their use at the points of diversion or storage described in Section 3 above when there is a lawful call placed that could result in curtailment of those rights, Applicants will release water to the Eagle River from storage in Homestake Reservoir; Resolution Creek Reservoir; and/or Lower East Fork Reservoir in an amount, up to the amount depleted by the Applicants' out-of-priority diversions, storage, or depletions, so as to prevent injury to downstream water rights exercising a lawful call for water. Replacement may be by direct release or exchange as set forth below. 3.6.4. Exchange Reaches: The exchange reaches for operation of the exchanges herein extend from the confluence of the Eagle River and Cross Creek (most downstream point) upstream to: (1) Homestake Reservoir on Homestake Creek, (2) the diversion points of the Eagle-Cross Pump and Pipeline on tributaries to Homestake Creek and the Eagle River; (3) Resolution Creek Reservoir on Resolution Creek, (4) Lower East Fork Reservoir on East Fork; and (5) Turkey Creek Intake (most upstream points) and are as follows: 3.6.4.1. From Homestake Reservoir, described in Paragraph 3.E.6 above to the diversion points of the Eagle-Cross Pump and Pipeline described in Paragraph 3.D above; 3.6.4.2. From Homestake Reservoir, described in Paragraph 3.E.6 above to the Turkey Creek Intake described in Paragraph 3.C above; 3.6.4.3. From Resolution Creek Reservoir, described in Paragraph 3.E.6 above to the diversion points of the Eagle-Cross Pump and Pipeline described in Paragraph 3.D above; 3.6.4.4. From Resolution Creek Reservoir, described in Paragraph 3.E.6 above to Blodgett Reservoir, described in Paragraph 3.A above; 3.6.4.5. From Resolution Creek Reservoir described in Paragraph 3.E.6 above to the Turkey Creek Intake described in 3.C; 3.6.4.6. From Lower East Fork Reservoir described in Paragraph 3.E.6 above to the diversion points of the Eagle-Cross Pump and Pipeline described in Paragraph 3.D above; 3.6.4.7. From Lower East Fork Reservoir described in Paragraph 3.E.6 above to Blodgett Reservoir described in Paragraph 3.A above; 3.6.4.8. From Lower East Fork Reservoir described in Paragraph 3.E.6 above to the Turkey Creek Intake described in Paragraph 3.C above. Exchanges may be operated to and from all points of diversion decreed in this case, in the Homestake Project Decrees, and in Case No. 88CW449, that are located within the stream reaches described above. Each of the exchanges is further described in Exhibit 4, attached. 3.6.5. Source/Reaches of Stream affected: Water stored in Homestake Reservoir, in Resolution Creek Reservoir, or in Lower East Fork Reservoir as described in Paragraph 3.E.6 above. 3.6.6. Priority Date: November 27, 1995. 4. **Integrated System**: Applicants are the owners of numerous absolute and conditional water rights within Water Division No. 5, including those rights associated with what is known as the Homestake Project, a joint venture of the Cities. The water rights that are the subject of this Application are to be part of a single water system, consisting of absolute and conditional surface and underground water rights, exchanges, and plans for augmentation including exchanges, including the water rights originally decreed to the Homestake Project by the Eagle County District Court in CA1193, as such rights have been previously corrected and/or modified by subsequent decrees of the Division 5 Water Court, including those in Cases No. 85CW151, 85CW582, 85CW583 and 06CW225, (the "Homestake Project Decrees"); the rights decreed in Case No. 88CW449; the rights decreed in Case No. 95CW272-A; and the rights decreed in 17CW3064, which are all within a reasonably compact geographic location within the Eagle River basin upstream of Minturn, Colorado. The system will use water of the Eagle River and certain of its tributaries as identified in the Homestake Project Decrees, and in Cases No. 88CW449, 95CW272-A, and 17CW3064. The development of the water rights decreed in Case No. 88CW449 is closely associated with the development of the rights decreed in Case Nos. 95CW272-A and 17CW3064, and the Applicants intend to operate the decrees

in an integrated manner. Further, the water rights entered in the Homestake Project Decrees, and in Case Nos. 88CW449, 95CW272-A, and 17CW3064 are integrated into the water supply systems of the City of Colorado Springs and the City of Aurora. Diligence as to one portion of the integrated system constitutes diligence as to all portions thereof. **5. 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:** The Applicant and its constituent members, Colorado Springs and Aurora, engaged in extensive work during the diligence period to develop the subject water rights, comprising work to advance and effect application of the conditional rights to beneficial use, work to maintain and protect existing infrastructure and water rights needed for development and use of the subject water rights, and work in maintaining, protecting, and developing the Applicants' respective integrated water supply systems. Applicants' diligence activities are as follows: 5.1. Homestake Partners diligence activities: 5.1.1. Together with other partners in the ERMOU, filed an application for finding of reasonable diligence in the Division 5 Water Court in Case No. 23CW3087 on June 30, 2023, and continued to prosecute the application. 5.1.2. Filed an application for finding of reasonable diligence in the Division 5 Water Court in Case No. 23CW3138 on September 29, 2023, for water right originally decreed in Case No. 88CW449, and continue to prosecute the same. 5.1.3. Filed an application for findings of reasonable diligence and to make absolute portions of water rights associated with the integrated Homestake Project in Case No. 20CW3024, Water Division 5, entered a stipulation with the sole opposer, and continued discussions with the Division Engineer to obtain final decree in the same. That case has been re-referred to the Water Court for resolution. 5.1.4. Continued to pursue development of a joint project or projects as contemplated by the 1998 Eagle River MOU with Vail Associates, Upper Eagle River Regional Water Authority, Eagle River Water and Sanitation District, Cypress Climax Mining Company, and the Colorado River Water Conservation District. In pursuit of the project, Homestake Partners engaged in discussions and negotiations regarding joint development of the joint projects and initiatives. 5.1.5. Participated in the development of the Upper Colorado River Wild and Scenic Stakeholder Group Management Plan to protect outstandingly remarkable values (ORVs) in Segments 4 through 7 of the Colorado River mainstem that was submitted to the Bureau of Land Management in 2011 and have continued to participate in the alternative plan proposed and set out in the Management Plan during this diligence period. Specifically, Applicants have worked to ensure that development of the subject water rights and the integrated Homestake Project will be consistent with wild and scenic river management of the Colorado River Segments 4 through 7. 5.1.6. Supported and participated in the Eagle River Watershed Council Board and its activities to protect and enhance the natural, scenic, and economic values that rivers and tributaries provide, and to promote the interconnected conservation values the watershed represents to diverse interest groups that benefit from its continued health. In this connection, Homestake Partners have worked to ensure that development of the integrated Homestake Project will be consistent with the watershed activities, education, and restoration efforts of the Eagle River Watershed Council. 5.1.7. Supported and participated in the Eagle River Watershed Water Quality Data Collection and Assessment Program, which began with a United States Geological Survey Eagle River Watershed Retrospective Assessment Program. The continued monitoring and assessment efforts are currently coordinated through the Eagle River Watershed Council to identify water quality conditions and trends. The Applicants have worked to understand water quality conditions and potential negative and positive effects for potential diversion, storage, transmission alignments and operations to collect and transport the subject water rights. 5.1.8. Supported and participated in the Eagle River Community Water Plan (ERCWP), including modeling and planning in the Upper Eagle River Basin, and have worked to ensure that development of the subject water rights and the integrated Homestake Project are incorporated in the ERCWP efforts. 5.1.9. Engaged with Federal representatives regarding proposed Colorado Outdoor Recreation and Economy Act and development of Camp Hale-Continental Divide National Monument. Worked to include language that is protective of decreed water rights in Eagle River watershed. 5.1.10. Promoted the development of the Subject Water Rights through the inclusion of the Eagle River MOU Project as an Identified Project and Process (IPP) in the Arkansas, Colorado, and South Platte River Basin Implementation Plans to meet the future water supply needs of Aurora and Colorado Springs, consistent with the goals of the Colorado Water Plan. 5.1.11. Made capital improvements to existing structures and facilities of the Homestake Project, including completion of dam face reconstruction and outlet works for rehabilitation/maintenance of Homestake Reservoir; pipeline repair and replacement of certain sections of the Homestake Pipeline. 5.1.12. In connection with the Arkansas River Diversion Dam Project, planning for which began in 2014, obtained required permits and permissions from applicable authorities, obtained land use rights for the affected lands not owned by the Homestake Partners, organized a joint effort between stakeholders to ensure the dam would meet and satisfy myriad stakeholder requirements, including fish passage and a boat chute, and continued to execute and supervise design, construction, and project management contracts for project construction, which began in 2018, and was completed in 2020. The Arkansas River Diversion Dam serves as an on-channel intake on the Arkansas River for the Otero Pump Station, which conveys water to the Cities of Aurora and Colorado Springs. 5.1.13. Acting individually or through the Homestake Steering Committee, have participated in numerous water court applications as opposers in Water Division No. 5 involving water rights in the Colorado and Eagle River basins in order to protect the subject water rights, water rights of the integrated Homestake Project, and water rights of the Applicants' respective integrated water supply systems, including: Case No. 13CW3109, the application of Glenwood Springs for a recreational in-channel diversion; Case Nos. 21CW3029 and 21CW3030, the applications of Eagle River Water and Sanitation District and the Upper Eagle Regional Water Authority for water rights and approval of plans for augmentation and exchange; Case No. 21CW3180, the application of the Town of Minturn for water right, approval of a plan for augmentation, and appropriative rights of exchange; Case No. 21CW3132, the application of Eagle Vail Metropolitan District for water rights, changes of water rights, and approval of augmentation plan and exchange; Case No. 22CW3014, the application of the Town of Eagle for change of water rights and approval of plan for augmentation and exchange; Case No. 23CW3031, the application of the Upper Eagle Regional Water Authority for finding of diligence and to make water rights absolute, in part, originally decreed in Case No. 91CW76; and Case No. 23CW3205, the application of Upper Eagle Regional Water Authority for approval of a plan for augmentation. 5.1.14. During the diligence period, Homestake Partners made joint capital expenditures of at least \$40,396,826 and

\$741,261.77 in legal and consulting fees in pursuit of the diligence activities described above. 5.2. City of Aurora's diligence activities (excluding Homestake Project activities): Pursuant to the Original Decree, these water rights are part of a unified extensive system for the collection, treatment and distribution of water operated by Aurora. For the purposes of showing diligence as to completion of the water rights decreed in the Original Decree, diligence as to any part of the Aurora water rights system used to operate or benefit from these water rights shall be diligence as to the completion of such rights. 5.2.1. Project Specific Efforts, Colorado River Basin: During the diligence period Aurora has done at least the following work toward completion of the appropriation and application of the water rights decreed in the original decree (expenditure numbers are rounded to the nearest \$1,000). 5.2.1.1. Aurora has continued to pursue development of a joint project or projects as contemplated in a 1998 Memorandum of Understanding with Vail Associates, Upper Eagle River Regional Water Authority, Eagle River Water and Sanitation District, and the Colorado River Water Conservation District. On June 21, 2004, the City of Aurora entered into an additional Water Exchange Agreement with the Eagle Park Reservoir Company, the Colorado River Water Conservation District, the Eagle River Water and Sanitation District, the Upper Eagle Regional Water Authority, and Vail Associates, Inc. to supplement a 1998 Water Exchange Agreement. This agreement affects operations of the Homestake water rights and deliveries of reusable water to Aurora for use in Aurora's municipal system. On January 5, 2010, the City of Aurora entered into a Consolidated Water Exchange Agreement to supplement, merge and consolidate the 1998 and 2004 agreements. Aurora seeks to further develop the operations of the Homestake water rights with these projects. During this diligence period, Aurora has prosecuted Case No. 23CW3087 in Water Division 5 through the Homestake Partners. This water court matter seeks a decree confirming diligence and continuing in effect the conditional water rights originally decreed in Case No. 98CW270. 5.2.1.2. Homestake Project: During this diligence period, work was done on the Homestake Arkansas River Diversion Channel to reduce erosion, including riprap and installation of a new roadway culvert. Once water is transported over the Continental Divide and then through the Otero Pump Station and Homestake Pipeline, it is then transported to Aurora through Spinney Mountain Reservoir in the South Platte Basin. 5.2.1.3. Homestake Partners was party to Case No. 23CW3031 application by Upper Eagle Regional Water Authority to insure protection of the Homestake Partners' water rights herein. 5.2.1.4. Homestake Partners is presently prosecuting Case No. 20CW3024 for a finding of diligence and making conditional water rights absolute. 5.2.1.5. During this diligence period, on March 3, 2020, Aurora executed a Recovery Agreement with the United States and Wildlife Service regarding the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Recovery Program). The purpose of the Recovery Agreement is to formalize Aurora's participation in the Recovery Program, provide certainty that Aurora's Colorado River depletions can occur consistent with the Endangered Species Act, and provide that Aurora will take reasonable actions to support implementation for the Recovery Elements specified in the 1999 Programmatic Biological Opinion. During the previous diligence period, the Upper Colorado River Endangered Fish Recovery Program, Recovery Implementation Program and Recovery Action Plan Participation Agreement (11-01-13) was executed with Northern Colorado Water Conservancy District, and a Ruedi Insurance Water Cost Participation Agreement (11-01-13) with the City and County of Denver. Through implementation of these agreements, the east slope water users' commitment for 5,412.5 acre-feet of water annually to the Recovery Program is being met. Aurora has and continues to provide its annual pro rata share of operation and maintenance costs associated with these agreements. In addition, Aurora participates and annually contributes to the Colorado Water Congress Colorado River Project for collaboration and support of the Recovery Program by the water users in Colorado, Utah, and Wyoming. 5.2.2. **Systemwide Efforts**: During the diligence period, Aurora has accomplished the following systemwide efforts that will be used to operate or benefit the conditional rights (expenditure numbers are rounded to the nearest \$1,000). 5.2.2.1. South Platte River Basin: Aurora made the following diligent efforts with regard to its water supply system components in the South Platte River Basin which are necessary for efficient utilization of the subject water rights in Aurora's service area. 5.2.2.1.1. Metro Wastewater Reclamation District Charges: Aurora expended at least \$169,542,000 during this diligence period for fees for wastewater treatment of its water at the Metro Wastewater Reclamation facility. Such treatment is necessary to efficiently use the subject water rights in the South Platte River Basin. 5.2.2.1.2. Sand Creek Water Reuse Plant Improvements: Aurora operates this 5-million-gallon per day facility that provides treated water used for irrigation throughout the City and for discharge into Sand Creek for use as a replacement source for the exchanges herein. Improvements of this facility completed during this diligence period cost of \$8,081,000. Aurora also expended an additional \$7,048,000 in operating costs for the Sand Creek plant. These improvements are necessary for efficient use of the subject water rights. 5.2.2.1.3. Quantification and Determination of Lawn Irrigation Return Flows: Aurora obtained a decree in Case No. 02-CW-341, Water Division 1, on September 25, 2008, quantifying LIRFs from its municipal system (and subsequent requantifications as required by the Decree in 02CW341), generated as a result of use of transmountain water rights, fully consumable in-basin water rights, decreed and permitted non-tributary sources and any other fully consumable water available to Aurora. During this diligence period, Aurora has expended over \$464,000 in engineering costs requantifying the LIRFs adjudicated in Case No. 02CW341. 5.2.2.1.4. Spinney Mountain Reservoir: Aurora expended substantial sums for facility upgrades during the diligence period, including internal outlet works inspections, applications of protective coatings on outlet pipes, assessment, design and extension of the storm drainage systems below the dam, installation of filter trench drains, measurement devices, and installation of heater jackets over valve operators. 5.2.2.1.5. Griswold Water Treatment Plant Renovations. This facility treats a portion of the raw water yielded from the subject rights that is delivered to Aurora's customers. More than \$51,814,000 was spent by Aurora during this diligence period for improvements to this facility. This includes expenditures directly by Aurora for renovation of the facility. 5.2.2.1.6. Wemlinger Water Treatment Plant Improvements. During this diligence period, Aurora spent more than \$37,473,000 for improvements to the Wemlinger Water Treatment Plant. This facility treats a portion of the raw water yielded from the subject rights that is delivered to Aurora's customers. 5.2.2.1.7. Rampart Reservoir Improvement. More than \$12,318,000 was spent by Aurora during this diligence period for improvements to the Rampart Reservoir delivery system, including improvements to the 54" raw water transmission pipeline between Rampart Reservoir and storage and water treatment facilities within the city. Rampart Reservoir is used to store the water that has been

derived from the Arkansas and Colorado River Basins and transported to the South Platte River before it is transported through the parallel 54" and 40" pipelines to Aurora. Rampart Reservoir is important for regulation of the flow through these parallel pipelines.

5.2.2.1.8. Improvements to Extend or Improve Water Service in and to Aurora: More than \$105,950,000 was spent by Aurora during this diligence period for extension and upgrade of its water transmission and distribution system necessary to deliver the subject water rights to Aurora's customers.

5.2.2.1.9. Prairie Waters Project: The Prairie Waters Project is a large comprehensive water recapture, supply, storage and treatment project which in part recovers reusable return flows from Aurora's water sources from the South Platte River. To facilitate this project Aurora obtained various decrees in Case Nos. 06CW104, 03CW414, and 03CW415, Water Division 1. This project allows further reuse of much of the water decreed to Aurora. Reuse water recovered by this project is one of the sources at Aurora's water treatment plants for efficient use of the water rights at issue herein. During the diligence period, Aurora filed an application in Case No. 23CW3175, Water Division 1, seeking to make absolute portions of the rights decreed conditionally in Case No. 06CW104, Water Division 1, and seeking a finding of reasonable diligence on the remainder. Aurora has expended at least \$10,700,000 on several elements of the Prairie Waters Project during this diligence period.

5.2.2.1.10. Automated Meter Reading System: Aurora spent more than \$10,241,000 during this diligence period for upgrades to its automated utility reading system.

5.2.2.1.11. South Platte Exchange: On April 4, 2023, Aurora filed an application in Case No. 24CW3050, Water Division 1, requesting a finding of reasonable diligence and making absolute portions of conditional exchange rights. These water rights allow Aurora to exchange certain reusable water from the confluence of Tarryall Creek and the South Platte River to Spinney Mountain Reservoir.

5.2.2.1.12. Binney Water Purification Facility: This state-of-the-art water purification and recycling plant owned and operated by Aurora treats water for use throughout the city. Over \$3,477,000 was spent by Aurora during the diligence period for improvements to this facility.

5.2.2.2. Arkansas River Basin: Aurora made the following diligent efforts with regard to maintaining and enlarging its water supply system components in the Arkansas River Basin which are necessary for continuation and transport of its reusable supplies from the Arkansas River Basin.

5.2.2.2.1. Payment for purchase and lease of Rocky Ford Ditch shares: Aurora spent more than \$381,000 during this diligence period for repayment of bonds, including principal and interest, that were issued or refunded for purchase of original Rocky Ford Ditch shares changed in Case No. 83CW18.

5.2.2.2.2. Revegetation: Aurora has expended at least \$1,570,000 during this diligence period for revegetation, including expenditures for expert revegetation classifications and reports, actual revegetation and weed control costs, as well as farm equipment purchases, office overhead and personnel costs, under Case No. 83CW18. Aurora also expended an additional \$1,413,000 for revegetation and continued farming of historically irrigated lands pursuant to the decree in Case No. 99CW169(A).

5.2.2.2.3. Payments to Otero County: Aurora and Otero County entered into an Intergovernmental Agreement on February 22, 1994, and amended that Agreement on October 29, 2001, under which Amendment Aurora agreed to make annual payments to Otero County concerning the Rocky Ford Ditch shares that are a reusable source for the exchanges herein. During this diligence period, Aurora made payments in excess of \$273,000.

5.2.2.2.4. Pueblo Reservoir Storage: During the diligence period, Aurora paid the Bureau of Reclamation more than \$4,316,000 for use of Pueblo Reservoir in the storage and exchange of Arkansas River Basin water upstream for transport and use by Aurora in the South Platte Basin.

5.2.2.2.5. Intergovernmental Agreement with SECWCD: On October 3, 2003, Aurora entered into an Intergovernmental Agreement with the Southeastern Colorado Water Conservancy District ("SECWCD"), replacing an agreement between the parties dated December 7, 2001. Aurora's use of Fryingpan-Arkansas facilities for certain water rights is addressed under this IGA. During the diligence period, Aurora made payments of more than \$1,113,000 to SECWCD under this IGA.

5.2.2.2.6. Agreements for Use of the Holbrook Reservoir System Facilities: On March 1, 2005, Aurora entered into two agreements pertaining to the use of the diversion, conveyance and storage facilities of the Holbrook Mutual Irrigating Company ("Holbrook"). Aurora and Holbrook extended this agreement on February 2, 2010. These agreements implement a program to recapture and store yield from foregone diversions of senior water rights. Aurora completed structural modifications to the Holbrook system facilities and filed a Substitute Water Supply Plan necessary to implement the program. An Amended Agreement was entered into on April 21, 2016. Further, Aurora initiated a study to examine enlargement of the Holbrook Reservoir to further facilitate operations. During this diligence period, Aurora made payments of approximately \$419,000 to Holbrook under this agreement.

5.2.2.2.7. Intergovernmental Agreement with LAVWCD: Pursuant to an Intergovernmental Agreement with the Lower Arkansas Valley Water Conservation District ("LAVWCD"), Aurora paid approximately \$500,000 to LAVWCD for the identification and implementation of infrastructure improvements, research, and investigations designed to assist in the permitting or implementation of water leasing programs in the Lower Arkansas Valley, as well as remediation and restoration efforts in the Fountain Creek Corridor.

5.2.2.2.8. Recovery of Yield ("ROY"): On August 17, 2016, Aurora, along with Colorado Springs, the Pueblo Board of Water Works, the City of Fountain, and the Southeastern Colorado Water Conservancy District, obtained a decree in Case No. 06CW120 adjudicating exchanges necessary as a result of the 2004 Regional Intergovernmental Agreement ("IGA") between the various water providers and the City of Pueblo, whereby the water providers agreed to allow certain of their senior flows to pass through Pueblo's RICD reaches on the condition those flows could be removed downstream and exchanged back upstream. This case lays the foundation for those exchanges. Aurora expended significant sums on these efforts during the diligence period. The ROY partners have acquired land to prospectively be used as a reservoir site at a cost of \$780,000 to Aurora.

5.2.2.3. Non-Basin Specific: 5.2.2.3.1. Protection Efforts: During this diligence period, Aurora spent more than \$5,000,000 on legal services for participation in Water Divisions 1, 2 and 5 cases to protect the rights and interests of Aurora with regard to its water supply system and prosecution of changes of water rights to integrate acquired water rights into Aurora's municipal water rights portfolio. Aurora reserves the right to identify additional relevant efforts that may be later discovered or to make adjustments to amounts expended on certain projects. Aurora has an extensive water rights portfolio, an extensive and complex water supply, collection, treatment and reuse system, and an extensive number of agreements, contracts, leases, etc. related to its facilities and the use, reuse and storage of its water rights. It is involved in many legal actions related to the collection, treatment, reuse and protection of its water rights. Further, the management, protection, and operation of the water rights and the facilities system

involve numerous City of Aurora departments and staff members throughout the state. Aurora made diligent efforts with regard to this application to determine and quantify all efforts made by the City toward completion of the appropriations and application of the water rights decreed in the original decree to beneficial use. However, it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further adjustment. 5.3. City of Colorado Springs diligence activities (excluding Homestake Project activities): 5.3.1. The water rights that are the subject of this application are part of Colorado Springs' municipal water supply system that is an integrated system of water rights and structures under C.R.S. § 37- 92-301(4)(b), which is comprised of water rights and infrastructure in the Colorado, Arkansas, and South Platte River basins, including the Homestake System and IPTDS. During the diligence period, Colorado Springs pursued development of its integrated water supply system. Examples of such activities include retaining engineering consultants and attorneys to assist it in the acquisition, operation, maintenance, improvement, and protection of its water resources and its municipal water supply, distribution, and wastewater treatment systems. Colorado Springs also undertook numerous projects and activities for the improvement and enlargement of its water supply and distribution systems in order to facilitate the completion of the appropriation of the conditionally decreed rights of storage, substitution and exchange that are the subject of this Application including, but not limited to: completion of the Southern Delivery System (SDS) Project Phase 1; construction and establishment of certain wetlands along Fountain Creek as required per the SDS Project environmental mitigation requirements; improvements to the raw water pipeline between Pikeview Reservoir and the Tollefson (Mesa) water treatment plant; improvements to the Northfield Reservoir dam and spillway; completion of upgrades to the 33rd Street Pump Station; completion of upgrades to the Manitou Intake diversion structure on Ruxton Creek; improvements to the French Creek Intake diversion structure; improvements to Gold Camp and South Suburban Reservoirs; investigations into seepage from Rampart Reservoir dam; investigations regarding system water losses; install water quality improvements on its Northfield and Pikeview Systems, replacement of the South Catamount transfer pipeline, design and initial construction activities for refacing of the Crystal Creek Reservoir dam; improvements to the Nichols Reservoir dam and spillway; design for refacing of the South Catamount Reservoir dam; operation and development of its Arkansas River exchange program and its Colorado Canal reuse program; development and completion of the Integrated Water Resources Plan which identified a portfolio of water supply projects, policies, and processes that will be necessary to provide a reliable and sustainable supply of water for its customers for the next 50 years; and pursuit of a project to maximize the yield of the Blue River System. Colorado Springs also purchased shares in the Lower Arkansas Water Management Association and the Fort Lyon Canal Company. 5.3.2. Filed an application in March 2018 seeking a finding of reasonable diligence for Homestake/Blue River exchange right, Case No. 18CW3041, Water Division 5. Colorado Springs also participated in negotiations with parties to the 1955 Blue River Decree, the State of Colorado, and others regarding various Blue River Decree matters, including operations of Green Mountain Reservoir vis-à-vis other Blue River and Colorado River water rights, which have resulted in an agreed Green Mountain Reservoir Protocol. In addition, Colorado Springs participated as an objector in numerous water court cases in Water Division 5 involving water rights in the Blue River basin in order to protect the subject conditional water rights, the water rights of the integrated Homestake Project, and water rights of Colorado Springs' integrated water supply system, including: Case No. 12CW176, application of Climax Molybdenum, and Case No. 16CW3015, application of Summit County Board of Commissioners. 5.3.3. Participated as objectors in numerous applications in Water Division No. 2 involving water rights in the Arkansas River basin in order to protect water rights of the integrated Homestake Project and water rights of Colorado Springs' integrated water supply system. Colorado Springs also filed numerous applications for finding of reasonable diligence and for adjudication of water rights in Water Division 2. 5.3.4. Colorado Springs made capital expenditures of at least \$414,519,005.00 in pursuit of the diligence activities described above during the diligence period. The Applicant reserves the right to identify additional relevant efforts that may be later discovered or to make upward adjustments to amounts expended on certain projects. In particular, Aurora and Colorado Springs have extensive water rights portfolios, extensive and complex water supply, collection, treatment and reuse systems, and extensive numbers of agreements, contracts, and leases etc. related to their facilities and the use, reuse, and storage of their water rights. Aurora and Colorado Springs are involved in many legal actions related to the collection, treatment, reuse, and protection of their water rights. Further, the management, protection, and operation of the water rights and the facilities system involve numerous Aurora and Colorado Springs departments and staff members throughout the state. Aurora and Colorado Springs made diligent efforts with regard to this Application to determine and quantify all efforts made by the Cities toward completion of the appropriations and application of the water rights decreed in Case No. 88CW449 to beneficial use. However, it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further upward adjustment. **6. Names and addresses of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** 6.1. United States Forest Service, Eagle-Holy Cross Ranger District – Leanne Veldhuis, District Ranger, 24747 U.S. Highway 24, P.O. Box 190, Minturn, CO 81645-0190 (Diversion or Storage Structure: Blodgett Reservoir; Resolution Creek Reservoir; Lower East Fork Reservoir; Structures 1 through 4 and 6 through 12 of the Eagle Park Wetland Irrigation System; Eagle Park Aquifer Well Field; Homestake Tunnel Inlet; Homestake Reservoir; East Fork Conduit; all Homestake Conduit diversion points; Cataract Creek, Sheep Gulch, East Fork Eagle River, Jones Gulch, and Piney Creek diversion points of Eagle-Arkansas Ditch; Fall Creek and Peterson Creek diversions points of the Eagle-Cross Pump and Pipeline). 6.2. Colorado River Water Conservation District, P.O. Box 1120, Glenwood Springs, CO 81602 (Diversion or Storage Structure: Blodgett Reservoir; Homestake Creek Intake). 6.3. Armstrong, Francis Estate Of, In care of R. Scott Rawlings, 3441 S. Decker Lake Dr., Salt Lake City, UT 84119-3456 (Diversion or Storage Structure: Turkey Creek Intake). 6.4. Battle Mountain SC LCC, 61 Dawn Harbor Land, Riverside, CT 06878-2608 (Diversion or Storage Structure: Turkey Creek Intake) (Parcel owned is within approximately 100 feet of decreed diversion point). 6.5. Battle North, LLC, P.O. Box 56, Minturn, CO 81645-0056 (Diversion or Storage Structure: Cross Creek Intake of the Eagle-Cross Pump and Pipeline). 6.6. Colorado Department of Transportation, Row Unit, 222 S. 6th Street, Suite 308, Grand Junction, CO 81501-2769 (Diversion or Storage Structure: Cross Creek

Intake of the Eagle-Cross Pump and Pipeline) (Parcel owned is within approximately 100 feet of decreed diversion point). 6.7. Hermanos Development LLC, 4555 Main Street, Apt. 700, Kansas City, MO 64111-1857 (Diversion or Storage Structure: Fall Creek Intake of the Eagle-Cross Pump and Pipeline) (Parcel owned is within approximately 100 feet of decreed diversion point). 6.8. Avery Buffington & Christine Collins Family Trust, 920 Jennings Branch Road, Georgetown, TX 78633-2111 (Diversion or Storage Structure: Peterson Creek Intake of the Eagle-Cross Pump and Pipeline) (Parcel owned is within approximately 100 feet of decreed diversion point). 6.9. Red Cliff Water and Sanitation District, Red Cliff, CO 81644 (Diversion or Storage Structure: Eagle River Diversion of the Eagle-Cross Pump and Pipeline). 6.10. United States Forest Service, Leadville Ranger District – Patrick Mercer, District Ranger, 810 Front Street, Leadville, CO 80461 (Diversion or Storage Structure: Homestake Tunnel Outlet). 6.11. Marjorie Westermann, P.O. Box 885, Leadville, CO 80461 (Diversion or Storage Structure: Taylor Gulch diversion of Eagle-Arkansas Ditch) (Parcel owned is within approximately 100 feet of decreed diversion point). 6.12. William D. and Melinda L. Boyd, 2880 S. York St., Denver, CO 80210-6035 (Diversion or Storage Structure: Fiddler Creek diversion of Eagle-Arkansas Ditch) (Parcel owned is within approximately 100 feet of decreed diversion point). 6.13. Eagle Park Reservoir Company, 846 Forest Road, Vail, CO 81657-5704 (Diversion or Storage Structure: Eagle Park Reservoir). 6.14. Climax Molybdenum Company, Climax Mine c/o Paul Ahrens, Highway 91, Climax, CO 80429 (Diversion or Storage Structure: Eagle Park Reservoir) (Parcel owned is within approximately 100 feet of decreed diversion point). 6.15. DNC Parks & Resorts at Camp Hale Inc., Delaware North Companies Inc., 250 Delaware Ave, Buffalo, NY 14202-2014 (Diversion or Storage Structure: Eagle Park Wetlands Irrigation System Structure No. 5, Eagle Park Aquifer Well Field). WHEREFORE, Applicant requests that a finding of reasonable diligence be entered, and the conditional water rights that are the subject of this application be continued in force.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 2024. *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.*

24CW3093 IN EAGLE COUNTY, COLORADO, THE COLORADO RIVER. AMENDED APPLICATION FOR WATER STORAGE RIGHT, UNDERGROUND WATER RIGHT, SURFACE WATER RIGHTS, AND APPROVAL OF PLAN FOR AUGMENTATION, INCLUDING WATER EXCHANGE PROJECT. Applicant's contact information: Fleeger Family First Limited Partnership, 6640 Spring Valley Road, Dallas, Texas 75254. Please direct all correspondence, motions, and pleadings to Michael J. Sawyer or Danielle T. Skinner, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602, (970) 945-2261. FIRST CLAIM: FOR WATER STORAGE RIGHT. Name of Reservoir: *Rocking F Pond System. Legal description:* The Rocking F Pond System consists of a series of two lined ponds with an interconnecting lined water feature on Applicant's property. The Rocking F Pond System is located in the SE1/4 NW1/4 of Section 8, Township 2 South, Range 83 West of the 6th P.M., within the upper and lower termini, described as: Upper Pond System Terminus: UTM NAD83 Zone 13 Easting 353550, Northing 4417613. Lower Pond System Terminus: UTM NAD83 Zone 13 Easting 353573, Northing 4417556. Source: Colorado River. If filled from a Ditch: Name of ditch used to fill reservoir and capacity in c.f.s.: Bailey Bottom Ditch, Rocking F Enlargement, 1.3 c.f.s. Legal description of point of diversion: The point of diversion is in the NE1/4 NW1/4 of Section 8, Township 2 South, Range 83 West of the 6th P.M., at the following UTM Coordinates: Easting 353546, Northing 4417957, Zone 13, NAD 83. Name of ditch used to fill reservoir and capacity in c.f.s.: Orndoff Diversion Point No. 1, Rocking F Enlargement, 1.3 c.f.s. Legal description of point of diversion: The Orndoff Diversion Point No. 1 is located in the NW1/4 SE1/4 of Section 8, Township 2 South, Range 83 West of the 6th P.M. at a point 2,400 feet West of the East line and 2,000 feet North of the South line of said Section 8, at the following UTM coordinates: Easting 353651, Northing 4417300, Zone 13, NAD 83. Appropriation: Date of Appropriation: June 1, 2023. How appropriation was initiated: Construction of the Pond System. Amount claimed: 6.08 acre-feet, conditional, with the right to fill and refill in priority or as augmented. Rate of diversion for filling the reservoir: 1.3 c.f.s. Uses: Aesthetic, fire protection, piscatorial, and recreation. Surface area of high water line of Pond System: 0.87 acre. Maximum height of Upper Pond dam: Less than 10 feet. Length of Upper Pond dam: 290 feet. Maximum height of Lower Pond dam: Less than 10 feet. Length of Lower Pond dam: 280 feet. Total capacity of Pond System: 6.08 acre-feet. Active capacity: 6.08 acre-feet. Dead storage: 0 acre-feet. Applicant owns the land on which the Pond System is located and where the water is put to beneficial use. SECOND CLAIM: FOR UNDERGROUND WATER RIGHT. Name of Structure: *Rocking F Well. Legal description:* The well is located in the SE1/4 NW1/4 of Section 8, Township 2 South, Range 83 West of the 6th P.M., at the following UTM coordinates: Easting 353415, Northing 4417627, Zone 13, NAD 83. Source: groundwater tributary to the Colorado River. Appropriation: Date of Appropriation: May 9, 2023. How appropriation was initiated: Application for Monitoring Well Permit. Amount claimed: 0.98 acre-feet, conditional. Uses: Irrigation and domestic uses inside two single family residences and at a pavilion with kitchen and comfort facilities, to maintain one pool and two hot tubs full (initial fill for pool and hot tubs will occur with hauled water on an annual basis). Depth: 140 feet. Applicant owns the land on which the Well is located and where the water will be put to beneficial use. Remarks: This well has been operating pursuant to Monitoring Well Permit No. 330606. In the future, this well will operate pursuant to the plan for augmentation described herein and a new well permit to be obtained following entry of the decree requested herein. THIRD CLAIM: FOR SURFACE WATER RIGHT. Name of Diversion: *Orndoff Diversion Point No. 1, Rocking F*

Enlargement. Legal description: The Orndoff Diversion Point No. 1 is located in the NW1/4 SE1/4 of Section 8, Township 2 South, Range 83 West of the 6th P.M. at a point 2,400 feet West of the East line and 2,000 feet North of the South line of said Section 8, at the following UTM coordinates: Easting 353651, Northing 4417300, Zone 13, NAD 83. Source: Colorado River. Appropriation: Date of Appropriation: June 1, 2023. How appropriation was initiated: Installation of new pump with increased capacity. Amount claimed: 1.3 c.f.s., conditional. Uses: Irrigation, storage and replacement of evaporation which will occur in the Rocking F Pond System, and dust suppression. Applicant owns the land on which the Orndoff Diversion Point No. 1 is located and where the water will be put to beneficial use. **FOURTH CLAIM: FOR SURFACE WATER RIGHT.** Name of Diversion: *Bailey Bottom Ditch, Rocking F Enlargement.* Legal description: The point of diversion is in the NE1/4 NW1/4 of Section 8, Township 2 South, Range 83 West of the 6th P.M., at the following UTM Coordinates: Easting 353546, Northing 4417957, Zone 13, NAD 83. Source: Colorado River. Appropriation: Date of Appropriation: June 1, 2023. How appropriation was initiated: Installation of new pump with increased capacity. Amount claimed: 1.3 c.f.s., conditional. Uses: Irrigation, storage and replacement of evaporation which will occur in the Rocking F Pond System, and dust suppression. Applicant owns the land on which the Bailey Bottom Ditch is located and where the water will be put to beneficial use. **FIFTH CLAIM: FOR APPROVAL OF PLAN FOR AUGMENTATION, INCLUDING WATER EXCHANGE PROJECT.** The Applicant requests approval of a plan for augmentation, including water exchange project, as more fully described herein. Names of structures to be augmented: Rocking F Pond System, See First Claim for Relief; Rocking F Well, See Second Claim for Relief; Orndoff Diversion Point No. 1, Rocking F Enlargement, See Third Claim for Relief; Bailey Bottom Ditch, Rocking F Enlargement, See Fourth Claim for Relief. Water rights to be used for augmentation: Colorado River Water Conservancy District ("River District") Allotment Contract: Pursuant to Applicant's water allotment contracts, 12.0 acre-feet of the River District's Colorado River Supply Sources will be made available to Applicant for augmentation. River District's Colorado River Supply Sources: Wolford Mountain Reservoir. The River District owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) which has the following water rights. (1) Case No. 87CW283: Decree Date: November 20, 1989. Name of Structure: Gunsight Pass Reservoir. 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. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. 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. Appropriation Date: December 14, 1987. 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. (2) Case No. 95CW281: Decree Date: August 26, 1997. Name of Structure: Wolford Mountain Reservoir Enlargement. 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. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 6,000 acre feet, conditional. Appropriation Date: January 16, 1995. 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. (3) Case No. 98CW237: Decree Date: July 6, 2000. Name of Structure: Wolford Mountain Reservoir. Legal Description of place of storage: Same as for 95CW281. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. Amount: 30,000 acre feet conditional, with 15,895 acre feet being absolute for recreational and piscatorial and flood control. Appropriation Date: November 17, 1998. 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). 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. 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. 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. (4) Case No. 03CW302: Decree Date: October 19, 2014. Name of Structure: Wolford Mountain Reservoir Second Enlargement. 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. Source: Muddy Creek and its tributaries, all tributary to the Colorado River. 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. Appropriation Date: November 17, 2003. Uses: a. The WMR Second Enlargement storage right may be used for the purposes previously decreed to the Wolford Mountain Reservoir, including uses consistent with the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; meeting the water requirements of the inhabitants of the River District for all uses; and uses consistent with the terms of a lease agreement executed March 3, 1987, between the River District and the City and County of Denver, as amended. b. 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. c. Agreed Constraints on Use. Pursuant to the February 12, 2014, stipulation entered in this case between the River District and the GVVUA, the UWCD, and the OMID, the River District agrees that it will make water stored pursuant to the WMR Second Enlargement storage right available for uses within or to facilitate the diversion of water from Water Division No. 5 into Water Division No. 1 or Water Division 2 only pursuant to, and subject to the terms, of the express written consent of the GVVUA, the UWCD, and the OMID. Pursuant to paragraph III.E.19 of the CRCA, any use of the WMR Second Enlargement storage right for the benefit of Denver Water will require the prior approval of the Grand County Commissioners and the River District. 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. 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. 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. Source: Fryingpan River. Previous storage decrees: Civil Action No. 4613; Decree Date: June 20, 1958. Court: Garfield County District Court. 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. Appropriation Date: July 29, 1957. Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial. Case No. 81CW34: Decree Date: April 8, 1985. Court: District Court, Water Div. No. 5. 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. Appropriation Date: January 22, 1981. 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. 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. Complete statement of plan for augmentation: Background: Applicant owns property on the Colorado River near Bond, Colorado, in Eagle County. The location of Applicant's property is shown in an exhibit to the application. The property has been historically irrigated using senior irrigation rights via the Bailey Bottom Ditch and Orndoff Diversion Point No. 1. Applicant's senior irrigation rights are not a part of this Application. This augmentation plan will replace the out-of-priority depletions from new water uses on the property including domestic uses from an onsite well, irrigation, pond evaporation, and dust suppression uses from junior surface water rights. Water requirements: Table 1, attached to the Application, presents the total water demands and depletions. Depletions were estimated for all demands. Applicant's consulting engineer calculated the annual evaporation rate using the annual gross surface water evaporation of 39 inches per year from the NOAA Technical Report NWS 33 methodology as incorporated in the Division of Water Resources' Map Viewer website. Using this methodology, the annual gross unit evaporation was found to be 3.25 acre-feet of evaporation per acre. The evaporation associated with the Rocking F Pond System and the evaporation rate (af/acre) is shown in Table 1. Annual depletions from pond evaporation are 2.61 acre-feet. Evaporation depletions and depletions associated with dust suppression are 100 percent consumptive. Annual depletions from irrigation of 4.2 acres are 9.83 acre-feet. Irrigation efficiency was assumed to be 75 percent. Annual depletions from domestic uses are 0.10 acre-feet. Annual depletions from dust suppression are 0.43 acre-feet. Call operation: Table 1 shows the potential downstream calling rights that could require augmentation. Out-of-priority depletions will be augmented using water supplies that are upstream of the calling water right. When an administrative call originating downstream of the Property is being enforced, water stored in Wolford Mountain can be released to replace out-of-priority depletions during a Shoshone or Cameo Call, and water in Ruedi Reservoir can be released to replace out-of-priority depletions during a Cameo Call. Table 1, Column 14 shows the timing of the out-of-priority depletions and how reservoir contract water from the Colorado River Water Conservation District can

be used to augment these depletions. Replacement water released from Ruedi Reservoir to augment a Cameo Call will be exchanged up to Applicant's Property pursuant to the appropriative rights of exchange. There are no intervening water rights between the points of depletion of the proposed uses, i.e. the upstream termini. Remarks: Applicant owns the land on which the augmented water rights will be located and where the water will be put to beneficial use. **SIXTH CLAIM: FOR WATER EXCHANGE PROJECT.** The Applicant requests confirmation of a conditional Water Exchange Project, as more fully described herein. Lower Terminus: The confluence of the Roaring Fork River and the Fryingpan River located in the SW ¼ SE ¼ of Section 7, Township 8 South, Range 86 West, 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 Zone 13 NAD 83 coordinates: Northing 4359437, Easting 324739. Upper Terminus: Orndoff Diversion Point No. 1; Bailey Bottom Ditch; Rocking F Well. Source: Water attributable to the River District's interest in Ruedi Reservoir, as described above. Date of appropriation: June 28, 2024. How appropriation was initiated: Application to River District. Maximum volume and rate: 12.0 acre-feet, annually, at a maximum rate of 0.034 c.f.s., conditional. Use: Exchange to implement the plan for augmentation requested in the Fifth Claim above. Remarks: Applicant will operate the exchange when it is in priority. The following exhibits are on file with the Water Court: map depicting the location of the Applicant's structures (Exhibit A), and a table (Table 1) outlining demands and depletions. (pp. 15 with exhibits).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 2024. *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.*

24CW3 EAGLE COUNTY – EAGLE RIVER TRIBUTARY TO THE COLORADO RIVER. Jonathan & Edith Lengel; P.O. Box 2188; Gypsum, CO 81637. (970)376-8300. Lengel Hydro-Electric Turbine- Application for Conditional Water Rights (Surface). Location: SW¼NE¼ of Sec. 6, T.5S, R.85W. of the 6th P.M. UTM: E331582.62999 N4390659.59611 Appropriation Date: 4.10.2024 Amount: 2.45 c.f.s., conditional. Use: hydro-electric generation.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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 JUNE 2024. *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.*

24CW6 (17CW14) GARFIELD COUNTY-GROUNDWATER TRIBUTARY TO THE COLORADO RIVER. Michael & Karen Meskin; 255 Coyote Trail; Rifle, CO 81650. (970)219-9373. Meskin Exempt Domestic Well-Application to Make Absolute in Whole or Part. Location: NE¼SE¼ of Sec. 33, T.6S., R.93W. of the 6th P.M., 2,250 ft. from the south sec. line and 400 ft. from the east sec. line. Appropriation: May 16, 1996. Amount: 0.0067 c.f.s.(3.0 g.p.m.) absolute. Uses: Ordinary household purposes inside not more than (3) single family dwellings, fire protection, irrigation of not more than 1 acre of lawns and gardens and water of domestic animals.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of AUGUST 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.